Appendices

1) Draft Syilx Vision For a Protected Area
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**Appendix 1: Draft Syilx Vision for a Protected Area**

**Introduction**

This section describes the draft Syilx vision for a Protected Area. It lays down a foundation for the guiding concepts of working with a partner in the operations and establishment of a protected area with a partner. It remains in draft form since more discussion is recommended to ensure the vision document is thorough and community endorsed.

This draft vision has drawn on discussions with traditional people, communities, elders, as well as a review of Captikwl stories, Smaymay, the ONA Land Use Vision (2012), and other existing Syilx sources. This vision is intended to draw on guidance that would have been applied 100 years ago, and could be used 100 years from now. The end of the draft vision introduces some considerations regarding Syilx responsibilities towards ‘little brother’, and some of the challenges and opportunities for implementing the Syilx Vision the contemporary era.

**Our Laws and Teachings Define Our Vision**

The Syilx environmental ethic and law is in the process of being codified by our scholars, drawing on the language and stories to build principles and direction that can be shared for the benefit of all. As practitioners (and understanding that we are at early stages of life-long learning) the SWG has assembled interpretations that have been meaningful to their task related to protected areas. Our understanding is presented below, recognizing that ‘protected areas’ are only a part of the Syilx whole systems thinking, and that our vision-building is a work in progress.

**Sqilxʷ: We Are the Land**

“We need mother earth to heal us”
“We are the land and the land is us”
“Syilx People are a part of the health of the land, you can’t protect our areas by keeping our people out. People harvest the fruits and that helps the land.”
Cultural Visioning, Oct, 2011

“We need to put even a little of the traditional food in our cooking and that way our land always knows us and our children. Our land needs to know us”
– Cultural Visioning

The Syilx are the land, it is impossible to separate Syilx humans from the rest of the tmixw. There is a deep connection within/between the Tmixw. Specifically, Syilx humans must take care of all living things and all living things will take care of the tmixw. The tmixw will exist as long as Syilx peoples exist and continue to act as caretakers of the land and its inhabitants (Syilx relatives).

**Maintaining Stłłtalłt**

*It is important for Syilx peoples to maintain a strong cultural, physical, and spiritual with the land and Syilx relatives (plants + animals + water + rocks etc.) and teach the youth of this relationship through cultural*
teachings, stories, captikwl, smaymay, and experience (feasts, community gatherings, harvesting camps, solitude, fasting, being ‘on the land’). Part of a strong connection to the land/tmixw is maintaining the health and well being of all living things.

The Tmixwʷ: We Have to Take Care of Our Relatives Out There

Syilx peoples have an obligation to their relatives, the tmixw, all living things, within their territory. This obligation is reflected in the four food chiefs story. Syilx obligation considers the deep past and deep future. A Syilx protected area must be planned ‘for the people of forever’

Suxwtxtem¹: For Perpetuity of the well being of Generations to Come

It is important to remember landmarks, sacred sites, and cultural knowledge e.g. place names, and have these reflected in the protected area so that future Syilx peoples will understand, know, experience, and remember their obligation to these lands, their history to these lands, and pass on that knowledge.

Sqilxʷ Territory, Sqilxʷ Laws

A protected area must be based on Syilx laws. Syilx people have existed on this landscape since time immemorial, they have learned to live with the land based on thousands of years of knowledge passed from generation to generation (some call this TEK). A protected area must abide by natural law, captikwl stories, and respect past stories, sacred sites, and cultural teachings.

Syilx have been foretold of the emergence of ‘white’ people on the land, these are their little brothers. We must teach our little brothers how we live on this land.

¹ An N’syilxcen word meaning sustaining the diversity of species and their habitats for the perpetuity of the well being of generations to come
**The Twins, and Little Brother**

*The Twins, and Little Brother* is a captikwl story about twins, one white and one First Nations, and helps us to further understand our responsibilities. The following explanation is adapted from the ONA Land Use Vision (2012).

In this story the Creator gives the older brother and the younger brother a piece of paper and each are told not to look at it. The younger brother takes the paper and in doing so the Creator sends him across a great water telling him that one day he will return and that it will be a struggle. This story foretells of the Little Brother returning home and of both younger and older brothers living together for all time.

The Syilx people recognize that the Little Brother within this story are settlers; people not indigenous to this land. In a current context, the Syilx recognize that the Little Brother has returned and it is the responsibility of the Syilx to guide and care for their younger brother. It is also important to reflect on the return of the Little Brother in terms of the introduction of foreign governments and laws (and the inequality of power to the twin who holds the paper). Because Litte Brother 'holds the paper', the Syilx people are restricted within their traditional territories from managing lands and resources as they historically practiced.

But there is still a time yet to come, Kwa?sic, and we can work towards the time when we share the paper. As is often quoted, “Let’s face it, we are all here to stay”.

The social and economic values underlying the principles driving the government and economic institutions who are asserting full jurisdiction and control in land use management and planning (LUMP) are fundamentally rooted in a conflicting worldview that believes that humans are separate from and dominant over nature. The consequent disregard for Indigenous food values, principles and worldview in LUMP challenges people from both Indigenous and non-Indigenous cultures to learn to communicate across cultures about how to protect, conserve and restore Indigenous ecosystems for the benefit of all.

On a political level, Indigenous food sovereignty can be described as the act of counterbalancing the negative impact of contemporary land use that exclude Indigenous food values and economies and give priority to industrial economic activities.

Food Sovereignty Workshop 2006

In the current context of extensive and growing land uses driven by the social and economic values of Little Brother, the Syilx need to find tools to conserve and restore Indigenous ecosystems, as well as other places of importance such as important landmarks, sacred, ceremonial, and significant sites. The SWG has discussed the concept of a protected area as a ‘Food Chief Set-Aside’.
What is a Park or Protected Area?

It is clear that Syilx environmental ethic is an expression of responsibilities across the land, and for all time. In May 2011, the Working Group participated in a facilitated exercise, in part to start to understand the concept of protecting specific geographic areas as parks or protected areas. Here are some of the results.

What are Parks?

- Lands set aside for enjoyment of everyone.
- Keeps things “as is”; restores degraded ecosystems.
- Food Chief’s set aside – to ensure sustainability.
- Define what’s important and why (e.g. medicine picking sites).
- Area that reflects who we are and what we do, and reflects our management systems. Reflects Syilx people.
- Protects our natural and cultural heritage and includes people.
- Spiritual refuge.
- A place for research and learning, and sharing learning with others.
- Consolidates fragmented land management into a larger area with natural boundaries that would be managed towards a common vision.
- Supports Eco-system processes (fire cycles, whole food chains, water cycles).
- It’s about managing people (you cannot manage wildlife).

What is the Purpose and Value of Parks to us?

- Protected ecosystems.
- Protection of land / honouring the Syilx obligation to the four food Chiefs.
- A space to tell our story.
- Common usage – sustainable use for future generations; Controlled usage.
- Limited area access restrictions.
- Using local knowledge.
- Dealing with one proponent (vs many).
- Be who we are and do what we need to do on the land.
- Restoring area (re: fragmentation).

A ‘Food Chief Set-Aside’

The Four Food Chief’s Story could provide fundamental guidance to the Syilx in guiding a Syilx mandate in working with others in a protected area. This report section ends with this story, and the next section will show the application of principles from the Syilx vision in designing a Syilx vision for a national park reserve.
Four Food Chiefs Story

In the world before this world, before there were people, and before things were like they are now, everyone was alive and walking around like we do. All Creation was talking about the coming changes to their world. They had been told that soon a new kind of people would be living on this earth. Even they, the Animals and Plant people, would be changed. Now they had to decide how the People-To-Be would live and what they would eat. The four Chiefs were: Skimxist (Bear), Ntytkxw (Salmon), Speetlum (Bitterroot) and Seeya (Saskatoon). They held many meetings and talked for a long time about what the People-To-Be would need to live. All of the Chiefs thought and thought. “What can we give to the People-To-Be to eat that is already here on earth?” they asked one another. “There seems to be no answer.” Finally, the three other chiefs said to Skimxist, “You are the wisest and the oldest among us. You tell us what are you are going to do.” Skimxist said, “since you have all placed your trust in me, I will have to do the best I can.” He thought for a long time and finally he said, “I will give myself, and all the animals that I am Chief over, to be food for the People-To-Be.” Then he said to Ntytkxw, “what will you do?” Ntytkxw answered, “You are indeed the wisest among us. I will also give myself and all the things that live in the water as food for the People-To-Be.” Speetlum, who was Chief of all the roots under the ground said, “I will do the same.” Seeya was last. He said, “I will do the same. All the good things that grow above ground will be the food for the People-To-Be.” Chief Skimxist was happy because there would be enough food for the People-To-Be. He said, “Now I will lay myself down to make these things happen.” Because he was the greatest Chief and had given his life, all the People-That-Were (The Animal People) gathered and sang songs to bring him back to life. That was how they helped heal each other in that world. They all took turns singing, but Skimxist did not come back to life. Finally, Fly came along. He said, “You laid your body down. You laid your life down.” His song was powerful. Skimxist came back to life. Then Fly told the four Chiefs, “When the People-To-Be are here and they take your body for food, they will sing this song. They will cry their thanks with this song.” Then Skimxist spoke for all the Chiefs, “From now on when the People-To-be come, everything will have its own song. The People-To-Be will use these songs to help each other as you have helped me.” That is how food was given to our people. That is how songs were given to our people. That is how giving and helping one another was and still is taught to our people. That is why we must respect even the smallest, weakest persons for what they can contribute. That is why we give thanks and honour to what is given to us.

(ONA Land Use Planning, 2012)
Appendix 2: National Park Reserve Concept

Introduction

The original park concept area came from members from the Syilx Nation as a way of protecting the area around k̓t̓lilxʷ (Spotted Lake) and to prevent the ‘lights from going up the hill’ (see background for history of process).

Figure 6 (of Assessing Feasibility Syilx Final Report) Park Concept Area

In 2010 Parks Canada presented a park concept, which includes two distinct components, each having unique qualities. The proposed boundary of the park...
reserve includes approximately 284 sq km of Provincial parks/protected areas, multi-use Crown Lands and private lands. Parks Canada has stated that the proposed concept area would make a significant contribution towards Parks Canada’s national goals of representing the Interior Dry Plateau natural region within the national park system. It is one of the driest, hottest ecosystems in Canada. This natural region, and particularly the South Okanagan, is home to many species that share this biodiversity hotspot. The area is on the northern most edge of the Great Basin, which borders the United States and is in close proximity to several American protected areas including Pasayten Wilderness Area and Chopaka Natural Reserve.

The 2010 Draft Park Concept above consists of two components, 1000 Ha of existing federal lands around Vaseux Lake seen at the top of the map. This area includes the Vaseux Lake Migratory Bird Sanctuary and the Vaseux-Bighorn National Wildlife Areas. The second component is the larger area towards the bottom of the map, which includes, Tsaxqin (Mt. Kobau), covering approximately 27,400 Ha. The concept area addresses representation of the Interior Dry Plateau (IDP) and the special and unique features of the South Okanagan-Similkameen and is designed to facilitate long-term retention and restoration of ecological integrity and cultural heritage values of the area.²

Although from a Syilx community perspective, the areas above are a small proportion of our traditional territory and additional areas should be protected, the proposed concept which includes Txsqin, Nkl'pula?xw, Akspaqmix, Chopak (Kobau, Kilpoola, Chopaka, Vaseux Lake) – is an important place to start.

If the Okanagan Nation decides to continue working with Parks Canada towards establishment of a National Park Reserve, a specific boundary for the NPR will be established as part of a future negotiation phase. From a Syilx perspective, it is important to protect lands and cultural values within the Syilx territory from potential future development and loss. Consequently, the Syilx would like to see additional areas added to the park vision, including lands within the White Lake area and McIntyre Bluff.

**Syilx Working Group Assumptions**

In working together to envision a collaborative protected area concept and future relationship with Parks Canada, the Syilx Working Group considered a number of assumptions. The assumptions are subject to a future decision by the Okanagan Nation to support this initiative and to move forward with Parks Canada. They are also subject to an agreement by the Government of Canada and the Province of

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British Columbia to move ahead with park establishment in the SOLS. The assumptions are as follows:

1. The Canada National Parks Act will be the legislative mechanism for park establishment and management. Other legislation will apply as well, including the Species at Risk Act (SARA), Aeronautics, Rights of Way, and Navigable Waters as well as, the authority of the Department of Fisheries and Oceans.

2. The area of interest and focus for current First Nations dialogue is the 2010 park concept area. This is considered an important first step and recognizes that the Okanagan First Nations have other areas of interest that could be considered if and when appropriate and if there is government and local support. In considering this area, the Syilx study would identify which, if any areas that might be part of the Syilx vision for uses not compatible with a national park reserve (e.g. commercial mining, commercial forestry, residential development, etc.).

3. If park establishment was to move forward, a funding model would need to be determined for establishment, and long term planning, management and operation of the national park reserve.

4. Recognizing that many factors may influence acquisition of private land, PCA would endeavor to acquire key parcels of private land on a willing seller – willing buyer basis and would incorporate these lands into the NPR.

5. Through a future negotiation process, Parks Canada and Syilx representatives would define the type and scope of cultural uses of the land within the proposed NPR and would agree on an approach for planning and management. The types of traditional uses that are found in other national park reserves include hunting, fishing, trapping, gathering of plants for foods and medicines, spiritual activities, ceremonial activities, small scale removal of rock for artistic or other purposes, aboriginal tourism products and services, and culturally defined management activities (e.g. traditional burns).

6. A negotiated agreement would outline the terms and conditions of how PCA and the Syilx will work together. The current understanding projects that a consensus-based cooperative management body would be sought.

7. The current work under the contribution agreements will highlight areas of common interests between the Syilx and Parks Canada. Assuming that foundational issues have been addressed, and Syilx leadership and communities support the park concept and taking the next steps, the report will identify key areas for future discussions. In accomplishing the above, the Syilx report will build a solid foundation for future negotiations.

8. An assumption is that there would be no park entry fee for Okanagan nation members using the park area for cultural purposes.
9. Parks Canada would respect the outcomes of a treaty process or court determination of Aboriginal title, and work cooperatively with First Nation to implement any changes that result.

Okanagan Nation/Parks Canada Relationship Objectives

In developing share understandings between Parks Canada and the Okanagan Nation, the working group also developed ‘shared objectives’. These are proposed objectives to help guide the working relationship between Parks Canada and the Okanagan Nation.

Draft Objectives for Syilx/Parks Canada Protected Area

“Syilx People are a part of the health of the land, you can’t protect our areas by keeping our people out. People harvest the fruits and that helps the land.”
(Cultural visioning, Oct. 2011)

“Traditional renewable resource activities of Aboriginal people such as hunting, fishing and trapping continue in a national park reserve.”
(Parks Canada)

“Unimpaired for future generations.”

<table>
<thead>
<tr>
<th>To work collaboratively over the long term beginning with learning from each other and building toward enduring relationships.</th>
<th>To base the protection, management and heritage presentation of Syilx cultural and spiritual areas on traditional knowledge.</th>
<th>To contribute to a benchmark for science, traditional knowledge, and human understanding of the interior dry plateau environment by supporting and promoting opportunities for research and monitoring.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To develop a model of shared responsibility for the planning, operation and management of a future protected area that respects the goal of protecting, restoring and maintaining healthy and productive ecosystems.</td>
<td>To create a positive net social, economic and environmental benefit from park establishment for the Okanagan Nation Bands and surrounding communities.</td>
<td>To promote greater public understanding and appreciation of the natural and cultural features of the interior dry plateau and South Okanagan Lower Similkameen region.</td>
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<tr>
<td>To maintain the continuity of Syilx culture, including a plan for sustained traditional renewable resource harvesting and protection of sites of special spiritual-cultural significance.</td>
<td>To work towards benefits for the Syilx people including employment with Parks Canada and training leading to employment opportunities, as well as economic opportunities associated with a future protected area.</td>
<td>To provide opportunities for local residents and visitors to experience, appreciate, enjoy, and learn about the protected area in ways that leave it unimpaired for future generations.</td>
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Parks Canada recognizes that relationships with Aboriginal peoples are essential in carrying out its mandate in local areas... The knowledge Aboriginal peoples bring through oral traditions and traditional use of the land contributes greatly and is essential for the deeper and stronger understanding required in order to safeguard these treasures...
Parks Canada has come a long way over the past 30 years in terms of working in a positive and respectful manner with Aboriginal peoples. This change has been driven in part by legal precedents, but more importantly by the desire of Parks Canada and Aboriginal peoples to work together toward common goals. Our system of national parks, national historic sites, and national marine conservation areas will only grow with the support of Aboriginal peoples” - Alan Latourelle, CEO Parks Canada

Next Steps

Assuming support to move forward with next steps, the SWG understands that Parks Canada would pursue legislative options to allow for establishment of a national park reserve in SOLS. This was a fundamental assumption made by our group and was supported by a letter from Alan Latourelle, CEO Parks Canada (October 2010).

We understand that a national park reserve can be established where there is a desire to protect lands as a national park but the area has unsettled Aboriginal land claims. A national park reserve does not prejudice unresolved land claims. A national park reserve operates like a national park except that traditional renewable resource activities of Aboriginal people such as hunting, fishing and trapping can continue in a national park reserve.

Through a future negotiation process the Syilx would work with parks Canada to define the type and scope of cultural uses of the land within the proposed NPR and would agree on an approach for planning and management. The types of traditional uses that are found in other national park reserves include hunting, fishing, trapping, gathering of plants for foods and medicines, spiritual activities, ceremonial activities, small scale removal of rock for artistic or other purposes, aboriginal tourism products and services, and culturally defined management activities (e.g. traditional burns). A negotiated agreement would outline the terms and conditions of how PCA and the Syilx will work together. As part of this agreement, the Syilx nation would likely seek a consensus-based cooperative management model similar to Gwaii Hannas.
### Appendix 3: Foundational and Other Issues

<table>
<thead>
<tr>
<th>Issue</th>
<th>How has study addressed issue?</th>
<th>What is Working Group assessment of feasibility based on this issue?</th>
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</table>
| **Title and Rights**  
- Okanagan Nation requires that there be no diminishment of claims to title and rights |  
- **PCA CEO Letter to Southern Chiefs, Dec, 2010:** Commitment to appropriate legislative measures that will **not compromise future settlement of Aboriginal Rights and Title claims**  
- **Legal Opinion, R Janes, spring 2012:** Title and Rights will not be impacted through establishment of NPR; no diminishment of T&R in exploring potential for NPR (e.g. pursuing agreement)  
- **Legal Opinion, Rosalie Wilson, Spring 2012:** Title and Rights will not be impacted through establishment of NPR;  
- **Legal information, Title and Rights Workshop, May 2012:** WG discussed other tools to protect T&R in future agreements, including parallel assertion (e.g. Gwaii Haanas), and ‘without prejudice’ and ‘non-fettering clauses’  
- Further understanding that park establishment | ✓ Feasible  
**Comment:** Requires legislative change to allow for establishment of a NPR in SOLS |

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3 Foundational Issues taken from initial Working Group meetings Dec 2, 7, 8, 2010
| Process not intended to resolve title and rights | Appropriate Legislative mechanism for park establishment  
- **CNPA** is viewed as legislative vehicle for park establishment. Under current legislation, NPR cannot be established where FN are not in treaty process.  
- **PCA CEO Letter to Southern Chiefs, Dec, 2010:** Parks Canada will work with the Okanagan Nation and affected bands to build a long-term relationship regarding establishment and management of a national park reserve. Appropriate legislative measures will not compromise future settlement of Aboriginal Rights and Title claims.  
- Feasible with condition  
  Condition: Requires legislative change to allow for establishment of a NPR in SOLS |  
| Develop **Crown understanding of cultural aspect and Okanagan Perspective**  
- Understanding that Syilx have traditional environmental ethic, cultural laws, and protocols that will be brought into process  
- **Cultural visioning – Enowkinwtx with Syilx community, youth and elder input with Parks Canada**  
- Research shows that two parallel frameworks can work together to ensure that Syilx Traditional Ecological Knowledge would be integrated  
- Cultural videos  
- The work of the Syilx/ Parks Canada Working group process and dialogue and developing relationship demonstrates this  
- **PCA CEO Letter to Southern Chiefs, Dec, 2010:** “Traditional knowledge shared by the Okanagan Nation will be used in park planning and management”  
- **Shared Understandings (Fall, 2011)** |  
| Decision-making leading to park establishment. This was an issue in earlier (2004-08) process, when Syilx/Canada/BC process was envisioned. Two bilateral processes are now envisioned.  
- **PCA CEO Letter to Southern Chiefs, Dec, 2010:** “Parks Canada will work with the Okanagan Nation and affected bands to build a long-term relationship regarding establishment and management of a national park reserve.” “Parks Canada will work with the Government of British Columbia to secure an agreement that enables the establishment of a future national park reserve.”  
- **UNRESOLVED**  
  This is unresolved due to BC pulling out of the discussion January 2011. Collaborative relationship between |
protected area in the South Okanagan and respects the priorities, goals and needs of the Okanagan Nation.”
  - PCA VP letter to Southern Chiefs, June, 2012: “... PCA will not advance the project without the support of the provincial government and the Okanagan Nation.”
  - ONA letter to BC Ministers Lake and Polak March 31 2011: directs LSIB and OIB to reinitiate work on NPR feasibility with PCA, and requires urgent discussion with province and PCA to discuss status of the issue and to determine how to move forward. There was no response from BC to this letter.

| Decision-making following park establishment. What would decision-making (e.g. framework) look like in an established park reserve? | PCA legal verbal brief on Department of Justice Paper on National Park Reserves; Background paper: National Park Reserves; Title and Rights Workshop; Working Group discussions; Gwaii Haanas trip:
  - Decision-making must be collaborative between Syilx and PCA. Consensus body can make decisions without saying by who’s authority.
  - Details regarding cooperative management body would be determined through negotiations | Feasible |

| Agreement on Geographic Area for park establishment
  - Syilx and PCA need to develop agreement on geographic area, potentially including additional areas for future protection. | Working Group discussions
  - Syilx feasibility assessment based on area defined by PCA Park Concept (2010).
  - Negotiations would seek to confirm geographic area of park. ONA may want to add additional areas in the future that could be considered if and when appropriate and if there is government and local support | Feasible

| Common Ground | Shared Understandings (Fall, 2011); Draft Objectives | Feasible |
Is there sufficient common ground/common interests for collaborative relationship (spring, 2012); Working Group discussions, National Park Reserve Concept.

<p>| ONA Capacity | Have asked for funding commitments from PCA. PCA funding is dependant at this time on BC and PCA reinitiating discussions because that would signal that NPR establishment could be progressed. | UNRESOLVED |
| What is role of BC? | | UNRESOLVED |
| In future strategic engagement | • Waiting on outcome of Syilx study, including strategy for provincial engagement | |
| | • PCA CEO Letter to Southern Chiefs, Dec, 2010: “Parks Canada will work with the Government of British Columbia to secure an agreement that enables the establishment of a future protected area in the South Okanagan and respects the priorities, goals and needs of the Okanagan Nation.” | |
| Communications | • Working Group process and Terms of Reference; Strategic communications between PCA senior executive and Chiefs | Feasible |
| Protocol to respect transparency and regular communications at working and senior levels | | |
| Understanding of Syilx inherent rights | • PCA CEO Letter to Southern Chiefs, Dec, 2010: “Traditional activities that have been carried out within the boundaries of a proposed future protected area will continue” | Feasible |
| • Enowkinwx workshop | |
| • Title and Rights legal opinions | |
| Band/Nation responsibilities | • Protocol initiated by Contribution Agreement Work Plan and Working Group; Inter-Band Protocol | Feasible |
| • Need to determine roles and mandates for Bands and Nation | | |</p>
<table>
<thead>
<tr>
<th><strong>SARA</strong></th>
<th>Research into the implications for SARA in a NPR and in adjacent IRs: SARA: understanding SARA and potential implications meeting (Sept 19 2012); Title and Rights Workshop</th>
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<tbody>
<tr>
<td>• How would implementation of SARA in NPR affect traditional harvesting or management practices in a FN/PCA cooperative framework within NPR?</td>
<td>• A complex issue that will be addressed on a continuing basis</td>
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<td>• How would implementation of SARA in NPR affect SARA implications outside of NPR (e.g. on IRs)?</td>
<td>• Will require EC to meaningfully engage as larger issue than NPR discussions</td>
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<td>• Feasible Condition: a dedicated working group on the issue to inform the process in future phases</td>
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Appendix 4: Shared Understandings

This appendix was created in collaboration between the Natural Resource Liaison (LSIB, Jeanine Terbasket) and Feasibility Study Project Manager (PCA, Debbie Clark) to explore shared understandings for protected area establishment. It was used as a tool to outline avenues in pursuing a mutually beneficial relationship between the Okanagan Nation and Parks Canada.

A Working DRAFT Document
by
Lower Similkameen Indian Band (Natural Resource Liaison) and
Parks Canada (Feasibility Study Project Manager)
Nov. 14, 2010

<table>
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<th>Highlights: Addressing Foundational Issues</th>
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<td><strong>Legislative tool for park establishment</strong></td>
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<td><strong>Future Aboriginal Rights and Title Claims</strong></td>
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<td><strong>Traditional Activities</strong> (Page 6)</td>
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<td><strong>Traditional Knowledge</strong> (Page 6)</td>
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Introduction and Purpose

The Okanagan Nation and the Lower Similkameen Indian Band and Parks Canada are moving toward building a collaborative working relationship. This relationship will enable the LSIB and the Okanagan Nation to participate with Parks Canada in the exploration of long term protection of lands of mutual interest within the traditional territory of the Okanagan Nation. Our initial work will focus on concluding our contributions to the assessment of feasibility for the 2010 National Park Reserve Proposal including both an eastern component (Txasqin), and a northern component around Vaseux Lake. This work will lead to further negotiations and development of a long term relationship for planning, design and management of these lands, and potentially other lands of mutual interest. This document is a work-in-progress intended to assemble, coordinate and communicate collaborative efforts towards building the working relationship described above. It is also intended to begin to create a foundation of shared meaning and mutual understanding.

 khẳng định của bản đồ vị trí của khu vực Feasibility Study của South Okanagan Lower Similkameen National Park Reserve trong mối quan hệ với các khu vực tự nhiên và hệ thống công viên quốc gia của Parks Canada, và bản đồ quang cảnh của lãnh thổ truyền thống của Okanagan Nation.
The Syilx mandate and vision is encompassed in the language and in who we are as Syilx people. Syilx, which is used to refer to the Okanagan people, contains a command for every individual to continuously bind and unify with the rest. This command goes beyond human connection, and encompasses all other forms of life that are within the territory. This commandment, is to continuously unify with all of the strands of life that make up our land, all of the earth, water, insects, roots, animals, berries, relatives, and mountains. It directs the Syilx to maintain unity and thus harmony with the land and with one another as a people. This concept of unity is at the heart of the identity of the Syilx people, and is reflected in traditional ceremonies, decision-making, and in all aspects of life upon the land.

**Syilx Vision:** We look to our stories of the Four Food Chiefs as encompassing our vision of leadership, communal responsibility, obligation to our lands and to our surrounding. We share our process and our vision and putting forward our intention to work honourably toward protection of ecological and cultural integrity for present and future generations.

The land and resources that make up the Syilx territory are intertwined with traditional laws. The Okanagan word that most closely translates to Aboriginal title is Skc’xwipla? which has great depth and complexity of meaning. At once, it connotes the “final law” for how the Okanagan people are to live on the land; the image of something being connected or attached to something; and it refers to what was given to connect the Syilx to the land. Skc’xwipla? is the discipline given to the Okanagan people by the Creator which sets out the way that all creation relate to each other and teaches the people how to live in relation with all other life.

The word “covenant” may be used to describe the

**Parks Canada’s Vision:** Canada’s treasured natural and historic places will be a living legacy, connecting hearts and minds to a stronger, deeper understanding of the very essence of Canada.

The Parks Canada vision, mandate, roles and commitments are encompassed in our Charter (below), and the way that we conduct ourselves in caring for national heritage places across the country.

**Canada National Parks Act...**

**Parks Canada Mandate:** On behalf of the people of Canada, we protect and present nationally significant examples of Canada’s natural and cultural heritage, and foster public understanding, appreciation and enjoyment in ways that ensure their ecological and commemorative integrity for present and future generations.

**Our Role:**
- **We are guardians** of the national parks, the national historic sites and the national marine conservation areas of Canada.
- **We are guides** to visitors the world over, opening doors to places of discovery and learning, reflection and recreation.
- **We are partners**, building on the rich traditions of our Aboriginal people, the strength of our diverse cultures and our commitments to the international community.
- **We are storytellers**, recounting the history of our land and our people — the stories of Canada.

**Our commitments:**
responsibility given to and agreed upon by the Syilx when they were brought into being. In return for carrying out the responsibilities set out at that time, the Syilx would be cared for. Honouring that original covenant requires the Syilx to responsibly exercise jurisdiction through utilizing and respecting the tmxulaxw (Mother earth) and tmixw (all living things), and preventing others from acting irresponsibly or disrespectfully to them. To break this covenant is to break the fundamental law and carries absolute repercussions for the Syilx People.

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<td><strong>To protect</strong>, as a first priority, the natural and cultural heritage of our special places and ensure that they remain healthy and whole.</td>
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<td><strong>To present</strong> the beauty and significance of our natural world and to chronicle the human determination and ingenuity which have shaped our nation.</td>
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<td><strong>To celebrate</strong> the legacy of visionary Canadians whose passion and knowledge have inspired the character and values of our country.</td>
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<td><strong>To serve</strong> Canadians, working together to achieve excellence guided by values of competence, respect and fairness.</td>
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Background and Preliminary Area of Mutual Interest

“In January 2003, before Canada and British Columbia signed an MOU to assess the proposed park, the ONA presented a proposal to Prime Minister Jean Cretien for a national park in the Fairview, Kobau and Kilpoola areas.” (from Letter from ONA to Minister Baird, Dec. 2007)

Parks Canada agreed that the natural and cultural qualities of the South Okanagan and Lower Similkameen area offered potential to design a national park reserve proposal of local to international significance, and that a feasibility assessment should be undertaken.

The beginnings of mutual interest were based on an area centered on Txasqin (Kobau – Chopaka-Kilpoola), and common ground regarding protecting the land. Renewed discussion will focus on Parks Canada’s 2010 Draft Park Concept as shown below, and any other lands of mutual interest.

Parks Canada 2010 Draft Park Concept:
- Northern Component (Vaseux Lake federal properties, and a role in adjacent areas that is yet to be determined)
- Eastern Component

The Syilx preserved the land in a natural and healthy state for each generation through knowledge and practice.
Where are we now, and What's next?

This document focuses mainly on the work that we will do together to conclude our contributions to the feasibility assessment; conclude the feasibility stage, and prepare for further negotiations. Building on each successful step, we will lay out framework for next stages, and a long term relationship.

The diagram below lays out a process of park establishment. Given the complexity and rapid change in this area, stages of work may overlap to some degree.

Feasibility Assessment:
- Technical studies
- Consultations
- Design and refinement of a park proposal
- Identify and address foundational issues

Negotiations:
- Address foundational issues and future process

Initiate Land Assembly and Park Operations:
- Interim mgmt planning
- Phase out incompatible uses

On-going Park Operations:
- On-going land assembly
- Planning, development, operations, management

It could take many years before the area is protected under the Canada National Parks Act

Government to Government Relationships

Work with the province of BC would gradually decrease as agreements are developed, and the proposed park area transitions towards management as a national park reserve. Eventually the area would be transferred to Parks Canada to be scheduled under the Canada National Parks Act.

Work between Parks Canada and the Province of BC

Work between Parks Canada and the Okanagan Nation

Work with the Okanagan Nation and adjacent bands would increase as protocols and agreements are developed, and as the park becomes operational.

*note: this is a highly simplified representation

There are also many stakeholders:

- Adjacent communities
- Individual ranchers; ranch industry landowners
- Mineral tenure holders
- Forestry tenures
- Water licence holders
- Sport hunters

- Canadian Helicopters
- Recreation users (hikers, horseback riders, stargazers, naturalists, mountain bikers, hang gliders, ...)

- All Canadians
- Visitors to the area
- Future generations
**Okanagan Innovation**

The Okanagan Nation and the Lower Similkameen Indian Band and Parks Canada envision a new and innovative path toward conservation and protection of lands of mutual interest within the traditional territory of the Okanagan Nation and more specifically the area within the South Okanagan Lower Similkameen (Txasqin and Vaseux Lake area).

We look to the existing *Canada National Parks Act* as the vehicle for protection and management of these lands. We realize that the current *Canada National Parks Act* does not provide for the establishment of a national park reserve in the Okanagan context, and that this issue must be addressed. Options for legislative amendments will be explored to find a solution that ensures that there is no compromise to future settlement of Aboriginal Rights and Title claims, that traditional activities continue, and that future interests of the Okanagan Nation are not foreclosed. Parks Canada is committed to drawing on experience from other national park reserves (e.g. Gwaii Haanas, Pacific Rim NPR, etc) to learn how traditional activities can continue, managed for mutual benefit. Aboriginal traditional knowledge will be used to meaningfully inform and advise decision-making.

**Other Features**

We recognize that a national park reserve in this developed, occupied and complex area of southern Canada will be unique, and the full vision will take many decades. Future generations will be thankful for the courage and commitment of all involved. Other Okanagan features will include:

- Starting smaller and growing together; a phased approach
- Being good at being small (small protected area in a developed landscape); working with neighbours for common goals
- Reconfiguring and restoring the future landscape for the health of ecosystems and communities
- Partnering as a catalyst for building bridges between perspectives and ways of knowing; traditional knowledge and science
- Recognizing the place of people in the ecosystem
- Connecting with the hearts and minds of many Canadians who visit or live in this unique place to help create a culture of conservation.
- Being a role model, building and sharing best practices
- Finding common ground and a path forward in a multi-stakeholder environment
Shared Understanding – About Relationship

Goals: (from LSIB meeting, Aug 17)

- Determine how we will work together – see communication protocol (Appendix 1)
- Determine parameters and scope of relationship – communication protocol is first step
- Describe respective roles of PCA, LSIB, ONA – see LSIB/ONA protocol (Appendix 2)
  - LSIB will meet with ONA and other bands; workshop to prepare for meeting; Sept. CEC
- Identify past barriers and show how they have been addressed
- Address short term issues/opportunities. Identify LSIB/ONA requirements for potential initial land assembly

Parks Canada Goals:
The long term goal is to establish, manage and present a protected area that represents the Interior Dry Plateau Natural Region and unique features of the South Okanagan Lower Similkameen in Canada’s National Park System. This protected area will restore, manage and present ecological and commemorative integrity for present and future generations. The short term goal is to conclude the assessment of feasibility in order to initiate protection of core lands in this rapidly changing landscape.

LSIB/ONA Goals (DRAFT):
The long term goal is to use Syilx traditional ecological knowledge, process and vision to establish a protected area that will restore, manage and present ecological and cultural integrity for present and future generations. The short term goal is to assess from a Syilx perspective, whether and how it will be possible to initiate protection of core lands in this rapidly changing landscape together with Parks Canada.

Principles
The working relationship that will be built between Parks Canada and the Okanagan Nation will be built on the following principles (from LSIB presentation to Steering Committee June, 2007):

- Inclusion in issue identification
- Collaboration in problem solving
- Consensus – based processes

Shared Objectives – short term
Initial work will focus on developing principles and a framework for working together. The focus of work will include both:

- identifying and addressing concerns of the LSIB community, and
• Working with Parks Canada on items of mutual interest in the short term, including communications, land securement and tenure transition, and building a vision for future protection, caretaking and management

**Longer Term Shared Objectives (DRAFT)**

- To determine in the short term whether there is sufficient common ground to begin a journey of learning from each other, and taking short term action to begin to assemble lands for protection.
- To work collaboratively over the long term beginning with learning from each other and building toward enduring relationships;
- To develop a model of shared responsibility for the planning, operation and management of a future protected area that respects the goal of protecting, restoring and maintaining healthy and productive ecosystems;
- To maintain the continuity of Syilx culture, including a plan for sustained traditional renewable resource harvesting and protection of sites of special spiritual-cultural significance;
- To base the protection, management and heritage presentation of Syilx cultural and spiritual areas within the future protected area on traditional knowledge;
- To create a positive net social, economic and environmental benefit from park establishment for the Okanagan Nation Bands and surrounding communities;
- To work towards benefits for LSIB, OIB and PIB members including employment opportunities with the Parks Canada Agency and training leading to employment opportunities, as well as identification and development of economic opportunities that may be available in or associated with a future protected area;
- To contribute to a benchmark for science, traditional knowledge, and human understanding of the interior dry plateau environment by supporting and promoting opportunities for research, and monitoring;
- To promote greater public understanding and appreciation of the natural and cultural features of the interior dry plateau and South Okanagan Lower Similkameen region;
- To provide opportunities for local residents and visitors to experience, appreciate, enjoy, and learn about the protected area in ways that leave it unimpaired for future generations.

**Develop Shared Understanding – About Park Proposal**

Following are some elements where we would seek more in-depth common understanding during future stages of park planning:

- Define activities that will be allowed
- Define traditional activities; plan for public communications around this
- Determine/communicate context for grazing
- Support for each other outside of this protected area
Appendix 5: Syilx Working Group Discussion on The Species at Risk Act

The Following Appendix outlines the Syilx Working Group’s conclusion and recommendation regarding the Species at Risk Act as it relates to the implementation of a National Park Reserve. Included in the Appendix are the notes of a key meeting hosted by the Working Group to specifically discuss SARA.

The SWG were given the parameters that the “Okanagan Nation cannot agree to have their title and rights diminished.”4 As a result, the Syilx Working Group held discussions with Parks Canada, commissioned two legal opinions5, and conducted a Title and Rights workshop in May of 2012. Discussions of Syilx Title and Rights were primarily focussed on the Canadian National Parks Act S.C. 2000 c.32 (CNPA). These discussions resulted in the Syilx Working Group outlining SARA as an important piece of legislation to analyze and address since it over rides the CNPA and will be applied in an NPR scenario. The working group has affirmed that the implementation of SARA in an NPR must not infringe Syilx rights. In ensuring this, the SWG have outlined the need to seek clarity on Section 3 of SARA; Section 3 states: “For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from the protection provided for existing aboriginal or treaty rights of the aboriginal peoples of Canada by the recognition and affirmation of those rights in section 35 of the Constitution Act, 1982.”6

Excerpt from the Summary of Feasibility Findings in the Final Paper

The Species at Risk Act (SARA) will apply in a National Park Reserve (NPR) in the South Okanagan-Lower Similkameen (SOLS). Given current Syilx opposition to SARA, the Syilx Working Group proposes a condition that further solution-based dialogue with Environment Canada/Canadian Wildlife Service (CWS), and Parks Canada occur; the clear objective being to resolve outstanding SARA implementation issues in the Okanagan-Similkameen prior to the establishment of a NPR. Government must appropriately fund this process. The SWG highlighted Section 3 of SARA7 as a key agenda item for discussion and a potential platform for seeking solutions (See Feasibility Conclusions / Recommendations Below and appendix 10). Based on the SWG findings it is deemed feasible to address SARA issues related to park establishment, however since SARA has such a broad reach, clarity on the full scope of Rights implications and the commitment to a productive relationship must be achieved in order to ensure that SARA impacts to rights can be dealt with, whether or not they occur in a NPR.

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4 Okanagan Nation and Parks Canada Southern Band/ONA/PCA Working Group Outcome and Recommendations from Preliminary Meetings, December, 2010
5 Rosalie Wilson, 2012; Robert Janes, 2012
6 Species at Risk Act, SC 2002, c29 (3)
7 Species at Risk Act, SC 2002, c29 (3)
Excerpt from *Feasibility Conclusions and Recommendations* in the **Final Paper**

**Recommendation 5:** That Okanagan Nation seek a similar ‘approach’ to the Park SWG using a SARA group or committee (e.g. SOSSEC) to initiate solution-based dialogue with Environment Canada/Canadian Wildlife Service (CWS) and Parks Canada with clear objectives to build an effective working relationship and to resolve outstanding SARA implementation issues in the Okanagan-Similkameen prior to the establishment of a NPR. Appropriate resourcing will be required.
NOTE: The notes below include additional information provided by Parks Canada to clarify and to ensure accuracy of information presented at the meeting. These notes are not intended to be a verbatim record of the meeting, but supplement the working group minutes.

- Discussion with Tamaini Snaith, Acting National Manager, Species Conservation and management; Daphne Porter, Department of Justice; and Diane Casimir, Acting Manager, Species Conservation. All are with Parks Canada.

The SARA Conservation Cycle
- This Species at Risk Conservation Cycle provides a set of common principles, objectives and overarching approaches for species at risk conservation. We will talk about
  - Assessment and listing
  - Recovery planning
  - Critical Habitat
  - Permitting

Assessment and listing
- Scientific Assessment of status of species – conducted by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC).

- Under SARA, COSEWIC carries out assessments to evaluate the national conservation status of a wildlife species based on the best available scientific knowledge, community knowledge and Aboriginal traditional knowledge (ATK); however incorporation of ATK has not been perfect to date.

- Parks Canada's role in species assessment is to provide the best available information to help the COSEWIC assess species.

- Assessment is a first and critical step in species at risk protection and recovery. Species assessed as being at risk (Extirpated, Endangered, Threatened or Special Concern) are then recommended for legal listing under the Species at Risk Act (SARA).
• During the listing process, Environment Canada (terrestrial species) or Fisheries and Oceans Canada (aquatic species) conduct consultations and socio-economic analysis as part of the regulatory process required to list a species.

• Once a species is listed under SARA as Extirpated, Endangered or Threatened the Act contains prohibitions that make it an offence to (1) kill, harm, harass, capture, or take an individual; (2) possess, collect, buy, sell or trade an individual or any derivative of an individual; or (3) damage or destroy the residence (e.g., nest / den) of one or more individuals. In addition, once identified in a recovery strategy or action plan, the Act prohibits the destruction of the critical habitat of a listed species.

• Prohibitions apply automatically on all federal lands (including Indian reserves). Parks Canada is legally responsible for protecting individuals of listed species, their residences, and their critical habitat on lands and waters under its responsibility, including national park reserves.

• The prohibitions can be applied through an order in council to listed species on provincial lands if the provincial legislation does not adequately protect the species, its residence or it’s critical habitat. Public consultation on the protection order would first be sought in accordance with normal federal government regulatory procedure. No orders have yet been made to apply SARA prohibitions outside federal lands.

**Recovery Planning**

• To help recover species listed as Extirpated, Endangered or Threatened, SARA requires the preparation of recovery strategies and action plans, including the identification of critical habitat.

• Socio-economic issues and concerns cannot be factored into the identification of critical habitat in either recovery strategies or action plans.

• As part of an administrative arrangement between Environment Canada, Fisheries and Oceans Canada and the Parks Canada Agency, one of these federal departments leads the development of the recovery strategy for each listed species. Regardless of which department is leading the development of the strategy, Parks Canada is always involved in the development of recovery strategies for species occurring on lands or waters under it’s management.

• SARA requires that recovery strategies are prepared "in cooperation" with Aboriginal organizations. In addition, there may be common law duties to "consult and accommodate" on the potential impacts of species/habitat protection on Aboriginal people. [Note: The Act dictates that recovery planning documents be prepared in cooperation with provinces, territories, other federal]
Ministers, wildlife management boards, aboriginal organizations; and any other person or organization appropriate, and in consultation with any landowners and other person who are considered to be directly affected by the strategy.

- Once a recovery strategy is developed and finalized by the minister, the implementation of the strategy is then outlined in a new document called an Action Plan. Action plans present a good opportunity to factor in Aboriginal interests into the determination of how actions towards recovery of the species will be implemented.

- **WG:** Recovery planning should be done WITH aboriginal communities and ATK.

- Parks Canada will be developing site based action plans in priority areas under the Agency’s management. These will present good opportunities to develop plans for multiple species at risk occurring in the site in collaboration with the site’s First Nation partners.

**Critical Habitat**

- Critical habitat is legally identified when it is described in a final recovery strategy or action plan posted on the Species at Risk Public Registry. Regardless of which department leads the recovery planning process, Parks Canada will always be involved in the identification of critical habitat located on lands and waters managed by Parks Canada.

- Under SARA, critical habitat must be identified at the earliest opportunity, based on the best available information (i.e., in a recovery strategy to the extent possible). SARA is prescriptive regarding the type of information that can be considered for identifying critical habitat. Not allowed to consider socio economic implications (outlined in section 41 and based on federal court decisions).

- **WG:** FN have not been consulted on this direction - not to include socio-economic implications of recovery planning.

- The Act says critical habitat must be identified to the extent possible based on the best available information – draft policies stat that only species information can be considered, not socio-economic factors. There is also a federal court decision, which supports this (Nooksack Dace).

- What does protection of critical habitat really mean? Protection essentially means that CH must not be destroyed; it has to continue to serve its function for the species. This doesn’t mean that the area is a no-go zone. Activities could be managed to protect species while other activities would need to stop, depending on the species and the requirements.
On Federal Land (e.g., Reserve Land), prohibitions come into play fairly quickly. On provincial land, we first look to find effective protection in provincial laws. If there are no political tools available, federal cabinet can make an order to apply the federal prohibitions against destruction to provincial land. Ultimately, the Act ensures species and their habitats are protected everywhere (equivalent protection must occur).

Many species reside both inside and outside parks. In these cases, sometimes Environment Canada (EC) or Fisheries and Oceans Canada (DFO) takes the lead for recovery planning, other times PCA takes the lead. Which means that sometimes EC or DFO leads the recovery planning for species that occur inside the park. Within the NPR, PCA is legally responsible for SARA and would have to work with EC or DFO to develop that plan.

**WG:** What are the benefits and opportunities of going down path with PCA? Too soon for this question.

On the ground, provincial land protection measures are not being applied yet, the onus is on federal land currently. However, the intent is for implementation of the Act to progress to both federal and provincial lands over the longer term.

**WG:** If a NPR is applied, and SARA is taken over by PCA, how would the first nation be involved?

PCA would be the primary government institution responsible for implementation of SARA. Both in general management of its lands (e.g., park management planning) and in species at risk focussed planning, PCA works in cooperation with its First Nation partners.

Critical Habitat (CH) is only just being identified and it is only in the past 3 years or so that there is building momentum on this.

Clarification: Competent Ministers / Ministers responsible for SARA = Minister of Environment (for EC), Minister responsible for the Parks Canada Agency (for PCA) and Minister of Fisheries and Oceans (for DFO). Currently the Minister of Environment (Peter Kent) is the Minister responsible for both Parks Canada and Environment Canada. However, he wears a different hat when representing each department. Each department has different roles and strengths. On the Ground, Parks Canada operates differently than Environment Canada (different mandate).

Although CH has been identified in draft strategies in the SOLS, none of the proposed strategies have been posted on the registry yet. Critical habitat only legally identified when a final version of a recovery strategy is posted on the registry.
Permitting /Harvesting

- Permitting provisions allow activities affecting species or habitat to be permitted but only under certain circumstances, i.e., if the activity is 1) scientific research relating to the conservation of the species 2) an activity that is beneficial to the species, or 3) the effect of the activity on the species is incidental (e.g., bycatch), AND if 1) all reasonable alternatives to the activity that would reduce the impact on the species have been considered and the best solution adopted; 2) all feasible measures will be taken to minimize the impact of the activity on the species or its critical habitat or residence; and 3) the activity will not jeopardize the survival or recovery of the species.

- In national parks or national park reserves managed by PCA, a permit system is in place to facilitate permitting. If the contemplated activities meet the criteria above, PCA would be responsible (the competent Minister) to issues the SARA permit.

- Taking harvesting as a general theme – There are no direct provisions in SARA that allow direct harvesting, unless it is a specific provision and conservation measure of a land claim.

- We do not know how aboriginal or treaty rights will be treated under SARA if there is a conflict with the prohibitions. There have been no cases to consider and has not yet gone before a court.

- **WG:** How would DOJ respond to harvesting using section 3 of SARA - to not abrogate treaty rights? We do not know (see bullet above). The closest case so far has been litigation by aboriginal groups against government for not producing a recovery strategy, with the claim that government is failing to protect rights to harvest caribou because you are not protecting caribou enough. Won in BC, mostly won in federal court.

- **WG:** Why has no one challenged harvesting aspect? Prohibitions not in place on provincial land, so no cases of conflict have come up yet.

- Prohibitions in the act exist and in a NPR there would be prohibitions on harvesting. Whether it is in the NPR or somewhere else, this will likely be tested in the courts. PCA would have to abide by the existing prohibitions. However, we need to have a lot more discussion about how this would play out... how to address harvesting.
• **WG:** There are some SARA listed species that have been traditionally harvested by Syilx people. What influence would Syilx have in listing?

• Environment Canada has administrative lead on the process – PCA provides information. PCA does not conduct the impact analysis. Need discussion with EC and DFO (Regulatory Impact Analysis Statement).

• It is important to explain how PCA works on recovery plans – how does PCA work with FN on recovery strategies and actions plans? The Act requires that the federal government work in cooperation with FN on recovery strategies and action plans. In some cases, PCA would not be the lead, DFO and EC would take the lead. However, PCA in a NPR scenario would retain the responsibly for the implementation of action plans.

• We do not understand how SARA provisions affect aboriginal rights – we have not encountered this yet.

**Questions / Comments from Working Group**

- Reserves are in limbo with access to information and funding. Why is the act so lopsided? It is so paternalistic.

- PCA (EC) gets money to implement the act, to make sure that this Act gets implemented on our land.

- **PCA:** Appreciation of difficulty for Indian Reserves (Bands). Reserves are among the largest areas left undeveloped where species at risk are. There are provisions where we can adopt strategies developed by First Nations. There are programs where grants can be given to First nations to provide for capacity and funding.

- We (Okanagan Nation) have aboriginal funds but it does not compare to PCA funding and capacity.

- If we were to move ahead with a NPR there would be a cooperative board – how does this impact some of our questions and how Syilx voice would be implemented?

- **PCA:** This all boils down to Action Planning… we cannot override the Act. We are just as constrained by the legal implications of the Act.

- Minister Kent made a comment “…shift to ecosystem based approach”– unsure where these comments stem from?

- **PCA:** The act already promotes ecosystem approach.
PCA: How would the management board potentially play out?

- At the Title & Rights workshop we talked about the consensus board, we both walk together, both retain full authority.

- If you are working together – each party has to meet their own requirements, their own restraints.

  ▪ SARA is quite prescriptive. Parks Canada has to implement it. **Cooperation on recovery planning**

  - Consensus board is generally the body that PCA is working with in creation of recovery strategies + on the ground work.

  - Gwaii Haanas: proposals for permit by external researcher etc. – PCA responsible for reviewing but because of cooperative Haida/PCA management board the reviews are done cooperatively.

  - Cooperative management on recovery plans – these would not just be for Park boundaries, there would be overlap of critical habitat on reserve as well. But, the board can decide to limit themselves to dealing only with the aspects on national park reserve land.

- What could be the role of the Board? ...

  - Consensus on how to address and implement for some issues – many things under SARA are prescribed by the Act, and the board cannot override that.

  - Action planning - contains more flexibility than other parts of SARA, more able to collaborate.

  - In cases where EC leads a strategy, but the species occurs in the NPR, EC must work with PCA, who would in turn ensure collaboration with the Board.

  - However, it must be clear that PCA or the CNPA does not override SARA.

There may be potential conflict or tension with the proposed cooperative (consensus-based) management board, particularly as it pertains to the issue of Critical Habitat (CH) on reserve lands (adjacent lands), lands outside a the proposed future NPR. The local SOLS situation suggests there will be CH
identified on both NPR lands and IR lands. Addressing CH issue on IR may not be something the Board wants to get involved in

- **PCA:** Recovery strategies are not ONLY for park land, it is for the entire species range, on any lands. Critical habitat has not yet been (formally) defined within Indian Reserve boundaries.

- We are in the process of identifying critical habitat on reserve lands - there is conflict. Those recovery strategies have not been finalized because PCA is committed to our duty to consult with FNs.

- **PCA:** PCA would not move forward with critical habitat until duty to consult is appropriately addressed.

- Need more clarity & understanding before we (Syilx Nation) move forward.

- If SARA (EC) wants to deal with the nation or the bands, they cannot piggy back on the park process, they should address SARA with us and provide the capacity funding up front. First, there is a need to discuss the relationship and how we will work together, before diving into the SARA issue.

**Conference call ended**

**De-brief**

- How Syilx values and SARA will work with traditional use and harvest. For example, let’s take an example such as a burn. Need positive examples.

- How will our vision and values be preserved?

- Need to take a serious look at SARA. It is legislation and it is not going away. What does it mean? What are the implications?

- We are ready to deal with it and will deal with it.

- Work needs to continue and be completed.
  - How to deal with SARA is confusing.
  - We need to ensure it is highlighted in the feasibility report. The issue must be outlined.

- Main concern is the use of the land by ranchers. Concerned about the impact to use. There are more cons than pros.

- Still not certain how SARA will impact with the establishment of a new NPR.
  - The implementation of SARA is new. Not certain.
  - Need to have dialogue – need to be proactive.
  - There are funding and capacity gaps.
  - There is potential for PCA to work and develop proactive approaches
- We do not want to solve these issues in the courts as this is very expensive and time consuming.
  - It is difficult and results in tension. Focus on government not community.
  - Need to look at how to apply section 3 with the Syilx Nation. This may be the most important as it has potential.

- We do not want to be reactive
  - SARA is here and there are implications.
  - There is a disproportionate impact on IR
  - Need a work plan and we need to be proactive.

- SARA is a nation-wide issue.
  - Biodiversity conservation – Broader strategy for T&R.
  - Recovery strategy - ONA to lead
  - Need to be proactive with Section 3.
  - How to separate the issues…. Park versus Reserve. Need to frame the dialogue towards the NPR
  - Need to understand the implication for IR

- The Park (Syilx) Working Group not mandated to address SARA.
  - Need to recognize how it affects the Bands and the lands.
  - It (SARA) is a separate table… Not PCA
  - The budget issue is not addressed. Although the monies are available, they are not accessible. There is no way to move without dollars.

- SARA. There is a gap. It is unsettled. Q of implementation re: section 3. What is the potential? We know the permit system does not work.

End De-brief
Appendix 6

Syilx Socio-Cultural, Environmental and Economic Impact Assessment

Submitted by the Syilx Working Group
January 28th, 2013
Executive Summary

This report presents from the Syilx perspective the Socio-cultural, environmental and economic impact assessment for the proposed National Park Reserve in the South Okanagan –Lower Similkameen. As part of the Assessment of Feasibility of a Syilx/Parks Canada Protection Area, the Chiefs Executive Council of the Okanagan Nation Alliance had directed a socio-economic study be completed.

This study was to develop an understanding of the socio-economic impacts a potential NPR would have on Syilx Communities, which were left out of previous impact and/or feasibility assessments. Recognizing previous oversights, the Parks Canada Agency agreed to fund and work with the Syilx Working Group comprised of representation from the Okanagan Nation Alliance Member Bands: the Lower Similkameen Indian Band, the Upper Similkameen Indian Band, the Penticton Indian Band, the Osoyoos Indian Band and the Okanagan Nation Alliance.

All of the analyses used in the assessment are premised on the Syilx culture, perspective and Vision. Syilx perspectives informing the Assessment can be interpreted from the Four Food Chiefs story, which has many interpretations but guided the Syilx Working Group in two main ways. Firstly the story shares lessons on how to effectively work as a collective; the Syilx Working Group applied the lessons around respect and inclusion in their working group meetings and interactions. The Four Food Chiefs story also provides guidance on how to care for, or conduct Syilx obligations to, the environment.

The methodology was a qualitative analysis which included a description of the Syilx Vision, development of the National Park Reserve and the Status Quo alternative scenarios, and a scenario analysis which analyzed what the impacts to Syilx themes of interest would be in each scenario.

This report describes the understanding that the Syilx Working Group had regarding the current status of themes in all three impact categories: Socio-cultural, Environmental and Economic. Once the current state of the themes was understood, the Syilx Working Group generated an understanding of what the Syilx concept for a National Park Reserve (Final Report Appendix 2) would look like and developed a Syilx Vision for a Protected Area (Final Report, Appendix 1). The Syilx Vision for a Protected Area serves as the lens through which to view future scenarios impacts on Syilx themes of interest. The Syilx Vision for a Protected Area provided a goal against which all themes were measured. The consistent question was essentially, "will the application of this scenarios future impact on this theme make the realization of the Syilx Vision more likely or less likely.

Themes of interest were generated from the Chiefs Executive Council, from Syilx Working Group members but most importantly from community members. Community
engagement and feedback was a priority for the Syilx Working Group and most themes were generated through community dialogue. In this way this report accurately reflects the community issues and concerns that the Syilx Working Group wanted to address.

Each assessment category contains a summary at the end of the section which draws a conclusion about which scenario would be most likely to advance the themes of interest and the overall Syilx Vision.

In the Socio-cultural assessment section, the priority was on themes of cultural, social, spiritual and physical health of Syilx communities and the exercise of Syilx decision making. The current state of Syilx community health is one of diminishment; there are still healthy activities such as cultural and spiritual practices, such as root gathering, but mainly due to a lack of access to the land base, Syilx cultural practices are diminishing. In protecting the Status Quo Scenario forward, factors contributing to lack of access, i.e., private land ownership, subdivision, mining development, etc will not abate and the ability to practice and sustain the culture will continue to decline, as well impinge upon the authority the Syilx people have over their landbase. In the National Park Reserve Scenario however, many of the activities which impact the health reducing lack of access will be curtailed and access regained. With regained access, opportunities for spiritual, cultural, physical and social activities will be increased and community health maintained and restored. A National Park Reserve would be cooperatively managed and therefore allow Syilx based decisions to be enacted upon the land.

In the Environmental assessment section, the themes were: Health of the Tmixw (broadly, the environment), land use and management, water, climate change, environmental protection measures, funding for protected areas, and an international vision for protection. The Species at Risk Act and Parks Canada were addressed in the National Park Reserve Scenario discussion. The Syilx people and many others believe that the health of the environment is declining, water issues are becoming more pressing and climate change may exacerbate these negative trends. Many land use practices are culpable in impacting the health of the land and funding for existing protected areas in consistently being reduced and does not effectively include opportunities for Syilx people to inform land management. It is noted that while there are good examples of tribal parks, collaboration in provincial parks and international parks, very few initiatives of substance for these themes are occurring in the South Okanagan – Lower Similkameen and without substantial funding from the Syilx Nation are unlikely to be pursued in the near future. However, with a National Park Reserve, the Syilx Working Group determined that the Tmixw, the environment, would become healthy, opportunities to protect water would occur and that substantial funding would support Syilx participation in the management of the protected area.

In the Economic assessment section, the themes were: the status of southern band economies, and economic activity and employment which includes tourism. There is some economic activity related to natural resource extraction, particularly logging, in the National Park Reserve concept area and some agriculture on reserve. In the Status Quo Scenario logging and other commercial extractive activities would be curtailed and
this would have an impact on band activities, particularly the Osoyoos Indian Band woodlot. However, expansion of the bands in on reserve vineyards or other agriculture would not be impacted by either a Statat Quo or National Park Reserve Scenario.

While the Penticton Indian Band and particularly the Osoyoos Indian Band have existing tourism businesses that are anticipated to see continued expansion in the Status Quo Scenario. Upper Similkameen and Lower Similkameen Indian Bands will likely not see the same level of growth in the Status Quo scenario until a tourism strategy is developed. A National Park Reserve is anticipated to increase the opportunities for new Upper Similkameen Indian Band and the Lower Similkameen Indian Band and member opportunities. The Osoyoos Indian Band also foresees benefits to its tourism business in the advent of a National Park Reserve.

Overall, the Syilx Working Group has concluded that the current socio-cultural, environmental and economic conditions of the Syilx communities would be positively impacted by the establishment of a National Park Reserve in the South Okanagan – Lower Similkameen.

The Syilx Working Group looked at only the Syilx Vision, the National Park Reserve Scenario and the Status Quo Scenario. The Syilx Working group acknowledges that there are other possible options for the achievement of the Syilx Vision, the scope of this project as directed by the Okanagan Nation Alliance Chiefs Executive Council and in accordance with the Contribution Agreements with Parks Canada to include the analysis of the National Park Reserve Scenario. Funding was not sufficient to fully explore all possible scenarios for protecting Syilx interests; however a preliminary review of other options for protected areas was conducted ([Final Report Appendix 7]), the Syilx Working Group prioritized the Status Quo Scenario because it extents the past and current experiences of the Okanagan Nation and the Syilx people forward.
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Introduction

The purpose of the Syilx Socio-Cultural, Environmental and Economic Impact Assessment (SCEEIA) is to understand the impacts and benefits the establishment of a National Park Reserve (NPR) in the South Okanagan - Lower Similkameen (SOLS) might have on the Syilx peoples. The need for this study resulted from significant omissions in the previous socio-economic study. In 2008, Robinson Consulting conducted a socio-economic study for the proposed NPR. However, this socio-economic study did not incorporate Syilx values or a discussion about the impacts and benefits of a proposed NPR to Syilx communities. In 2010, the Okanagan Nation Alliance Chief Executive Council (CEC) directed the Syilx Working Group (SWG) to assess the feasibility of establishing an NPR from a Syilx perspective.

The SCEEIA considers impacts and benefits to Syilx interests of an NPR versus a Status Quo scenario in three key categories: 1) socio-cultural; 2) environment; and 3) economy. These categories were analyzed independently. Each category was understood by developing a description of the current state of relevant themes, for example in the category of environment, for the theme of water quality the current state of water quality state was described from a Syilx perspective and includes other relevant information. Once the current status of each theme was understood, the current state was projected forward through two future scenarios, a future Status Quo Scenario and an NPR Scenario. Each scenario’s impact on the current state was considered in light of whether or not the scenario provided advancement towards the achievement of a Syilx Vision for a Protected Area.

While considering each scenario, the SWG also acknowledged that political and economic autonomy forms part of the foundation of the Syilx people’s relationship with their land. The Syilx peoples have always had authority over their economic situation. Historically, the Syilx peoples fought the Sto:lo, Shuswap, Kootenays and Europeans to retain political autonomy over their territory. Political autonomy enabled Syilx peoples to retain a strong connection to their land and resources. They were also able to exercise full decision-making on how to distribute the wealth generated from their territory.

3 Syilx Working Group Title and Rights Workshop, May 2012
Contemporary Application of the Four Food Chiefs Story

The Four Food Chiefs story contains many teachings depending on the context in which it is shared and the teller of the story. One lesson to be derived from the story is that we are equals to our relatives in the *tmixʷ* and that we must all strive to protect and care for each other; in this way we will thrive in well being for generations to come. The four food chiefs story speaks to the moment in time when the *tmixʷ* were told of the coming of humans. In the *captikwɬ* of the Four Food Chiefs, the Chiefs *Spitlêm* (bitterroot), *Siya* (Saskatoon berry), *Ntityix* (Spring salmon) and *Skimxist* (Black bear) (Figure 4) represent all of the plants and animals living and growing above the ground, below the ground and in the water. These Chiefs came together to decide how they were going to support the People-To-Be. Their decision was to give up every part of themselves as a means of survival for the people to come. In this way, the people became part of *tmixʷ* as well. An important moral of the story is the Syilx obligation to all living things, to act as caretakers, and to live as equals to all.

Figure 1: The Four Food Chiefs

Syilx laws, teachings, governance structures and principles that, together, define and inform Syilx rights and responsibilities to the land and their culture. The *captikwɬ* tells the meaning of Syilx through stories that represent natural laws.
Today, Syilx communities are noticing the diminishing health of the *tmixʷ*. Just as the Four Food Chiefs gathered to discuss how the Syilx peoples would all thrive in health, Syilx peoples are gathering today to discuss the same concern. The *captikʷł* of the Four Food Chiefs illustrates traditional Syilx governance through the use of the structuralized process of enowkinwixw, decision making through consensus building. This particular *captikʷł* of The Four Food Chiefs reflects the basis of Syilx pedagogy and Syilx world view through principles of respect, honesty, transparency and trust. The SWG has been working with this belief informing work towards a solution to the negative impacts to the *tmixʷ*. Consistent with the Four Food Chiefs *captikʷł*, the solution should benefit human society, and all of the relatives in the *tmixʷ*. This belief informs our understanding from a Syilx perspective for the SCBEIA. The discussions and reports from the SWG maintain values that span beyond the current state of Syilx human societies, and consider values that respect impacts and benefits to the land and relatives of the *tmixʷ* for the long term.
Methodology

The SCEEIA is a collaborative effort under the 2011 Parks Canada Agency (PCA) contribution agreements.\(^6\) Two contribution agreements were signed with the PCA in August of 2011, one with the Lower Similkameen Indian Band (LSIB), and one with the Osoyoos Indian Band (OIB). In the agreements, OIB was tasked to play a lead role in assessing the economic and social implications of NPR establishment and reporting on the expected range of benefits, including employment, training, business opportunities, and partnerships.\(^7\) LSIB was tasked with the integration of cultural information, including Traditional Ecological Knowledge (TEK).\(^8\) A collaborative approach resulted and the SCEEIA process was guided by the SWG.\(^9\)

The SCEEIA was initially designed as a socio-economic study. However, early in the process, as the study was communicated to communities, elders, and at Chief and Council meetings, it became evident that the original economic approach did not respond to community concerns. As a result, a new outline and approach was developed and refined.

Themes to be assessed were derived from a community outreach process, including elders meetings, community meetings, a youth meeting, and two workshops held by the SWG: a Cultural Visioning Workshop (October 2011), and a Title and Rights Workshop (May 2012). In addition, the Lower Similkameen Indian Band (LSIB), Upper Similkameen Indian Band (USIB), Penticton Indian Band (PIB), and Osoyoos Indian Band (OIB) brought additional themes for inclusion into the process through discussions at the Chief and Council level. Once the themes were reviewed by the SWG, they were brought into the analysis. The process of analysis focused on intensive discussion of the SWG regarding each theme, its relevance to the larger categories and then a discussion on how the application of the scenarios would affect it. The SWG brought all the information it collected to bear on the discussions, including the concepts for:

1) Syilx Vision for a Protected Area
2) Status Quo Scenario, and the
3) National Park Reserve Scenario

\(^6\) Contribution Agreement (LSIB/OIB), Parks Canada General Class Contributions Program, signed in August of 2011.
\(^7\) Ibid.
\(^8\) Ibid.
\(^9\) For simplicity in reporting purposes, the South Okanagan Bands Parks Working Group (as defined in the South Okanagan Bands Parks Working Group DRAFT Terms of Reference, December, 2010) was shortened to the Syilx Working Group. The Syilx Working Group has representation from LSIB, USIB, PIB, OIB, and the ONA and is accompanied by project staff including additional representation from OIB and LSIB.
The SWG reached consensus about the potential impacts of the scenarios on each theme; and the likelihood of advancing the Syilx Vision in each scenario. For a concise synopsis of the themes and analysis, see the Alternate Scenarios Table in the Final Report, Appendix 12. Collectively the themes that make up each category were considered to inform the final conclusions.

The following sections outline key components of the analysis.

**Draft Syilx Vision for a Protected Area**

The *Syilx Vision* was founded on feedback from the community outreach process and a two-day *Cultural Visioning Workshop*\(^\text{10}\) with elders from LSIB, USIB and OIB.\(^\text{11,12}\) The resulting vision remains draft until it is affirmed or endorsed by Syilx communities. The purpose of the vision was to generate a discussion on Syilx land use values and environmental ethic, specifically in relation to the establishment of protected areas on Syilx territory. More importantly the vision provided a means to assess each scenario. How does each scenario enable Syilx communities to achieve their vision?

Figure 1 visually portrays key principles derived from the Draft Syilx Vision (see details in Final Report, Appendix 1).

**Figure 2: Draft Syilx Principles for a Protected Area**

\(^{10}\) The Syilx Working Group hosted a two day Enowkinwixw process for a cultural visioning workshop on October 25\(^{\text{th}}\) and 26\(^{\text{th}}\), 2011, at Spirit Ridge.

\(^{11}\) Elders from PIB were invited, but regrettably not represented at the Cultural Visioning Workshop.

Status Quo Scenario

The *Status Quo Scenario* represents business-as-usual and assumes that an NPR will not be pursued or established. In other words, the Syilx vision for land use and protection is explored outside of an NPR concept. The status quo scenario articulates the complexities of land designation, land use and the legislative framework currently applied or imposed within the defined park concept area.

Figure 2 visually represents the SWG understanding of the status quo scenario with the different land designations, land uses, stakeholders and authorities within the park concept area.

Figure 3: Status Quo Scenario

National Park Reserve Scenario

The *National Park Reserve Scenario* is based on examples of other Canadian NPRs that are co-managed between First Nations Communities and Parks Canada; assuming an integration of the Syilx vision, priorities and governance, and the Parks Canada mandate and priorities. The development of this scenario involved significant SWG discussions and community input.

Figure 3 depicts a collaborative model and cooperative management of an NPR. In an NPR scenario, the current or status Quo provincial land designations and the legal framework are phased out and replaced by federal lands where an NPR is cooperatively managed by a management board with representation from both the Syilx and PCA.13

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13 The removal of all provincial legislation and private land owners is subject to negotiation and the willing seller-willing buyer acquisition of private land into the NPR.
This report presents a discussion of the information that was used to make determinations by the Syilx Working Group of the impacts/benefits of each scenario. The Syilx Working Group has discussed the themes of interest generated through the process and they are presented here in each assessment category: Socio-cultural, environmental and economic and impacts and benefits analyzed for each theme interests.
Socio-Cultural Assessment

This section explores the socio-cultural health of the Syilx people through the lens of the Syilx traditional economy and their authority in decision-making. The Socio-Cultural health of Syilx peoples is greatly intertwined with the ability to maintain access to a healthy environment and cultural strength.

The term Socio-Cultural is used to denote the inseparable nature of social health and cultural health in Syilx communities. Socio reflects the state of Syilx social wellbeing including the connectedness of Syilx society, the wealth of Syilx society (issues of poverty), the health of Syilx society (issues of disease and physical health). The term cultural reflects the strength of Syilx cultural knowledge, practice and the perpetuity of Syilx cultural knowledge for generations to come. The health of Syilx society is, in many ways, determined by the strength of Syilx cultural knowledge and practice. The strength of Syilx culture correlates with the connectedness, health and wealth of Syilx society.

The Socio-cultural assessment is discussed using the themes of:
- Syilx Traditional Economy
- Cultural Health
- Physical Health
- Spiritual Health
- Social Health
- Syilx Decision Making Authority

An additional theme is explored in the NPR Scenario section:
- Potential Barriers to Access.

I. Current Socio-Cultural State

Syilx Traditional Economy

The Syilx traditional economy is comprised of the accumulation of resources within Syilx territory. These resources could be used for trade or consumption and provided sustenance in terms of health and wealth within Syilx communities. The Syilx traditional economy exists through access to resources within the entirety of Syilx territory, a healthy environment, and strong and widespread Syilx cultural knowledge and practice.

“A great variety of resources exist within the Okanagan territory including deer, moose, bear, porcupines, turtles, berries, roots, medicines and many others. Syilx families have always been united by the harvesting of food, as the traditional
gathering of these foods on the land is ceremony itself and demonstrates an honour and respect for the tmixʷ. As caretakers of the land it is the Syilx right to utilize the land to the best of its abilities so that future generations may gather from those same places.” – Okanagan Nation Land Use Vision

Historically, Syilx communities derived all of their wealth and health from the bounty of readily available resources collected from the land and their relationships to their traditional territory. Syilx health is based on their deep connection (or relationship: culturally, physically, intellectually and spiritually) to their land and resources; while Syilx wealth is determined by the quantity and quality of resources derived from within Syilx territory. The Syilx traditional economy is important for maintaining cultural, physical, spiritual and social health.

Our land is a part of us, we can’t give any of it up, it would be like cutting off a limb
– LSIB elder

Cultural Health

Maintaining strong Syilx cultural traditions, principles, and beliefs is the foundation of a strong Syilx culture. Cultural strength provides Syilx communities with the tools to thrive in physical, societal and spiritual health, as individuals and holistically as a group.

Syilx culture promotes gatherings on a community and nation basis through events such as harvesting camps, ceremonies and cultural celebrations. The practice of cultural ceremonies and the harvesting of culturally significant foods and medicines provide opportunities for Syilx peoples to learn about their relatives, their place in the tmixʷ, and the Syilx way of doing things. Ceremonial activities help strengthen Syilx cultural awareness, knowledge and practice.

Integral to cultural health of Syilx peoples is the continued health of and access to spiritual, ceremonial and sacred sites. Syilx cultural knowledge has only recently expanded beyond oral tradition. Historically, Syilx cultural knowledge was passed between generations through experience, stories and landmarks. While these forms of education are still relevant to Syilx communities today, western notions of education are also utilized in Syilx communities to support cultural strengthening.

“The land forms in the stories are teachings and are reminders to each generation that the land is at the centre of how we are to behave. The destruction of the story land marks and natural land forms are like tearing pages out of a history book to the Syilx. Without land knowledge we are endangered as a life form on that land and we in turn endanger other life forms there.”14

Syilx cultural strength is based on, but not limited to:

- The intergenerational transmission of community and family knowledge,
- The success of band schooling programs,

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14 Jeanette Armstrong. We Get Our Living Like Milk From The Land. Thetus Books: 1993
Cultural programs for youth, elders and community members, Community gatherings, such as the salmon feast, Language revitalization efforts, and Physical experience of culture and land, such as hunting, harvesting camps and trekking.

Nsyilxcen is a cornerstone of Syilx culture and it is currently a severely endangered language\textsuperscript{15}. The revival of Nsyilxcen is a priority in Syilx communities. There are several grassroots and institutional efforts to revive the number of fluent speakers within the Okanagan Nation.

“The arrival of settlers in the Okanagan has impacted all areas of Syilx life from religion to language. Colonizing governments have contributed to the decline of fluent Nsyilxc\textbar n language speakers. In particular, the residential school system has played a large role in the loss of Nsyilxc\textbar n as a first language in Okanagan communities as Syilx children were forced to learn and speak only English. Data from 2010 and 2011 indicate that within the Okanagan communities there are approximately 130 fluent speakers, 322 individuals who understand or somewhat speak Nsyilxc\textbar n, and 309 learning speakers.” - Okanagan Nation Alliance, Land Use Plan 2012

Physical Health
The importance of the Syilx traditional diet promotes physical health in both achieving physical exercise through harvesting efforts and by consuming nutritionally rich foods. Currently, many Syilx families consume traditional foods as a part of their regular diet. For instance, 50-70\% of people at LSIB have traditional foods in their houses\textsuperscript{16}. The goal for the Syilx Nation is for 100\% of all Syilx communities to have traditional foods in their homes as a part of their regular diet. An increase in access, cultural knowledge, and societal sharing of traditional foods will help to achieve this goal.

Today, “changes in lifestyle and diet lead to aboriginal communities facing issues with Obesity, Diabetes Mellitus, Insulin-Dependent Diabetes, Gestational Diabetes, Cardiovascular Disease, Alcohol Abuse, Dental Disease and Gallbladder Disease.”\textsuperscript{17} Traditional foods are much healthier than foods of the contemporary western diet. Compared to modern domestic animals, such as beef and pork, or their bi-products (bologna, luncheon meats, wiener, etc.), most wild game is approximately 50\% higher in nutrients.\textsuperscript{18} Similarly, most wild greens and vegetables are higher in iron, magnesium, calcium and vitamin C than cultivated vegetables.\textsuperscript{19}

\textsuperscript{16} Lauren Terbasket, Personal Interview, April 2012
\textsuperscript{18} ibid.
\textsuperscript{19} ibid.
Health benefits of traditional foods exist beyond their nutritional value. They promote exercise through the process of harvesting, processing and distributing. Syilx culturally significant foods and medicines are dispersed throughout the Syilx territory, from the valley bottoms to mountaintops. Syilx communities organize themselves into seasonal harvesting camps to share the labour of producing enough food for the entire community. These camps range from hunting, fishing, berry and root camps, all requiring significant physical exercise and benefiting Syilx community health.

**Spiritual Health**

*We need to put even a little of the traditional food in our cooking and that way our land always knows us and our children. Our land needs to know us – Cultural Visioning 2011*

The Syilx people connection to the land and the tmixʷ is built on a physical relationship entailing deep spiritual significance. A spiritual connection exists through on-the-land by harvesting, hunting camps, community gatherings and fasting camps. This connection is also manifested by individual action or community gatherings through ceremonies, singing, dancing and artistic expression. These activities bring great personal and communal fulfillment in Syilx communities while fostering a relationship and deep connection between the tmixʷ, tmxulaxw and the Syilx.

Ceremonial, communal, and individual forms of expression also help to ensure perpetuity of a healthy environment. For example, ceremonial practices like the honouring of the first salmon at the Okanagan Nation Salmon Feast promotes a mutual relationship between the Syilx and the salmon, based on respect. The ceremony gives thanks to the Salmon to help ensure that the relationship between the Salmon and the Syilx will persist; if the relationship persists, so will the Salmons existence in the Syilx territory.

**Social Health**

Syilx communities are maintained through seasonal practices of traditional food harvesting, processing and distribution. Communities bond together in labour and experience to gather and distribute resources. Harvesting and hunting camps provide important social networks that help bind Syilx communities internally and at the Okanagan Nation level. Typically, Syilx communities play an important role in teaching cultural knowledge and raising the youth alongside their parents.

Traditional foods continue to be distributed throughout the entirety of the Syilx Nation resulting from communal harvest efforts. The wealth of the land is distributed to all Syilx members who wish to participate and maintain access to their environment. This produces a sense of equality and community that promotes the health and richness of Syilx society.
Large community gatherings benefit the strengthening of Syilx cultural identity. For example, the Salmon Feast is a revitalized tradition in the Okanagan that is increasing in popularity. Members from all Syilx communities travel to take part in the ceremony. This strengthens bonds between all band communities and contributes to the national Syilx identity.

**Syilx Decision-Making Authority**

“...Our relationship with our territory is so deeply part of our identity and culture as Okanagan, that the Crowns denial of our Aboriginal title is reflected in social and economic problems. We suffer from drug and alcohol abuse, suicides, disease, and poverty because the foods that our bodies spent years getting used to are no longer available. As long as our Aboriginal title is denied, we cannot live the laws that we, and generations before us, hold as sacred.” – Jeannette Armstrong

Affidavit 1990

The history of colonization, the lack of acknowledgement of Syilx title, imposed governance, and land and resource alienation have restricted and fragmented Syilx connections to their territory, and thus weakened the Syilx traditional economy. This has hampered the Syilx ability to generate wealth and to maintain health from their territory.

Provincial and federal decision making bodies have yet to understand and acknowledge the Syilx people and our ways of being, which requires access to the entirety of the Syilx territory. Historically, this lack of understanding has resulted in the implementation of Indian Reserves and Reserve cut-offs. Currently, the lack of understanding continues in the form of land alienation and privatization, and loss of access to natural resources. These impacts reduce the overall area and resources available to Syilx communities. The past 150 years of land and resource alienation has left the Syilx with less than 10% of their traditional territory. Today, Indian reserves remain the only parcels of Syilx territory protected from land and resource alienation. However, implementation of the Species at Risk Act (SARA) threatens to further alienate Syilx peoples from important resources and values on their reserves.

It is important to remember that the political boundaries that alienate lands from syilx communities, such as private lands and the US/Canada border, do legally restrict the Syilx people from their traditional territory. However, as Syilx elders have affirmed through community engagement, the Syilx must continue to cross these political boundaries to maintain the connection between Syilx communities, their land and the tmixʷ.

“Presently, the federal and provincial governments refuse to acknowledge Syilx aboriginal title and rights over their territory and resources. The Syilx people are challenged to protect the land as private companies are in continual negotiations with Federal and Provincial Governments for access to traditional Okanagan lands and resources. Further complicating the situation, the Provincial Government has
effectively pulled back from developing resolution over land and resource issues with the Okanagan Nation in a meaningful way” – Okanagan Nation Alliance, Land Use Plan 2012

Provincial and federal governments accumulate monetary wealth and taxes generated from the resources on Syilx territory. The wealth is then distributed according to governmental priorities and private/corporate interests. Land use decisions and economic policies are implemented without acknowledgement and consideration of Syilx values and requirements. Syilx communities do not benefit from the wealth derived from their territory. The associated cultural, spiritual and social health values have been lost.

The lack of acknowledged Syilx title in the Okanagan-Similkameen impacts the ability of Syilx governments to be recognized as a sovereign and effective decision making authority. The Syilx have few options to promote their interests and to become integrated into land and resource decision-making.

In envisioning a path towards increased health and more equitable wealth for Syilx communities, community members have articulated the importance of maintaining access to a healthy environment, while promoting strength in cultural knowledge and practice.

We need mother earth to heal us – Cultural Visioning 2011

II. Status Quo Scenario

Syilx Traditional Economy
In a status quo scenario, Syilx peoples will likely continue to loss access to a healthy environment while working to strengthen cultural knowledge and practice.

Hunting and harvesting will continue in Syilx communities; the Crown acknowledges these activities in section 35 of the Canadian Constitution. However, hunting/harvesting access is limited in a practical sense to portions of Syilx territory, not subject to developments and private land restrictions. Presumably, the activities that cause concerns around the loss of biodiversity and unique habitats will not abate. A reduction in biological diversity and species populations also reduces the resources available for Syilx communities to harvest, consume, and trade, weakening the Syilx traditional economy through restricting access to a healthy environment. For example, intensive cattle grazing in the park concept area has reduced the amount of medicines and foods that exist on the land, as well as valuable riparian habitat for species. This reduces overall supply and access to reliable sources of culturally significant plants from the Syilx traditional economy, especially when considered from a broad territory perspective.
Decision making at both federal and provincial levels will continue to neglect to prioritize environmental health according to Syilx standards and ethics. As a result, Syilx peoples are forced to continue their adaption to a new lifestyle and economy in which the land and resources that they have depended on since time immemorial are alienated. The wealth generated from these resources will continue to be distributed according to priorities that do not integrate or align with Syilx values. In adapting to this change, Syilx peoples will continue to face socio-cultural problems, such as poverty and poor health. Generally, the Status Quo Scenario will continue to increase alienation from the land and resources required to sustain social and cultural integrity at least for the next 10 or more years.

### Cultural Health

Decreased access to land has resulted in the weakening of cultural knowledge. It will continue to be increasingly difficult for Syilx peoples to travel, learn and to harvest freely on their territory. In the Status Quo Scenario, Syilx communities will continue to be influenced by a decrease in environmental health and increased land alienation. Access to healthy resources within the territory will continue to be fragmented. The implication for Syilx communities is a significant, if not permanent loss of Syilx cultural knowledge. For example, a loss in understanding of place names, hunting and harvesting sites, and sacred and ceremonial sites could be lost though land alienation and associated loss of environmental health.

Furthermore, in the Status Quo Scenario efforts to revitalize Nsyilxcen are limited by funding and the political realities restricting the acknowledgement of Nsyilxcen in the public educational system.

### Physical Health

The deterioration of environmental health coincides with the deterioration in the health of Syilx peoples and Syilx culture. As developments and intensive land use persist, the ability for Syilx peoples to access their resources and benefit from the harvesting and consumption of their foods and medicines will decrease.

### Spiritual Health

*Pictographs are fenced off. The young people used that a lot. Someone bought it, and fenced it off. You can’t even get to it, that’s really something to see and get to... when you go and see those things, it brings us back...say 90-100 years ago – OIB Elders Meeting*

In the SOLS, population growth is resulting in an increase in development and intensified land use on private and crown lands. It is projected that future increases in development will result in the further deterioration of spiritual, ceremonial, and sacred sites.
Social Health
Efforts to promote community and social health within the Okanagan Nation will continue in the Status Quo Scenario. Loss in environmental health, access to resources and land may result in a loss in ability to gather in harvesting and hunting camps in some areas within the NPR concept area.

Syilx Decision-Making Authority
A more strategic position with the provincial referral process might promote Syilx interests between the crown and proponents on ‘multi-use crown land’ (1/3 of the park concept area). Improving government relations can foster more integration and effective decision-making within the provincial protected areas of the park concept area. However, for this to happen in the status quo scenario, the ONA would need to develop strategies to effectively advance this agenda; this process would take significant time and financial investment.

On private land, Syilx peoples may be able to build relationships with private landowners to promote Syilx interests within the parcels of private land. In order to have private land returned to the Syilx people, it would have to be purchased by the Okanagan nation or other entity.

Overall, in the Status Quo Scenario, Syilx communities lack sufficient resources and authority to promote or fully protect their interests given the amount of developments, governing bodies, and legislation that contributes to the land use decisions being made in the SOLS.

III. National Park Reserve Scenario

Syilx Traditional Economy
The establishment of an NPR has potential to positively impact the Syilx traditional economy. An NPR would increase Syilx access to a healthy environment and contribute to cultural strengthening efforts.

Within the NPR concept area, the Syilx would benefit through an increase in access to healthy resources. Currently, the park concept area is comprised of 1/3 private land (9401.4 Ha), 1/3 multi-use crown land (8176.3 Ha), and 1/3 provincially protected area (9702.1 Ha). PCA would seek to acquire private lands on a willing seller-willing buyer basis to include in the NPR area. Parcels of private land would be purchased based on budget and priority guided by a Syilx/PCA consensus based management board. Provincial crown land, including provincially protected areas and multi-use crown land would be ‘rezoned’ as NPR under the National Parks Act.

Potential Barriers to Access
AN NPR will potentially increase Syilx access to a healthy environment. Syilx traditional hunting and harvesting activities would continue within the NPR. However, there may
be possible restrictions or infringements to certain activities or within certain areas. Therefore, it is necessary for the Syilx nation to ensure their interests are adequately addressed and accommodated through the negotiation process. Based on community and working group discussions, the following are key Syilx interests that need to be addressed through future negotiations:

- Affirm Syilx hunting interests are not infringed (Syilx Hunting activities may be impacted through increased tourism to the area since hunting seasons and areas must conform to safety standards for park reserve visitors)
- Affirm Syilx fasting interests are not infringed (Syilx fasting camps have potential to be infringed in order to balance visitor experience requirements)
- Affirm Syilx can access their land (Syilx right to access land through the use of all-terrain vehicles does not currently conform to the National Parks Act)

Syilx families have ranching interests within the park concept area. As mentioned in the Economic Impact Assessment section, family ranching operations currently operating within the proposed NPR would be able to continue grazing and would be managed over time within the context of an NPR. Access to current grazing lands would not be diminished for Syilx ranchers.

AN NPR prohibits industrial logging, mining and the development of housing. Syilx communities have expressed an interest in developing housing in the current park concept area. It is therefore vital that Syilx communities conduct comprehensive land use planning to identify a park concept area that will meet the future land use needs of Syilx communities prior to a negotiations phase.

**Cultural Health**

In an NPR scenario, Syilx cultural strengthening will be possible from increased access to a healthy environment, protection of culturally significant sacred spiritual sites and funding of cultural research. Increasing and popularizing the use of Nsyilxcen place names and employment opportunities that apply Syilx cultural knowledge will help to strengthen Syilx culture.

The revival and strengthening of traditional practices will help bind Syilx communities through communal acts of harvesting, processing and distributing traditional foods. The revival of the Salmon Feast, for instance, has had beneficial impacts on Syilx culture and society. Promoting these celebrations is an important opportunity for Syilx people and it would provide park visitors with an authentic cultural experience and a better understanding about Syilx culture and its connection to a healthy environment.

In Gwaii Haanas, the continuation of Haida culture is noted in the agreement between the Haida and Parks Canada. An agreement between PCA and the Syilx could take a similar approach outlining the continuation of Syilx culture as a priority in planning, management and decision-making. This would ensure that cultural strengthening efforts would align with the Parks Canada mandate.
An NPR could also fund cultural interpretation of the proposed concept area. Research on ethnology, archaeology, cultural landscaping, and historical use and occupancy will strengthen cultural knowledge and awareness within Syilx communities.

An NPR will likely bring increased nature and culture-based tourism. Syilx people will be able to reach out to non-Syilx communities and the general public to express their history, culture and depict their pride as Syilx people. Cultural tourism will begin to dismantle racism and stereotyping which remain prominent in the Okanagan.

Cultural tourism also provides opportunity for increased economic self-sufficiency. Culturally based business or employment that promotes or applies Syilx cultural knowledge and practices will empower Syilx people. They will learn more about their culture. They will feel strength and pride in their identity. Economic self-sufficiency will help alleviate poverty and associated issues within Syilx communities.

In community outreach, Nsyilxcen has been a major topic of discussion and indicator to cultural health. The establishment of an NPR has potential to positively benefit Nsyilxcen revitalization efforts through the use of Nsyilxcen place names.

Community elders have suggested that any agreement between Parks Canada and the Syilx peoples must be written in Nsyilxcen in order to fully encompass Syilx values and truth. Nsyilxcen place names and words must be prioritized, documented and used in any discussions relating to Syilx land. In response to this assertion, LSIB and OIB have funded film projects on Nsyilxcen place names for educational purposes. Similarly, LSIB has initiated research within and around the NPR concept area on place names and cultural landscaping in an effort to better understand the captikł and stories. AN NPR in the SOLS will therefore need to include Nsyilxcen place names. This will promote Syilx cultural understanding of the land, while strengthening language use within Syilx communities.

**Physical Health**

It is a PCA mandate to achieve “ecological integrity” within an NPR. As efforts are funded for environmental restoration, environmental reclamation, and TEK, the health of the tmixʷ is likely to increase. An increase in healthy resources will positively benefit Syilx physical health through the consumption of healthier water, medicines, and foods. The act of accessing resources will also support physical health through exercise.

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20 Charlotte Stringam (General Manager at Nk’mip Cultural Centre) suggests that a cultural center like N’kmp inspires Syilx community members (including Syilx youth) to engage in practicing and learning about their culture in a way that promotes economic self-sufficiency: August 2012

21 There are two different types of stories Syilx use: *captikł* that pass on knowledge, ideas and teachings; and which are historical accounts of real events.
Spiritual Health

The Syilx can use the NPR designation to protect sites that are sacred or of spiritual and ceremonial significance. There are many sites within the current park concept area that are considered spiritual, ceremonial and sacred. The long term protection of these sites along with increased health of the tmixʷ will potentially benefit the spiritual health of Syilx peoples. As the boundaries of the proposed NPR are not final, this presents an opportunity for the Syilx nation to ensure key sites are protected within a new NPR.

Social Health

NPRs typically provide opportunities for communities to gather and celebrate, educate, and learn about the proposed concept area. These opportunities can help strengthen bonds within Syilx communities and between Syilx communities and the general public.

Syilx Decision-Making Authority

AN NPR will acknowledge a Syilx decision-making authority through an operational consensus based management board. In this way, Syilx understandings of decision-making, land use, ecology and environment will be implemented as a collaborative process with Parks Canada. The protected area model generated from a Syilx/Parks Canada relationship could then be strategically applied to other protected areas in the Okanagan/Similkameen.

IV. Summary

Maintaining strong Syilx cultural traditions, principles and beliefs is the foundation of a strong Syilx culture.

The lack of acknowledged Syilx title in the Okanagan-Similkameen currently impacts the ability of Syilx governments to be recognized as a sovereign and effective decision making authority. The Syilx have few options to promote their interests and to become integrated into land and resource decision-making. As a result, continued land and resource alienation and loss of cultural, spiritual and social health values are being lost.

Under a status quo scenario, the Syilx peoples will likely experience continued loss of access to a healthy environment and the necessary resources required to sustain and revitalize culture, tradition and healthy communities.

On the other hand, establishment of an NPR has the potential to positively impact the Syilx traditional economy. An NPR would increase Syilx access to a healthy environment and contribute to cultural strengthening efforts. Although access to current grazing lands would not be diminished for Syilx ranchers, activities such as industrial logging, mining and housing development would be prohibited. Consequently, it will be important for Syilx communities to conduct a comprehensive land use planning prior to future negotiations to ensure future land use needs of Syilx communities are identified and defined.
Environmental Assessment

_We drink the water, eat from the land – harvest its medicines, roots, berries, and foods, we breathe the air, we are connected to it spiritually_

This section focuses on the health of the tmixʷ and the state of the environment from a Syilx perspective with an analysis of both the Status Quo and National Park Reserve scenarios. Topics of environmental discussion were scoped in community outreach, and through the guidance of the SWG and Syilx governance.

There is general agreement that the SOLS is an area of high ecological significance and that we must bring in appropriate measures to protect the lands and associated values. Syilx peoples have an obligation to their relatives to protect the tmixʷ, to care for all living things and to ensure their perpetuity.

In the Environmental Assessment, the current state of the environment, or tmixʷ, will be assessed and then the application of future scenarios on the future of the tmixʷ will be applied to assess the potential future outcomes of each scenario on the tmixʷ. For the environmental assessment the following themes will be discussed:
- Health of the Tmixʷ
- Land Use and Management
- Water
- Climate Change
- Environmental Protection Measures
- Funding for Protected Areas
- An International Vision for Protection

Additionally, two themes are examined NPR Scenario section:
- The Species at Risk Act
- Protected Area Measures /A Protected Area with Parks Canada

1. Current State of the Tmixʷ

In terms of environmental protection, federal, provincial, and Syilx perspectives all unite in understanding that something needs to happen to protect the sensitive landscapes and species of the SOLS. Despite provincial understandings, poor land use decisions have resulted in habitat loss and fragmentation, increasing concerns over species at risk, and growing recognition that the provincial protected areas are not achieving the required protection needed for our natural and cultural heritage. The Syilx possess a strong ethical understanding of their environment inclusive of Traditional Ecological Knowledge (TEK). These TEK principles are recognized as being underrepresented in current land use decisions and in managing provincial protected areas in the SOLS. In order to promote healthy land and ecosystems, we believe that
more protection measures must be sought with the inclusion of Syilx TEK in management and decision-making.

The Syilx understanding of environment is important. The Syilx perspective articulates that Syilx communities are one with their environment. This is represented in the Nsylxcen word *tmixʷ* which describes humans as an equal component of all living things. All species are interconnected and continuously unifying with all the strands of life that make up Syilx land. Non-human members of the *tmixʷ* are perceived as relatives to the Syilx peoples. The connection between Syilx peoples and their relatives is maintained through an obligation of Syilx peoples to act as caretakers of the land that they occupy. As a result, Syilx communities have deep concerns about their environment, and all of the species contained within it. Currently, there are many environmental issues negatively impacting the *tmixʷ* of the SOLS.

*Our people are the scientists, we are the biologists, we are the doctors, we are the caregivers of the forests and the animals and all of that – Title and Rights Workshop*

**Health of the Tmixʷ**

*We have to take care of the animals, and the animals will take care of us – PIB Community Outreach*

The health of the *tmixʷ* in the SOLS is diminishing as a result of increasing populations, development activity, and poor land use decisions. Sensitive species are becoming threatened, at-risk and extirpated from the SOLS. Fragmentation of the land into private holdings, agricultural developments (namely vineyards), and loss of habitat are resulting in the pollution of our water and diminishing water quality and quantity. Invasive species are quickly colonizing the land, a problem worsened by over grazing of livestock and increasing recreational traffic. Development projects eradicate life from the land as concrete structures and urban landscapes continue to grow and develop. Climate change and air quality issues pose increasing problems to all of the *tmixʷ*.

The following concerns were brought to the Syilx Working Group in October of 2011 in a Cultural Visioning Workshop, the Enowkinwixw process:

- People are becoming more allergenic as a result of bad air quality,
- There is too much encroachment from cement landscapes,
- Tussock moth is spreading,
- Invasive species are spreading and colonizing rapidly,
- The rocks in the Similkameen river are slimy from contamination,
- Deer cannot migrate to winter grounds,
- Deer are inbreeding as a result of fragmented habitats,
- Restricted access for migrating and grazing animals changes diets, this causes disease concerns, and

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22 Stewardship Centre for British Columbia, [http://www.speciesatrisk.bc.ca/](http://www.speciesatrisk.bc.ca/)
Animals are getting sick from pesticides.

Habitat fragmentation resulting from population growth and development and agricultural fencing has had a negative impact on the tmixʷ. Animals are becoming increasingly restricted in their migration movements. This combined with reduced habitat limits bioregional connectivity, the movement of animals within the region, as well as between existing protected areas. This in turn provides more risk for disease and inbreeding within existing populations. Habitat fragmentation and loss also have similar negative impacts on the local flora.

The absence of Syilx harvesting and tilling of the soils in important root digging areas combined with the suppression of fire in maintaining forage for ungulate species, has resulted in declining populations of culturally important plants and animals due to an absence of Syilx cultural strategies and practices. Syilx peoples have been absent from the land management regime because there has been and continues to be a disregard for indigenous food values and principles that guide our practices. Regulating agencies have a fundamentally conflicting worldview that believes humans are separate from and dominant over nature.

Land Use and Management

BC is privatizing our land - mining, logging, water, tourism, grazing tenures. This is how they make their money – Cultural Visioning Workshop

Clean up the mess that has been made (forestry, mining, people). The land needs time to heal itself. Regulate bikes and quad use – Cultural Visioning

The BC Ministry of Environment, Lands and Parks stated in 1998 that the South Okanagan-Similkameen is a high priority area for conservation action because of significant threats to the sustainability of biodiversity and because of the relatively large number of identified species-and habitats-at-risk. Although provincial perspectives appear to understand the rapid rate of environmental degradation occurring in the SOLS, Syilx perspectives do not regard provincial action on environmental issues as sufficient. Today impacts from by growth, development and various land uses continue.

In order to protect unique ecological values and to meet biodiversity challenges in the SOLS, there are a variety of on-going conservation initiatives, such as the South Okanagan-Similkameen Conservation Program; provincial parks and protected areas, ecological reserves; a federal migratory bird sanctuary and a national wildlife management area. From a local, regional and national perspective, the SOLS is an area of high conservation value.

The province of British Columbia has an obligation to consult with First Nations communities whenever the Province proposes a decision or activity that has the potential to affect aboriginal rights, including aboriginal title and treaty rights. Despite this, there are no mechanisms to assure accommodation. Furthermore, the provincial consultation process does not sufficiently address Syilx cultural and environmental concerns. It is important to recognize that the Syilx have never ceded their land to the provincial government and does not acknowledge provincially asserted crown lands.

Syilx communities desire greater proponent and provincial government accountability to environmentally reclaim areas of high industrial and recreational use. These include, but are not limited to, areas of forestry, silviculture, mining and recreational use. The following outlines some of the issues relating to key land uses:

**Forestry**
Clear cut logging practices typically severely alter landscapes by reducing biological diversity, causing significant changes to the water table, causing soil erosion and reducing biological productivity. Clear-cut logging has a negative impact to deer migration through replanting efforts that result in monocultures with little space between trees. In regard to Tolko Industries, ONA states that “harm has been caused by industrial logging and that further logging will impact vegetation in serious and irreversible ways resulting in major environmental restructuring.”24 As a result, Syilx communities are concerned about how logging is conducted in their territory.

**Mining**
Large-scale mining projects pose serious environmental and cultural concerns for Syilx communities. There is a significant interest in preventing current and future large-scale industrial mining operations in the SOLS within Syilx communities. Syilx communities are specifically concerned with the impacts to water quality and quantity from mining operations. The negative impacts of mining on water quality and quantity can vary from “the sedimentation caused by poorly built roads during exploration through to the sediment, and disturbance of water during mine construction.” 25

**Recreation**
Recreational activities generally include quad riding, hunting, fishing, mountain biking and horseback riding. These activities persist with no accommodation to Syilx environmental concerns. Outcomes of the Syilx Cultural Visioning Workshop recommended that recreational land users on Syilx land abide by Syilx laws that teach respect for all living things. Currently, there is no mechanism for Syilx communities to control recreational uses, such as hunting, on Syilx territory.

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24 Okanagan Nation Alliance, “The Okanagan Nation Launches Counterclaim against Tolko Industries.” November 5th, 2009
25 Safe Drinking Water Foundation
Current Hunting Facts:

- Recreational hunting has declined province-wide over the past 20 years.
- Recreational hunting is an important lifestyle for many local residents.
- Hunting does contribute to the local economy.
- The approximate economic value (expenditures generated) of resident hunting in the region is approx 1 million annually.  
  
- The proposed national park concept area includes only a portion of management units 801 and 802. These areas are important for Mule Deer and Blue grouse hunting. In addition, there are a few white tailed deer and moose. There are no bighorn sheep, no mountain goats and no elk.
- Within the management units 801 and 802, hunting for mule deer has increased over the past 10 years. The proposed concept area is not considered the prime hunting grounds for Mule deer within the management units.  

Development

Private land developments are projected to persist and increase in the near future. The mild climate of the SOLS, scenic environment and wide variety of recreational opportunities continue to attract many people to the area. The Okanagan-Similkameen Regional District’s population is projected to grow by 36% (28,791 additional people) from 79,457 in 2006 to 108,226 by 2031.  

Private land poses significant problems and threats to the health of the t'mixʷ. Private land often fragments habitats, reduces habitat space, and has the potential to have a high use and impact on the resources surrounding private land. Private land restricts access for Syilx community members, as well as restricts migration for animals, such as bears and deer.

Private land owners have the ability to destroy and/or erode cultural and ecological integrity of the land through development. As tourism and vineyard markets increase, development projects to facilitate their growth are increasing. Syilx communities have little practical control mechanisms to promote their interests through private land developments.

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26 British Columbia Ministry of Environment, Lands and Parks (B.C. MOELP); 1998 Habitat atlas for wildlife at risk: South Okanagan and Lower Similkameen.
27 British Columbia Ministry of Environment, Correspondence with Parks Canada and Syilx Working Group 2012.
28 the Regional District is bounded by Manning Park to the west, Peachland to the north, Anarchist Mountain to the east and the United States border to the south. The Regional District has an area of 10,400 km², constituting 1.2% of the province’s area. Penticton, Osoyoos, Oliver, Keremeos, Summerland, Princeton, Kaleden/Okanagan Falls, Naramata, Okanagan Lake West/West Bench, Keremeos Rural/Hedley, Cawston, Rural Princeton, Rural Oliver and Rural Osoyoos.
Syilx communities are currently focusing on how to deal with private land developments in a more systematic way than on a case-by-case basis. However, specific concerns relating to development and water extraction to the area surrounding kɬʷ (Spotted Lake) become more pressing as time passes.

**Agriculture**

Much of the land in the SOLS is under the protection of the Agricultural Land Reserve (ALR). Vineyards continue to be developed and increase water consumption and encroach on native habitats. Other farming, mainly fruit, is water intensive, but the pace of orchard development has slowed compared to vineyard development. A concern has arisen with some bands. The conversion of ALR lands to non-farm use or the removal of land from the ALR for non-farm development; both have impacts to water and ecology, particularly in areas with no zoning such as the Similkameen Valley (see ALR map page 53).

Ranching has contributed to the displacement of ungulates, invasion of non-native species, degradation of riparian areas, increased erosion, and grazing/trampling of native species and traditional use plants. Intensive grazing poses threats to water quality and the health of medicines and foods.

**Water**

*We have managed the landscapes for thousands of years, now because of the last hundred, I can’t even drink the water anymore – LSIB elder, 2010*

Water is of primary concern to Syilx communities. Water resources continue to deplete in quality and quantity in the SOLS. For example, kɬʷ (Spotted Lake) is being impacted by adjacent development both in terms of encroachment on the solitude required for spiritual ceremony and from wells being drilled. According to the Syilx, HaʔKililxw is connected to all lakes in the Okanagan Territory. Water use in the SOLS is provincially monitored and legislated. Provincial water allocation for surface water is regulated by the Water Act. There are few strategies in place to effectively deal with water quality and quantity issues in the SOLS. Currently, the Regional District of Okanagan Similkameen are focused on developing water strategies for the SOLS, however, there are barriers in the lack of watershed data and political interest to fully facilitate and accommodate Syilx interests for water protection.

**Climate Change**

The Okanagan climate is changing and will continue to change. The Okanagan valley has had extensive climate modeling. Early work was given special mention in the IPCC Fourth Assessment Report (2007) and more recent work culminated in the Okanagan Water Supply and Demand Project, a three year multi-agency effort led by the

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Okanagan Basin Water Board (OBWB) and the BC Ministry of Environment. The Project included downscaled global circulation models, an award-winning GIS-based Water Demand model, and detailed hydrology models for the entire basin.

The climate change scenario modeling predicts that the Okanagan will experience less precipitation falling as snow and increased temperatures over the next hundred years. Over the next half century, the Okanagan Valley stream hydrographs will shift. Hydrologic peaks will occur earlier, up to three weeks earlier and the peaks may be higher. Water flows in summer periods may be less.\(^{30}\) One scenario generated by the OBWB has found that the average total annual precipitation won't change significantly in future and air temperatures are expected to increase. This means that more winter precipitation will fall as rain rather than snow. The snowpack is likely to decline by almost 30% by the mid century.\(^{31}\) When less precipitation falls as snow, but falls as rain, increased peak flows may result increasing flood risk and potential impacts to water quality from erosion.

The OBWB model also shows that while Stream-flows will increase in the fall and winter, between June and September, stream-flows could decrease by roughly 1/3 over a 30 year period and by an additional 2/3 the following 30 years (Between 2041-2070).\(^{32}\)

Climate change will impact ecosystems. Okanagan and Similkameen ecosystems will change in response to shifting precipitation, temperature regimes and will influence species composition and density.\(^{33}\) Forests in the region have already been impacted by climate change. The Mountain Pine Beetle, *Dendroctonus ponderosae*, proliferated as a result of recent warmer winter temperatures allowing beetles to overwinter and hotter and dryer summer temperatures stressing the trees, decimating the lodgepole pine forests that characterize mid elevation forests in the region.\(^{34}\) Potentially grasslands may extend their ranges to higher elevations or become more characterized by shrub steppe.

Climate change also affects air quality. Increases in pollen are likely from increased temperature and CO2 levels. This in turn increases plant growth and will lengthen the pollen season.\(^{35}\) Dust may become more prevalent as dry arid areas, such as dry riparian or wetlands, with exposed soil are subject to increasing wind erosion.

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\(^{33}\) Cohen and Kulkarni (eds.), *Water Management and Climate Change in the Okanagan Basin*, 2001


Environmental Protection Measures

Provincial designation of provincial protected areas (e.g. South Okanagan Grasslands Protected Area and Wildlife Management Areas) were informed by the Provincial Protected Areas Strategy, and the LRMP process, neither of which involved Syilx participation. As a result, Syilx governance does not formally acknowledge these protected areas.

Provincially protected areas have few staff and receive little funding. Provincial mandates are weak in their support for relationship with First Nations communities. There is no exception in the SOLS. There has been little effort for relationship building with Syilx communities, integration of TEK or accommodation of Syilx cultural and environmental interests in provincially established protected areas.

Globally, there are plenty of land designations that are categorized as ‘protected areas.’ Some of these are discussed in the ‘alternative options’ section of this report. Currently, the following existing and proposed protected areas are on public lands within the SOLS of interest to the Syilx people:

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<th>Scale Category</th>
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<td>White Lake Grasslands PA</td>
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<td>Vaseux Lake Migratory Bird Sanctuary</td>
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Syilx cultural and environmental interests are not given sufficient resources or time in the listed protected areas. The Syilx vision for a protected area reflects the necessity to assure cultural values are given priority in protected areas. This includes the use of TEK, Syilx laws and park management based on Syilx cultural teachings. In some cases, there is a negative relationship between protected areas in the SOLS and Syilx communities. For example, PIB youth reminded the Syilx Working Group of being sent away from their desired camping spot on Okanagan Mountain Park during one of their canoe journeys. Generally, provincially protected areas have poor reputations in Syilx communities.

**Funding for Protected Areas**
Currently, protected areas in the SOLS are currently underfunded and under resourced. There are few opportunities for Syilx communities to promote their cultural and environmental interests, knowledge or secure employment. Capacity for ongoing park operations that promote sustainable recreational land use, environmental monitoring and reclamation are insufficient, not to mention capacity for relationship building and incorporating the Syilx vision.

The idea of a ‘tribal park’ has been suggested in various Syilx community meetings. Financially, it is difficult for a First Nation to operate a Tribal Park without consistent resourcing. Tribal parks may require dialogue and accommodation of stakeholder interests, tribal park monitoring, community capacity, a communication and establishment strategy, and ongoing community outreach, all of which amount to a significant amount of funding.

**An International Vision for Protection**
Syilx territory spans beyond the Canada/US border and consequently, Syilx interests for protection stretch beyond the confines of the political organization of Canada. Syilx communities and the Okanagan Nation Alliance struggle to deal with land use issues within the Canadian portion of their territory, let alone the American portion. There are few well-understood tools in Syilx communities that promote transboundary protected areas that would span beyond the Canada/US border. The Syilx have the right and potential to explore opportunities of international protection from recognition by the UN or other international bodies of governance.

**II. Status Quo Scenario**

**Health of the Tmixʷ**
Despite overlapping understandings that the SOLS is an ecologically significant landscape and requires protection efforts, current land use in the SOLS is reducing the ecological integrity of the region. The health of the tmixʷ is not a priority in provincial decision-making. Although protected areas do exist, their represented areas are fragmented and insufficient in promoting the ecological values of the area.
The health of the tmixʷ is of deep concern to the Syilx peoples as it directly impacts the well being of our communities. The continuation of the environmental degradation is not a viable option for the Syilx to enact their obligation to the tmixʷ, and to ensure perpetuity of all living things for generations to come.

**Land Use and Management**

Status quo land use management does not align with Syilx environmental values. A review of the status quo reveals a multitude of concerns and issues. For example, Syilx communities have communicated that forestry clear-cutting and replanting initiatives are not conducive to deer migration and maintaining viable and diverse habitats for the population. There is concern with water quality and quantity as a result of mining and agricultural operations. Soil erosion and the spread of invasive plants from recreational and other uses is also a concern.

**Environmental Protection Measures**

The Syilx vision for protection is based on the ability for the Syilx to apply their cultural teachings in a practical sense in managing land use decisions, and land users. There is little opportunity for Syilx communities to enact protection measures in the current political and regulatory setting. The Syilx must influence local, provincial, federal governments or private landowners regarding protection of sacred sites, or managing land use in order to promote Syilx ideologies to act as caretakers of their land. Current land designations cater more to stakeholder interests for economic development and unrestricted recreational use rather than land uses that align to Syilx values.

The Cultural Visioning Workshop concluded that the Syilx need to find common allies or partners, such as land conservancies or non-government organizations (e.g., South Okanagan Similkameen Conservation Program, to keep people involved with Syilx strategies for protection. Syilx communities including elders and youth have suggested a strong priority for land protection. Syilx communities do not have sufficient resources or capacity to deal with the amount of referrals and development projects occurring in the SOLS. It was for this reason that Syilx communities began discussing the notion of a protected area to deal with development projects in a more efficient manner. However, there is also recognition that a protected area confined in geographical space will not be sufficient to deal with all Syilx obligations to the tmixʷ.

**Funding for Protected Area**

In the Status Quo Scenario, funding for Syilx engagement in existing or new parks or wildlife management areas etc., such as provincial parks, will require working with the provincial government to secure funding for participation. In addition to funding, the provincial government and the Syilx will have to discover mutually acceptable working and management relationships. Models exist in other areas and can point to the possibility of some success agreement being reached. However the province will not address the issue of the unresolved Syilx Title and Rights through a discussion on co-management of a provincial protected area.
Funding for other initiatives such as a United Nations Biodiversity Reserve or a Tribal Park would require significant investment by the Syilx Nation to explore the options and planning to address anticipated long term funding sustainability if a different option of protection were considered. This would take many years to secure funding and develop strategies and plans to implement an alternative formal protected area arrangement.

**III. National Park Reserve Scenario**

*One spot protection’ (such as parks and protected areas) is not sufficient to realize the Syilx obligation to the tmixʷ... but it is a good start - Cultural Visioning Workshop*

AN NPR has great potential to benefit our environment. Based on a principle of promoting ecological integrity, an NPR would focus on restoring habitats, caring for the tmixʷ (including species at risk), and managing land use to ensure a low negative impact to environment within NPR boundaries. Syilx youth, community, and elders alike suggest that land protection within Syilx territory is a priority. More community outreach is required in terms of the scope, area, and tools used to enact protected areas within Syilx territory. A high emphasis on the practice of Traditional Ecological Knowledge within an NPR would be required for park establishment.

Feedback from Syilx community regarding the current park concept area suggests that its size is not sufficient in representing cultural and environmental values to fulfill the Syilx vision for protected areas. Parks Canada only has legislative authority to establish a protected area within the Canadian portion of Syilx territory while many Syilx members have stated that protection needs to flow between the USA/Canada border to protect the interests of the Syilx Nation.

**Health of Tmixʷ**

The principle of ecological integrity would promote environmental reclamation and monitoring within the NPR based on a Syilx/PCA cooperative management model. Restoration efforts would encompass all of the tmixʷ specifically focusing on natural renewable resources and habitat restoration.

An NPR would apply legislation that prohibits intensive industrial uses within the park boundaries. Industrial and commercial activities, with the exception of grazing, would not persist in an NPR scenario.

**Species at Risk Act**

In an NPR scenario, the management board would implement the Species at Risk Act (SARA). Since, the current implementation of SARA by the Canadian Wildlife Service

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37 Bruno Delesalle, PCA, email communiqué Dec 21 2012 “Current grazing tenures would continue and would be honoured within the proposed NPR. In addition, grazing would be maintained, where applicable, for vegetation management purposes based on an establish park management plan.”
(CWS) for terrestrial species and Fisheries and Oceans Canada (DFO) for aquatic species is very contentious in Syilx communities and the implementation of SARA has the potential to infringe on Syilx rights, it is a condition that SARA issues must be dealt with prior to park establishment (See Final Report). In order to assure that Syilx harvesting/cultural rights are adequately addressed it is required that a working group be created between the Syilx, Parks Canada, Environment Canada, and Canadian Wildlife Service to discuss and address Syilx interests with regards to SARA prior to park establishment.

**Water**

*The rivers are becoming creeks, and creeks are becoming streams – Cultural Visioning Workshop*

*The Rocks in the Similkameen River are slimy from contamination – Cultural Visioning Workshop*

Water is a serious and consistent issue for Syilx communities. Water is an absolute necessity to promote health and well being for all of the tmixʷ. The Syilx vision promotes the reclamation of water rights to promote healthy water quality and quantity standards according to Syilx ethics.

In the establishment of an NPR, and subject to negotiations with the province, we understand that PCA would aim to have water rights transferred from the province to the federal government to be managed under the CNPA. Based on this scenario, we anticipate that water resources would be managed through the cooperative management board.

The themes of water protection and rights are priorities for Syilx communities. An NPR will protect a portion of water source for the Similkameen and Okanagan valleys. Water protection measures would likely span outside the NPR through partnerships and good neighbor policies. We also recognize that there are current water licenses, for ranching operations (mainly) that would be honored and/or addressed with the province. However, Syilx visions of water protection and rights are not sufficiently addressed within the NPR concept area and we would develop strategies to better define Syilx water management principles for the NPR context.

**Land Use and Management**

In an NPR scenario, a significant land use change would occur within the confines of the proposed park concept area. Large-scale resource based projects would be prohibited and replaced by conservation based activities. Activities such as logging, mining, hunting, and off road vehicle (ORV) use do not align with the National Parks Act and therefore their exercise by the general public would not be permitted within an established NPR.
A change in land use, managed with a federal institution like Parks Canada, will allow for the Syilx to promote their land use principles based on Traditional Ecological Knowledge. Without immediate clarity on title and rights issues, an NPR is one avenue for Syilx communities to have a more practical voice in the current political arena.

**Displaced Recreational Users**

Recreational uses that are not compatible with NPRs mainly include motorized recreation and sport hunting. Current sport hunters and motorized recreationalists may be displaced to the eastern side of the Okanagan Valley and to the Western and Northern portions of the Similkameen Valley. Robinson Consulting (2008) suggests that the area surrounding the park concept area may be able to absorb the displacement in hunters since the area has historically accommodated more hunters than currently practice hunting within the park concept area. Also, some hunters may retire their hobby partly due to the convenience factor but also because of increased costs.38 Approaches to managing these displaced users have yet to be discussed.

**Protected Area Measures /A Protected Area with Parks Canada**

Parks Canada has identified and defined a proposed concept area for an NPR to represent the Interior Dry Plateau natural region within the national park system. As part of this process, ecosystem conservation targets address three park reserve planning objectives:

1) to represent the Interior Dry Plateau (IDP) natural region of Canada (Region 3);
2) to represent the special and unique features of the South Okanagan-Similkameen; and
3) to configure a park reserve boundary to facilitate long-term retention or restoration of ecological integrity

Our current understanding suggests that a consensus based cooperative management board representing both the Syilx Nation and Parks Canada would inform decision making with regards to a future proposed NPR. The cooperative management board, similar to the one established for Gwaii Hannas, would develop a park management plan and key priorities with respect to environmental management, monitoring and restoration. The cooperative management board would be informed by the policies and framework of both the Syilx Nation and Parks Canada Agency. The policies of the Syilx Nation are informed by captikʷəł, cultural teachings, and the voice of the community; Parks Canada policies are informed by the National Parks Act, other legislation, such as the Species at Risk Act, and the Parks Canada mandate, which equally balances ecological integrity with visitor experience.

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It is within the teachings of the Syilx peoples to act as caretakers on their land. As stated in the Land Use Visioning document released by the ONA, “we the Syilx aspire to entrust our future generations with the title and rights to a healthy land base. We aspire to manage our land responsibly and in balance with our economic needs so that both our communities and the land may thrive.”

Together, the Syilx and PCA share both accommodating and diverging principles. In an NPR scenario, the interests of both parties would be balanced to seek solutions that promote the core ideologies of both. It is an anticipated goal of an NPR in the SOLS to design a park that could achieve ecological and cultural integrity. Integral to the idea of cultural integrity for Syilx communities is the strength, use, and practice of Traditional Ecological Knowledge. Through negotiations, the Syilx would need to affirm a strategic role in ongoing park management for TEK. Syilx working group members have consistently asserted that TEK needs to not only inform decision making, but act equally with scientific knowledge to promote ‘ecological integrity’.

**Funding for Protected Area**

*Ask for government dollars to buy private lands – Cultural Visioning Workshop*

With establishment of an NPR, Parks Canada would have the financial resources necessary to establish the park and to foster a relationship with the Syilx Nation and to plan and manage the NPR for ecological and cultural values, including monitoring and restoration. In brief, PCA provides funding to fulfill their mandate, which equally balances ‘visitor experience’ and ‘ecological integrity’. A cooperative management board would be the key instrument to develop and implement a management plan and to set priorities and goals based on the mandate.

Parks Canada as an agency is undergoing some pretty severe budget cuts. In 2014, Parks Canada will have $29-million less than it did in its 2011 budget. Some parks will be open for shorter seasons and more than 600 staff will lose their jobs. Although it has been articulated by Parks Canada staff that PCA budgets increase and decrease in waves through time, depending on political realities, PCA is currently moving through times of economic hardship. These cuts are impacting some services, programs and research. For example, Parks Canada is considering privatizing some its commercial hot pools in Banff, Radium, and Jasper national parks.

There is concern from the Syilx nation that staffing cuts in Parks Canada will impact key positions, such as ecologists that conduct research pertaining to environmental

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monitoring and reclamation. Cuts to PCA ecologists and environmental research may have serious implications to addressing ‘ecological integrity’ and other aspects of the mandate. We must thoroughly explore how current funding availability for NPR’s in Canada will impact an NPR in the SOLS. In promoting Syilx interests through future negotiations, efforts to promote consistent funding for TEK in a new NPR must be clearly identified and defined.

**An International Vision for Protection**

_We were always the caretakers of the land, we never had a border, all of turtle island was taken care of by First Nations – LSIB elders meeting_

It was suggested at the Cultural Visioning workshop that Syilx communities need to pursue a protected area that takes into account bioregional connectivity so that animals can migrate. Geographically confined protected areas are not sufficient in promoting regional protection efforts or in achieving the Syilx vision.

The initial conservation vision in the SOLS included Snowy Mountain and extended beyond current protected areas, encompassing complete drainage basins. Where possible, lines were drawn at ecologically meaningful boundaries, such as watersheds.42 The initial concept recognized that “given this biogeoclimatic complexity, it is unlikely that any one area could be representative of the entire Interior Dry Plateau.”43 A series of conservation targets were created, including species at risk and their habitats, connection of low elevation and high elevation plant communities and habitat to allow for species migration both seasonally and as a response to climate change, and scale large enough to allow for a natural disturbance regime and to facilitate fire management44. Some notable shortfalls of the initial park concept was the lack of large carnivores and the lack of representation of lakes and ponds.45

The current proposed park concept area excludes Snowy Mountain. Although strong opposition from local bands was in part the reason for removing Snowy from the NPR concept area, the Syilx Nation maintains that the current NPR concept area is not sufficient in size to satisfy the protection of important cultural features, the land and the tmixʷ.

The Syilx have a firm obligation to their relatives - all living things - and the land from which they derive. These obligations span beyond the Canada/US border. Choosing PCA as an ally for conservation could be a good starting place, although it is not the solution

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44 Ibid.
45 Ibid.
for all Syilx interests on the land. The idea of an international park that flows seamlessly through the Canada/US border has been brought up by the Syilx community as an important avenue to explore to satisfy regional protection needs. This idea is not new to the Okanagan, as efforts for an international protected area were discussed at PIB in the 1980s.

Although legislation applied to NPRs can only be implemented to lands within Canada, it is our understanding that Parks Canada has tools to collaboratively manage international parks (e.g. Waterton Peace Park). The proposed cooperative management board can also advise on relationship building with neighboring communities within Canada and on the American side with the aim of promoting good neighbor policies and partnerships for establishing habitat corridors and addressing water conservation issues, etc.

It is important to note that although Syilx interests align with the PCA principle of ecological integrity, certain aspects of important cultural features, such as protection of sacred sites, may not align with PCA's visitor experience principle. Addressing these potential issues during the NPR establishment negotiations will be critical to respect and balance Syilx interests and values.

**IV. SUMMARY**

There is general agreement that the SOLS is an area of high ecological significance. The health of the tmixʷ, however, is of deep concern to the Syilx peoples as it impacts the fundamental social, cultural, spiritual and physical well being of our communities. The Syilx agree that protection measures are required and that continued environmental degradation is not an option.

The Syilx vision ensures that cultural values are given priority in a protected area and that Traditional Ecological Knowledge, Syilx laws and cultural teachings are applied to the management of the protected area.

The status quo scenario currently does not allow Syilx cultural and environmental interests to have sufficient resources to even begin achieving our vision or to be engaged in existing provincial protected areas. AN NPR scenario, on the other hand, would promote a practical voice for Syilx communities, enabling TEK to better inform and guide land use decisions and management decisions relating to land users. As a result, the health of the tmixʷ would be placed as a higher priority than the status quo.

Although the NPR Scenario seems positive from an environmental perspective, there are concerns about current staffing cuts within Parks Canada and the implications of these cuts to a future NPR and programs. Consequently, the Syilx must thoroughly explore this potential issue and ensure Syilx interests are clearly identified and defined.
for any future negotiations, including the need for consistent funding for TEK and its application in planning, management and decision-making.

The Syilx notion of protection has greater implications towards how humans should conduct themselves with regards to the entirety of their surrounding environment; whereas, a protected area only focuses on setting regulation for a parcel of land. However, protected areas can act as milestones and a tool for the Syilx to enact their obligation to the tMixʷ.
**Economic Assessment**

As part of our community outreach process, community members clearly articulated the most important aspects of economy should not be measured by monetary values. Important aspects to an economy from a Syilx perspective include access to healthy resources, a strong connection to all living things, title and rights sovereignty, cultural revitalization and community health (spiritual, physical, emotional, and mental). This Economic Assessment section while recognizing the differences between traditional and contemporary economies, applies the Syilx vision and ambition to better understand potential impacts and benefits of the status quo scenario versus an NPR scenario and partnership with Parks Canada.

There are some significant differences between traditional and contemporary (western) economies. Economy from a western perspective generally quantifies resources, goods, and services in monetary terms. Economy from a Syilx perspective encompasses a way of life and a connection with all living things that has the capability to sustain the health of communities and individuals. Contemporarily, Syilx community members engage in economic activity in its pre-European contact sense and its contemporary sense. The pre-European contact economy was based on wealth from the land and measured in many ways including: in health, trade, and community well being; whereas, a contemporary notion of economy is quantified in monetary measurements e.g. Canadian and US dollars. Both of these interpretations of economy are important in understanding the current state of Syilx community economies.

The themes which are described in the Current State of the Syilx Economy section and then analyzed in the Status Quo Scenario and the NPR Scenario are:
- Status of Southern Band Economies
- Economic Activity and Employment

Additionally, the NPR Scenario discusses:
- The Contemporary Economy

1. **Current State of The Syilx Economy**

Historically, the Syilx had a well-established economy. “The abundance of resources meant that surplus items could be exchanged for goods not locally available. Trading activities and seasonal patterns of travel for harvesting produced an extensive trail system throughout the interior plateau and beyond. Many of the roads and highways that exist today were once trading routes, well used trails by Syilx and other neighboring nations.”

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For thousands of years, the Okanagan people were self-reliant and well provided for through their own ingenuity and use of the gifts of the land and nature. We lived united as a Nation with a whole economy, travelling the breadth and depth of our territory, hunting and fishing, growing and harvesting, crafting and trading to meet our needs. Colonization divided us from one another and from our way of life. We were divided from the resources we relied upon, and our self-reliant and self-sufficient economy collapsed.47

As expressed in the Okanagan Nation vision statement, "We aspire to manage our land responsibly and in balance with our economic needs so that both our communities and the land may thrive."

This statement is important as the Syilx Nation strives to recognize apply traditional Syilx governance and a shared responsibility over resources. The nation asserts the right to decide what types of resource development and other initiatives take place in our traditional territory.48

The Okanagan Nation Alliance has stated as part of its business development vision that the Okanagan people are “emerging as a resilient and determined people, working to revitalize our communities.” We strive to restore a high quality of life and self-sufficiency to our communities, keeping in mind, front and foremost the impact of our actions to our young and future generations.

A full time Business Development Unit provides dedicated resources to support capacity-building initiatives through workshops, conferences and collaborative working projects and we are developing socio-economic strategies for developing and growing business enterprises.

Our [Business Development Unit] goal is to maximize our economic development through an emerging model for regional cooperation by enabling a range of businesses to operate under the umbrella of a professional, business-minded, arms-length corporation that effectively manages resources and assets to the benefit of all partners.49

Well over half of the Syilx populations are youth, representing the fastest growing population in the region.50 This presents a significant opportunity to our people as we

47 Okanagan Nation Alliance Business development Unit Website: http://www.okanaganbusiness.com/about.shtml: Accessed on September 22nd, 2012
49 Okanagan Nation Alliance Business development Unit Website: http://www.okanaganbusiness.com/about.shtml: Accessed on September 22nd, 2012
50 Okanagan Nation Alliance Business development Unit Website: http://www.okanaganbusiness.com/about.shtml: Accessed on September 22nd, 2012
strive to develop business opportunities and culture future leaders. As stewards and protectors of the land, opportunities will need to respect traditional values, knowledge and encompass a connection with all living things - to sustain healthy communities and individuals.

**Status of Southern Band Economies**

The Okanagan Nation is comprised of seven communities in Canada and the Colville Confederated Tribes located in Washington State. These communities include the Lower Similkameen Indian Band (LSIB), Upper Similkameen Indian Band (USIB), Osoyoos Indian Band (OIB), Penticton Indian Band (PIB), Westbank First Nation (WFN), Okanagan Indian Band (OKIB), and the Upper Nicola Indian Band (UNIB). Collectively the seven Bands of the Okanagan Nation Alliance are a very significant economic driver in the Okanagan/Similkameen area contributing over $500 million annually to the regional economy and generating over 2,000 fulltime jobs. For the purposes of this study and based on a directive from Chiefs Executive Council of the Okanagan Nation, the research and perspectives in this report are focused on the southern bands located in Canada: LSIB, USIB, OIB, and PIB.

Below is a profile of the Southern band communities to provide a general understanding of land base, membership, business ventures, and field of business for each community. This is not meant to be a comprehensive list of all band businesses or partnerships.

**Penticton Indian Band**

- **Land Base**: 18,700 hectares
- **Membership**: 946


**General Field of Business**: Accommodation, Cultural Tourism, Tourism, Art Galleries, Forestry, Ranching

**Lower Similkameen Indian Band**

- **Land Base**: 15,050 hectares
- **Membership**: 463

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51 Okanagan Nation Alliance Business development Unit Website
53 Okanagan Nation Alliance Business development Unit Website:
54 Nxʷelxʷəltantet
**Some Business Ventures:** Snowy Mountain Tours, Ashnola Campground, Brushy Bottom B&B, Standing Rock Native Art & Gallery, Blind Creek Creations, Deb and Doug Crow custom woodworking, Painted Eagle Gallery and Studio.

**General Field of Business:** Art Galleries, Ranching, Accommodations, Cultural Tourism, Forestry

**Upper Similkameen Indian Band**

**Land Base:** Unavailable

**Membership:** 70

**Some Business Ventures:** Mascot Gold Mine, Snaza’ist Discovery Centre

**General Field of Business:** Cultural Tourism, Tourism, Forestry, Ranching

**Osoyoos Indian Band**

**Land Base:** 13,050 hectares

**Membership:** 466

**Some Business Ventures:** Nk’mip Desert Cultural Centre, Nk’mip Cellars, Nk’Mip Campground and RV Park, Nk’mip Cellars, Nk’mip Gas & Convenience Stores, Sonora Dunes Golf Course, Spirit Ridge Vineyard Resort & Spa, Nk’mip Canyon Desert Golf Course, Oliver Ready Mix, Nk’mip Daycare

**General Field of Business:** Accommodation, Tourism, Cultural Tourism, Agriculture, Ranching

Cultural tourism is a field of business that is common to all southern bands. There is currently some effort to unite the Southern bands in a regional authentic aboriginal tourism strategy that would benefit all bands. A Syilx tourism strategy will be informed by the many artists skilled in cultural art, an emphasis on high-end accommodation and camping facilities, a desire to promote the expansion of cultural tourism centers, some interest in guiding operations, as well as several food, beverage, and tourism based services/activities in existence in the southern band communities.

Other forms of economic development that are common to southern band communities are agricultural, such as ranches, orchards, vineyards, and farms. Forestry based economic activities, such as logging, silviculture, and sawmills are also significant, LSIB has its own forestry company which contributes to the local economy as well as providing employment for LSIB members. Each band also has acted on occasion as contractors to government and proponents to conduct activities such as archeology, project management, forest technician services and liaison services.
Economic Activity and Employment

The proposed concept area is comprised of 1/3 private land (9400 ha), 1/3 multi-use crown land (8100 ha) and 1/3 provincially protected area (9700 ha). Economic opportunities for Syilx people rarely arise on private lands as landowners are not obligated to consult and/or accommodate Syilx interests. Currently, Syilx communities have access to employment opportunities and some economic benefits from the provincial multi-use crown lands, including forestry (logging), mining, agriculture (vineyards, orchards, ranches, farms) and tourism (nature and agriculture based tourism, and aboriginal cultural tourism). Resource extraction and economic activity in provincial protected areas is restricted to ranching and tourism.

The following paragraphs outline the current status and economic benefits from key sectors such as mining, forestry, ranching and tourism.

Mining

Mineral development activities create employment, income and government revenue. If a mine were to be developed, affected Bands may be able to negotiate benefits with the mining proponent, and potentially revenue-sharing agreements with the provincial government (through an economic and community development agreement). It is not possible to predict the potential scope of this value at this time.

Impact benefit agreements from mining proponents have potential to promote economic opportunities and social and financial benefits, including contracts, employment, education, training and business opportunities. Additionally, mining operations can provide indirect jobs to Syilx communities including: environmental monitoring, archaeological and customary cultural heritage work, road construction and maintenance; aggregate supply and hauling, transportation of personnel, domestic waste disposal, domestic cleaning services, and catering for employees.

The proposed NPR concept area has a considerable mining history dating back to the late 1800’s. Figure 5 depicts mineral occurrence within the proposed concept area. Exploration work has targeted metals like gold, silver and copper and also aggregates (gravel). The area is rated as encompassing high mineral potential, however, this does not imply that the mineable deposits are viable or can be developed and extracted economically. Aggregate potential in this area is considered moderate (medium). This may imply that with projected urban growth there may be a related increase in demand for aggregates (gravel) and this may translate into more gravel pits being developed on private lands (pits are least likely to be approved and developed on crown lands).

The exploration and development of minerals resources is currently limited to the multi-use crown land and private land. Mineral exploration and development is not allowed in provincial protected areas (Figure 6).
The number of mineral tenures and land area covered under tenures is continually changing. New tenures are established while existing ones are resized or extinguished. In October 2010, there were 52 mineral claims in good status, two of which were within the provincial protected area and were not yet extinguished or forfeited. Approximately 3,867 ha were under mineral claim at that time, about 14% of the proposed concept area (see Map 2, P48). According to updated 2012 numbers, mineral claims have increased in number and extent. There are also crown grants where subsurface mineral rights were granted almost entirely in the south eastern corner of the NPR concept area. Specific information about mineral claims and crown grants will need to be updated.

Further exploration in the area could result in a significant discovery, however, based on the number of exploration projects in the area, this is deemed unlikely in the short term (there is only one exploration project in the area at this time). The social and economic impact assessment completed by Robinson Consulting (2008) suggests industry activity has been at a relatively low level, particularly when compared to the recent rebound in mineral exploration expenditures across BC.\textsuperscript{60}

In 2007, a Conditional Registration Reserve was established (Figure 7), and applies to those mineral titles issued after the date of the reserve. The reserve informs free miners that register a claim in the reserve area that they “must not obstruct, endanger or interfere with the construction, operation or maintenance of a national park.” The reserve does not prohibit the establishment of new claims. Rather a Conditional Registration Reserve imposes specific conditions on a free miner who acquires mineral claims, placer claims, or both mineral and placer claims on a particular parcel of land. This type of reserve is used to ensure that the acquisition of mineral or placer tenure does not interfere with another use of the land (i.e. NPR). If an NPR is established, mining activity would be precluded.

Figure 5: Mineral Occurrence in National Park Reserve Concept Area
Figure 6: Mineral Tenures (2012) in the National Park Reserve Concept Area
Figure 7: Mineral Reserve over the National Park Reserve Concept Area
Forestry

The Robinson Consulting Social and Economic Impact Assessment estimated that approximately 7000 ha of Crown forests are considered available for industrial forestry practices or part of the timber harvesting land base (THLB). This figure is based on a 2008 park concept and represents over twice the size of the current park concept area. It is estimated that approximately 3900 ha of the THLB exists in the current proposed park concept area. The primary commercial tree species are Douglas fir and Pine.

Most of the forestlands within the proposed concept area have relatively poor productivity ratings and there have been limited incentives to harvest, resulting in low levels of harvesting in the area over the past 15-20 years. In some areas, the cost of building roads and bridges due to terrain features may have contributed to the low harvest levels.

The park concept area currently contains a portion of the Osoyoos Indian Band woodlot 1500. This portion of the woodlot is 252 ha of crown land and is part of the timber harvesting land base. The woodlot, as a whole, is a source of economic benefit and employment to the Osoyoos Indian Band.

Currently, there are only two forest tenures within the proposed park concept area, Gorman Brothers and the Osoyoos Indian Band woodlot. The limited activity within this area, in addition to the fact that no timber harvesting is allowed in provincial protected areas (1/3 of the area), the direct economic significance to the Syilx communities, although seemingly limited, would need further examination by the OIB and other Bands.

Agriculture

Agriculture is an important land use and includes farming (orchards, vineyards and produce farms) and ranching. Currently, there is approx. 3400 ha of land designated under the Agricultural Land Reserve within the proposed park concept area, including 2,213 ha on private lands, 240 ha on multi-use provincial crown lands, and 946 ha in the South Okanagan Grasslands Provincial Protected Area (Figure 8). The large majority of the land within this area has limited agricultural potential beyond forage production for grazing and some hay production in the valley bottoms. Water is a limiting factor for intensive farming throughout most of the area.

Based on the Robinson Consulting report, farming in the South Okanagan accounted for $110 million in spending in 2006. The report also concluded that few productive farming operations within the proposed park concept area existed. Most farm operations were outside of the proposed concept area. Over the past few years, increasing vineyard development has occurred along the eastern edge of the concept area and along the Similkameen Valley.
Figure 8: Agricultural Land Reserve in the National Park Reserve Concept Area
The significance of farming operations to Syilx communities is mostly related to benefits, such as labour. LSIB has recently developed a vineyard which will provide direct economic returns to LSIB.

Ranching differs to intensive farming, as it is a significant land use and contributor to the local agricultural community. Within the proposed concept area, there are 11 ranches and one horse ranch, including one First Nation rancher/landowner. In addition, there are 16 grazing tenures, covering 18,675 ha of provincial crown land and protected areas combined. One of the main tenure holders is First Nations.

Ranching therefore plays a significant role in the culture and economy of the Syilx people and their communities. Currently, only one of the tenures is run and managed by a First Nations family.

**Tourism**

The Thompson Okanagan Tourism Association is beginning to focus on what authentic aboriginal cultural tourism means for the Okanagan, Similkameen, and Thompson Valleys. Parts of the SOLS are already developed as a tourist destination, with a variety of tourism products, such as beaches, wine tours, bird watching, mountain biking, etc. These tourism products are becoming integrated with aboriginal cultural tourism. For example, N'k'mip offers a cultural tourism experience with a renown winery, and access to beaches and local nature walks.

Currently, tourism is focused in the Okanagan Valley in the SOLS. As a result, PIB and OIB have easier access to the tourism market. Whereas LSIB and USIB do not significantly benefit from tourism at this time and would benefit from the development of a tourism strategy (particularly a tourism strategy that integrates the SOLS with authentic aboriginal tourism).

Syilx tourism opportunities could expand with community support, a training program, and access to start-up capital. All of which have little Band resourcing at this time.

**Employment/training/IBA related Opportunities**

Syilx communities currently only have access to employment opportunities and economic benefit from the multi-use crown lands (only 1/3 of the proposed concept area). Private land owners are not obligated to consult and/or accommodate Syilx interests and provincial Protected Areas are understaffed and do not engage in in-depth discussions with Syilx communities.

Current employment opportunities can be found in resource extraction projects, agriculture, and tourism. The majority of these projects are: logging, mining,
agricultural developments/operations (e.g. vineyards, ranches, farms, orchards, and construction opportunities), and tourism (e.g. vineyards, nature based tourism, guiding and outfitting, and few aboriginal cultural tourism opportunities).

Development operations occurring on multi-use crown land require consultation with First Nations communities. To ensure project security, many proponents opt to engage First Nations communities in Impact Benefit Agreements (IBA’s). IBA’s provide assurance that First Nations communities will not halt proponent projects through legal processes. As a result, First Nations communities negotiate benefits including: revenue sharing, participation in the project, contracting opportunities, employment, training, and protection of lands, habitat, or resource values important to the Syilx communities and bands. In recent years, Syilx communities have engaged in several IBA’s with various proponents.

As a summary, development projects within the proposed concept area are not anticipated at a level that would promote significant long-term employment or training opportunities for Syilx communities. There are employment-training services funded by government and industry, such as the Okanagan Training and Development Council (OTDC). These programs will continue to be funded regardless of park establishment.

II. Status Quo Scenario

“This is Okanagan land. Why do we have to negotiate its protection? ”

Economic Activity and Employment

Mining

The proximity of the area to urban centres combined with the local significance of tourism may suggest that large scale mining development may be socially constrained, even in the absence of a proposed NPR.

Current mining operations have little support from Syilx communities. Future mining operations in the SOLS are a deep concern for Syilx community members. This concern provides significant support and a platform for a protected area considered in the SOLS. Syilx elders suggest that mining operations negatively impact many aspects of health to the tmixʷ. Cyanide poisoning of deer liver and negative impacts to water quality and quantity will result in long term impacts to human health. Impact benefit agreements provide little opportunity for Syilx communities to monitor according to Syilx standards since industry standards are informed by provincial legislation. As such, current and future mining

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61 Janes Freedman Kyle Law Corporation, August 20th, 2012
operations in the SOLS pose severe threats to environmental and cultural Syilx values and our people.

**Forestry**

Currently, there are two forest tenures within the proposed park concept area, Gorman Brothers and the Osoyoos Indian Band woodlot. The limited activity within this area, in addition to the fact that no timber harvesting is allowed in provincial protected areas, suggest that the economic benefits of the status quo scenario are largely limited to the OIB woodlot. The woodlot is a source of economic benefit and employment to the Osoyoos Indian Band.

**Agriculture**

Agriculture is an important land use and includes farming (orchards, vineyards and produce farms) and ranching. Under the status quo scenario, ranching and farming would continue. The private land portion over time will change as private lands – ranchlands or portions of ranchers - are sold. As agricultural lands are subdivided and sold for smaller farming operations or converted to other land uses, the landscape will become increasingly fragmented with more infrastructure, roads, power lines, homes. More landowners and more people means more impacts on the landscape. This trajectory shows no signs of stopping under the legislative environment and the lack of recognition of Syilx Title. The Syilx people will continue to be marginalized from the agricultural economy off reserve because of the lack of access to the land base needed to conduct agriculture. Even more concerning is the likely continued negative impact to the traditional economy by a decrease in access to, and the fragmentation of, the tmixw.

Increasing vineyard development has occurred along the eastern edge of the concept area and along the Similkameen Valley and indeed on the LSIB Reserve. Increased investment into vineyard development is possible as is evidenced by the Osoyoos Indian Band’s success in vineyard development. The development of on-reserve vineyards will not be precluded by the Status Quo scenario and the LSIB could be part of an increasing economic driver in the Similkameen Valley. As described above however, off reserve vineyard development will mean decreased biodiversity on the traditional land base and potential lack of access to sites and activities used to fuel the traditional economy.

Ranching does play a significant role in the culture and economy of the Syilx people and their communities. However, currently only one of tenures is run and managed by a First Nations family. In the Status Quo Scenario the ranching tenure will not be impacted.

**Tourism**

Currently LSIB does not greatly benefit from tourism in the area. LSIB operates a campground on the Ashnola at the Pow Wow grounds. The Upper
Similkameen Indian Band (USIB) has the Snaza’ist Discovery Centre and Mascot Mine tour – summer tourism activities. The OIB interests are thriving in Osoyoos and PIB operates, for example the successful Coyote Cruises business. These benefits will be sustained in the Status Quo Scenario but in the absence of a coordinated regional strategy and aboriginal tourism strategy focused on the Similkameen Valley, tourism benefits are likely to remain elusive and slow growing for LSIB and the USIB until more effectively strategies are put in place. Currently in the Similkameen Valley Planning Society is working on a branding and marketing strategy with Thomson Okanagan Tourism Association but without specific funding to develop, with LSIB and USIB, the First Nations component of the strategy. Often time funding is required to develop strategies and bands may not be able to prioritize tourism development at the expense of other needs. OIB and PIB would be able to continue to grow in tourism because of the larger populations basis and the burgeoning wine/winery destination tourism.

**Employment/training/IBA related Opportunities**

Within the proposed concept area, future training opportunities are not projected to be significant. There is potential to leverage training opportunities through impact benefit agreements with a potential mine developing an operation on provincial crown lands, as an example. Syilx communities can provide project certainty for a proponent by engaging in an impact benefit agreement that would include employment preference and training opportunities for Syilx community members to work on the project, as well as opportunities for Syilx community members to be employed in spinoff work and services created by the project, such as catering services.

**III. National Park Reserve Scenario**

NPR establishment in the SOLS would promote a shift away from a resource-based economy towards an economy based on conservation and conservation based activities. Previous studies (e.g., Robinson 2008) have suggested that an NPR in the SOLS will bring a positive economic benefit to the region. The amount of funding available for NPR establishment is unclear at this time, since many factors have yet to be decided. However, examples from National Park (reserves) in BC can help provide an understanding of potential economic impacts and trends if an NPR were to be established.

**The Contemporary Economy**

With the establishment of an NPR, land and natural resource use within the NPR boundaries will change. The resource-based components of the economy: logging, mining, and intensive agriculture would shift to conservation and conservation based

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activities and associated job opportunities. AN NPR and associated activities would focus on conservation, park planning and management, research, learning, tourism, history, local and aboriginal culture. Ranching operations currently operating within the proposed NPR would be able to continue grazing and would be managed over time within the context of an NPR. This type of shift in economy better respects the Syilx vision to showcase Syilx culture while respecting the natural laws and environmental concerns of the SOLS.

The Social and Economic Impact Assessment completed by Robinson Consulting in 2008 generally concluded that a new NPR would have a positive economic impact on local communities, including providing additional jobs directly relating to the NPR, as well as providing indirect future economic development opportunities in adjacent communities. Although the study clearly states that over the long term the net impact on direct employment is positive, it is not overly large. Increases in employment and income for communities may not be large, they are long term and continuous. However, the study also indicated that many of the benefits would be driven by associated community level partnerships.

**Economic Activities and Employment**

*Funding for a National Park Reserve*

To better understand how an NPR in the SOLS would contribute to the local and regional economy, this section outlines findings from the Outspan Group research (April 2011) which examined expenditures and economic impacts of National Parks throughout Canada. Although the figures presented herein for British Columbia are based on seven National Parks that vary in scale and location, they provide a generalized understanding of how National Parks are funded and their potential economic impacts.

In the 2008-2009 fiscal year, Parks Canada spent $50 million in British Columbia on the seven National Parks: Gwaii Hannas, Kootenay, Mount Revelstoke and Glacier, Pacific Rim and Yoho. The estimated amount spent by visitors on goods and services directly relating to these Parks was $345 million, the majority of which was based on overnight stays or people staying more than one night. Further to these figures, it is estimated that the direct economic impact of National Parks in employment is 2800 jobs or full time equivalents (FTEs). Indirectly, the seven National parks contributed to over 1000 jobs or FTEs in BC. 63

The following tables present the economic impact within BC of the seven National Parks and visitor spending, individually and collectively, based on GDP, Employment and Tax revenue.64 To help interpret the numbers, the outspan

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63 From Outspan Group, 2011. Economic Impact of Parks Canada
64 From Outspan Group, 2011. Economic Impact of Parks Canada
results were averaged for the seven National Parks, giving an indication of the average economic impact for the national parks in BC, based on Gwaii Hannas, Kootenay, Mount Revelstoke and Glacier, Pacific Rim and Yoho National Parks.

### Economic Impacts from National Parks Spending in BC 2009

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### Economic Impacts from Visitor Spending in BC 2009

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### Economic Impacts from National Parks & Related Visitor Spending in BC 2009

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<td>Tax Revenue (millions)</td>
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Although these numbers provide insights to past spending and economic impacts from National Parks in BC, future spending and economic impacts from a new NPR in BC is very difficult to assess from these numbers. However, we can conclude that National Parks have had significant impact to regional and local economies in BC. A new NPR would have a positive economic impact on the region, local communities, and would provide additional jobs directly relating to the NPR, as well as providing indirect future economic development opportunities.

Currently, the Parks Canada Agency is facing large budget cuts. In 2014, Parks Canada will receive $29-million less from federal [budgets] than it did last year (2011). Some parks will be open for shorter seasons and more than 600 staff will
lose their jobs. Although it has been articulated by Parks Canada staff that PCA budgets are increased and decreased in waves through time and political realities, PCA is currently moving through more austere times. This is impacting its ability to upkeep the services, programs, research, and staff of its current national park (reserves). Parks Canada is also considering privatizing some of its services such as its hot pools in Banff, Radium, and Jasper National Parks. These current economic and political realities could have an impact on the resources made available for ongoing park management should an NPR be established.

Parks Canada currently manages 44 National Parks, 167 National Historic Sites and four National Marine Conservation Areas with a current annual budget of 800 Million. PCA has 4500 employees, 40 percent of which are seasonal.

A new NPR would be unique in its landscape, environment, political context, and regional characteristics and funding would depend on these characteristics, the local requirements for developing and operating a new NPR (delivering on the Syilx/PCA mandate), and the current fiscal climate.

Employment Opportunities

“What jobs will a park bring?” – PIB Elders Meeting

The establishment of an NPR in the SOLS will contribute to the economy and to the diversity of jobs and employment opportunities available in the South Okanagan-Lower Similkameen.

It is difficult to project the exact amount and types of jobs an NPR would bring. Specific employment roles of an NPR would be informed by a Syilx/PCA management plan. However, the types of employment opportunities resulting from NPR establishment typically include but are not limited to: park wardens, interpreters, historians, archaeologists, conservators, management officers, planners, architects, engineers, general labour, trades people, and office staff. There are also jobs in administration, financial management, information services and personnel services. Most national parks and national historic sites

67 Ibid.
have operational staff such as store clerks, labourers, trades people, equipment operators and general maintenance staff.68

During the establishment phase of an NPR, much work would be required to create the infrastructure necessary for park operation. Based on a 2006 study of economic benefits, we understand that approximately $10 million would be required for the first ten years of establishing an NPR; this figure is highly dependent on the length of time projected for park establishment. This figure contributes to a variety of developments, such as visitor reception center, administration & research buildings, maintenance buildings/work yard, maintenance & research equipment, hiking trails and roads, habitat preservation, and other miscellaneous items.69

Negotiation efforts from the Syilx Nation should emphasize that a portion of the employment associated with these tasks be offered to Syilx members. If desired by Syilx communities, development for facilities such as a visitor reception center, administration and research building, etc. could be developed on reserve in order to benefit Syilx band business through increased traffic and for tax exemption purposes.

An NPR would bring spinoff benefits to Syilx community based business through the promotion of cultural tourism. Spinoff tourism products could include endeavors such native plant nurseries, cultural centers, campgrounds, visitor accommodation facilities, research facilities (e.g. TEK Centre of Excellence), local pow wows, and/or dance and theatre companies.

The Robinson study provides projections for increased average annual employment at approximately 33 jobs directly related to the NPR over a period of 10 years and an additional 9 (+) indirect jobs within local communities. The average annual revenue associated with the operation of an NPR after 10 years is approx. 1.8 million per year, assuming a typical park establishment and development process (based on averages).

The length of full operation season of an NPR in the SOLS would be defined by many factors including: confirmed park boundaries, Syilx/PCA management board, time frame for establishment, recreational and educational opportunities and budget. It is anticipated that an NPR may help to expand the tourism season in the SOLS to better encompass spring and fall as part of the peak business seasons. Again, the level of full time employment versus seasonal would depend on the type of park, the park planning and management requirements and the fiscal realities.

The Syilx have envisioned a protected area that primarily employs Syilx members. There is clear recognition this is an important mid and long-term objective. Further to staffing, the Syilx working group recommends that 50 percent of the procurement agreements (and associated positions) be given to Syilx community members. Currently, only 8% of Parks Canada staff is aboriginal.\(^70\) In Gwaii Haanas approximately 50% of the park employees are of Haida descent, providing an important example to the Syilx nation. Based on the fact that the proposed SOLS NPR is not as remote as Gwaii Haanas, where overall population of the archipelago is divided nearly 50/50 between Haida and settler communities, the SOLS present an opportunity to set a high standard for staffing and procurement.

Further to the need for high representation and participation of the Syilx people in operation an NPR, we recommend that any policies or practices relating to training, education and learning enforce the Syilx vision:

- promoting local employment opportunities for Syilx community members;
- maintaining local Syilx staff; and
- promoting the use and application of TEK and ‘local knowledge’

PCA practices that encourage staff or new employees to acquire experience in a variety of different parks within Canada may need careful re-consideration if our objective is to build and maintain local knowledge, use local talent, and to effectively apply TEK. The working group therefore recommends this be addressed through future negotiations.

The Syilx Working Group has flagged taxation as a potential issue and important point of negotiation prior to the establishment of an NPR. It is anticipated that Syilx community members, and aboriginal staff, would be tax exempt while working within an NPR in the SOLS. This could be made possible through negotiation agreements and/or the creation of a park office or satellite park office on reserve for tax-exempt purposes.

**Employment Training opportunities**

If an NPR were to be established, negotiation efforts should pursue strong training opportunity agreements with parks Canada that enable Syilx members to fill needed Parks Canada and related jobs. Areas in which training opportunities could be negotiated are broad as the operations of an NPR are very diverse. For example, training opportunities could include: post secondary education, training in western science, training in TEK, cultural strengthening, language programs, business skills, tourism related training, management

\(^70\) Alan Latourelle (Chief Executive Officer). "Working Together: Our Stories – Best Practices and Lessons Learned in Aboriginal Engagement" Parks Canada Agency: Aboriginal Affairs Secretariat. 2011
Training etc. To further opportunities for a First Nation person to fill higher level positions in an NPR, the Naats’ihch’oh National Park Reserve (established on August 22 of 2012) included a $50,000 scholarship financed by PCA as a part of their impact benefit agreement.71

Training and community development that accompanies park establishment would assist Syilx communities and individuals prepare to take advantage of new Aboriginal Cultural tourism opportunities. Much like Gwaii Haanas, it is anticipated that Syilx branding of an NPR in the SOLS would focus visitor experience efforts towards a Syilx understanding of landscape. The basis of training and community development will be based on the need of local communities, as well as the direction given from the Syilx/PCA management board to achieve tourism and ‘visitor experience’ goals.

Tourism

*People are interested in eco-tourism; this could be a way to realize that potential – LSIB Community Meeting*

An NPR would strengthen and diversify the current types of tourism in the SOLS. Currently, the SOLS as a region, is promoted by various organizations with a focus on beaches, lakes, agriculture, wine tours, Ski Mountains and festivals. Local culture and nature-based tourism does exist but is not as strongly promoted as the beaches and wine. An NPR would place more emphasis on nature and culture based tourism. This will enhance and diversify the current tourism market in the SOLS. An NPR will also enhance the profile of all nature and culture based tourism products throughout the region.

The theme of ‘authentic aboriginal tourism’ was prominent in Canada’s first National Aboriginal Tourism Conference72 (NATC). Lessons learned from the conference stated that consumers who are interested in aboriginal tourism products strive to experience authentic aboriginal tourism. A protected natural environment, managed in partnership with indigenous people, would contribute to the image of the tourism destination as a backdrop to authentic Aboriginal cultural tourism.

It was also suggested at NATC that the current tourism market is not very strong in consumers who travel specifically for an authentic aboriginal tourism experience. However, tourists that stay in an area for longer periods of time, tend to participate in cultural tourism if the opportunities are available. An NPR would help promote awareness of authentic aboriginal tourism by showcasing

72 Thomposon Okanagan Tourism Association: National Tourism Conference March 28th-30th at Spirit Ridge in Osoyoos BC.
Syilx cultural and its tourism product locally, regionally, nationally and internationally.

An NPR in the SOLS would have strong Syilx branding, much like Gwaii Haanas has strong Haida branding. Branding of the NPR image and marketing would help attract target markets, and prepare visitors for a respectful experience with the local culture and natural environment. Travelers interested in ‘learning and discovery’ and ‘adventure’ are markets that tend to be most interested in aboriginal tourism, and are also expected to be the markets most interested in the proposed SOLS NPR. Thus, it is anticipated that an NPR would significantly promote an interest in Syilx cultural tourism.

With increased interest in cultural tourism in the Okanagan, more opportunities will emerge for Syilx community members to engage in a livelihood based on cultural knowledge and education. This will inspire cultural strengthening as community members are given more opportunities to work and learn more about Syilx culture through employment in Syilx cultural tourism. This would benefit Syilx communities both economically and socially. For example, a cultural center like N'kmip inspires Syilx community members (including Syilx youth) to engage in practicing and learning about their culture in a way that promotes economic self-sufficiency.73

An interest in cultural tourism will likely benefit other Syilx owned businesses on and off reserve. Mel Wooley suggested in his Economic Benefits Study (2006), there are many facets of culture-based tourism. They include accommodation, transportation, food and beverage, recreation and entertainment and retail.74 Syilx community and individual businesses could benefit from an increase in tourism in these sectors, especially with a heightened increase for authentic aboriginal tourism. For example, Syilx community members could start businesses based on cultural accommodation, food, beverage, entertainment, and retail within the region of the NPR in order to benefit from consumer spending in all aspects of their stay. Band businesses like N'kmip are already established to benefit from these tourism sectors and would undoubtedly benefit from the establishment of an NPR. An NPR would unite the Tourism Businesses in the southern Okanagan/Similkameen Valleys into a Tourism Destination which includes the four First Nation communities – USIB, LSIB, OIB, and PIB.

The following chart summarizes the visitor expenditure data used in the Parks Canada economic impact model for British Columbia. This chart shows per person/per day expenditures in 2001 for six spending categories and four visitor categories.

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73 Charlotte Stringam, Personal Interview, 2012
<table>
<thead>
<tr>
<th>Spending Category</th>
<th>Canada Same Day</th>
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<td>Retail and Other</td>
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<td>$7</td>
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Note: All figures rounded to the nearest $1.00

In simple terms, accommodation, food and beverage are the highest expenditures. Overnight stays are the highest contributor to this category with USA and Overseas overnight stays being the most significant spenders.

An increase in tourism and tourism spending would require an increase in services such as accommodation, food and beverage, etc. Syilx communities have an opportunity to building a Syilx / authentic cultural tourism product and to fill some of the required tourism services.

*Ecotourism can benefit us in teaching youth about our culture – LSIB Community meeting*

**Tourism Industry Growth**

The Thompson Okanagan Tourism Association (TOTA) has described the SOLS NPR initiative as a ‘flagship’ project in their regional strategy. The strategy aims to increase the brand of the SOLS, diversify the tourism experience and market, as well as lengthen the peak season for tourism in the Thompson-Okanagan. An NPR would help achieve these goals by providing a high profile tourism outlet that helps diversity the market and length of peak season while helping brand the SOLS as having a strong and distinguished First Nations culture. TOTA would be in support of the NPR and would assist in solicitation of new businesses and would support marketing opportunities for the southern region.

AN NPR generally promotes a family-oriented tourism market. According to Robinson Consulting, an NPR would incrementally increase tourist visitation up to 6500 tourists per year following a decade of park development or a regional increase of 1 to 2 %.

A majority of this tourism base would be family oriented.

A proposed NPR bordering the Okanagan and Similkameen valleys would help to unite the two valleys as a destination for tourism. As a result, the profile of the Similkameen valley would be enhanced. Opportunities for LSIB and USIB to

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75 Ibid.
engage in nature and culture based tourism in the Similkameen would emerge while opportunities for OIB and PIB in the already established tourism destination of the Okanagan would strengthen.

In becoming a Tourism Destination five already established First Nation Business would grow. The Nk’MIP RV Park, the Nk’MIP Cellars winery, the Nk’Mip Desert Cultural Centre, the Ashnola Campground and the Mascot Mines project.

Development of other First Nations businesses would come from having an NPR – by tapping into visitors’ experiences that are compatible with visitors learning about the sensitive ecosystems of the area and giving the visitor an aboriginal traditional experience at the same time through viewing, hiking, star-gazing and nature studies.

All Southern Bands have articulated a worry about the environmental and cultural impacts of heightened tourism in the areas of N’klpulaxw, Txaqsìn and Ackspuqmix. The concept area encompasses many Syilx fasting areas. As fasting requires great solitude, an increase in tourism has potential to negatively impact Syilx fasting areas. Discussions will need to be held between the Syilx and PCA to address tourism placement and restriction. The Haida manage their areas of special cultural significance through a program called ‘The Watchmen Program’. The program requires tourists seeking to experience these areas to be accompanied by Haida ‘Watchmen’ who both culturally interpret and assure that the sites integrity is protected through respect. This provides protection for areas of special significant as well as providing an important employment opportunity that works towards the strengthening of Haida culture by linking elders to youth on the land.

Tourism within a proposed NPR would need to be carefully managed based on a Syilx/PCA management plan. Issues such as hunting, and fasting areas will need to be appropriately addressed with caution and clarity through a negotiation phase.

IV. SUMMARY

The most important aspects of economy should not be measured by monetary values... This includes access to healthy resources, a strong connection to all living things, title and rights sovereignty, cultural revitalization and community health.... spiritual, physical, emotional, and mental.”

Syilx community members stated that the most important aspects of economy should not be measured by monetary values, but by how we maintain access to our land and access to healthy resources, how we can maintain a connection to all living things, maintain healthy communities, and how we can ensure title and rights sovereignty.
Based on these values, the economic analysis has determined that the NPR scenario better positions and enables the Syilx Nation to work towards a Syilx vision.

Under the status quo scenario, development projects are not anticipated to promote significant long-term employment or training opportunities for Syilx communities. Employment training services will continue to be funded by government and industry, such as the Okanagan Training and Development Council (OTDC).

It is anticipated that an NPR will bring both direct and indirect jobs to the region through a promotion of tourism and conservation based activities. There will specifically be a benefit in indirect spinoff job opportunities for Syilx communities from the promotion of a Syilx or Okanagan branded park.

Despite the perceived benefits of the NPR, Syilx communities will need to address key issues through negotiation, such as taxation, procurement, union barriers, training opportunities, and impacts to hunting and fasting grounds from increase in tourism.

**CONCLUSION**

The SCEEIA has looked at many themes that comprise the Syilx interests within the categories of socio-cultural sustainability, the environment and the economy. The SWG has concluded that establishment of an NPR will do more to advance the Syilx Vision for Protected Areas than maintaining the Status Quo i.e., not working with the PCA.

The SWG group acknowledges the limitations of the study in its focus on three alternatives and two scenarios. The Syilx Vision alternative was to always keep the goal focused on how the impacts or benefits of the two scenarios would impact the achievability of the vision. The NPR and the Status Quo Scenarios were chosen by the working group as realistic scenarios. SWG was limited in its funding and time and as required by the PCA Contribution Agreement had to choose one scenario which included the consideration of an NPR. The SWG group understands that there may be other options for achieving the Syilx Vision for Protected Areas (see Final Report Appendix 7 for a preliminary exploration of options), however the group concluded that at this time, the most likely short term non NPR option was the continuation of the daily situations that face the Okanagan Nation Alliance, its member bands and its people, the Status Quo Scenario. An analysis which fully explored other scenarios, e.g., effective referrals response, for achieving land protection goals would have required more resources than was available for this project. Since this SCEEIA looked at these two scenarios in depth, it makes conclusions based on their impacts and benefits, other possible mechanisms for land protection may be possible and this report makes no conclusions regarding the viability of options not discussed.
Appendix 7: Alternative Options for Protection

A goal of the Syilx Working Group in the Terms of Reference was to assess “all available options for a protected area within the Syilx territory (e.g. UN Declaration, provincial protected area, etc.)”

Although alternative potions for protection were not assessed to the full desired scope of the SWG, they were researched and discussed to inform the overall understanding of feasibility relating to the proposed NPR. This was a recurrent theme in community outreach as many Syilx community members wished to know more what options existed to protect their territory. In delivering on the goal of the SWG, and responding to community request, the following appendix contains a protected area matrix, as well as, an informational letter from a carbon credit company from Vancouver, British Columbia. The protected area matrix summarizes the beginnings of analysis relating to alternative options for protected areas. The letter is from the Carbon Credit Corporation, one of the leading companies working with First Nations in BC to establish carbon credit projects.

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8 South Okanagan Bands Parks Working Group DRAFT Terms of Reference, December, 2010
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<tr>
<td><strong>Biosphere Reserve</strong></td>
<td>A biosphere reserve designation signals international recognition that meaningful actions, with measurable outcomes, are being taken to balance conservation initiatives with sustainable development. The concept of the biosphere reserve originated from a Task Force of the United Nations Educational, Scientific and Cultural Organization (UNESCO) Man in the Biosphere Program (MAB).</td>
<td>Biosphere reserves in Canada, and those the world over, play the role of convener – bringing environmentalists, outdoor enthusiasts, business people, councillors, policy-makers and landowners together in a neutral setting that facilitates discussion and cultivates meaningful partnerships that will advance a common agenda. As influential allies rather than authoritative bodies, reserves guide stakeholders in finding common ground, setting priorities, coordinating their efforts and ensuring the longevity of their community within the landscape of the biosphere.</td>
<td>Biosphere reserves do not take positions on regulatory matters dealt with by local authorities, and they do not have legal authority over what people can and cannot do within an area. They do not (and cannot) intrude on property rights, Aboriginal rights, jurisdictional and administrative authorities, or on the responsibilities of elected bodies.</td>
<td>The designation provides a powerful mechanism that ensures the adoption of long-term stewardship practices and lasting environmental protection in the area.</td>
<td><a href="http://www.biospherecanada.ca/">http://www.biospherecanada.ca/</a></td>
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### GROUP COMMENTS:

- What constitutes land set aside for conservation? How formal? Can it work for a First Nations individually?
- Does any $ come with it? How much? Grant?
- How would this work with PCA?
- Is it reflective of current case law?
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<th>PARK MODEL</th>
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<td>Australian National Parks (Select)</td>
<td>The Australian Government and Indigenous people are working together to advance the environmentally sustainable management and development of land. Indigenous land ownership and control has increased as the result of various government initiatives since the 1970s, including the legislative return of land and the purchase of land with dedicated government funds. Indigenous people currently own or control approximately 15 per cent of land in Australia.</td>
<td>Indigenous landholders are contributing their land and land management expertise to conserve Australia’s biodiversity. Indigenous Protected Areas consist of Indigenous-owned land that is managed to protect its natural and associated cultural values. Joint management of national parks has delivered social, cultural and economic benefits to the Indigenous communities involved. Combining the skills of the joint management partners provides optimal environmental results in areas such as weed management, feral animal eradication and fire regimes. In addition, the experience and understanding of the natural and cultural values of national parks and Indigenous Protected Areas are enhanced for visitors.</td>
<td>Under a system of joint management of national parks, title to Indigenous land is granted to its traditional owners, who in turn lease back that land to the Australian Government for management as a national park. The traditional owners are paid rent and other fees in recognition of the land’s use for conservation purposes and public benefit.</td>
<td>The lease agreements require the Director of National Parks to take all practicable steps to promote Indigenous management and control of national parks. As such, traditional owners form the majority on boards of management for each park. The leases also allow for the continuing traditional hunting practices by traditional owners and oblige the Australian Government to provide employment and other economic opportunities within the parks.</td>
<td><a href="http://www.environment.gov.au/parks/kakadu/management/joint-management.html">http://www.environment.gov.au/parks/kakadu/management/joint-management.html</a> <a href="http://www.environment.gov.au/parks/kakadu/management/lease.html">http://www.environment.gov.au/parks/kakadu/management/lease.html</a> GOOGLE SEARCH: Indigenous Australians: Natural Resource Management</td>
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economic outcomes and, in some cases, have brought Indigenous and non-Indigenous community groups together on larger regional projects.

**COMMENTS:**
- Term of lease? How long? How much?
- Other models like this? NZ?
- What about Minister? How is s/he accountable for $ spent?
- Who invests in the park? Aboriginals or the Government? Revenue Sharing Model?

### PARK MODEL

**SUMMARY**

National Parks are a nation wide system of representative natural areas of Canadian significance. By law, they are protected for public understanding, appreciation and enjoyment, while being maintained in an unimpaired state for future generations.

**BENEFITS**
- Parks Canada Agency Act
- National Marine Conservation Areas Act
- Canada National Parks Act
- Department of Canadian Heritage Act
- Department of Transport Act (Historic Canals)
- Dominion Water Power Act
- Heritage Railway Stations Protection Act
- Historic Sites and Monuments Act
- Species at Risk Act
- + Regulations

**GOVERNANCE**

Different forms of management, including cooperative management with Aboriginal groups. Most parks and sites already have some form of cooperative structure that guides their working relationship with Aboriginal partners. For example, some parks have Memorandum of Understanding, Good Spirit Agreements or Terms of Reference in which they agree to work together. Others have formed coalitions or cultural advisory committees with Aboriginal partners that have an interest in the park. Still others, who have signed land claim agreements, work under formal cooperative management board structures. Regardless of an agreement’s legal status, there is no co-jurisdiction in the management of a national park.

**MANAGEMENT**

www.pg.gc.ca

### CANADIAN MODELS

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<th>National Park</th>
<th><strong>SUMMARY</strong></th>
<th><strong>BENEFITS</strong></th>
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| National Parks protect and present outstanding representative examples of natural landscapes and natural phenomena. Parks Canada is responsible for both protecting the ecosystems of these magnificent natural areas and managing them for visitors to understand, appreciate, and enjoy in a way that doesn’t compromise their integrity. | - Parks Canada Agency Act
- National Marine Conservation Areas Act
- Canada National Parks Act
- Department of Canadian Heritage Act
- Department of Transport Act (Historic Canals)
- Dominion Water Power Act
- Heritage Railway Stations Protection Act
- Historic Sites and Monuments Act
- Species at Risk Act
- + Regulations | Different forms of management, including cooperative management with Aboriginal groups. Most parks and sites already have some form of cooperative structure that guides their working relationship with Aboriginal partners. For example, some parks have Memorandum of Understanding, Good Spirit Agreements or Terms of Reference in which they agree to work together. Others have formed coalitions or cultural advisory committees with Aboriginal partners that have an interest in the park. Still others, who have signed land claim agreements, work under formal cooperative management board structures. Regardless of an agreement’s legal status, there is no co-jurisdiction in the management of a national park. | www.pg.gc.ca |

### GROUP COMMENTS:
- Dual non-fettering clause – stated or implied?
- How long did it take to build the relationship and process that resulted in GH management?
- Syilx law recognized in the process?
- Haida laws recognized?
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<td>Tribal Park</td>
<td>A tribal park integrates human activities while caring for the ecosystem at the same time – resulting in superior ecological integrity of the whole landscape. To be successful, tribal parks will need to manage existing land uses and interests, and provide a comprehensive vision for present and future generations.</td>
<td>To pursue tribal parks actively today means that we must look to uses which avoid harming and instead benefit the land and water. For example, clear-cut logging and industrial mining would be prohibited, while low-impact eco-tourism, habitat restoration, and carefully-controlled run-of-river energy generation would be allowed.</td>
<td>Governance of Tribal Parks falls under an administrative organization, whom develop the required governance tools to operate Tribal Parks, including, for example, a watershed management plan and a community development plan; and, business partnership opportunities that promote sustainable livelihoods.</td>
<td>Tribal park administrative organization.</td>
<td><a href="http://www.tribalparks.ca/">http://www.tribalparks.ca/</a></td>
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**COMMENTS:**
- What does it mean?
- Funding?
- Indigenous Land Trust?
- Enforcement – is this just within own communities or are the external implications? (prov/muni)

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| Provincial Park and Protected Areas | BC protects land under different designations of provincial parks, as well as protected areas. Class A park is Crown land designated under the Park Act or by the Protected Areas of British Columbia Act whose management and development is constrained by the Park Act. Class B Park is Crown land designated under the Park Act whose management and development is constrained by the Act. They differ from Class A parks only with respect to the “test” that must be met in order to issue a park use permit. The requirements for the management of Class C parks with respect to restricting the alienation of interests and protecting natural resources is identical to those for Class A parks. | Amendments to the Park Act provide increased flexibility in accommodating uses in Class A parks by allowing for the continuation of grazing, hay cutting and other uses (except commercial logging, mining or hydro electric development) that existed at the time the park was established. Class B parks may permit a broader range of activities and uses provided that such uses are not detrimental to the recreational values of the park. | - Protected Areas of British Columbia Act  
- Park Act and Park, Conservancy and Recreation Area Regulations  
- Ecological Reserve Act  
- Drinking Water Protected Act and Drinking Water Protection Regulations  
- Bill 15 - Miscellaneous Statutes Amendment Act, 2006 (See section 31, Protected Areas of British Columbia Act)  
- Bill 28 - Park (Conservancy Enabling) Amendment Act, 2006 | Class A and B parks are managed by the BC Parks under the Provincial government. A Class C park must be managed by a local board appointed by the minister. | http://www.env.gov.bc.ca/bcparks/conservation.html |
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<td><strong>Say Nuth Khaw Yum/Indian Arm</strong></td>
<td>Management Agreement was signed between the Tsleil-Waututh Nation and the Province of British Columbia on January 16, 1998. The agreement was based on our shared interests in protecting the cultural and natural resources of this important area, and established a Park Management Board with equal representation from the Tsleil-Waututh Nation and the Province. The Board is supported by a Joint Technical Committee consisting of staff from the Tsleil-Waututh Nation and the Province. The park was renamed “Say Nuth Khaw Yum/Indian Arm Provincial Park”.</td>
<td>Say Nuth Khaw Yum Heritage Park / Indian Arm Provincial Park is managed collaboratively by the Tsleil-Waututh Nation and the Province of British Columbia. A management agreement was signed in 1998 between the two parties and established a Park Management Board that oversees any issues related to the management, conservation, recreational and cultural heritage objectives for the area.</td>
<td>We are active participants in the decision-making of all aspects of planning, management, maintenance and operations. The objectives and principles set out in the agreement were used to guide the development of Say Nuth Khaw Yum/Indian Arm Park Plan</td>
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<td><strong>Conservancy</strong></td>
<td>Conservancies are set aside for the protection and maintenance of their biological diversity and natural environments, the preservation and maintenance of social, ceremonial and cultural uses of first nations, the protection and maintenance of their recreational values; and to ensure that development or use of their natural resources occurs in a sustainable manner.</td>
<td>• The new conservancy designation explicitly recognizes the importance of these areas to First Nations for social, ceremonial and cultural uses; • Commercial logging, mining and -hydroelectric power generation, other than local run-of-the-river projects, are prohibited in a conservancy; and • Conservancies provide for a wider range of low impact, compatible economic opportunities than a Class A park. These economic opportunities must still not restrict, prevent or hinder the conservancy from meeting its intended purpose with respect to maintaining biological</td>
<td>A conservancy is Crown land, designated under the Park Act or by the Protected Areas of British Columbia Act, whose management and development is constrained by the Park Act.</td>
<td>Conservancies are managed by the Provincial government.</td>
<td><a href="http://www.env.gov.bc.ca/bcparks/conservation.html">http://www.env.gov.bc.ca/bcparks/conservation.html</a></td>
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<td>Ecological Reserves</td>
<td>Ecological reserves are areas of Crown land selected to preserve representative and special natural ecosystems, plant and animal species, features and phenomena. Scientific research and educational purposes are the principal uses of ecological reserves.</td>
<td>Ecological reserves are established for the maintenance of biological diversity. They assist in developing and promoting an environmental consciousness and provide outdoor laboratories and classrooms for studies concerned with the natural environment. Ecological reserves are benchmarks against which environmental changes can be measured.</td>
<td>Ecological Reserves Act (Prov.) The legislation guiding the program is very restrictive and all extractive activities are prohibited. As such, ecological reserves are considered to be the areas most highly protected and least subject to human influence.</td>
<td>Ministry of Environment is responsible for the management and protection of ecological reserves. Plans are developed to provide the protection and management to ensure long-term maintenance of the ecological reserve values.</td>
<td><a href="http://www.env.gov.bc.ca/bcparks/conservation.html">http://www.env.gov.bc.ca/bcparks/conservation.html</a></td>
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<td>Conservation Lands Program</td>
<td>The primary purpose of the Conservation Lands Program is to conserve and manage critical habitat for the benefit of regionally, nationally and internationally significant fish and wildlife species. Principal objectives of the Conservation Lands Program include conserving or managing habitat with regard for: sensitive, vulnerable, or at-risk species; critical species' life-cycle phases such as spawning, rearing, nesting, or winter feeding; important species migration routes or other movement corridors; areas of very high species productivity or diversity.</td>
<td>The lack of specific restrictions with respect to resource use in a conservation land can provide important management flexibility on sites where the interests of other parties may make the stricter use limitations associated with parks and protected areas unnecessary or inappropriate. So, while the priority of the program is to maintain or manage species and their habitats, other compatible resource uses may sometimes be accommodated, such as agriculture, grazing, forestry, mining and utility right of ways. The activities that may or may not occur within a specific conservation land are not dictated by legislation, but instead depend primarily upon the specific management objectives identified and agreed upon for each site. These management objectives may be outlined within an applicable legal agreement (e.g. a lease), in a strategic planning document (e.g. a Land and Resource Management Plan), or within a management plan typically developed in consultation with First Nations, partners, stakeholders, and the public.</td>
<td>In practice, the management of conservation lands relies less on specific legislative tools than on stakeholder consultations, partnerships with external agencies, and working agreements to facilitate habitat-sensitive resource use. For these reasons, one-on-one partnerships and multi-partner arrangements with non-governmental organizations, various levels of government, industry, and others involved in land acquisition and habitat protection play a central role in the Conservation Lands Program.</td>
<td><a href="http://www.env.gov.bc.ca/bcparks/conservation.html">http://www.env.gov.bc.ca/bcparks/conservation.html</a></td>
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Carbon Credit Corporation (CCC) Project Information Letter

CCC is working with several First Nations in leading the development of the Great Bear Forest Carbon Project on the North and Central Coast and Haida Gwaii. The Nations we are working with are part of an umbrella group called the Great Bear Initiative Society, which enables the individual First Nations to discuss and engage in matters that are relevant for a larger region within the Great Bear Rainforest.

In order for an area to be eligible for a carbon project, the forest that presently exists must be under threat of removal by some force, whether it be logging, development, etc. The Great Bear Forest Carbon Project is what's called an Improved Forest Management carbon project, in that the project results increase carbon storage as result of changes in forest management within the region. Areas previously available to logging and that were actively being logged, were put into protection. These changes have been enacted as the result of negotiation in order to ensure that biological and ecological integrity of this rainforest system is retained under the new harvest management regime. This caused a reduction in harvesting within the area, generating the carbon credits.

The unique aspect of these projects is in precedent-setting agreements that have resulted in a benefit sharing arrangement between the Government of BC and the First Nations. CCC provided guidance to the development of these Reconciliation Protocols and the revenue sharing agreements with the Province of BC, allowing for the benefits from the carbon credits sale to be distributed between the two parties. We have been working with the Coastal First Nations throughout the project development, as well as managing the validation and verification processes for them. Revenue from the Forest Carbon Project will go into monitoring, maintaining the ecosystem and will be shared by the First Nations groups and the BC Government.

CCC is also working in depth with the involved indigenous communities in regards to formal policy engagement, as well as more informal consultation and training in order to facilitate their understanding and involvement in the project going forward.

We would love the chance to work with you and your Nation to explore the potential opportunity of a project within your area. The first step would be for us to put together a high-level feasibility assessment. This assessment would fully review the criteria, complexities, risks and opportunities involved in the development of real and marketable carbon credits, as well as provide the most feasible scenario to develop a forest carbon project. The study will provide critical information to determine if your Nation wishes to proceed with the full development of a forest carbon project.
Every forest carbon project is different and depends on the past, current and planned forest management practices within the project area. However, in general the feasibility assessment would review the following:

· **Eligibility**
  o Carbon projects can be developed to a number of different existing project standards. Each standard has eligibility requirements, which must be addressed in order to develop a project. Eligibility requirements typically focus on land use history, forest type and other factors.

· **Additionality**
  o Carbon projects require a project activity that can be demonstrated to be “additional”, meaning the carbon sequestration that occurs, would not have occurred if the carbon project was not implemented.

  o For example, a project activity could be the creation of a protected area, preventing planned logging from taking place. Without the project activity, the forest would be cut down. Therefore the continued storage of carbon in that forest is “additional”.

· **Baseline**
  o In order to determine how much carbon a project is sequestering, a “baseline” scenario is developed, which represents what would have most likely occurred if the project did not take place. Baselines are developed from past management practices.

· **Project scenario**
  o The project scenario represents what will occur as a result of the project activity.

· **Risk assessment**
  o Projects are assessed for potential risk that could result in stored carbon being inadvertently released. Potential risks include natural risks such as fires, insects, wind, etc. as well as human-caused risks such as illegal logging.
Appendix 8: Detailed Methodology

The overall work plan and methodology for the Syilx feasibility assessment was designed by Lower Similkameen Indian Band to achieve an inclusive and thorough process of research, analysis, community engagement, and leadership involvement. As much as possible, the study built upon research and understandings from the earlier Syilx process (2004-08), and Parks Canada’s work since 2004. The process was intended to lead to a conclusion regarding the feasibility of a national park reserve that could be established through a Syilx/Parks Canada partnership.

The work plan was the basis for two contribution agreements with Parks Canada—one with LSIB and with OIB. Project management, work plan, and financial responsibilities were shared between the two bands.

1. Southern Band Working Group

A key feature of the process was the engagement of representatives of each of the four Southern Bands, and the Okanagan Nation Alliance in the Syilx Working Group. The working group also included regular participation of representatives of Parks Canada, and technical staff. Elder advisors from each of the Bands were also appointed to the process. A Terms of Reference was developed to clarify the roles and responsibilities of the Syilx Working Group.

“The purpose of the South Okanagan Bands Parks Working Group is to support a collaborative and community based process to build a Syilx vision and concept for the protection of our tmxulaxw and tmixw. We will work together with Parks Canada to advise and provide information to our members and leadership.”

The goals of the working group were described as follows:
1. We will oversee the process to protect the title and rights and of the Syilx nation (s.35).
2. We will assess all available options for a protected area within the Syilx territory (e.g. UN Declaration, provincial protected area, etc.)
3. We will collaborate with Parks Canada to seek legislative clarity re: future options under the Canada National Parks Act.
4. We will seek certainty in decision-making (at all levels).
5. We will seek a strategy of engagement with Parks Canada and British Columbia to facilitate discussions that would address underlying title and rights issues of the Okanagan.

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9 At the December 2010 special meeting between Parks Canada and the Southern Chiefs, the Chiefs determined that LSIB and OIB would lead the Syilx feasibility assessment process through contribution agreements with Parks Canada.
10 South Okanagan Bands Parks Working Group DRAFT Terms of Reference, December, 2010) was shortened to the Syilx Working Group.
11 Ibid.
6. We will explore opportunities for collaboration around a protected area that would fulfill the vision of both the Syilx Nation and Parks Canada.

7. We will ensure inclusion of Okanagan Nation Law, Knowledge, and protocol in the process.

From Working Group Terms of Reference

The work plan and process was presented to the CEC on March 31, 2011, and received endorsement by TCR. An overview of the work plan and process is illustrated following. This report represents the last stage in the process leading to decisions regarding whether a national park reserve is feasible from a Syilx perspective, and whether the Okanagan Nation should proceed to the next phase of study and discussions.

The working group met between January 2011 to November 2012 in a structured process to share information and updates, guide the process, and implement the work plan. Working group members provided frequent updates to Chief and Council of the Southern Bands, and regular progress reports to CEC. Displays and information booths were hosted at the ONA Annual General Assembly in 2011 and 2012.

2. Community Outreach
Community engagement was a critical element of the process as the Working Group sought the knowledge, perspectives and vision of elders and community members. In the early stages of the process, community meetings often focused on issues of the past, asking why the national park reserve idea was being pursued again. A lot of time was spent explaining what has changed and the new study approach that had been endorsed by the Chiefs.
a. Cultural Visioning Workshop

In the fall of 2011, a 2-day Cultural Visioning workshop was held at Spirit Ridge. The workshop was attended by about 34 participants (traditional knowledge keepers, Chief and council representatives, working group members, elders, and Parks Canada employees) and was facilitated by Jeanette Armstrong and Lauren Terbasket of the Enowkin Centre. The purpose of the workshop was:

“To begin discussion about how participant see the South Okanagan Bands (Syilx peoples) meeting their obligation as caretakers of our lands, water, plants, animals medicines and foods. What is the Cultural Vision for the Syilx People in the protection of those listed above. These might include:

- Determine what vision we have for meeting our obligation to the Four Food Chiefs.
- What areas should be protected?
- Record elder and knowledge keeper cultural input (Stories, cultural landscapes for protected areas, laws determined through the language, captikwl landmarks);
- Define cultural values for protection.”

From invitation to Cultural Visioning Workshop

Input from the Cultural Visioning workshop has been used extensively in the feasibility study process, and in the development of a Syilx vision for a protected area.

This workshop was intended to lead to a future workshop on environmental ethics to:

- Pick out laws from our language, culture, and stories of requirements for environmental management
- Take laws, principles and cultural values recorded from the cultural visioning workshop
- Take language, culture, and stories and create a framework for a Syilx Environmental Ethic that will assist in future discussions around environmental management. E.g. how do cultural processes relate to ecological integrity?

b. Title and Rights

Another important workshop focused on the technical and legal aspects of title and rights and potential implications of establishment of a national park reserve.

Preparation for this workshop included development of a draft background paper by Linda VandenBerg (LSIB consultant) on the historical context (e.g. Royal Proclamation, BC Terms of Union, Section 35, etc.), a paper on national park reserves by Daphne Porter (Dept. of Justice), and a focused legal opinion from Robert Janes LLB JFK Law Corporation.
Technical experts, Working Group members and elders attended this 2-day workshop in May 2012. The approach and results of this research and workshop is detailed in a separate document.

c. Working Group Community Presentations

In May and June of 2012, community outreach meetings (including youth and elder meetings) were held for each of the four Southern Bands, providing a consistent presentation, and opportunity for questions and feedback. A newsletter was also distributed, including a form to provide feedback. The spring Working Group ‘road show’ focused on key messages:

- What is a feasibility study; where does it lead to?; what is the point of final decision-making (or the point of ‘no-return’) in a process of negotiations with Park Canada?
- Why are we in this study?
- The Syilx perspective (“the land is ours”) and Crown perspective (Provincial, Federal, fee-simple land with unresolved title and rights) on title
- What is a national park reserve?
- The concept of working together (Syilx/Parks Canada) to protect the land
- Some implications of the change from ‘Status Quo’ to Syilx/Parks Canada National Park Reserve.

A final round of community meetings was held in October, 2012 to present the findings of the Syilx feasibility assessment, and gather community feedback.

3. Research and Information Gathering

The Syilx feasibility assessment has involved extensive information gathering and synthesis from a variety of sources. Working Group meetings provided an opportunity to help Parks Canada learn more about the Syilx people and culture, and to learn more about national park (reserves) and Parks Canada.

In September 2012, representatives of OIB, LSIB and Parks Canada visited Haida Gwaii and the office of Gwaii Haanas to learn more about the Haida Heritage Site/National Park Reserve, and the relationship between Parks Canada and the Haida. A booklet was prepared to consolidate the Lessons Learned, and was distributed at the Chief and Council Quarterly meeting in November 2011, and at community meetings. The Gwaii Haanas protected area model has provided a useful reference, although recognizing that any future Okanagan model would be developed locally to reflect the unique local environment and people.

Some of the work involved research and information gathering from elders, community members, staff, and archived sources. This includes research on place names, captikwl, smaymay, protocols, and socio-economic baseline information. To record some of the important cultural features, two videos were developed – one narrated by Richard Armstrong, and another by elders in the Similkameen.
4. Development of a Syilx Vision for a Syilx/Parks Canada Protected Area

A strategic element of the work plan was the initiation of a Syilx vision for a protected area that could be established by working with Parks Canada. Similar to the approach used by Parks Canada, where a draft park concept formed the basis for a socio-economic assessment and public engagement, the Syilx approach involved preliminary work towards a vision.

As much as possible, Parks Canada and the Working Group sought to build a vision and concept that were mutually compatible, recognizing that the feasibility process was not ‘negotiations’. For example, there was agreement that the conceptual area for initial protection would be the same as Parks Canada’s 2010 concept area. (Although it was apparent that Syilx communities felt that additional areas should be protected, the area around Txasqin Nkl’pula?xw, Akspaqmix, Chopak (Kobau, Kilpoola, Chopaka, Vaseux Lake) would be a place to start.

5. Socio-Economic Assessment

In 2007-08 Parks Canada commissioned a detailed socio-economic assessment of regional implications to economy and land use, communities and lifestyle. The assessment was based on the larger park concept area under consideration at the time, and did not include the unique perspectives of the indigenous peoples. The socio-economic assessment undertaken as part of the Syilx study was intended to build on, and address any gaps from the Parks Canada assessment.

Early in the study, the SWG had a facilitated session to scope out the purpose, approach and components of a Syilx Socio-Economic Assessment. At that time the SWG determined that a Syilx contractor, well versed in culture and title and rights should be commissioned to lead the work. Among other things, the study was to explore options and alternatives, including the status quo. A comprehensive terms of reference was developed, and the researcher and project coordinators prepared to gather baseline information from communities. It quickly became apparent that information was not readily available, and/or communities were reluctant to share the information. Some communities also suggested that the socio-economic assessment should take a holistic overview, and not be overly focused on economics. The result was the integration of social, cultural, environmental, and economic impacts into the Socio-Cultural, Environmental, Economic Impact Assessment (Appendix 6 of the Assessing Feasibility Syilx Final Report).

“We have to take after our relatives out there, they look after the land and we do as well. They take care of us, we have to look at that instead of money”

Southern Band Elders Meeting, August, 2012

The socio-cultural, environmental, economic impact assessment is a strategic component of the feasibility assessment. The approach has evolved in response to community, leadership and working group input. Its key feature is a table
comparing three alternate future scenarios (a Syilx vision, status quo and national park reserve) against criteria or themes that represent community interests. (See: Appendix 12 of the Assessing Feasibility Syilx Final Report - Alternate Scenario’s Table)

6. Analysis

Key information assembled for the Syilx assessment (title and rights, socio-economic, cultural, and community feedback) were all considered by the SWG members in arriving at recommendations for Syilx leadership. As a checklist, the group looked back to the first workshops from December 2010, to recall key themes or foundational issues. Using a matrix, it was possible to see how issues/topics had been addressed, and what that meant to the alternate future scenarios being considered.


The Assessing Feasibility Syilx Final Report intends to consolidate and summarize key findings and outcomes, and to present recommendations for consideration of the Syilx leadership. It is also the primary deliverable in the contribution agreements with Parks Canada.
Appendix 9: Community Outreach - Feedback

This appendix outlines key community feedback from community outreach efforts, as well as, provides a list of community quotations that guided the SWG efforts to scope themes for analysis. The quotations reflect the structure of Appendix 12 of the Assessing Feasibility Syilx Final Report – Alternate Scenario’s Table.

The scope and strategy for community engagement changed from outset of the contribution agreements resulting from loss of staff and a lack of trust towards governmental institutions like Parks Canada in Syilx communities. The SWG experienced delays in process and communications in the spring of 2012 as a result of loss in staff.

As a result, the SWG shifted from the original communication work plan to provide a new approach outlined below. It has become clear from community feedback that community outreach efforts lacked in consistency and quantity during the feasibility process; however, an effort was made by the SWG to provide a balanced approach to community engagement.

A series of meetings and workshops were held, including: 2 USIB community meetings, 3 PIB community meetings, 1 PIB elders meeting, 1 PIB Youth Meeting, 2 OIB elders meetings, 3 OIB community meetings, 2 LSIB community meetings, 2 LSIB elders meetings, 1 Southern Band elders meeting, 1 Okanagan Nation elders meeting, 1 (2 day) Cultural Visioning Workshop (Southern Band Elders), and 1 (2 day) Title and Rights Workshop (Southern Band elder representatives). Following is a summary of the most prominent community concerns and topics that emerged from the discussions.

There have been concerns about the lack of community engagement regarding the proposed NPR. Southern band communities (and elders groups) have expressed their desire to work as a nation on this issue. Communities have requested that final reporting be brought back to communities in a simplified form.

There is agreement between the southern bands that the health of the land and tmixw are diminishing and that protection is an urgent priority. The protection of health and access to cultural foods and medicines are primary concerns for southern band communities. It has been brought forward that the concept area is not large enough to satisfy a broad vision for cultural and ecological integrity. There are also concerns that a NPR may cause negative impacts to the tmixʷ based on an increase in traffic within the park concept area and an increase in hunting outside of the park.

12 More meetings were held with USIB and LSIB communities and elder groups. Reporting on these meetings has been displaced due to unforeseen circumstances.

13 The Syilx Working Group have created and distributed a final community newsletter outlining the results of the feasibility study in a simplified format.
concept area from ‘displaced hunters’. Access includes all cultural activities on the land through the use of necessary transportation technologies (e.g. horses, ATVs etc.). Issues pertaining to the protection of water quality, quantity and rights in the SOLS were prominent in community discussion and the current concept area does not satisfy these concerns. Additional areas for consideration were brought forward in community outreach including: White Lake area, Yellow Lake area, McIntyre Bluff, Rattlesnake Island, and Giants Head.

Language preservation was one of the most prominent topics in community discussion. It has been suggested that Okanagan and Similkameen place names be recorded, documented, and used in the SWG’s process. If the Okanagan Nation is to move forward to an agreement with Parks Canada, elders and community alike have suggested that the agreement be made in N’syilxcen.

The elders have expressed the importance of using, protecting, and passing down cultural knowledge including: captikʷl, language, smaymay, and TEK. The principles ingrained in these forms of knowledge should guide any process discussing protected areas and/or the management plan/operations of any future protected area.

There has been a request to better understand alternative options to a NPR for protected areas or to achieve the Syilx vision for protection. Some community members articulated the need to “find common allies”\textsuperscript{14} to collaborate on conservation work (i.e. Parks Canada), while others have firmly stated that Syilx communities must work on their own to protect their interests and that there can be no trust for government and/or government entities to promote Syilx interests. However, it has been suggested that if the Okanagan Nation chooses to work with Parks Canada, Syilx governance must retain at least 50% authority.

### Community Quotes

The Following are a set of community quotes that help articulate community concerns and feedback relating to discussions of the proposed national park reserve. They are separated into sections that the SWG scoped out in the creation of the socio-cultural-environmental-economic impact assessment.

“This could work, if we decide what we need, and it is followed, this can work really well” – PIB community meeting

“Parks are permanent, this is serious” – Cultural Visioning Workshop

**Syilx/Government Relationships**

“You give them an inch and they’ll take a mile. Not looking at us as individuals. They don’t see people one at a time, but as a whole. They don’t leave things alone. If

\textsuperscript{14} Southern Band Cultural Visioning Workshop, October 2011
anything's alive, they'll poke it and examine it. They think they've got us.” – Cultural Visioning Workshop

“We can’t sign our land away forever, I don’t trust the government” – Cultural Visioning Workshop

“As long as they send someone else in their shoes, they will not walk with us” – OIB elders meeting

**Title and Rights**

“It’s not title and rights, its our tmxulaxw” – Okanagan Nation Elders Meeting

“We need to talk about who owns it first before we talk about a park” – Okanagan Nation Elders Meeting

“What will happen to our land if we wait for a land claim?” – PIB community meeting

“We must use our title and rights to protect our lands” – Cultural Visioning Workshop

“All of the other provinces in Canada are in a treaty. National Parks in other places in Canada have easier access to the land because it is ceded, we need to assure that parks in BC, and the Okanagan, are done differently, because we are unconquered” – Southern Band Elders Meeting

“They don’t recognize us, we won’t recognize them then what is the point?” – Southern Band Elders Meeting

“As long as you know who you are, where you come from, you will never lose your land” – Okanagan Nation Elders Meeting

**Access to Resources**

“What if my grandchildren want to build a house up there?” – OIB Community Meeting (Re: forgo ability to build housing in NPR)

“We need mother earth to heal us” – Cultural Visioning Workshop

“Our land is a part of us, we can’t give any of it up, it would be like cutting off a limb” – LSIB elder

“Ranching is our livelihood” – Cultural Visioning Workshop

**Participation in Land Use Decisions**
“We keep on talking, lands keep getting developed” – Southern Band Elders Meeting

“Our Creator put us here to protect our lands” – Cultural Visioning

“If we can't get at least 50/50 authority then we will walk away” – PIB elders meeting

“It's time we decided what is going to happen with our land” South Okanagan Similkameen Syilx Environmental Committee (SOSSEC)

“We are to teach our younger brother, exactly, what those laws that he (creator) gave us” – Okanagan Nation Elders Meeting

Environment

Types of Protection
Deer can’t migrate to winter grounds, they are inbreeding as a result of fragmented habitats, restricted habitats lead to disease concerns, they are getting sick from the pesticides – Cultural Visioning Workshop (Re: fragmented habitat)

“Treat every living thing according to (Captikwl) teachings"

Find common allies (conservancies, partners, outside agencies) to keep people involved, with our strategies for protection – Cultural Visioning Workshop

Funding for Protected Area
Ask for government dollars to buy private lands – Cultural Visioning Workshop

Healthy Environment
“Syilx People are a part of the health of the land, you can’t protect our areas by keeping our people out. People harvest the fruits and that helps the land.” – Cultural Visioning Workshop

Water
“The rivers are becoming creeks, and creeks are becoming streams” – Cultural Visioning Workshop

“What will happen with our water resources?” – LSIB Community Meeting

Mining
“What is happening with Danko mine?”...What is happening with mining in our territory? – LSIB elders meeting

“Mining is increasing and polluting our water” – Cultural Visoining Workshop

Culture
Strengthen Cultural Awareness and Practice
“We need to put even a little of the traditional food in our cooking and that way our land always knows us and our children. Our land needs to know us” – Cultural Visioning Workshop

**Nsyilxcen**
“We need to bring Nsyilxcen to legal procedures” – OIB elders meeting

“We need to document our place names for every place we talk about” – OIB elders meeting

“We need to map our place names and stories and have our people understand our land, then it will be ours, we will be involved, and the government can not touch it” – PIB elders meeting

**Culture: Spiritual, Ceremonial, and Sacred Sites**
“They are developing around spotted lake; they are doing that without our permission” – Southern Band Elders Meeting

Story Sites + Sacred Sites + Land Marks need to be protected because they exemplify the original commitment to care for the land – Cultural Visioning Workshop

**Regional Implications**
**International Protected Area**
“We were always the caretakers of the land, we never had a border, all of turtle island was taken care of by First Nations” – LSIB elders meeting

**Management of Recreational Land Use**
“We need to teach our ‘little brother’, he has grown and can’t continue to wreck things” – Cultural Visioning Workshop

**SARA**
The Okanagan Nation does not recognize SARA, it is a discriminatory law and should be abolished – ONA land use planning

“The SARA legislation governs our food, our lands. It says we cant pull up a certain plant. This is serious. Its all of our land all of our beliefs” – Cultural Visioning Workshop

“SARA is one of the biggest issues” – Cultural Visioning Workshop

**Economy**
**Regional Economic Benefits**
“We have to take after our relatives out there, they look after the land and we do as well. They take care of us, we have to look at that instead of money” – Southern Band Elders Meeting
Employment Opportunities
“What jobs will a park bring?” – PIB Elders Meeting?

Types of Tourism
“Ecotourism can benefit us in teaching youth about our culture” – LSIB Community meeting

List of Community Meetings
October 18 – OIB Elders
October 25/26 – Cultural Visioning Workshop (Southern Band Elders)
January 18 – OIB Community
March 7 – LSIB elders
April 4 – PIB Community
April 17 – PIB elders
May 9 – LSIB elders
May 12 – PIB Youth
May 23/24 – Title and Rights Workshop (Elders Representatives)
May 31 – USIB Community
June 12 – LSIB Community
June 19 – OIB Community
June 20 – PIB Community
June 20 – Southern Band elders meeting
July 31 – OIB elders
August 22 – Okanagan Nation Elders Meeting
October 11 – PIB ‘low key’ @ Ramada
October 24 – LSIB Community
October 25 – USIB Community

Total:
Elders – 7 Meetings
Community – 8 Meetings
1 Youth Meeting
2 - 2 Day Workshops
Appendix 10: Title and Right – Legal Opinions (Confidential)

Legal opinions are not included herein.

Synopsis

The Syilx Working Group commissioned a legal backgrounder and two legal opinions to inform an answer to the question about whether moving forward with Parks Canada on a National Park Reserve would have any possibility to diminish Okanagan Title and Rights.

This question was asked by the Okanagan Nation Alliance Chiefs Executive Council and was in the context of the legislation related to the establishment of a National Park Reserve, the Canada National Parks Act. The result from the legal inquires regarding this question was that a National Park Reserve could be negotiated such that there would be no diminishment of Okanagan Title and Rights.

At the time of the legal opinions commissions, the question of moving forward to National Park Reserve establishment negotiation discussions partially hinged on whether or not, given that the Canada National Parks Act could be amended specifically to reserve the unresolved Okanagan Title and Rights in the South Okanagan – Lower Similkameen, Okanagan Title and Rights would have any potential to be negatively impacted. The opinions, one of which was by an Okanagan lawyer (i.e., Okanagan person), did restrict analysis to the question that involved Parks Canada and the National Parks Act.

Since these opinions were generated and further work was done under the assumption that Okanagan Title and Rights would not be diminished through the establishment of a National Park Reserve, additional potential impediments to Okanagan Title and Rights that require further legal analysis were discovered. These questions related specifically to the Species at Risk Act and how it would be interpreted and how any National Park Reserve collaborative management entity would implement it. These questions will need to be answered during the negotiations phase.
Appendix 11: Background & History

1) It began with the Syilx (2002-2004)

“The concept of a park in Syilx territory is one which has been contemplated over the years. In January 2003, before Canada and British Columbia signed an MOU to assess the proposed park, the ONA presented a proposal to Prime Minister Jean Cretien for a national park in the Fairview, Kobau and Kilpoola areas.”

(Letter from ONA to Minister Baird, Dec. 2007)

Community members from the Penticton Indian Band recall proposals for a large park in this area, including international cooperation, that dates back a few decades.

Almost ten years ago, Syilx leadership considered the potential of a national park reserve to both address issues and create new opportunities in the southern territory. The nation was concerned in particular about the impact of development around Spotted Lake, and the spread of settlement (described by LSIB elders as, “Lights spreading up the hill”). Consultants were commissioned by LSIB, resulting in a report on any potential land tenure issues, as well as ecotourism and economic opportunities (Land Strategies Ltd., 2001).

2) The process went off-course (2004-2008)

From the beginning of the Crown’s feasibility study process, there were foundational issues and challenges that eventually resulted in protest by the Syilx on the National Aboriginal Day of Action, May 2008. An overview of the past process and issues is provided help to recognize the mutual understandings and progress that has been made since that time.

In 2003, Canada and British Columbia signed a Memorandum of Understanding to cooperate on park establishment projects in BC, including a national park reserve feasibility assessment in the South Okanagan-Lower Similkameen. The MOU also established the Canada British Columbia Steering Committee, comprised of senior bureaucrats from both governments, who would oversee projects and build recommendations for both governments.

The Parks Canada feasibility assessment was initiated in 2004. A federal-provincial working group was formed, and Parks Canada initiated communications with local Bands to determine a process of engagement. Parks liaison positions were established with LSIB and later OIB, and these positions helped to more fully scope issues and opportunities within each of the communities. ONA was also involved in efforts to build an MOU, and to assist with nation-wide communications.
Early in the Syilx process (2004-2008), foundational issues were identified. Solutions were explored, but in the end, the issues were overwhelming and the feasibility process was moving too quickly. The following section provides a summary of key issues from the initial process (2004 to 2008).

a. Steering Committee and Engagement with the Okanagan Nation

From the outset, a key issue was the lack of Syilx representation on the Federal – Provincial Steering Committee and involvement in building the terms of reference for the feasibility study.

“When Canada and BC signed the Crown MOU in October 2003, there had been no contact or discussion with the Syilx about the terms of conditions of a park in Syilx territory. As such, the process that was designed and implemented did not reflect an understanding of the Syilx people and territory, the responsibilities and jurisdiction held and exercised by them, or appropriate ways to engage respectfully and honourably with the Syilx Nation.”

(Letter from ONA to Minister Baird, Dec. 2007)

In June, 2007 the members of the Canada/BC Steering Committee, met at Enowkin Center with Grand Chief Stewart Philip and Chief Joe Dennis of the Lower Similkameen Indian Band. Technical staff and community members were also in attendance. That meeting achieved agreement regarding participation of the Okanagan Nation in strategic discussions and consensus-building around the process and outcome of the feasibility assessment. However, attempts to develop a tripartite Syilx/Canada/BC MOU were not able to fully address interests and issues, and was a key factor leading to the eventual breakdown in the process in 2007/08.

b. Expansion of the Original 2002 Concept Area

The original 2002 concept area put forward by the Okanagan Nation and community representatives was centered around T'xasqin, Nk'l'pula?xw, Akspaqmix, Chopak (Mt. Kobau, Kilpoola and Chopaka areas).

In order to achieve Parks Canada’s targets for the types of ecosystems and land features that should be included in a national park reserve, the original concept area was expanded in 2006 to include a western component around Npecek’ulawx (Snowy Protected Area). This proposal in particular concerned the Lower Similkameen Indian Band since they had been protecting this area of great significance from time immemorial. The broad community in the Similkameen Valley was also highly concerned about being surrounded by a national park reserve, the loss of local control, and impacts on their lifestyle.
Parks Canada’s 2006 concept also included an interest in the Vaseux Lake/White Lake area, initially described as ‘partnerships’ with no boundaries delineated. At that time, there was an active conservation partnership including numerous organizations, collaborating in the larger White Lake/Vaseux Lake area, and embracing the ideology of the Nature Trust Biodiversity Ranch.

The 2010 concept included a small northern component comprised of the federal land around Vaseux Lake (National Wildlife Area and Migratory Bird Sanctuary). There was recognition of the significant ecological values in the larger area beyond Vaseux Lake, and some public pressure to expand the boundaries.

Kililxw (Spotted Lake) was always considered a natural addition to park concept, through potential partnership opportunities between Parks Canada and the Okanagan Nation. Future discussions would be used to define the nature of the partnership and how K̓əlilxʷ would be connected with the national park reserve.

**Parks Canada’s ability to use National Park Reserve legislation**

Early in the process, it became clear that there may be challenges for Parks Canada in using the ‘National Park Reserve’ designation given that the “national park reserve” concept in the *Canada National Parks Act S.C 2000 c.32 (CNPA)* is limited to applying where “an area or a portion of an area proposed for a park is subject to a claim in respect of aboriginal rights that has been accepted for negotiation by the Government of Canada”. At the time, communications around this issue were inconsistent, with the concept variously being referred to as a ‘national park reserve’ and ‘national park/reserve’.

However, the issue was acknowledged, and assurances were repeatedly provided that Parks Canada would address this issue well in advance of any park establishment agreements. There were also numerous assurances that park establishment would not foreclose future claims, or deny traditional renewable resource harvesting, and that there would be collaboration between the Syilx and Parks Canada for the planning and management of any future national park reserve.

**c. First Nation Park**

In 2006 and 2007, LSIB proposed the concept of a First Nation park in part because of the issues described previously. This proposal was presented to senior government officials, to technical teams, and floated as a concept in a media release.

“The Band (LSIB) proposed a “First Nations Park” concept to Parks
Canada in 2006, similar to the UNESCO Biosphere Park models which support integrated models of sustainability; promoting harmonious relationships between people and environment. This proposal has the potential to elevate this Park to more than just a superficial effort at cultural interpretation, but to integrate Syilx Cultural tenures, decision-making, administration and environmental management which have been successful for generations. It would be the first of its kind, and could be a shot in the arm to the local economy. Local Chief Joe Dennis promotes local partnerships to achieve this. “Since this Park affects local Communities, both Ownership and Control must stay in our Communities”, states Chief Dennis.”


Parks Canada responded that the agency had no tools to create a First Nation park, but that many principles and aspects of the proposal could be accomplished through a collaborative approach to national park reserve establishment, planning and management. There was also some preliminary discussion about the potential for a unique approach to the Western (Snowy) component, different from other components, and administered by First Nations.

d. National Aboriginal Day of Action

The lack of clarity and a collaborative process to address the key issues described above, coupled with the on-going advancement of the public feasibility assessment process and barriers to regular communication between Parks Canada and the Southern Bands culminated in a complete breakdown in the process and relationship. In May 2008, on the National Aboriginal Day of Action, a Syilx/community protest of the ‘South Okanagan Grasslands Park’ in Keremeos called for ‘First Nations and Canadians to stand together in the spirit of unity to demand the Federal Government deal honourably with First Nations Title and Rights.’ The protest timing also corresponded with the erection of “No National Park” signs in the Okanagan and Similkameen valleys as ranchers, hunters and others built on the momentum. In the fall of 2008, the public feasibility process ended.

3) Reflecting, Rebuilding, and Re-setting the course (2008-2010)

Following the 2008 protest, and given LSIB’s strong position of opposition, the Parks Canada work geared down and focused on two key areas, seeking to rebuild a relationship with the Okanagan Nation and initiate a new approach to address the issues of the ranching community.

This time period also included some developments that would indirectly influence the Syilx perspective on a potential national park reserve, and interest in a relationship with Parks Canada. Some of these include:
• ONA work on the Syilx Land Use vision, protocol, and decision framework; initiation of land use visioning in the Similkameen valley
• Okanagan Public Utility District (Washington state) proposal for Shankers Bend dam that could have flooded the lower Similkameen Valley in Canada
• Loss of confidence in the provincial ‘New Relationship’, and abandonment of the proposed legislation that would recognize the existence of Aboriginal peoples in British Columbia prior to European contact and settlement.
• Canada finally signed on to the UN Declaration on the Rights of Indigenous People
• Ethan Baptiste (OIB) research on co-management of parks and protected areas provided a low-key forum for information exchange, including representatives from ONA, BC, Parks Canada and UBCO.
• Positions being advanced by OKIB through the Brown’s Creek litigation case.
• Land development pressures (expansion of vineyards) within the park concept area
• New leadership at LSIB

Also during this period, some community members acknowledged that the issues of development still remained, and they asked, "If not a park, then how do we protect the land?"

In mid-2010, LSIB initiated exploratory discussions with Parks Canada to confirm areas of common interest, understand issues of the past, and potential solutions. Key actions to address requirements of LSIB included the following:
- Parks Canada’s concept area was downsized to focus on the area of the original 2002 concept proposed by the Okanagan Nation.
- Parks Canada’s CEO wrote to the Southern Bands of the Okanagan Nation (October 2010) to provide a number of assurances regarding previous foundational issues:
  - “Parks Canada will work with the Okanagan Nation and affected bands to build a long-term relationship regarding establishment and management of a national park reserve.
  - Parks Canada will work with the Government of British Columbia to secure an agreement that enables the establishment of a future protected area in the South Okanagan, and respects the priorities, goals and needs of the Okanagan Nation.
  - Appropriate legislative measures will not compromise future settlements of Aboriginal Title and Rights claims for your First Nations. Traditional activities that have been carried out by your First Nations within the boundaries of a proposed future protected area will continue.
o Traditional knowledge shared by the Okanagan Nation will be used in park planning and management.”
   Alan Latourelle, October, 2010

LSIB and Parks Canada worked together to develop a protocol for communications, and working document on ‘Shared Understandings’. Among other topics, the ‘Shared Understandings’ document provided the first opportunity for LSIB and Parks Canada to begin to describe common ground, including draft objectives for a Syilx/Parks Canada Protected Area.

In the fall of 2010, LSIB brought the topic of the park study back to the Okanagan Nation CEC for the first time in over three years. At a milestone meeting with Parks Canada in November 2010, the Southern Chiefs and Grand Chief Stewart Phillip determined that:

- A working group be formed to scope foundational issues up-front, and that the work not be limited to “warm and fuzzy concepts”
- The working group report back to the CEC in the short term to determine whether a longer-term work plan is desired.
- The longer term work plan include development of a framework document to answer questions, describe impacts and issues, especially regarding title and rights. The document would be used to gain feedback from membership, elders, TEK and spiritual people, and “only then will we know if we have the support of our people.”

Pauline Terbasket summarized the meeting:

“We need to do to look forward for our people’s needs and the core emotional issues that need to be dealt with in a respectful manner so we can break new ground for us here, for our nation and for ourselves in the protection of lands and water.”

Following that milestone meeting, a working group was formed comprising representatives of the Southern Bands, the ONA and Parks Canada. The group met three times over a two-week period, including rigorous discussion about foundational issues and potential solutions. The results were summarized and presented to the Southern Chiefs at a Special Meeting in December. At the meeting, the Chiefs determined that the Bands should enter a longer-term process under contribution agreement with Parks Canada, and that LSIB and OIB would lead the process for the Syilx Nation, with involvement of ONA, PIB, and USIB.

By December 2010, the relationship between the Syilx Nation and Parks Canada began a new phase marked by a truly collaborative process of learning and building together, but also included celebrating and suffering together
Appendix 12: Alternative Scenarios Table

The *Alternative Scenarios Table* was a building block to the *Socio-Cultural, Environmental, Economic Impact Assessment* analysis. The SWG and project staff scoped the themes of the table based on community outreach - feedback, chief and council meetings, directives from the Chiefs Executive Council and discussion at the SWG level. Themes were refined and applied to the alternative scenarios: Syilx Vision, Status Quo Scenario, and National Park Reserve Scenario. Each theme was researched and analyzed in depth at the SWG level to affirm the content of the table.
### Themes

<table>
<thead>
<tr>
<th>Syilx Vision</th>
<th>Status Quo</th>
<th>National Park Reserve</th>
</tr>
</thead>
<tbody>
<tr>
<td>This is what we understand to be the ideals for a broad and long-term vision held by many Syilx community members.</td>
<td>This is what we understand to be the relationship between Syilx interests and ‘business as usual’</td>
<td>This is what we currently understand to be the relationship between Syilx interests and the Syilx concept for a National Park Reserve</td>
</tr>
</tbody>
</table>

### Syilx/Government Relationships

<table>
<thead>
<tr>
<th>Relationship with Government</th>
<th>Syilx overcome governmental authority and do not need to compromise Syilx sovereignty to work towards land use vision</th>
<th>Syilx continue to distrust provincial and federal governments</th>
<th>Syilx partner with Parks Canada and the government of Canada to uphold ‘meaningful relationships’</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- The Syilx have a limited voice on governing bodies at the detriment of Syilx culture, lands, and resources. OR</td>
<td>- Syilx concede to the notion of building relationships with federal, provincial, regional, and municipal governments (including those with potentially diverging mandates)</td>
<td>- Parks Canada and the Okanagan Nation seek to build a bilateral agreement leading to a long term relationship regarding establishment and management of a national park reserve; trust is slowly built throughout process</td>
</tr>
<tr>
<td></td>
<td>- Syilx address land use concerns on an operational level</td>
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<td></td>
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</tbody>
</table>

### Title and Rights

<table>
<thead>
<tr>
<th>Title and Rights</th>
<th>T&amp;R are not resolved in the short/medium term</th>
<th>T&amp;R are not resolved in the short/medium term</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- Syilx Title and Rights are not infringed as a result of agreement with PCA</td>
<td>- Parks Canada will seek to maintain lands in protected status, but final decision would be with</td>
</tr>
<tr>
<td></td>
<td>- Syilx retain ability to enact land claim or treaty process, and build towards a title case</td>
<td></td>
</tr>
<tr>
<td>Rights throughout entirety of territory</td>
<td>title holder</td>
<td></td>
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<td>----------------------------------------</td>
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</table>

### Access to Resources
- Syilx access to all resources are unrestricted and unhindered by legislation, private land owners, and/or stakeholder interests
- Access to resources by means of current and past technologies (ATVs, horses, bikes, etc.)
- Private lands limit access rights
- Syilx can harvest on Crown land but without a process to define, reconcile, and communicate traditional activities, there is potential for conflict and misunderstanding
- Crown/Syilx collaborative processes can mitigate this issue, but requires investment of time and effort, and willingness to compromise to arrive at collaborative solutions
- Parks Canada would seek to acquire private lands (Willing Seller-Willing Buyer) to include in the NPR
- Syilx access to renewable resources for harvest within NPR boundaries (hunting, root digging, berry gathering, medicine gathering etc.) continues under collaborative management guidance
- Syilx maintain ability to access land by use of current and past technology (e.g. ATV, horses, bikes, etc.)
- Syilx develop Land Use Plan to align with the *Canada National Parks Act* within NPR boundaries to address for example, logging, mining, housing, etc.
- Syilx maintain rights to ranch within NPR based on Syilx/PCA ranching management plan
- Legislation (e.g, SARA) will not impede traditional use activities of any species or resource

### Participation in Land Use Decisions
- Syilx leadership/full unhindered ability to act as caretakers of the land
- Land use management has minimal involvement of Syilx communities
- Syilx integration in land use decision requires relationships with stakeholders, private land owners, numerous agencies of the provincial government, and NGOs
- Syilx/PCA collaborative management board advises decision making to implement management plan and operational decisions
- Syilx agree to collaborate with PCA to develop a common vision for land use in the park reserve boundary
### Environment

#### Types of Protection

- Syilx envision a protected area based on traditional practices and cultural continuity and integrity
  - ‘Tribal Parks’ are envisioned for at least some of the protected areas, as well as ‘buffer areas’, and connecting corridors
- Provincial designation of protected areas (e.g. South Okanagan Grasslands, WMA’s) is informed by the Provincial Protected Areas Strategy, and LRMP process neither of which involved Syilx participation. The South Okanagan Grasslands Protected area is fragmented
  - There is currently little opportunity for Syilx to influence local, provincial, federal governments or private landowners regarding protection of sacred sites, or managing land for environmental concern
    - Current land designation caters to stakeholder interests for economic development and unrestricted recreational use rather than land uses that align to Syilx values
- PCA/Syilx mandate and goals within SOLS is guided by:
  - the National Park System Plan which envisions representing every Natural Region within Canada – SOLS is the interior dry plateau and not yet represented.
  - A goal to design a park proposal that could achieve ecological and cultural integrity.
  - Goals for visitor opportunities and learning
    - The process for park establishment and on-going management requires a strategic role for the Syilx.

#### Funding for Protected Area

- Syilx build capacity within communities to fund, manage, and establish tribal park
  - BC/Canada take onus of dealing with stakeholder interests and Syilx retain Title
- Little resourcing for current protected areas by province
  - Syilx would need to seek appropriate financial resourcing to fund their own protected area and effectively deal with stakeholder interests while seeking external capacity to manage and establish a park
- PCA provides funding for land acquisition, ecosystem restoration, development of appropriate park facilities for orientation, interpretation, park operations, and visitor use (estimated $15 million over the first 10 years\(^\text{15}\)) as well as some contribution to activities of community and conservation partners
  - Ongoing annual funding amounts subject to PCA annual budget

\(^{15}\) Parks Canada Social and Economic Impact Assessment 2008
| **Healthy Environment** | **Tmixw** is healthy for the perpetuity of all generations to come | **Negative impacts to Tmxulaxw and Tmixw continue with:**
- Loss and fragmented habitats due to agricultural, industrial, residential and commercial development:
  - Mining
  - Overgrazing of livestock
  - Motorized Recreation
  - Invasive Species
  - Fire suppression
  - etc | **Natural renewable resources are restored from efforts to act on ‘ecological integrity’ principle**
- Habitats, areas, and resources restored based on collaborative management plan priorities and funded by PCA |
|---|---|---|
| **Water** | **Syilx** achieve full decision making authority with regard to water use
- Syilx use water based on cultural protocol for the benefit of all living things | **Water resources continue to deplete in quantity and quality**
- Water continues to be allocated to developments of ranching, vineyards, mining, land subdivision, and private land needs based on the Water Act under the authority of the province of BC | **Water rights/allocation authority slowly transferred to Syilx/Parks Canada management board?/PCA from BC within NPR boundaries**
- Water managed according to principles of ‘Ecological Integrity’ and ‘Visitor Experience’ and ‘good neighbour’ policies |
| **Mining** | **No industrial mining projects in protected area** | **Mining projects undergo referrals process which includes underfunded Syilx consultation and no legal obligation to accommodate Syilx interests**
- Impact/benefit agreements provide temporary employment opportunities and economic benefits
- Large scale mining operations continue to contaminate local water supply and are detrimental to Tmixw | **NPR establishment does not allow for future industrial mining operations within park boundaries** |
| Culture |
|-----------------|-----------------|-----------------|
| **Strengthen Cultural Awareness and Practice** | - Syilx cultural practices are strengthened within Nation between all generations through a self sustaining means | - Syilx cultural practices are restricted in a practical sense due to decrease in the health of Tmixw and restricted access  
- Syilx continue off-reserve events, education, and programming |
| | | - Cultural programming coincides with NPR vision and can potentially be funded through PCA mandate for ‘ecological integrity’ or ‘visitor experience’  
- Jobs are created (directly and indirectly associated with the NPR) that support and value the cultural knowledge of the Syilx peoples  
- NPR provides the opportunity to celebrate and show case Syilx culture within and outside of Syilx communities |
| **Nsyilxcen** | - Nsyilxcen is spoken by 100% of Syilx Nation  
- Government to government agreements made in Nsyilxcen | - Nsyilxcen is threatened to become extinct  
- Programs continue at Enowkin Centre, Band Schools, and at a grassroots community level |
| | | - Nsyilxcen place names are brought back to the land  
- Cultural and Language revitalization programs are connected to NPR vision and programming  
- Nsyilxcen guides agreement between PCA and Syilx |
| **Spiritual, Ceremonial, and Sacred Sites** | - Syilx practice culture, ceremonies, and have full ownership of Sacred Sites | - Syilx are constantly required to prove existence of sacred sites through referrals process  
- Sites are often interfered with, destroyed or lost through development and land alienation  
- Syilx cultural practices and ceremonies continue on a changing landscape |
| | | - Syilx are able to protect and access sacred sites within NPR  
- Syilx cultural practices and ceremonies continue and become part of NPR operations |
| **Regional Implications** | | |
| **International Protected** | - Syilx create protected area that | - Syilx/ONA bands struggle to deal with land use issues within the Canadian portion of |
| | | | - NPR establishment could protect portions of Syilx territory within Canada, and Syilx can pursue |
| Area | spans beyond the Canada/US border in order to protect Tmixw and Tmxulaxw within entirety of Syilx territory | their territory and currently lack successful trans boundary protected area efforts  
- Syilx can explore opportunities to pursue international protection (e.g. UN)  
- Other tools to protect additional areas  
- Some resources available to promote relationships on the American side of a protected area to promote habitat corridors, water protection, etc.  
- PCA has tools to collaboratively manage international parks (e.g. Waterton Peace Park) |
| Management of Recreational Land Use | - Syilx manage uses within territory based on Syilx environmental ethic and land use plan  
- ‘Multi-Use Crown Land’ continues to be used for activities including: quadding, hunting, fishing, mountain biking, horseback riding, camping, without accommodation to Syilx interests  
- Recreational uses compatible with Syilx/Parks Canada park objectives would continue within a NPR, managed according to a park management plan and direction from the management board  
- Uses that are not compatible with park objectives (e.g. motorized recreation, sport hunting) may be displaced to Eastern side of Okanagan Valley, Western/Northern portions of Similkameen Valleys.  
- Approaches to mitigate unintended consequences could be considered.  
- Not all users will move to other areas, some will retire their hobby |
| SARA | - Syilx rights are not infringed by SARA and Syilx are successful caretakers of land  
- Syilx recover Species at Risk based on TEK  
- SARA continues to put a strain on band communities as it currently only applies to federal lands  
- CWS, DFO or other government agents impose implementation of SARA on reserve  
- SARA area of application increases to include NPR  
- Syilx define how SARA is implemented and collaborate in SARA implementation in NPR and potentially for areas adjacent to the NPR (e.g. regarding inclusion of TEK and Syilx land/renewable resource use) |
| Economy | - Economy that  
- Non-Syilx industrial developments e.g.  
- Within NPR industrial resource extraction is |
| Economic Benefits | Mining/ logging  
- Private agricultural developments (Vineyards/Ranches)  
- Private land developments  
- Syilx have little influence over businesses through referrals process, but can negotiate impact/benefit agreements with proponents on Crown land  
- Syilx retain ability to establish resource-based industrial development within conceptual park area | replaced by conservation based economy,  
- NPR First Nations branding provides more profile for Syilx owner and operated businesses to thrive in conservation and tourism based economy e.g. guiding, cultural tourism, cultural centre, campground and other visitor facilities, research facilities (e.g. TEK Centre of Excellence), native plant nursery, and environmental reclamation related jobs  
- Potential to leverage PCA funding and profile to attract funding for Syilx initiatives |
| Employment Opportunities | - Development of more Syilx owned and operated businesses on and off reserve  
- Employment opportunities that showcase Syilx culture while respecting community and environmental  
- Jobs from impact benefit agreements with proponents (mining, logging etc.)  
- Job opportunities from agricultural development and ongoing labor for vineyards, orchards, and farms  
- Tourism opportunities increase but currently focused mainly in Okanagan Valley  
- Syilx continue to lease land while striving for full ownership of business ventures due to lack of resourcing and capacity | - PCA SE study projects approx. 33 jobs (after 10 years) with the proposed NPR, and 6 to 9.6 indirect jobs resulting from park establishment  
- Nationally, only 8% of Parks Canada staff is aboriginal  
- Opportunity to negotiate for ways that Syilx can benefit from jobs (Gwaii Haanas has approximately 50% Haida employees and 50% PCA employees) (e.g. min 50% procurement, union jobs, and employment in management |

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17 Shared Stories document
<table>
<thead>
<tr>
<th>Employment Training Opportunities</th>
<th>Concerns</th>
<th>Roles</th>
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<tbody>
<tr>
<td>- Syilx acquire sufficient resourcing to acquire meaningful and relevant training opportunities to pursue Syilx community and land use interests through the employment of Syilx peoples</td>
<td>- Obstacles to aboriginal participation in jobs off reserve (e.g., tax burdens)</td>
<td>- Ensure maintenance of tax free status for status employees</td>
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<tr>
<td>- Training opportunities through impact benefit agreements through proponents of developments</td>
<td>- Training opportunities for Syilx based on result of negotiations with PCA</td>
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<tr>
<td>- Training opportunities available for ongoing park management</td>
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<tr>
<th>Types of Tourism</th>
<th>Concerns</th>
<th>Benefits</th>
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<tr>
<td>- Development of a Syilx Cultural Tourism strategy that respects community values, interests, and protocols. - Support for the ongoing strengthening of Syilx culture, and provides economic benefits directly to the Syilx Nation</td>
<td>- Parts of the SOLS are already developed as a tourist destination, with a variety of tourism ‘products’ (e.g., beaches, wine tours, bird watching, mountain biking, etc.) which are becoming integrated with a beginning Aboriginal Cultural Tourism - Syilx tourism opportunities could expand from interest, training, start-up capital, and community support. - LSIB does not benefit from tourism and would require the development of a tourism strategy.</td>
<td>- SOLS will be enhanced/diversified as a tourist destination with significantly strengthened nature- and culture-based tourism opportunities through NPR programs and profile - Training and community development that accompanies park establishment would assist Syilx communities and individuals prepare to take advantage of new Aboriginal Cultural tourism - Inspire Syilx youth to work and learn about Syilx culture through employment in Syilx cultural tourism - NPR Brand focused on Syilx Park sparks local, regional, and international interest in learning more about Syilx culture (Spinoff interest in Band businesses)</td>
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<tr>
<th>Tourism Industry</th>
<th>Concerns</th>
<th>Benefits</th>
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<tr>
<td>- Growth of Syilx cultural tourism</td>
<td>- Local tourism organizations have identified some issues and challenges of the tourism</td>
<td>- TOTA has described NPR as ‘flagship’ project in their regional strategy.</td>
</tr>
<tr>
<td>Growth</td>
<td>products, and associated community benefits - Coordinated planning to ensure that growth in tourism is compatible with local values and capacity</td>
<td>destination (including branding, need for destination marketing, aesthetics and product diversification)</td>
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| | | - The PCA SE study conservatively projected a modest tourism increase as a result of national park establishment:  
- Incremental increase in visitation (by tourists) of up to 6500/yr following a decade of park development; total regional (e.g. RDOS) visitation increase by 1-2%\(^\text{18}\)  
- Increased visitor spending and length of stay, changes in the visitor profile, extend tourist season into shoulder periods  
- Enhance the tourism profile of Lower Similkameen  
- More people at N'kłpulaxw, Txaqsin, and Akspaqmix, but managed by Syilx and PCA so that resources remain unimpaired for future generations. |

**Acronyms**

**NPR: National Park Reserve** – *Refers to a potential future Syilx/Parks Canada National Park Reserve concept*  
**PCA: Parks Canada Agency**  
**SOLS: South Okanagan-Lower Similkameen**  
**BC: British Columbia**  
**TOTA: Thompson Okanagan Tourism Association**

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\(^{18}\) Parks Canada Social and Economic Impact Assessment 2008