



Tsleil-Waututh Nation səlilwətał



April 16, 2024

To: The Standing Senate Committee on Energy, the Environment and Natural Resources

RE: Submission of Rueben George for Bill C-226: An Act respecting the development of a national strategy to assess, prevent and address environmental racism and to advance environmental justice

Speaker: Rueben George

Rueben George is a Tsleil-Waututh Nation (TWN) member, spokesperson for the Tsleil-Waututh Nation Sacred Trust Initiative, and author of “It Stops Here”, bestselling personal story of Mr. George’s work of upholding TWN law by standing up against the Trans Mountain project.

Background on Tsleil-Waututh Nation

Tsleil-Waututh are the People of the Inlet and a distinct Coast Salish Nation whose territory includes Burrard Inlet and the greater Vancouver region in the lower mainland of British Columbia. Until recently we harvested 80% of our food from Burrard Inlet – seaweed, clams, mussels, urchin, crab, herring, smelt, salmon and more. Tsleil-Waututh people hold a sacred, legal obligation to past, current, and future generations to protect, defend, and steward the water, land, air, and resources of our territory. We each hold a responsibility to maintain and restore conditions that provide the environmental, cultural, spiritual, and economic foundation for our nation and community to thrive. The Nation does this through asserting and exercising governance and stewardship rights. The development pressure on the territory is high, with the Nation assessing 600+ project referrals within the territory every year.

Environmental racism and Tsleil-Waututh Nation

The past 150 years of Crown decision-making in Burrard Inlet is a history of environmental racism. The cumulative environmental impacts of Crown decisions disproportionately affect TWN, but our concerns have been dismissed, diminished, and disregarded by Canada. Pollution and habitat loss has left Tsleil-Waututh members without the ability to harvest many food staples from the waters, nor the ability to practice cultural activities. These impacts exceed what is allowable under Tsleil-Waututh law and infringe TWN’s inherent and constitutionally protected Aboriginal rights, yet the Crown continues to approve projects in the Territory that directly impact our rights, without our consent.

In a 10 km stretch of Eastern Burrard Inlet, the core territory of the TWN, there is an aggregation of six industrial-scale above-ground oil storage facilities and their associated pipeline infrastructure, as well as marine and rail shipping activities. The Parkland oil refinery, which produces fuel for the Lower Mainland, is located directly across the water from the TWN community. A flaming tower burns waste gas here, 24 hours a day, 365 days a year. Westridge Marine Terminal, the terminus of the Trans Mountain Pipeline is also located just across the inlet and is slated to have daily transiting of tankers carrying diluted bitumen starting within the next month. These sites have histories of spills and

environmental incidents. These facilities are not situated in the wealthier neighbourhoods of West Vancouver or Kitsilano, they are situated adjacent to our reserve.

The Federal Government has committed to reconciliation with First Nations, but TWN has observed federal agencies continue to make decisions, develop legislation, policy and programs that have disproportionate negative implications for Indigenous peoples. The Trans Mountain Pipeline Expansion Project (“the Project”) is an example of this. TWN demonstrated to the government of Canada and to the Canadian Energy Regulator (CER)/National Energy Board (NEB) that the Project would unjustifiably infringe Tsleil-Waututh’s Aboriginal title, rights, and interests with our Indigenous law-based [Assessment](#) of the Project. Disregarding the findings of the Assessment, Canada approved the Project, prioritizing tenuous economic benefits over impacts to TWN rights and interests. Tsleil-Waututh continues to have outstanding concerns related to the Project that Canada has failed to address—despite us having provided extensive data, evidence, and dialogue to Canada-- including the likely extinction of the Southern Resident Killer Whales from marine shipping impacts.

Another stark illustration of environmental racism is the story of shellfish contamination and habitat loss in Burrard Inlet. Shellfish have been a staple food for TWN for 4000 years. In 1972, the Department of Fisheries and Oceans (DFO) closed Burrard Inlet to shellfish harvesting due to contaminated waters. In the ensuing 52 years since this closure, DFO has undertaken no meaningful efforts to restore water quality. Since the closure, the intertidal habitat that supports shellfish is being incrementally filled in and paved over, permitted by DFO. When offsetting of habitat loss is required by DFO, the replacement ratio is low and the “like-for-like” replacement standard is not applied. Inter-tidal features that support shellfish, like mudflats, are almost exclusively replaced with features like subtidal rock reefs, which do not support shellfish. These decisions appear to be justified by regulators based on their thinking that:

- a) shellfish, despite being equally protected under the Fisheries Act, are not equally valued by DFO, and therefore, can be replaced with other species, and
- b) the inter-tidal shellfish habitat is of low value and already contaminated, thus, not worthy of protection or restoration.

Shellfish, a foundational food source for Coastal people, has been allowed to languish in contamination for over 50 years and destruction of shellfish habitat continues to be permitted by Crown regulators. In contrast, the habitat required for sportfish, like salmon and rockfish, are much more vigorously protected by DFO and millions are spent on habitat restoration. This is environmental racism. Fish species (shellfish) with critical value to Indigenous peoples are not protected on par with species of value to the predominant culture. This pattern with shellfish is repeated up and down the West Coast. We need Bill C-226 to ensure these patterns of selective standards of care are identified and addressed.

Summary

Crown decisions on the permitting of industrial development disproportionately impact Indigenous peoples. Further, Indigenous communities are often at greater risk of exposure to impacts like pollution and habitat loss through traditional and cultural connection to the environment, for example, through sourcing food and medicines off the land. This issue is specifically relevant to the Tsleil-Waututh Nation.

TWN are the people of the Inlet, but the Inlet is contaminated, the habitat is being destroyed, and our remaining rights are threatened by the risk of oil spills from the Trans Mountain Pipeline. Our community is surrounded by industrial plants, oil storage facilities, and related infrastructure, which our community members see from the windows of their homes and breathe the air from the smokestacks every day.

At the same time, Indigenous communities disproportionately demonstrate leadership in the sustainable management of ecosystems. TWN has been working for decades to restore the health of Burrard Inlet so that the community can once again harvest healthy, wild marine foods, and practice our culture in safe marine waters. We have been seeing results in recent years, with orcas returning for the first time in a generation, and herring populations returning in 2019 for the first time since the 1880s. However, our work is undermined by unilateral decisions made by the Crown that result in disproportionate impacts on our community.

We are doing our part, and we need the government of Canada to uphold its fiduciary duty to TWN and other Indigenous nations to curb environmental racism. I look forward to seeing this bill passed and the work to define, assess, and address environmental racism begin.

Please do not hesitate to get in touch should you have any questions.

Sincerely,

Rueben George
Spokesperson TWN Sacred Trust