

December 12, 2024

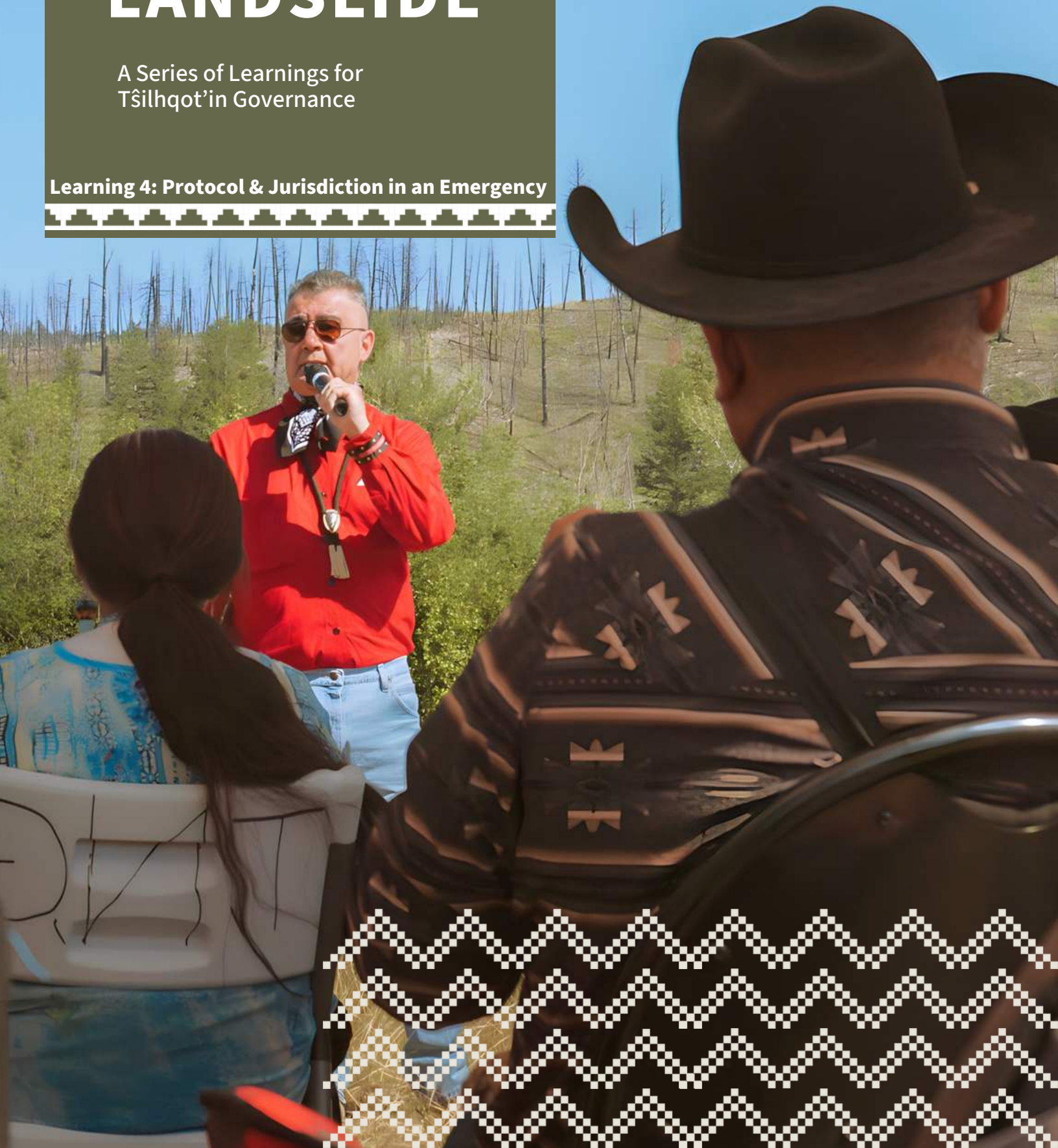
T̂ILHQOX LANDSLIDE

A Series of Learnings for
T̂ilhqot'in Governance

Learning 4: Protocol & Jurisdiction in an Emergency



T̂ilhqot'in
NATIONAL GOVERNMENT





Background

On July 30, 2024 a landslide occurred at Nagwentled (Farwell Canyon), blocking the T̄silhqox (Chilcotin River). The T̄silhqot'in National Government (TNG) declared a state of local emergency, issued emergency orders to ensure people's safety and called on all parties to halt all fishing activities to conserve T̄silhqot'in territory-bound salmon.[1] The T̄silhqot'in Fisheries Team began to monitor ts'eman and jās̄ (sockeye and Chinook salmon) migrating to their spawning grounds at Chilko Lake in the heart of the T̄silhqot'in Title land. T̄silhqot'in leadership asked Crystal Verhaeghe (Emoda Consulting), Dr. Jocelyn Stacey (University of British Columbia), and Dr. Emma Feltes (York University) to document the event, building on prior work in *Nagwediz̄k'an gwanēs̄ gangu ch'inid̄zed ganexwilagh* (The Fires Awakened Us) and *Dada Nentsen Gha Yatastig: T̄silhqot'in in the Time of COVID*.


This document captures insights from T̄silhqot'in leadership and staff in the immediate aftermath of the landslide. This is the fourth in a series to show that the T̄silhqox landslide meant much more to the Nation than a temporary waterway obstruction.

It is a call to realign responsibilities and relationships to the nen (land), tu (waters) and ts'eman.

[1] The T̄silhqot'in language has many different names for salmon, underscoring the close relationship between these species and the people. For ease of reading, we use the English word "salmon" throughout when referring collectively to all species of salmon.

**"THIS IS WHAT
WE NEED TO EXPECT EVERY
YEAR - CRISIS MANAGEMENT"**

**- TNG EMERGENCY SERVICES
DEPARTMENT**



Key Learning

The T̓silhqot̓'in Nation leads emergency management in T̓silhqot̓'in territory and has actively negotiated government-to-government protocols for coordinated emergency management since the 2017 fires. The multi-faceted response to the 2024 T̓silhqox landslide generated a mixed track record of government officials upholding T̓silhqot̓'in jurisdiction through the implementation of these protocols.



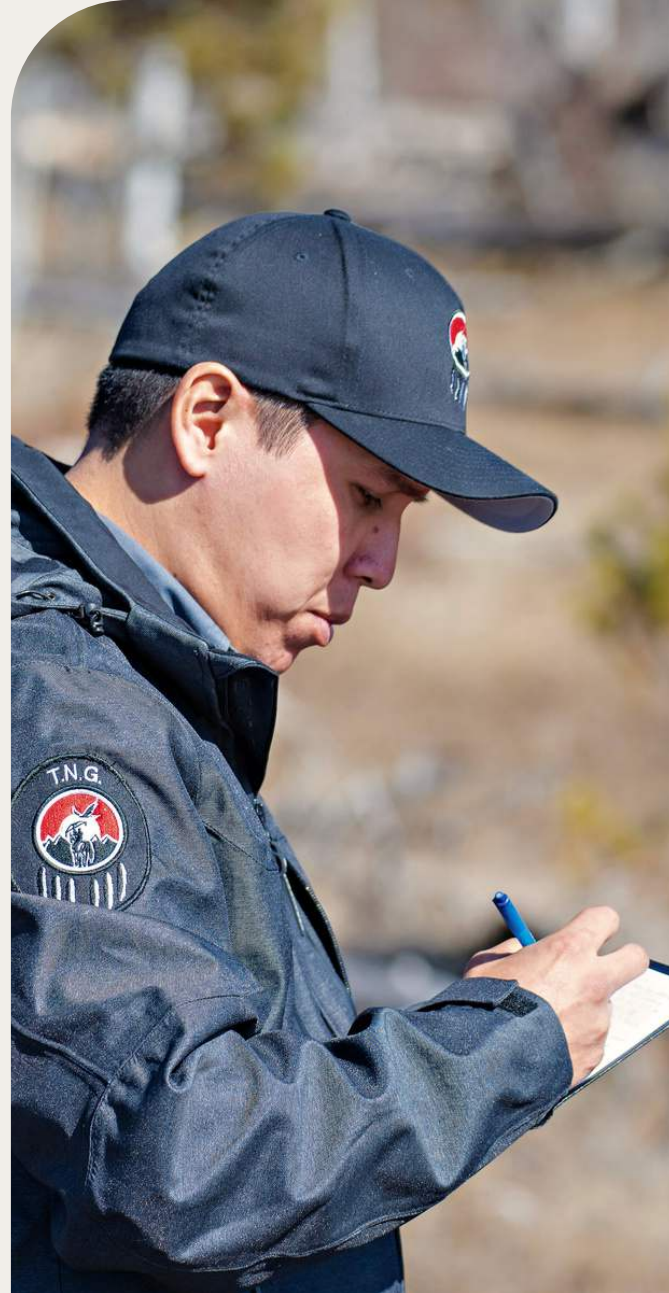
Nagwentled Drum Ceremony, August 2024



Jurisdiction & Protocol in an Emergency

The T̓silhqot̓in Nation’s response to the 2024 T̓silhqox landslide relied on decades of advocacy and leadership in emergency management. Managing emergency situations is a crucial aspect of exercising T̓silhqot̓in inherent jurisdiction. Contrary to a western approach, T̓silhqot̓in emergency management considers all aspects of how emergencies impact people, animals, lands, and waters over both the short and long-term. The landslide required a complex, layered and regional emergency response, involving many government agencies and technical experts, to monitor and manage the public safety and environmental impacts of the slide. While the T̓silhqot̓in National Government (TNG) has worked steadily to build government-to-government relationships and protocols with local, regional, provincial and federal governments for coordinated emergency action, the 2024 landslide tested the resilience of these relationships.

TNG exercised its jurisdiction in response to the landslide in order to protect the Nation and others from the hazards created by the slide. TNG activated its emergency operations centre and issued immediate public warnings about accessing the slide area and the banks of the T̓silhqox. This meant that the T̓silhqot̓in people would have to refrain from fishing. T̓silhqot̓in Rangers were on site and communicated warnings to those in the area, as needed. The Nation declared a state of local emergency for T̓silhqot̓in territory, which enabled the Nation to take any needed emergency measures. Within days of the slide, TNG established its Emergency Salmon Task Force (discussed in Learning 3).



People of the River

The T̓silhqot̓in, known as the “people of the river,” are comprised of six communities - Tl’etinqox, ʔEsdilagh, Yunešit’in, T̓sideldel, Tl’esqox and Xeni Gwet’in - connected by the rivers that run through T̓silhqot̓in territory. Historically, and to this day, the T̓silhqot̓in Nation exercises inherent jurisdiction to steward the nen (land), tu (waters) and sustain T̓silhqot̓in culture and way of life for the deni (people). The T̓silhqot̓in Nation won the first declaration of Aboriginal title in Canadian law, recognizing T̓silhqot̓in ownership of a portion of the nen. The Nation continues to exercise rights and jurisdiction to protect the whole of the nen. The Nation works to restore and strengthen collective and individual well-being through language, culture, and education guided by the ʔEsggidam (ancestors) and dechen ts’edilhtan (laws).

In some cases, T̓silhqot̓in jurisdiction was immediately recognized, respected and supported by provincial responders. Initially, the Ministry of Transportation and Infrastructure (MOTI) communicated plans to close the Hanceville Bridge, which would have cut off access to the communities of Yunesit̓in and Xenigwet̓in and other residents south of bridge. The T̓silhqot̓in objected to this proposal explaining to MOTI officials that closing the bridge would require those residents to evacuate. Furthermore, memories of being harassed by RCMP when the bridge was shut down during the 2017 wildfires have left a lasting mark on the community. To prevent this from happening again, Nits̓il̓in (Chief) Lennon Solomon provided an alternative: posting two community members at the site to monitor the water level for safety. This resulted in a practical, community-based approach, which MOTI then stood behind, sending engineers to assess and validate the safety of the bridge.

However, there were many other instances in which government partners struggled with T̓silhqot̓in jurisdiction and failed to grasp important protocol. Prompt and reliable communication of comprehensive information proved a fundamental challenge. Nits̓il̓in Solomon identified the province's immediate misstep in terms of communication protocol: at the first sign of an emergency, government "should have [contacted the] nearest community, Tl̓'esqox and then TNG." Following this protocol would have efficiently established the working relationships needed to coordinate T̓silhqot̓in and provincial jurisdiction. While the provincial government helpfully arranged helicopter viewings for Nits̓il̓in-Qi (Chiefs) and senior staff, the Province was reluctant to share monitoring data on a government-to-government basis with TNG. The result was that TNG's emergency management staff were largely hamstrung – unable to effectively advise and support communities because of the lack of up-to-date information about the landslide.



Hanceville Creek and Henry Bridge



Exercising T̂silhqot̂in jurisdiction responsibly in an emergency has often required the Nation to act first without knowing where the funding will come from to cover emergency expenses. The 2024 T̂silhqox landslide response repeated issues reported in *Nagwedižk'an gwaneš gangu ch'inidžed ganexwilagh* (The Fires Awakened Us).^[2] For example, TNG assumed financial risk for hiring necessary contractors and specialists because of funding delays from provincial and federal partners. Meanwhile, Canada took months to confirm partial funding for the Emergency Salmon Task Force, which had already completed significant work. Had the Nation waited on this funding confirmation, urgent and vital actions to steward the salmon, the T̂silhqox and the nen (land) would not have happened. As a TNG senior staff remarked, “it is hard to imagine this kind of uncertainty and delay from DFO [Department of Fisheries and Oceans] if it were any other [settler] government leading the Task Force.”

[2] at pages 24, 35 and 47.

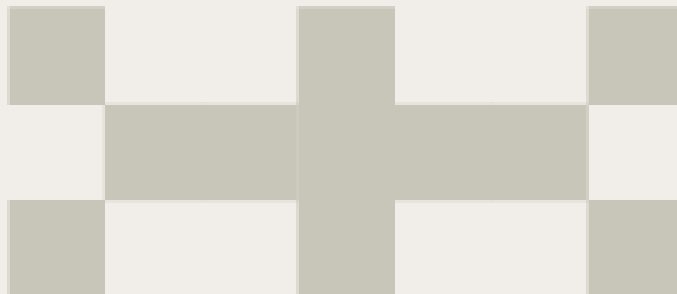


These communication and coordination challenges experienced were surprising given the track record of TNG in negotiating strong and specific emergency management agreements with BC. BC’s reluctance to directly share landslide information with TNG echoes the Nation’s experience early in the COVID-19 pandemic.^[3] TNG successfully negotiated an information-sharing protocol with the Provincial Health Office, but the siloed nature of provincial emergency response means that this learning did not carry over to the landslide. After the 2017 wildfires, TNG negotiated the first-of-its-kind Collaborative Emergency Management Agreement (CEMA) with British Columbia and Canada. Renewed in 2022, CEMA remains the only tripartite agreement of its kind. The CEMA outlines the commitment to “identify and support the implementation of policies and protocols to allow seamless and effective Emergency Management across all levels of government authorities (federal, provincial, regional, municipal and Indigenous).” Although CEMA has built strong relationships with government partners, CEMA partners were not able to efficiently respond in all cases to TNG’s requests for support. TNG was left to act on its own to ensure a timely emergency response.

[3] *Dada Nentsen Gha Yatastig: T̂silhqot̂in in the Time of COVID/Strengthening T̂silhqot̂in Ways to Protect Our People*, pages 43-51.



Collaborative Emergency Management Agreement signing; (left) Nits'il?in Chief Joe Alphonse, (right) Jody Wilson-Raybould





In addition to these important, nation-specific agreements, BC’s new Emergency and Disaster Management Act (EDMA) recognizes the inherent jurisdiction of First Nations in emergency management. It embeds obligations for the province, local authorities and others to consult and cooperate with First Nations’ title and rights-holders. TNG provided a submission to the province on EDMA clarifying that “the Minister must seek consent from the T̓silhqot̓’in Nation, as Aboriginal title holder, before making orders that impact the management and use of T̓silhqot̓’in lands.” The 2024 T̓silhqox landslide revealed these legal obligations have not yet translated to practice. TNG staff and leadership emphasized how, despite good local relationships and positive outreach from Emergency Management and Climate Readiness BC, landslide response decisions were being driven by different provincial actors and then imposed on the territory.

For example, the Ministry of Water, Land and Resource Stewardship, which had not been involved in recent emergency management reform,



set up their own response to the landslide, neglecting to invite TNG to the table. Positive, collaborative emergency management relationships were sidelined as other provincial officials arrived on scene and operated according to their own procedures, timelines and priorities. This aspect of landslide response contrasts starkly with how good relationships have supported TNG’s Emergency Salmon Task Force, as described in Learning 3.

The Nits’il?in-Qi have clearly articulated that, when it comes to emergencies in T̓silhqot̓’in territory, the T̓silhqot̓’in must lead. The Nation holds a holistic and long-term vision and responsibility for the nen, the tu and the salmon that guide emergency response in a coordinated manner. This means that, in emergencies, the T̓silhqot̓’in can generate positive change on the ground, and call on government partners to support that change. The 2024 T̓silhqox landslide response shows a mixed response reaction from government partners in supporting the nation’s leadership and upholding the protocols that respect T̓silhqot̓’in jurisdiction.



TNG Emergency Services Headquarters

