

“What We Heard”: Indigenous Engagement Process on Modernized Land Use Planning in BC



Prepared by:

Dovetail Consulting Group
April 17, 2020

Acknowledgement

On behalf of the Province of British Columbia, the staff of the Land Use Planning program wish to express gratitude to all those who participated in this process for contributing your time, experiences and knowledge.

Disclaimer: This independently produced report provides a summary of discussions held at workshops from September 2018 – March 2020. The views and opinions expressed in this report represent those of the individual workshop attendees and do not necessarily reflect the policy or position of the Government of British Columbia. This report is provided for information and discussion purposes only.

“What We Heard”: Indigenous Engagement Process on Modernized Land Use Planning in BC

EXECUTIVE SUMMARY

April 17, 2020

Introduction and Purpose

The Province of British Columbia (the Province) is in the early stages of defining a modernized approach to land use planning that reflects and responds to contemporary social, economic and environmental conditions and land use management challenges. Following a limited amount of land use planning in the province over the past decade, the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) and the Ministry of Indigenous Relations and Reconciliation (MIRR) have been directed to explore what a new approach could look like. Such an approach holds opportunities for the Province and Indigenous peoples to advance the adoption of the United Nations Declaration on the Rights of Indigenous peoples (UNDRIP), consistent with the *Draft Principles That Guide the Province of British Columbia’s Relationship with Indigenous peoples*.

The Province has made clear that it sees partnership between the Province and Indigenous peoples as a guiding principle for the design, development and implementation of a modern approach to land use planning. As one step in this partnership, provincial staff have been engaging with First Nations across the province to inform and help shape the modern approach to land use planning in British Columbia and to seek ways of working together.¹

In September 2018, engagement began with a two-day ‘Resource Planning Partnerships’ workshop. That event brought together First Nation representatives from several different areas of BC who had recent experience in land use planning to start to identify best practices and lessons learned. In the period from January 2019 to March 2020, Provincial representatives engaged directly with First Nations across the province. These regional efforts formed the central focus of the engagement process. The scope of discussions for regional engagement included open conversations around topics such as guiding principles for land use planning, potential benefits, approaches and expectations around planning in partnership, and the engagement process itself. Regional engagement was undertaken through a mixture of regional workshops, meetings and dialogues with Indigenous representatives, a structured questionnaire, and via written submissions.

Additional engagement events were scheduled in early 2020 but had to be postponed in light of the Covid-19 crisis. Further engagement opportunities will be provided as soon as circumstances allow.

This report compiles the results of engagements completed in the period September 2018 to March 2020 and present results in a manner that authentically reflects the views and opinions expressed by Indigenous participants in workshops, meetings and written submissions.

Thematic Summary of Input

This report summarizes content obtained from multiple engagement events and sources in the period September 2018 to March 2020 (See Appendix B). That content is organized according to a suite of key themes, which are described in brief, below.

¹ For additional information on efforts to modernize land use planning in partnership, see also:
<https://www2.gov.bc.ca/gov/content/industry/crown-land-water/land-use-planning/modernizing-land-use-planning>

Context

The design and implementation of a modernized land use planning program needs to take into account the current context of relationships between First Nations and other levels of government. That context includes the differing perspectives of First Nations and other governments, the need for recognition of First Nations as rights holders, and the many demands that First Nations are already facing as a result of existing processes and concurrent initiatives.

Vision, Scope and Rationale

Scope and Rationale: Many of those involved in BC's Indigenous engagement process for modernized land use planning offered comments on why planning was needed, what it should entail, and what outcomes or results should be achieved. Many individuals also highlighted the critical importance of a co-designed approach, whereby First Nations and the Province work together as partners to address these considerations. Some individuals suggested this program should be based on a holistic, sustainability perspective that considers environment, economy, community well-being and culture. Yet others viewed land use planning as one aspect of a broader agenda of transformative change, and a 'paradigm' shift in First Nations-Crown relationships. Many also agreed that the scope and rationale for land use planning need to be jointly determined by those involved. Several individuals also noted that the scope of land use planning should include new decision-making arrangements and institutional models, and focus on long term relationship building, perhaps with a reframing of the project as 'land use governance' rather 'modernizing land use planning.'

Co-design and Partnership: Numerous individuals stressed the importance of BC engaging with First Nations and Indigenous peoples at the outset to collaboratively design an approach to modernizing land use planning in partnership. Individuals spoke to the potential benefits of a collaborative approach as a meaningful joint exploration and joint learning exercise that builds trust, promotes enduring relationships, improves land management, and provides more certainty for everyone. It was suggested that a collaborative process would enable Indigenous people to share their wisdom, their knowledge, their ideas and their values. A collaborative, partnership approach would also increase trust and ensure transparency.

It was suggested that the modernization of land use planning needs to be framed as an 'exploratory discussion' of what might be possible at the provincial scale, with opportunities for innovation and regional and local adaptation. It was argued that such a program needs to enable a province-wide discussion for shared learning, and not be set up as a vehicle for centralizing authority. Several individuals stressed the importance of acknowledging and honouring the government-to-government relationship between First Nations and the Province of BC. Other individuals argued that the benefits of land use planning will only be derived if First Nations have their own comprehensive land use/stewardship plans as a first step, followed by a government-to-government process that would allow for integrating a First Nation's plan with the Province's own plan priorities. It was suggested that in the absence of adequate preparatory work, First Nations might end up reacting to other people's issues and priorities.

Outcomes: Several individuals spoke to the outcomes they would hope to see coming out of a collaborative land use planning process. Such outcomes might include improved relationships between First Nations and their BC counterparts, greater certainty that the health of the lands and communities will be assured over the long time, as well as new processes and arrangements that formalize and affirm the government-to-government relationship between BC and First Nations, including collaborative governance and decision making arrangements that provide transparency and certainty around consent based decision making. It was also suggested that the modernized land use planning program needs to contribute to fundamental reconciliation at its core, through a vision of shared governance and an acceptance and recognition of Indigenous governance grounded in the principles of self-determination and inherent rights. From this flows a joint commitment to a healthy environment and human well-being based on shared benefits. It was suggested that such an approach would require a shift away from transactional processes, which were viewed as often being not collaborative, relationship-based or respectful.

Policy Framework

Need for a Policy Framework: One of the recurring themes in the Indigenous engagement process was the need for a clearly defined policy framework to guide the future of land use planning in BC. Such a framework would provide broad direction, possibly with opportunities for the framework to be refined at the regional level and then applied to specific circumstances through further refinement with individual First Nations to meet their specific needs. Many individuals stressed that this policy framework needs to be co-designed from the very outset by First Nations and BC, working together in true partnership. Several individuals also noted that the development of the policy framework should include opportunities to seek advice through stakeholder engagement and public consultation.

A Prototype Policy Framework from BC: Several individuals suggested that as a first step, BC should develop a draft policy framework—variously referred to a ‘principles and process document,’ a ‘prototype,’ or a ‘straw dog’—based on ideas and suggestions obtained to date from First Nations through the Indigenous engagement process to date, and share that draft policy for review and comment. It was also suggested that a draft policy could provide the foundation for continued, focused dialogue with First Nations on the scope of a modernized land use planning program, including fiscal funding support, new policy and legal tools, new tools for characterizing values, data management approaches, and cumulative effects assessment, among other elements.

Guiding Principles: Several participants suggested that the policy framework for modernized land use planning should be informed by a set of guiding principles. Many individuals offered suggestions for topics that should be incorporated within those principles, as outlined in the body of this report.

Mandates and Government Coordination: Several individuals suggested that a clear Cabinet mandate needs to be in place to ensure the success of a modernized land use planning program in BC, linked to implementation of UNDRIP, the Calls to Action from the Truth and Reconciliation Commission, and the *Draft Principles that Guide the Province of BC’s Relationship with Indigenous Peoples*. Others cautioned that modernized land use planning might require a shift away from program design based on firm mandates, prescribed processes and defined outcomes, suggesting instead that the approach should instead be founded on guiding principles that are more emergent. Other individuals commented on the need for coordination and integration as the modernized land use planning program is developed, in particular, considering the linkages between the Provincial and Federal Governments, and also to ensure alignment among provincial ministries and the many other resource management initiatives underway.

Lessons Learned and Benchmarking: It was suggested that a modernized land use planning program should be informed by knowledge of lessons and best practices, particularly related to successful government-to-government planning models and processes, and shared governance from other jurisdictions.

Program Design Considerations

Institutional Arrangements and Governance: Several individuals called for clearly defined governance arrangements to guide the development and implementation of a modernized land use planning program, for example through government-to-government agreements with a land use vision and goals embedded as foundational documents. It was suggested that examples of governance arrangements which have proven effective for other government-to-government initiatives should be referenced for lessons and insights. Some called for the establishment a provincial forum or working group on land use planning to advise on program development and implementation over time.

Knowledge and Information: It was suggested that the modernized land use planning program needs to grapple with the kind of supporting information that is needed for planning purposes, from what sources and in what forms, and improve how that information is compiled, managed, and utilized. Several individuals called for the recognition of Indigenous/traditional knowledge as well as western science, and for consideration of the use of Indigenous languages, which encode different worldviews and understandings. The importance of cultural data was also highlighted, including mapped and other information related to traditional use and occupancy. Several individuals commented on the need for improved measures to protect sensitive information, and clear agreements related to the sharing of such information and how it would be managed and utilized. It was also suggested that land use planning

should be informed by relevant baseline information, and some individuals called for clearer definition of the actual data needed for the completion of planning products.

Incremental Approach, Adaptation and Flexibility: Several individuals called for a modernized land use planning program to adopt an incremental approach, including some 'early wins,' and allowing for continuous improvement over time. Others echoed this idea, suggesting that the program should be designed from the outset to be adaptable, particularly given uncertainties and the growing complexities of land use issues. Yet others called for the program to be sufficiently flexible so that planning approaches can be tailored to regional circumstances. Some individuals with past experience in complex land use processes cautioned against 'one-offs' however, noted that each exception can establish precedents that might not contribute to the long-term success of the program overall.

Timelines and Urgency: Some individuals expressed concern with the perceived urgency to embark on this modernized land use planning program without having a robust policy framework in place, arguing that this might lead to an ad hoc, 'implementation on the fly' approach that does not achieve its potential. Several individuals commented that adequate time is needed within planning projects to build trust and relationships, and to create the space for respectful recognition of Indigenous worldviews, interests and perspectives.

Resourcing for Land Use Planning: Several individuals highlighted the critical importance of adequate resourcing for First Nations to undertake pre-planning prior to joint land use planning with BC, to participate effectively in lengthy, joint planning processes, and to support First Nations involvement in plan implementation. Given the importance of this element to success, several individuals suggested that there needs to be an explicit fiscal framework and commitment in place to ensure First Nations have a sustainable, multi-year source of funding to support their involvement in land use planning and resource stewardship.

Dispute Resolution: Several individuals commented on the need for a modernized land use planning program to include thoughtful mechanisms for dispute resolution. Dispute resolution mechanisms need to be in place not just to support government-to-government processes, but also engagement with stakeholders and the public. Indigenous worldviews and ways of resolving conflict could be helpful and should be explicitly built into the collaborative design of dispute resolution mechanisms.

Pre-Planning and Readiness

First Nations highlighted the importance of careful preparation in advance of start-up of a land use planning process, including documenting indigenous law, building the necessary capacity and technical capabilities, and completing an assessment of overall readiness.

Documenting Indigenous Law: Several individuals noted that many First Nations are working actively to recover and restore Indigenous knowledge and governance systems. It was suggested that this step may be important as a foundation and precursor to land use planning.

Capacity Building: Many individuals stressed the importance of capacity building to support modernized land use planning. This issue was highlighted as one of the key lessons from First Nations that have had experience with planning in the past. Several individuals also suggested that the federal and provincial governments have a critical role to play in providing adequate financial and other resources for such capacity building to occur. Furthermore, while capacity is often a key requirement for First Nations, similar improvements in technical capacity might also be needed within provincial or federal agencies for collaborative initiatives to be successful.

Several individuals noted that different *types* of capacity might be needed at the administrative as well as at the technical level as plans are being developed. Some individuals also noted that capacity will also be needed to support effective implementation. The *geographic scale* at which capacity building needs to be available was also identified as an important consideration. Based on experience from land use planning within First Nations territories in the area referred to as the Great Bear Rainforest, the capacity to engage in discussions related to the development of policy or legislation for example, at a senior level, might actually be needed at the regional scale rather than being made available by each individual First Nation.

Several individuals highlighted the need for training to help build capacity within First Nations communities. The scope of such training might vary, including education for community members to obtain the skills and qualifications necessary to take a more active role in natural resource management, assessments of claims and permits, or to play a role in health and safety or environmental monitoring.

Readiness: Several individuals highlighted the importance of assessing readiness before engaging in land use planning. Such an assessment should inform decisions on whether or not to engage in such an ambitious initiative, how broad the scope of planning should be, and prioritization of issues to be addressed. It was suggested that any such assessment be based on a clearly defined set of criteria—which should be co-designed and widely shared—related to factors such as technical and administrative capacity, the compilation and availability of Indigenous knowledge, the compilation and availability of other data, and the completion of research studies or analyses related to key values.

Interim Measures

Several First Nations individuals highlighted the importance of some form of interim measures to ensure that key values are conserved and that cultural practices can continue unimpeded while land use planning is underway. It was suggested that modernized land use planning should make available a range of interim measures, including economic accommodation, Impact Benefit Agreements, and restrictions on the scope, timing and spatial extent of resource extraction or development through tools like suspension of moose harvest, restriction on the allocation of water rights, No Staking Reserves, and *Land Act* section 16 and 17 reserves. Respondents also noted that a modernized approach should clarify what should happen when collaborative planning leads to conflicts with existing permits and authorizations.

Technical Planning Tools and Climate Change

Technical Planning Tools: Several individuals commented on the importance of new technical tools to support modernized land use planning, including tools: to assist in the collection and analysis of information from knowledge holders and First Nations community members; for the legal protection of values in a more sophisticated and adaptable manner; and, for the identification of new types of resource management zones. It was suggested that new and improved legal instruments are also needed to support modernized land use planning in British Columbia.

Climate Change and Planning for Resilience: It was suggested that modernized land use planning needs to take into account the realities of climate change, and incorporate greater adaptability so as to account for change over time and address the need for resilience. The notion of resilience should be applied not only to ecosystems but also to human communities, and existing land use plans should be revisited in light of new information and understandings.

Community, Local Government and Stakeholder Engagement

First Nations Community Engagement: Several individuals commented on the importance of engaging First Nations members at a grassroots level, so that First Nation communities ‘own the plan’ and want to be part of making it a success. A range of tools need to be utilized for effective communication and engagement at the community level, including social media, vlogging, clickers at meetings, posters, recorded video of meetings, community surveys, workshops, family meetings and field trips to the area.

Education and Engagement with Local Governments, Stakeholders and Communities: It was suggested that Indigenous peoples embarking on land use planning need to consider not only their relationship with senior levels of government and their own First Nations members, but also how they will interact with local governments, stakeholders and local communities. Several individuals highlighted the importance of BC acting proactively to educate British Columbians on UNDRIP, reconciliation, and the evolving partnership between BC and First Nations. Several individuals also noted that there is a lack of knowledge and denial of Indigenous rights by some members of the public, some local government officials and among some stakeholders, and that the burden is often placed on Indigenous communities to educate these third parties, when this is primarily BC’s responsibility. Several respondents also noted that reconciliation is a

process that must include local non-indigenous communities, especially through local and regional governments, so that they are engaged and supportive of the land use planning work.

Implementation

Implementation Capacity and Resources: Several individuals highlighted that implementation of plan products is a critical element that is often challenging and under-resourced for both First Nations and government agencies. Others noted that it remains an ongoing challenge to find and retain adequate technical capacity to support implementation of land use agreements. Some individuals expressed concerns that the inadequacy of implementation efforts might also undermine commitment to planning initiatives more broadly.

Legislation and Policy Support for Implementation: Several individuals noted that provincial legislation and policy can be cumbersome and ineffective at implementing land use agreements. As a result, the substance of many current land use plans remains a matter of policy, with little certainty that plans will be fully implemented over time. It was suggested therefore that new legislative tools need to be developed to support agreement implementation, including new legislation enabling Indigenous protected areas. Some individuals suggested that existing tools, such as section 93.1 and 93.3 of the *Land Act* should be better utilized to provide supporting guidance. Other legal mechanisms also need to be developed, within a structure of nested plans, so that lower level plans (i.e. Forest Stewardship Plans) are required to comply with higher-level reconciliation agreements.

Shared Decision Making and Adaptive Learning at the Operational Level: Some individuals felt there is a need to adopt shared decision-making approaches at the operational level, for example, by requiring statutory decision makers to implement consensus recommendations from government-to-government agreements and forums. Several respondents noted that strong relationships based on trust and mutual understanding play a key role in making implementation more effective and efficient, especially in the absence of clear legal or regulatory land use direction.

Monitoring and Enforcement: Several individuals commented that monitoring of land use plan implementation has largely been ineffective to date. It was suggested that under a new program of modernized land use planning, implementation needs to happen incrementally, with monitoring of achievement of milestones, and mechanisms in place to ensure this monitoring informs ongoing decision-making.

Guardian Programs: Several individuals commented that Indigenous communities should play a key role in monitoring land use plan implementation, and suggested that traditional governance systems might also help inform monitoring approaches and shared learning. Several participants spoke about the role that Indigenous people play on the land protecting resources and monitoring activities, noting that this has been their role historically and continues today. Some participants shared positive experiences with guardian programs and suggested that these types of programs need to be expanded so that the knowledge Indigenous people carry about the land can be shared and honoured. Guardian programs also provide an opportunity to build resource management capacity in First Nations communities through on-the-ground monitoring, and compliance and enforcement. It was also suggested that further efforts are also needed to support networking among guardian programs provincially and beyond.

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Draft

“What We Heard”: Indigenous Engagement Process on Modernized Land Use Planning in BC

April 17, 2020

1. Introduction

This document summarizes input received from First Nations and Indigenous peoples during the period September 2018 to March 2020 related to the modernization of land use planning in British Columbia.

This document was prepared by the Dovetail Consulting Group, which was retained by the Ministry of Indigenous Relations and Reconciliation (MIRR) to assist the Province of British Columbia’s Indigenous Engagement Process (IEP) on modernized land use planning.

1.1 Background

The Province of British Columbia (the Province) is in the early stages of defining a modern approach to land use planning that reflects and responds to contemporary social, economic and environmental conditions and land use management challenges. Following a limited amount of land use planning in the province over the past decade, the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) and the Ministry of Indigenous Relations and Reconciliation (MIRR) have been directed to explore what a new approach could look like. Such an approach also holds opportunities for the Province and Indigenous People to advance the adoption of the United Nations Declaration on the Rights of Indigenous peoples (UNDRIP), consistent with the *Draft Principles That Guide the Province of British Columbia’s Relationship with Indigenous peoples*.

The Province has made clear that it sees partnership between the Province and Indigenous peoples as a guiding principle for the design, development and implementation of a modern approach to land use planning. As one step in this partnership, provincial staff have been engaging with First Nations across the province to inform and help shape the modern approach to land use planning in British Columbia and to seek ways of working together.²

In September 2018, engagement began with a two-day ‘Resource Planning Partnerships’ workshop. That event brought together First Nation representatives from several different areas of BC who had recent experience in land use planning to start to identify best practices and lessons learned. In the period from January 2019 to March 2020, Provincial representatives engaged directly with First Nations across the province. These regional efforts formed the central focus of the engagement process. The scope of discussions for regional engagement included open conversations around topics such as guiding principles for land use planning, potential benefits, approaches and expectations around planning in partnership, and the engagement process itself. Regional engagement was undertaken through a mixture of regional workshops, meetings and dialogues with Indigenous representatives, a structured questionnaire, and via written submissions. The stated purpose of these engagement efforts, and a set of guiding principles for planning and conducting engagement are presented in Box 1. A summary of regional engagement activities is provided in Appendix A.

In addition to the regional engagement process, more targeted dialogue has also been taking place with Indigenous organizations, with individual Indigenous experts in land use planning, and through early land use planning projects. The scope of those dialogues is outside of the scope of this report.

² For additional information on efforts to modernize land use planning in partnership, see also: <https://www2.gov.bc.ca/gov/content/industry/crown-land-water/land-use-planning/modernizing-land-use-planning>

Box 1: Purpose and Guiding Principles for Indigenous Engagement by Provincial Agencies on Modernized Land Use Planning

Purpose

The purpose of the regional workshops is to:

- With Indigenous partners, collaboratively design a modernized Land Use Planning (LUP) Framework that can provide guidance to Provincial and Indigenous governments in undertaking future land use planning projects.
- Seek input from a broad range of Indigenous partners on how modernized land use planning can advance reconciliation and the adoption of UNDRIP, and other priorities identified by Indigenous participants, other stakeholders, and the Province.
- Ensure that the LUP Framework is designed with Indigenous partners in a collaborative and regionally appropriate manner.
- Shape and refine the LUP Framework through successive workshops, building on feedback gained through Phase 1 of Indigenous engagement (Resource Planning Partnerships Workshop).

Guiding Principles for Engagement Process

The overarching principles for planning and conducting regional engagement are listed below:

- *Indigenous-interest focused.* Engagement will prioritize seeking and incorporating feedback on the development of a modernized Province-wide Land Use Planning Framework, and space will be made to discuss interests and priorities of Indigenous participants.
- *Collaborative approach.* Engagement in workshops is intended to be collaborative and responsive to feedback.
- *Responsive to local needs.* Design and delivery of regional workshops can be flexible to meet unique local needs.
- *Broad province-wide reach.* The intent is to reach broad range of Indigenous Nations and experienced Indigenous and provincial practitioners from across BC. Regional workshops are not likely to reach all 203 First Nations, but there will be opportunity to share information and seek written feedback outside of the workshop model.
- *Transparent communication.* All interactions will be open and transparent, with communication in plain language terms.

1.2 Purpose of Report

The purpose of this report is to compile the results of engagements with a number of First Nations and Indigenous peoples on the topic of modernized land use planning during the period from September 2018 to March 2020 and present those results in a manner that authentically reflects the views and opinions expressed by Indigenous participants in workshops or meetings and in written submissions.

The themes, comments, suggestions and recommendations contained in this report are intended to help inform the collaborative development of a modernized Provincial Land Use Planning Program by the Province of BC in partnership with First Nations and Indigenous peoples.

1.3 Scope and Limitations

Notwithstanding the multiple streams of engagement activity to date, the process for engagement with First Nations related to land use planning in British Columbia has been significantly affected by the onset of the Covid-19 crisis. In particular, several scheduled engagement events were postponed, which has limited the scope of information on which this report is based. It is anticipated that further engagement opportunities will be offered as soon as circumstances allow.

The source material used in the preparation of this report was provided by MIRR to the Dovetail Consulting Group in the form of written notes. This written material included:

- Notes from meetings with Indigenous peoples, prepared by provincial staff;
- Copies of questionnaire responses from Indigenous representatives; and,
- Summary Reports from provincial and regional workshops, prepared by consulting firms.

A summary of source documents is included in Appendix B.

Content has been organized within this document according to a suite of key themes. The definition of those themes was informed by a review of the complete data set and subsequently approved by MIRR. Appendix C includes a tabulated summary of the occurrence of material related to each theme, organized by source.

The material contained in this report represents a summary of individual comments, opinions and suggestions organized by themes. There is no inferred level of agreement with any given comment, nor should any weighting be assigned or implied to any particular theme, comment, or suggestion. Content is not attributed to any individual or source in this document.

The material presented in this report does not reflect the opinions of the authors nor of any provincial agency or individual.

1.4 For More Information

For queries related to engagement on modernized land use planning, please contact:

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See also the Provincial Land Use Planning webpage: www.gov.bc.ca/landuseplanning

2. Thematic Summary of Input

The following sections summarize content from multiple engagement sources (See Appendix B), organized according to a suite of key themes.

For each theme, a concise summary of comments from First Nations individuals is provided, supplemented by additional bullet points that add detail or texture relative to a particular context, geography or situation. Sub-headings are also used to identify sub-themes.

The material in the sections that follow is presented in no particular order of priority.

2.1 Context for Modernized Land Use Planning

Several individuals suggested that any discussion of a modern approach land use planning needs to take into account the current context of relationships between First Nations and other levels of government. This context included differing perspectives between First Nations and other governments, the need for recognition of First Nations as rights holders, and the many demands that First Nations are already facing as a result of existing processes and concurrent initiatives. Other individuals framed these and other considerations as ‘assumptions,’ or described them in terms of ‘key characteristics’ of First Nation communities (see Box 2).

First Nations as Rights Holders

Several comments highlighted the importance of recognizing First Nations as rights holders and as governments that have jurisdiction within their own territory. Many individuals shared that in previous land use planning processes, First Nations were treated the same as non-government organizations (NGOs) and stakeholders; several individuals also expressed frustration that this perception still exists in some current processes. Others added that First Nations have the right to expect to benefit from the development of resources on their own lands. Specific comments on this topic of First Nations as rights holders included the following:

- First Nations are not stakeholders; they are landowners and rights holders.
- Indigenous people have inherent rights over the land and need to resume jurisdiction over their territories.
- Indigenous people and governments are not ‘given’ rights by the Province, but have those rights inherently and simply need to exert them.
- Huge volumes of money are leaving First Nation territories, particularly with established industry, and benefits are not being shared with those who are impacted. Courts have determined that First Nations have rights to benefit from their territory, and if they don’t benefit then they can seek redress through the courts. It is up to government to ensure benefits flow to Nations in order to avoid litigation.
- There are often challenges with local governments because some municipalities have a perception that they have control over First Nation issues.

Differences in Perspectives

Some individuals suggested that the difference in the perspectives held by First Nations and others need to be recognized and understood. Furthermore, it was suggested that BC and Indigenous communities have some shared values, but many fundamental differences (e.g., BC values appear to be economically-driven while Indigenous values are more culturally-driven). Another individual suggested that the lack of understanding of Indigenous people and their way of life impairs the relationship between the Crown and Indigenous communities.

Other comments on this topic included the following:

- First Nations are part of the family of the land, and “we don’t take as much as we can. There is a depth of connection to place.”
- Indigenous people have been planning for a long time, and the Indigenous world-view needs to be accommodated.
- Indigenous communities may have different perspectives around land use planning than government —this needs to be recognized in some way.

- Nations “take responsibility to the land seriously.” The decision by First Nations to limit their own hunting or other activities—thereby imposing what one individual described as ‘self-moratoriums’—speaks volumes to the commitment of First Nations and the depth to which their responsibility to land is ingrained within their cultural values. There is protocol *among* Nations as well.

Box 2: ‘Foundations’

The *Land Use Planning Regional Sessions* report (July 23, 2019) from Indigenuity Consulting Group Inc., summarized multiple workshops in the Lower Mainland and on Vancouver Island. It was noted that “throughout the discussions at each of the three sessions, the following points were raised consistently by participants to describe key characteristics of Indigenous people and communities.” These following points are presented in no particular order of priority.

- Indigenous people and communities are rights-holders, not stakeholders. Many participants shared that in previous land use planning processes, they were treated the same as NGO’s and stakeholders, and many expressed frustrations that this perception still exists in some current processes. Several participants said that the public and local governments, in particular, need to be educated in order to change this situation.
- Indigenous people are stewards of the land and guardians of their territory. Several participants spoke about the role that Indigenous people play on the land protecting resources and monitoring activities, and said that this has been their role historically and continues today. Some participants shared positive experiences with guardian programs and suggested that these types of programs need to be expanded so that the knowledge Indigenous people carry about the land can be shared and honoured.
- Indigenous people hold a significant amount of knowledge about their territory. This knowledge needs to be treated equally to western science. Many participants said that this was a key component to successful government-to-government relationships.
- Indigenous communities are diverse, and need to be treated on an individual basis.
- Indigenous laws have existed for generations. These laws impact activities on the land.
- Indigenous people have inherent rights over the land and need to resume jurisdiction over their territories. A number of participants emphasized that Indigenous people and governments are not ‘given’ rights by the Province, but have those rights inherently and simply need to exert them.
- Indigenous people and communities have a fundamental distrust of the Province and Canada based on past experiences. This distrust is a long-standing reality and will need time to resolve. Participants also said that if a land use planning process does not recognize traditional knowledge or incorporate Indigenous laws, then communities will continue to be skeptical and /or distrust the process.
- Many Indigenous Nations have existing Land Use Plans (LUPs). A number of these LUPs are for Reserve land only, while others encompass off Reserve as well. Some participants shared their experience of developing LUPs through a land code or some other form of self- government, and stressed that these LUPs need to be recognized and accommodated in any new process.

Multiple Initiatives Underway

Several individuals noted that there are multiple, concurrent initiatives underway in BC, each of which place obligations and demands on First Nations. While it was acknowledged that this is in part due to Ministries doing their best to respond to mandate letters, one observer suggested that there are as many as 27 current natural resource initiatives underway, all of which are different and are led by different agencies. In this context, it was noted that “Indigenous peoples are struggling with whether and how to engage in some or all of these initiatives, given limited time and resources.”

Other comments on this topic included the following:

- The linkage between modernized land use planning and the Collaborative Stewardship Framework (CSF) initiative needs to be clarified. In particular, the relationship between broader efforts to improve relationships under CSF at the more senior government-to-government level, specific stewardship projects under CSF at the technical level, and the scope of proposed modernized land use planning needs to be better defined.
- Referrals are taking up a great deal of time and energy, which impairs the ability of First Nations to move forward—this leads to community engagement overload.
- First Nations might be better positioned to make decisions on which initiative to engage with, and in what order of priority, “if BC could be clear about the space available to do things differently; for

example, can legislation or policy be changed, and can there be a new kind of fiscal relationship established?”

2.2 Vision, Scope and Rationale

Many of those involved in the engagement process for modernized land use planning commented on *why* planning was needed, *what* it should entail, and *which* outcomes or results should be achieved. Many also highlighted the critical importance of a co-designed approach, whereby First Nations and the Province work together in partnership to address these considerations.

2.2.1 Scope and Rationale

Several individuals underlined the need to clarify the rationale for land use planning—to define *why* planning is needed. For example, one person suggested that land use planning enables a shift to a pro-active approach for the management of important values, rather than being reactive to development pressures or ‘hot issues.’ Others suggested that land use planning should be based on a holistic, sustainability perspective that considers environment, economy, community well-being and culture. Yet others viewed land use planning as but one aspect of a broader agenda of transformative change.

Several individuals also suggested that the intended scope of land use planning should be clearly defined at the outset—*what* it includes and what it does not. As one person noted, “What is it that land use planning can actually deliver? What convinces senior decision makers, whether provincial or within Indigenous Peoples’ governments, that this is worth doing? It is important to inform a decision maker’s strategic choices.”

Many also agreed that the scope and rationale for land use planning need to be jointly determined by those involved. As one person commented, “the scope of land use planning needs to be defined—jointly—by Indigenous people and BC. Each Indigenous people have a unique territory. In that context, priorities for land use planning need to be set jointly, and nothing should be ‘off the table’ at the front end.” (It was also suggested that while BC has its own existing approach for setting priorities—first at the provincial scale and then within each region—this approach needs to be adjusted to engage Indigenous people more directly).

For reference, BC’s suggested ‘drivers’ for land use planning are presented in Box 3. Additional information on the need for partnership and co-design in the development and implementation of the policy framework for land use planning is included in Section 2.2.2.

Box 3: Drivers for Modernized Land Use Planning: BC Perspective

In the background material circulated to First Nations as part of the engagement process, the following drivers for on modernized land use planning were identified (in no particular order of priority):

- Reconciliation with Indigenous governments, and the B.C. government’s commitment to implement the United Nations Declarations on the Rights of Indigenous People (UNDRIP).
- Ensuring communities and stakeholders are engaged in land and resource planning.
- A growing economy and increased demand on natural resources and the need to balance economic, environmental, social, and cultural objectives.
- Increasing complexity as a result of climate change and factors that affect the land base, including species-at-risk management, wildfires, flooding, and drought.
- Addressing cumulative effects on natural resource values.

Focus and Framing

A number of individuals reflected on the underlying framing of land use planning initiatives and the core ideas that should be given focus in such a process, offering a variety of different but related perspectives:

- *An integrated perspective:* Some individuals called for a holistic or integrated perspective that represents “a commitment to a long-term, holistic, ecosystem and community sustainability vision,” and that addresses multiple ‘pillars,’ including environment, economy, community well-being and culture. As one person stated, “the Great Bear Rainforest (GBR) process included a high-level

commitment to ecological and community well-being, which provided a valuable 'mental framework for collaboration.' The desire for deep reconciliation across environmental, cultural and socio-economic spheres is a compelling vision. Healing indigenous relations to land is also a key and compelling idea." Another individual suggested that "land use plans need to be holistic... We need to move away from 'slice and dice' land use planning." It was also suggested that the concept of 'long-term,' or 'seventh generation' also needs to be integrated, especially as part of the way forward in the face of climate change and the need to protect biodiversity.

- *Community at the centre:* A few other individuals suggested that a modern approach to land use planning should place community development at the centre, noting that "the health of communities and their connection to land and culture is a key organizing principle. Agencies need to orient around these core principles or goals, rather than communities orienting themselves around fragmented programs and projects." Another person supported this view, adding that "modernizing land use planning needs to deliver real benefits to communities as part of the process. There have to be incentives for communities to engage in this process." Others highlighted the importance of community resilience—the ability to withstand impacts and be adaptable to change (see also Section 2.7.2).
- *Economic benefits for the community:* Some individuals highlighted the importance of clarifying the economic benefits for First Nations from land use planning specifically. One First Nations individual asked: "Why participate in a framework where BC gets all the benefits from the land while we continue to live in poverty? What is our share of the benefits?" It was suggested that First Nations currently rely on Economic Cooperation and Development Agreements (ECDAs), which are far from satisfactory as they result in "someone else calling shots in our lives." With this in mind, it was suggested that land use planning should not simply be a process between First Nations and the Crown that leaves Indigenous people with the status quo, but instead should be based on a respectful relationship that provides economic benefits to both parties.

Finally, one individual also suggested that a focus on the 'business case' for land use planning can be limiting: "I am concerned with the 'business case' approach to rationalizing planning. It's always short-term rather than the long-term thinking. I come from a part of the province where there won't be much timber left in 20 years, and we haven't done a good job of taking care of the land for future generations."

A Contribution to Transformative Change

Some individuals suggested that land use planning should not be perceived as a stand-alone activity, but instead should be but one aspect of a broader agenda for transformative change in the relationship between First Nations and the Crown—what some people referred to as a 'paradigm shift.' From this perspective, it was suggested, land use planning would not be understood simply as a tool to inform and guide decisions about the development of resources or the conservation of certain values and areas, but instead would be a mechanism by which First Nations and BC could engage in a new kind of respectful relationship. In particular, it was suggested that land use planning and the related governance arrangements that flow from it could advance efforts toward self-determination for First Nations, and create "jurisdictional space at the law-making level, and shared decision making." As one person stated, land use planning is an opportunity for "reciprocity with each other and the land. [It] has to go both ways... to walk hand in hand together down the road... to walk into the future with our neighbours."

It was also suggested that modernized land use planning is but the latest in a series of ambitious government initiatives that have attempted to shift and improve the relationship with First Nations. Previous milestones have included for example, Land and Resource Management Planning (LRMPs), various economic agreements by resource sector, and the New Relationship.

Additional comments on the topic of transformative change included the following:

- Land use planning enables First Nations and the Province to articulate interests and to express those spatially on a map, "but why would you do that? If two parties come together and produce a plan together, it is still just a platform. If the relationship isn't right then essentially the First Nation is just surrendering their information that allows others to make decisions. We need fundamental transformative changes... if that structure is in place, then models like land use planning can make sense, but it has to fit into something... What is it fitting into? What does it enable you to do? Does it provide a platform for more meaningful engagement? What is that shift? That is far more profound."

- The potential for land use planning is high, but it “has to fit with something else otherwise we end up trading information and don’t make collaborative decisions that fit the interests of either party.”
- What does ‘land use planning’ mean? “To me, it comes from an industrial perspective—how much we can do there, how much can we take out—it is an economic-based system, which is a totally different world view from how we [First Nations] see it.”
- It was suggested that BC and First Nations need to “have a real discussion on how [all of this is] going to look now so that I can see certainty for my grandchildren. We can’t keep going in circles here! The land is who we are. Our vision for the land is more than just a mapping exercise, more than an expectation of [our First Nation] providing information so that the Province can go away and make decisions, so someone else can interpret it... We’ve been in these processes for quite a long time... we need to transcend to a different place, to transform our relationship.”
- This work requires a “paradigm shift in the relationship between Indigenous people and BC and new mandates based on ethical principles of respect and relationship building. We need a policy framework that is grounded in the principles of collaboration. We can learn from social innovation and system design work to enable a paradigm shift at the structural level. This can be achieved with a renewed mandate and implemented through a policy framework that is collaborative and has room for adaptation.”

Land Use Governance

Several individuals also noted that the scope of land use planning should include new decision making arrangements and institutional models, with a focus on long term relationship building. For this reason, it was suggested that consideration be given to reframing the program as ‘land use governance’ rather ‘modernizing land use planning.’ As one person noted, “land use planning is a narrower vision and implies a ‘do and stop’ mindset, whereas designing a land use governance program implies long-term relationship building with First Nations, including the development of governance capacity and institutional arrangements.”

Planning On and Off Reserve

Several individuals noted that a modernized approach needs to integrate planning approaches that are applied to land both on and off reserve. It was acknowledged that environmental and social impacts of land use occur off-reserve as well as on-reserve. One person suggested that “there is a disparity between federal and provincial lands, and not including the Federal Government in these conversations is short sighted. Reserve lands become islands for species at risk, and nothing is coordinated.”

Marine Planning

It was suggested by several individuals that the scope of modernized land use planning should encompass marine and well as terrestrial environments, particularly in coastal regions. Even for more interior regions, however, it was suggested that ecosystem linkages or the impact of external management activities—such as salmon harvest, managed under the jurisdiction of DFO— need to be considered. As one person stated, “land use plans need to include connections to resources not isolated/bound by regions (i.e. coastal pressures on inland salmon runs, wildlife etc.)”

Cumulative Effects

Several individuals suggested that modern approach to land use planning should take into account cumulative impacts, or cumulative effects management (CEM). Comments offered on this topic include the following:

- CEM should be foundational for a new approach to land use planning. This should include joint information gathering and joint analysis. Consideration should be given to a ‘no-net-loss-plus’ approach in which mitigation should be required that matches or exceeds the values impacted.
- Addressing cumulative effects will require comprehensive understanding of the complexity of ecosystems and all species, climate change, and past, present and future land and resource decisions: “Rather than embracing ‘a growing economy’ discourse, as planners and decision makers, we should be focusing on how to more efficaciously use the natural resources that we have. This was brought up over 20 years ago (e.g., value added) in regard to the forest industry and forest resources but little if anything has been done, and the result is a failing forest industry and ecological (including species) decline.”

Staking, Mineral Exploration and Mining

Several individuals commented on the need for modernized land use planning to address the long-standing concerns of First Nations related to mineral staking and conflicts over the areas made available for mineral exploration and mining. In particular, it was suggested that further work is needed to update policies related to mineral tenuring in BC, to define 'no-go' areas in advance, and to ensure that there is free, prior and informed consent (FPIC) before third party rights or interests are established. It was also suggested that addressing these issues could help improve relationships between First Nations, the Ministry of Energy and Mines, and proponents, thereby reducing the time and resources spent on claims made on land that Indigenous Nations have already determined as culturally or environmentally sensitive.

Additional comments included:

- Provincial policy around mineral staking needs to be reviewed. A few participants mentioned the fact that companies can stake claims on Crown land without any input from Indigenous communities and said this needs to change in order for there to be true government-to-government decision-making.
- A revised mineral tenure system needs to be established that acknowledges aboriginal title and ensure FPIC for any mineral exploration.
- Notifying Indigenous nations at the time of registration [of a mineral tenure] is insufficient because staking a claim does not require consultation. Many participants agreed that consultation with Indigenous Nations needs to occur earlier in the process, ideally, when a claim is registered or through an agreed-to land use planning process.
- There is a need to engage further with Indigenous Nations to discuss and identify 'no-go' zones, and discuss how this information might be incorporated into the mineral tenure system.

With regard to potential solutions, one individual offered a specific suggestion of a 'two step' process for consultation, understanding that there are different scales and sizes of operations and developments: the first step would involve consultation that is smaller in scope when the claim is staked in the territory; the second consultation would be much more in-depth during the Notice of Work (NOW) stage. Another individual suggested that First Nation communities should provide the definition of 'culturally sensitive' and what measures would satisfy the need for protection.

Other individuals also suggested that planning and management regimes for forestry in BC might offer promising models for the mineral sector, with one person suggesting that it is important to "look at the forestry industry as an example for creating a smooth process that includes First Nations at every stage." Another commented that "a planning process much like in forestry [is needed] whereby lands not suitable for staking and development are identified ahead of time. Also, there needs to be flexibility built in to account for unexpected discoveries."

Shared Territories

A few individuals flagged that one of the challenges for the development of a framework for land use planning will be an effective approach for tackling shared territories and competing jurisdictional claims (sometimes referred to as 'overlaps'). As one person stated, "it will be important to invest the necessary time to understand and develop practical solutions to shared territory issues." Another individual observed that work on these issues is already underway, commenting that "rather than confronting overlaps, First Nations are re-invigorating old protocols of sharing of territory."

Other Comments on Scope

Additional comments on the scope of land use planning include the following:

- Water issues are a major concern for First Nations. Municipalities often ignore companies that pull water out of the area constantly.
- It will be important to clarify, at some point, whether modernized land use planning can re-examine provincial parks, many of which were established without Indigenous people's consent or involvement.

2.2.2 Co-Design and a Partnership Approach

Numerous individuals stressed the importance of BC engaging with First Nations and Indigenous peoples at the outset to design an overall approach to modernizing land use planning collaboratively. In addition, numerous individuals also underlined the importance of developing specific land use plans together, in partnership. The concepts of co-design and partnership therefore apply at both levels. As one person noted, “collaboration is key and needs to be embraced throughout.” Another commented that “BC needs to reach out early in process.” One individual cautioned that BC is bringing in First Nations too late in the process already.

Individuals spoke to the potential benefits of a collaborative approach, as a “meaningful joint exploration and as joint learning” that builds trust, promotes enduring relationships, improves land management, and provides more certainty for everyone. It was also suggested that a collaborative process would enable Indigenous people to share their wisdom, their knowledge, their ideas and their values. Such a process would also promote increased trust and transparency. Another individual suggested that “we need to get to a point where co-design and deep collaboration is just normal practice.”

Additional comments on the topic of collaboration in the design of a modern approach for land use planning include:

- Part of the vision for modernized land use planning is that this is all co-designed, with joint goals and objectives (i.e. certainty, protection for land base), equity between governments, and with adequate resources, so that it is implemented in an on-going and collaborative way.
- Modernized land use planning needs to be *incremental*: “Don’t come to the communities with a boiler plate process!”
- The focus of the Province should be more on co-governance of resources rather than reconciliation. Involvement in permitting gives jurisdiction and resourcing opportunities to Nations.

Additional themes related to collaborative design are explored below.

Co-Design as Joint Exploration and Shared Learning

It was suggested that modernization of land use planning needs to be framed as an ‘exploratory discussion’ of what might be possible, with opportunities for innovation and regional and local adaptation. This program needs to enable a province-wide discussion for shared learning, and not be set up as a vehicle for centralizing authority.

After initial outreach, it was noted that ‘co-design’ will mean different things for different people. With that in mind, will be important to be adaptable in terms of co-designing the process in different regions or contexts. Government has to resist the temptation to have one model. As one person noted, “First Nations need to be part of the conversation before the provincial Government puts pen to paper.”

Some individuals expressed concern that Indigenous peoples have not been sufficiently involved in the development of key policy documents in the past, for example, the *Draft Principles that Guide the Province of British Columbia’s Relationship with Indigenous Peoples*,³ As one person said, “Involvement was not necessarily at the community or Nation level, but more at the leadership [First Nations Leadership Council] level. If First Nations weren’t involved at the beginning, then this is an issue. It is not helpful to have decisions brought to communities... [it is] better if Nations are involved at the outset.”

Another comment is that BC “may have moved too quickly to establish pilot projects before engaging at the leadership level on these issues. There needs to be more clarity around process. Political representatives from government should have met with leaders to establish broad principles before developing pilot projects. More senior levels of government should participate in discussions. Other ministries in government have done a better job collaborating with Nations.”

³ https://www2.gov.bc.ca/assets/gov/careers/about-the-bc-public-service/diversity-inclusion-respect/draft_principles.pdf

Government-to-Government Relationships

As has been noted elsewhere in this report, individuals stressed the importance of acknowledging and honouring the government-to-government relationship between First Nations and the Province of BC in jointly undertaking this initiative. As one person noted, “government-to-government means being in a relationship for the long term and being committed to the process for as long as it takes. It means having Indigenous knowledge and western knowledge coming together equally and being honoured equally so that plans can be co-created.” Another person commented that “respect for relationships needs to be at the core of any process.”

Other specific comments related to government-to-government relationships included:

- Government-to-government is often in name only. When processes start getting into detail then that concept often disappears, and First Nations don't fully know what is happening or why decisions are made.
- Government-to-government means that there is a recognition that there will be a co-jurisdictional conversation over certain areas of the province.
- Government-to-government relationships need to be ongoing, not limited to engagement on specific projects. Whether the LUP process moves forward or not, the dialogue with communities is valuable.
- Relationships between First Nations and governments will be continuously built through negotiation of solutions which are consistent with the intent of UNDRIP and other policy statements, such as the Indigenous Circle of Experts report, the National Advisory Panel, and B.C. mandate letters. First Nations will need to articulate how they define these relationships and describe the tools that are most useful to their unique interpretation and circumstances.
- First Nations need to bring forward land laws and articulate land governance protocols to create an equitable playing field for ethical space.⁴
- Planning needs to include language and cultural knowledge-based information and ensure socio-economic benefits and tangible wealth is increased in communities through planning.
- BC needs to move beyond the ‘fortress mentality’, in which minor concessions are made incrementally.
- The integrity of the bilateral G2G relationship needs to be included as a core element of the vision for modernized land use planning.

First Nations Land Use Plans as First Step

Several individuals commented that the benefits of land use planning will only be derived if First Nations have their own comprehensive land use/stewardship plans, and following that, a government-to-government process of integrating the Nation's Plan with the Province's Plan takes place. In the absence of this preparatory work, First Nations will end up reacting to other people's issues and priorities. As one person noted, “Nations need to build their own LUP to share what is important to them and protect it.”

Respecting Existing Land Use Plans

It was noted that many First Nations have existing land use plans, and that these plans need to be recognized and accommodated in any new process.

Other Process Considerations

Individuals identified a number of other considerations in the collaborative design of a modern approach to land use planning. These include:

- The Province needs to “have one-on-one conversations with communities; the dialogue needs to be at a deeper level. The greater the participation of Nations, the deeper the ideas and dialogue. It is

⁴ ‘Ethical Space’ is a concept related to respectful dialogue between those with differing worldviews, legal traditions and interests. This concept was first defined by Willie Ermine in his (2007) article, “The Ethical Space for Engagement,” published in the Indigenous Law Journal (Volume 6,(1)). The concept of ethical space was brought to broader attention in in the (March 2018) Indigenous Circle of Experts [report](#) entitled *We Rise Together: Achieving Pathway to Canada Target 1 through the creation of Indigenous Protected and Conserved Areas in the spirit and practice of reconciliation*. In an ethical space, is it suggested that relationships should be nurtured on multiple levels—not just on a political level—and founded on the principles that define a shared understanding of the space.

important to have discussions with Chiefs and Council—it may slow things down to try to have to get onto Council agenda, but it is important.”

- Individual Nations feel like they should have a role in identifying pilot projects. Pilot projects should not be imposed by BC.
- Communities need to be engaged on an individual basis about land use planning initiatives. Each Nation “should have an equal voice no matter what stage in the treaty process they are at or what their capacity is.”
- Consistency is important: “Try to keep same staff involved in projects/at planning tables.” It is also important to ensure clarity on what and/or who an individual is there to represent.
- Involvement at the community level helps keep momentum for the project through elections and personnel changes far better than if it is just a technical person or Chief and Council driven project.
- The pace that the government wants to work at often does not allow for proper engagement with the community. The Province needs to provide advance information to communities about meetings that may require their involvement.
- Nations are often “asked to contribute valuable information and resources—which are severely lacking at the community level—at their own expense.”
- Co-design should “look at the traditional governance and protocols that guide how a Nation manages its affairs, and begin to build from that base of governance that is unique to each Nation.”
- There needs to be a re-framing of the power balance away from corporate interests.
- Indigenous communities are on the same level as government: “Not everything communities do is through a cultural lens. A First Nations lens is based on cultural values as well as economic and governance considerations.”
- Mechanisms should be explored that would allow for agreements to be signed off for sub-regional areas, with refinements as needed with each Indigenous nation at the local level.

2.2.3 Outcomes

Several individuals spoke to the outcomes they would hope to see coming out of a collaborative land use planning process. These outcomes would include improved relationships between First Nations and their BC counterparts, greater certainty that the health of the lands and communities will be assured over the long time, and new processes and arrangements that formalize and affirm the government-to-government relationship between BC and First Nations, including collaborative governance and decision making arrangements that provide transparency and certainty around consent based decision making. One individual commented that a collaboratively designed and implemented program should “fully implement UNDRIP” as well as “address climate change and economic and community sustainability.” Another commented that that through land use planning, “Indigenous communities need to resume jurisdiction and control over lands.”

As part of the background material circulated to inform the Indigenous engagement process, British Columbia also offered initial thinking on the potential outcomes to be derived from modernized land use planning, which is presented in Box 4.

Further details on these themes are outlined below:

Relationship Building & Certainty

As has been noted elsewhere in this report, several individuals commented that First Nations and the Province should place a high priority on building relationships: “Relationships and people need to come first—a big part of co-decision making processes is working together.” It was also noted that “success is not always measured by outcomes—sometimes relationships define success and should be the focus.” The annual B.C. Cabinet and First Nations Leaders’ Gathering was cited as a good example of a helpful venue for nurturing and sustaining relationships.

One person noted that BC often thinks in terms of ‘certainty,’ meaning the certainty to access and develop resource and suggested that perhaps the issue should be re-framed as investment in ‘relationship certainty,’ meaning the knowledge that trust, relationships and processes are in place to navigate issues as they arise.

Decision Making and Consent

Several individuals commented that the Province needs to move to consent-based processes of collaborative decision making with First Nations as an integral part of a modernized approach to land use planning. As one person noted, “the Province shouldn’t be the only ones making the decision, and Nations aren’t interested in working with the Province if there is not shared decision-making.”

One person commented that “the current referral process notification is ineffective – some decisions are already made and First Nations are just advised of the decision through a referral. Nations need to be more part of the decision process.”

Additional comments on the topic of decision making and the need for consent include:

- All parties need to be comfortable with sharing power and with the delegation of authorities.
- Everyone needs to own the outcomes [of planning] and their implications.
- Indigenous people expect changes in the way decisions are made and implemented on the ground. Government should expect to be creative and find solutions in this space. Decision-making needs to align with Indigenous people’s bottom-up governance structures.
- The Province likes to talk about joint decision-making but doesn’t actually like to do it. We have to engage on where and how decisions are really made. We have to work with the Nations who have Aboriginal rights and title in the area and determine how joint decision-making will work.
- Joint decision-making is particularly challenging in shared territorial areas, but is a problem that can be overcome through meaningful engagement with the affected rights holders.
- At present, the ‘high water mark’ for joint decision-making is the Haida Gwaii Management Council (and the Archipelago Management Board). However, in the context of aboriginal title, the nature of joint decision-making may evolve, and might include arenas in which Indigenous people exercise sole decision-making authority (as is currently the case with Food Social and Ceremonial fisheries). The challenge of ‘fettering’ statutory decision makers under provincial legislation also needs to be addressed.
- There are some examples where Indigenous and provincial laws have merged together equally in land use plans. The Haida Stewardship Law is an example where both parties have agreed to what a land use plan should look like.
- Communities need to have more say and jurisdiction over water, in particular fisheries and marine-related matters as well as groundwater referrals and water licenses.
- Owners and lease holders of provincial title and Crown lands should be required to comply with the directives of First Nations in their territory.
- Land use planning, if started early, could inform referral responses and policies and help communities make decisions on specific consultation activities.
- There needs to be a framework that recognizes Indigenous laws off Reserve, and more tools to enforce those laws, otherwise there is no teeth to land use plans.

Alignment of Legislation and Policy

Several individuals spoke to the necessity of having provincial legislation and policy align with the outcomes of collaborative, consent-based land use planning. As one person noted, “co-management without new legislation cannot be effective.” Another individual commented that “government policy and legislation need to address longstanding distrust Nations have of government. This is a result of past experiences and interests not being acknowledged. Legal barriers will require more thinking and possibly a phased approach.” It was suggested that the Province should consider enacting legislation to ensure a land use planning process is fully implemented. Some participants said that a process without legislation would have “no teeth.”

For additional information on the need for legislation to support land use plan implementation, see Section 2.10.2.

Box 4: Outcomes from Modernized Land Use Planning: BC Perspective

In the background material circulated to First Nations as part of the engagement process, the following potential outcomes on modernized land use planning were identified (in no particular order of priority):

- **Reconciliation:** Land use planning will be carried out in partnership between the B.C. government and Indigenous governments. The values, traditions, knowledge, and cultural practices of Indigenous people will be an integral component of planning processes.
- **A strong, sustainable economy:** Land use planning will improve dialogue between the B.C. government, Indigenous governments, and industry. It will create trust and identify solutions needed to advance economic activities on public lands and in traditional territories, providing economic certainty for rural communities and creating lasting economic benefits for all British Columbians.
- **Resource stewardship:** Land use planning will help manage our resources in a changing climate. Updated data and information from ongoing stewardship initiatives will support and inform planning processes.

2.2.4 Reconciliation and Co-Governance

Several individuals noted that land use planning processes need to recognize and reflect the evolving and broader policy and legislative context of reconciliation including UDRIP, the TRC Calls to Action, and the 10 Principles. As one person noted, “Land use planning is a fundamental element of reconciliation; not an end in itself. It is a tool for broader reconciliation.”

Other comments on the role of UNDRIP in advancing modernized land use planning included the following:

- It is important to consider what it would take to compel government, in a sustained way, to change. This could be achieved, for example, through some kind of independent assessment of progress towards the UNDRIP principles.
- One individual suggested that the “requirement to seek free, prior and informed consent from an Indigenous people can be a catalyst for bringing agencies together, integrating programs, policies and initiatives, and stepping out of the silos of individual agencies.”

It was also suggested that “land use planning and reconciliation have the potential to shift people’s paradigm.” This shift includes a focus on a shared commitment to high-level outcomes (i.e., resilient communities, healthy environment, and conservation of important cultural, social and economic values). The UNDRIP principles provides a foundation for this reconciliation. One individual cautioned against using “land use planning as the end point. It is a step in the larger conversation on reconciliation,” a journey that may take generations.

Another individual suggested that the land use planning program needs to contribute to fundamental reconciliation at its core, through a vision of shared governance and an acceptance and recognition of Indigenous governance grounded in the principles of self-determination and inherent rights. From this flows a joint commitment to a healthy environment and human well-being based on shared benefits. This would be a shift away from application-based, or transactional processes, which are not collaborative or fundamentally respectful.

One individual added that as part of the design of a modernized land use planning approach, “in addition to UNDRIP, TRC and the 10 principles, BC also needs to refer to the Missing and Murdered Indigenous Women report and respect the Douglas Treaties.”

2.3 Policy Framework for Land Use Planning

2.3.1 Need for a Policy Framework

One of the recurring themes in the Indigenous engagement process was the need for a clearly defined policy framework to guide the future of land use planning in BC. Such a framework would provide broad

direction, possibly with opportunities for the policy framework to be refined at the regional level and then applied to specific circumstances through further refinement with individual First Nations to meet their specific needs. As noted in Section 2.2.2, many individuals stressed that this policy framework needs to be co-designed from the very outset by First Nations and BC, working together in true partnership. Several individuals also noted that the development of the policy framework should include opportunities to seek advice through stakeholder engagement and public consultation.

It was also suggested that the development and implementation of the new policy framework should draw from the experience of past land use planning efforts. Others suggested that the framework could “build off existing approaches such as ecosystem-based management.” Yet others suggested that the creation of a robust and well-defined policy framework would be essential in order to secure “a collective mandate to proceed.”

Other comments related to the need for a policy framework included the following:

- There are many principles of systemic change work that can be drawn upon [to inform development and implementation of the policy framework for land use planning], for example related to long-term strategies for dialogue. There is also considerable experience from elsewhere to inform this effort.
- It will be important that there is provincial-level staff driving and leading the change, not just regional staff. Risk management and an aversion to change at higher levels needs to be overcome by a joint partnership with Indigenous people.

Some individuals offered specific suggestions related to the scope and nature of the policy framework, including the following:

- Land use planning “has to be an on-going commitment and a process, not a program.”
- Land use planning should be seen as a core service of government to ensure continuity, and should not be subject to politically driven cycles. Furthermore, land use plans themselves “need to be long-term and need to survive political and economic changes.”
- Land use plans cannot be just economically-driven.

2.3.2 A Prototype Policy Framework from BC

Several individuals suggested that as a first step, BC should develop a draft policy framework—variously referred to a ‘principles and process document,’ a ‘prototype,’ or a ‘straw dog’—based on ideas and suggestions obtained to date from First Nations through the Indigenous engagement process, and share that draft policy for review and comment. It was also suggested that a draft policy could provide the foundation for continued, focused dialogue with First Nations on the scope of a modernized land use planning program, including fiscal funding support, new policy and legal tools, new tools for characterizing values, data management approaches, and cumulative effects assessment, among other elements.

Additional comments related to the need for a draft policy framework prepared by BC included the following:

- There has to be “something put out there for people to react too; something collaboratively developed.” It is important not to ‘get too far out ahead of people,’ but there is a need for a prototype for them to react to. This approach creates useful tension.”
- Engagement needs to “bring forward what Nations want to see in the design. However, there has to be an initial discussion framework that has some structure.”
- Perhaps there could be a common policy framework (i.e. ‘Action Plan’ or ‘Guiding Principles’) that serve as foundational documents for broader engagement on co-design, and that can evolve iteratively.
- Provincial representatives “need to articulate a high-level concept of what this program could be and test those assumptions with further engagement.”
- A ‘principles and process document’ is needed. The Province and Indigenous peoples must build that together. That in turn requires engagement at both a political and at the technical level.
- It would be useful to have a draft policy framework developed “to create some ‘ditches on the road,’ and then go back out and engage regionally with that straw dog and see if we are heading in a good direction.”

- There are some concerns “about a draft policy framework being circulated very widely. Perhaps it would be better to circulate a draft to a smaller group initially, recognizing that it will be distributed somewhat more widely, to inform a second draft policy framework that can be used for broader engagement with Indigenous people.”

2.3.3 Guiding Principles

Several participants suggested that the policy framework for modernized land use planning should be informed by a set of guiding principles, and many offered suggestions for topics that should be incorporated within those principles. Examples of such topics are summarized below.

One individual commented on the process by which guiding principles would be developed and approved, and expressed concern over “an approach that involves a whole bunch of bilateral engagements on draft common principles. Who is doing that? This cannot be the Province doing consultation.”

Draft Principles from BC and Feedback

For reference, British Columbia offered an initial draft of guiding principles in the background materials for the Indigenous Engagement Process (see Box 5).

Box 5: BC Draft Principles for Modernized Land Use Planning

To stimulate discussion during the engagement process with First Nations, provincial staff offered the following draft principles for consideration (in no particular order of priority).

- Reconciliation
- Partnership and shared accountability
- Balancing of values
- Indigenous community well-being
- Shared benefits
- Indigenous knowledge
- Respectful process

Feedback on the draft principles from BC included the following:

- Reconciliation:
 - Consider defining the word ‘reconciliation.’
 - Acknowledge genocidal and diminished health of ecosystem and effects of colonialism.
 - Include word ‘affirmation’ every time the word ‘recognition’ occurs. Need to recognize and affirm rights, similar to what is used in the Constitution.
- Indigenous knowledge:
 - Revisit the word ‘same’ in the principle that says “Indigenous knowledge will be valued and respected the same as western science.”
 - Need to honour all forms of knowledge.
 - Concept of Indigenous knowledge could be stronger.
 - Need to respect knowledge and Indigenous data. The Province doesn’t always need to understand the data, but does need to respect it.
 - Need to include transparency, trust, and open communications as well as protecting cultural knowledge and honouring Indigenous intellectual property.
 - Acknowledge lack of linkage to worldview, and spiritual context.
- Shared benefits:
 - Revisit the term ‘shared benefits.’ “This is a bit of a red flag and province-centric language. Should bring in concept of co-creation.”
- Connection to land:
 - Need to add the concept of ‘stewardship’ in addition to First Nations’ unique connection and interest in land.

Additional Principles Suggested by First Nations

The summary report from regional sessions in the Lower Mainland and on Vancouver Island (Indigenuity Consulting Group, July 23, 2019) presented a summary of guiding principles suggested by First Nations, and compiled from those three events (see Box 6).

Box 6: Suggested Guiding Principles

Excerpted verbatim from *Land Use Planning Regional Sessions: What Was Heard: Indigenous Engagement Sessions in Lower Mainland and Vancouver Island* (Indigenuity Consulting Group Inc., July 23, 2019)

This section outlines the underlying principles that participants suggested a land use planning process would need to include. These comments are phrased as affirmative statements and indicate what an effective land use planning process would look like from an Indigenous perspective. These principles are presented in no order of priority.

1. Land use planning processes are long-term and based on an on-going commitment by all parties. LUPs are a process, not a 'program' subject to political or economic influences. There is dedicated, long-term funding that is not ad-hoc.
2. LUPs are living documents, dynamic and reflect an ongoing reconciliation commitment.
3. Success is measured not only by outcomes, but also by improved relationships.
4. Indigenous world-views, traditional values, and cultural uses of the land are incorporated into the process. Indigenous information is treated equally as western science.
5. Land use planning is started early and helps to inform referrals so that communities can draw on plans to make decisions on specific consultation activities.
6. The diversity of Nations is recognized and accommodated, as well as the unique needs of urban and rural communities. A process is flexible enough to meet the unique needs of communities.
7. Indigenous laws, both on and off Reserve, are recognized and affirmed, and there is an ability to enforce those laws.
8. Stewardship and monitoring programs are in place and are led by Indigenous governments.
9. Activities on the ground are coordinated.
10. There is a robust strategy for sharing information with communities and members, and for sharing LUP information with industry and the public.
11. The land use planning process embodies principles of openness, transparency, and trust.
12. There is co-governance in decision making. Co-jurisdiction is included as a principle.
13. The land use planning process is based on recognition of UNDRIP and incorporation of the TRC Calls to Action and the application of the principles, norms and standards for activities that involve or impact Indigenous peoples and their lands and resources. Indigenous title and rights are recognized and affirmed.
14. In addition, the diminished health of the ecosystem and the effects of colonialism on Indigenous people and governments is acknowledged.
15. The concept of the importance of working for future generations is recognized.

Other suggestions from First Nations individuals related to guiding principles for land use planning included the following (in no particular order of priority):

- Some of the principles that Indigenous Nations and the Province need to be committed to include:
 - Openness;
 - Transparency;
 - Long-term relationships;
 - Acknowledgement of traditional knowledge as being equal to western science; and,
 - Co-governance to decision making.
- *Recognition*: Recognition of title and rights in unceded territory is a foundational piece that needs to be incorporated into any new process.
- *Reciprocal information-sharing*: information should not just flow one-way, from Nation to government;
- *Transparency*: it is important to ensure that everyone understands what is agreed to; language is key. It is also important to be transparent about how money is spent—this is something communities have to always be aware of, and government should be as well.
- *Indigenous Knowledge*: Indigenous knowledge and values need to be incorporated into a land use planning process. Traditional knowledge will vary from Nation to Nation.

- *Co-jurisdiction*: Co-jurisdiction should be included as a principle.
- *Trust and Healing*: Need to include concept of trust and healing, as well as predictable funding and long-term resources.
- *Outcomes*: There should be less focus on outcomes.
- *Indigenous Laws*: Add space for Indigenous laws and for communities to exercise own authorities and jurisdiction.
- *Indigenous Monitoring*: Mention re-adaptation of Indigenous monitors on the ground.
- *Implementation*: Add something about implementation, don't just focus on planning. Need to have capacity to adequately participate in implementation.
- *Future Generations*: Concept of working for future generations is important. Stewardship and seven generations, not just planning for ten years as it relates to resource management.
- *Climate Crisis*: May want to add the words 'climate crisis' or 'climate emergency' to promote need to plan for climate change.
- *Giving Back*: Include principle about giving back. Recognize the value of giving back to the land.

2.3.4 Mandates and Government Coordination

Several individuals suggested that a clear Cabinet mandate needs to be in place to ensure the success of a modernized land use planning program for BC. As noted in Section 2.2.4 above, it was also suggested that the commitment to implementation of UNDRIP might also be helpful in catalyzing and sustaining the program. Some individuals countered however, that modernized land use planning might require a "shift away from program design based on firm mandates, prescribed processes and defined outcomes," suggesting instead that the approach should be founded on guiding principles that are more emergent. Other individuals commented on the need for coordination and integration as the land use planning program is developed and implemented. In particular, there is a need to consider the linkages between the Provincial and Federal Governments, and also to ensure alignment among provincial ministries. It was also suggested that efforts are needed to clarify linkages between land use planning processes and other resource management initiatives underway. Finally, some individuals called for clarification of the relationship between land use planning, and environmental assessment and the BC Treaty process. These concepts are expanded upon below.

Clarity of Mandates and Jurisdiction

Several individuals called on the Province to establish a clearer mandate for the modernized land use planning program and to confirm that secure funding is available. In particular, it was suggested that further clarification is needed of the intended scope of planning, what it can actually deliver in terms of outcomes, and whether planning initiatives include consideration of new forms of shared governance.

Others stressed the importance of a clear mandate to ensure alignment at senior levels among all parts of the Provincial Government and across all ministries. It was also suggested that a clear mandate helps to ensure that the roles and authorities of all parties are well-defined. Some individuals also noted that First Nations will also need to define their own mandate before proceeding.

Specific comments related to this topic include the following:

- First Nations have to understand what BC needs. There need to be more specific mandate requests to supplement the mandate direction to the Minister. A mandate for land use planning needs to be encompassing of all Deputy Ministers (DMs), Treasury Board, and the Attorney General, otherwise this will be a stumbling block. In order to do that, it needs to be clear what land use planning is going to deliver. The rationale or the 'case' for land use planning needs to be articulated in a way that resonates with senior leadership, both within the Province and for Indigenous communities.
- A better understanding of what is possible is needed: "How far is government willing to go? What precedents have already been set? Both levels of government need a mandate to proceed."
- There needs to be a provincial commitment to a process: "What are the goal posts?"
- Jurisdictional clarity avoids controversy. Issues or resources that are clearly outside the scope of the jurisdiction of the parties should be left to other processes. (It was noted that in one previous planning initiative, "when the Federal Government withdrew, it left some jurisdiction gaps, such as marine harvest and shipping. In the end, we put those issues aside to be dealt through another process.")

- It is important for all parties to know who they are working with, who each party represents, and what their authorities are. Neither the Provincial Government nor Indigenous people are singular entities.

One individual offered a slightly different perspective on the issue of mandates, suggesting that the approach to modernized land use planning might need to be more emergent:

- “It is important that the philosophical approach to this work be principled, focusing on the attributes of good process (i.e., consistency and commitment, relationship building and trust, progress over perfection, be reflective, respectful and adaptive). This in turn requires a philosophical shift for government, away from program design based on firm mandates, prescribed processes and defined outcomes. Outcomes will ultimately flow from the investments made in developing the ethical space and deeper understanding of the parties.”

Provincial Integration and Alignment

Several individuals suggested that modernized land use planning should strive for improved integration and coordination, both among ministries and also between those at the provincial, regional and local scale. Improved integration and coordination would help to avoid duplication of effort and would improve efficiency. It was also suggested that an integrated approach can help to ensure that cumulative impacts are considered and addressed. Finally, one individual also reflected that “it will require resources and commitment to overcome provincial structural obstacles to integration across many initiatives.”

Other comments on the need for integration and alignment included the following:

- Any land use planning process should be coordinated internally with other provincial ministries. A holistic management plan should be developed rather than government operating in silos.
- Land use planning does not exist in a vacuum—it should be ‘embedded’ and must work collaboratively with other initiatives. Land and people are the core. Mechanisms are needed so that all the relevant initiatives—EA, cumulative effects, etc.—are coming to one place.
- Land use planning should clarify linkages to other processes underway, such as the modernization of environmental assessment. A regional environmental assessment model might need to be considered.
- It will be important to clarify how regional Environmental Assessment Offices (EAO) align with this work.
- Coordination with other processes would be helpful. It is important to know how this process fits in with other processes underway. It will be important to define role of other ministries in this process, particularly the Ministry of Energy and Mines.
- Communication between planning and operational staff within government remains a challenge.
- Government needs to be aligned internally so as not to waste time.
- This land use planning process could help with creating an umbrella over the many agency specialists that are already hounding Indigenous people.

Relationships with Other Levels of Government

The need for well-defined relationships with all levels of government was highlighted as an important issue for land use planning. This includes defining the roles of the Federal, Provincial and local governments in any planning processes, including responsibilities for funding.

Specific comments on this topic included the following:

- The role of the Federal Government in land use planning processes needs to be clarified. The Province needs to build a relationship with Canada on this issue.
- It is not always clear which level of government communities should deal with on certain issues. There is a need to build understanding of responsibilities and federal-provincial relations.
- There needs to be better coordination between the Province and the Federal Government. Many participants expressed frustration with a lack of clarity on whether they should deal with the Province or the Federal Government on certain issues. Some individuals said that it was short-sighted not to include the Federal Government in any discussions around a new approach to land use planning.
- The burden is often placed on Indigenous communities to educate local governments, but “as a product of the provincial government, the local government should be engaged and educated by BC.”

- Municipalities are an arm of the provincial government and should be better informed to engage with Nations. One mechanism that could be utilized is to apply revenues such as the property transfer tax to addressing these issues.

It was also noted that the Province has not yet formally reached out to the Federal Government on land use planning, choosing instead to complete their engagement with Indigenous peoples as a first step.

2.3.5 Indicators of Success

Several individuals called for a modernized land use planning approach to define, in advance, a clear set of indicators for success. To date, the Indigenous engagement process has not provided a systematic process by which to define such indicators, although several participants offered suggestions, as listed below. *Readers are cautioned that this material should not be considered complete, and is presented in no particular order of priority.*

- Provincial civil servants equipped and prepared to work within new paradigm of truth and reconciliation.
- Adequate resourcing to support the work.
- Province taking responsibility for holding others accountable.
- Healthy trees and ecosystems in 100 years. Healthy watersheds with abundant wildlife.
- Creative process that build on previous lessons.
- Improved relationships.
- Shared aspirations.
- Recognition of cultural diversity and language. Pride in culture.
- Success is when there is no longer a need to ask the question because the parties are already there.
- BC will have a better understanding of the different communities and reserves they work with.
- Central Coast Land Use Plan (CCLUP) is updated.
- Gaps are filled in Traditional Use Studies (TUS) and other FN plans: Gaps in land use addressed through data and documentation: water, ownership, etc.; Why certain areas are important to protect.
- Improved communication and capacity for work.
- Participation and cooperation from other agencies, including the Federal Government (e.g., Department of Fisheries and Oceans (DFO)).
- Impacts from outside project area are considered (e.g., commercial salmon fishery on coast, Fraser & Thompson salmon runs).
- Younger generation is included. Teach, set up mentorships.

2.3.6 Lessons Learned, Benchmarking and Best Practices

As noted in other sections of this report, several individuals suggested that the development and implementation of a modernized approach to land use planning in BC should be informed by lessons and insights gained from past experience with planning processes, and by best practices.

Lessons Learned

Several individuals offered specific insights or lessons learned from past land use planning processes—both positive and negative—including the following:

- One individual spoke to the more than 20 years of investment in the government-to-government relationship between the Crown and Indigenous people on the BC Coast, at the political, bureaucratic and technical levels, leading to the conclusion of a wide range of ambitious agreements that are currently being implemented, with many lessons learned along the way. This individual stressed the importance of relationships and trust in these long processes and noted that “the courts made us work together but it was relationships that kept us working together.” Finally, this individual also commented that one of biggest challenges is “how to work together and make decisions on a day-to-day basis,” and flagged that the Crown and Indigenous people need to talk more about revenue sharing and capacity building as we move forward, as “the ability of Nations to engage at the political, bureaucratic and technical levels is critical.”

- Four additional 'key lessons learned' were also highlighted from land use planning in the territories of coastal First Nations, in the area referred to as the Great Bear Rainforest:
 - The need for clear, supporting legislation and policy direction;
 - The importance of getting out in front of capacity development;
 - The need for reconciliation between government systems; and,
 - The need to focus on tangible outcomes at the community level.
- One individual noted that it will be important to offer guidance so that First Nations communities have clear expectations regarding different types of planning processes.
- Another individual commented that the original Vancouver Island land use plan "did not include First Nations input, and communities had no input on determining protected areas. First Nations members felt harassed about harvesting in what ultimately became protected areas, and were forced to defend their traditional way of life. Some Nations started a program to interview Elders and others to record their thoughts. Government committed to recognizing Indigenous rights and title, but it was too late and not enough."
- There may be opportunities to examine and draw insight from the experience of the (3) regions in which the Environmental Stewardship Initiative (ESI) is underway, as these represent experiments in implementation of multiple new models and approaches (e.g., Species at Risk (SAR), reconciliation, climate change).

Benchmarking and Best Practices

It was suggested that a modernized land use planning program should also be informed by knowledge of best practices, particularly related to successful government-to-government planning models and processes, and shared governance. Several individuals proposed that it might be helpful to look at other jurisdictions, or complete a literature review, to learn from a wider range of experience. (One example offered was the State of Washington, which reportedly "has done a good job of bringing local governments and Nations together around the issue of flood planning.") Others cautioned that comprehensive literature reviews can be costly and might not generate much new knowledge.

A recent review of First Nations Land Use Planning completed on behalf of the New Relationship Trust also identified a suite of best practices, which is presented in Box 7.

Box 7: Best Practices in First Nations Land Use Planning

Excerpted verbatim from *Resource Planning Partnerships Workshop: September 20-21, 2018; Workshop Summary* (Dovetail Consulting Group, 2018). See also *An Updated Effective Practices Guide Land Use Planning by First Nations in British Columbia* (v2. 2019) prepared on behalf of the New Relationship Trust by Gregory Kehm, Gwen Bridge and Krista Robertson.

- First Nation community-based vision and plans are needed to enable equitable dialogue with governments and to translate key concepts into applied actions.
- Concepts such as ethical space will require that the Indigenous side be prepared through land use visioning, governance development, and strategy.
- Funding for independent First Nation land use planning & clear, ongoing decision-making processes need to be negotiated and supported.
- Conservation areas are viewed as clearest positive outcomes, but need co-management goals, stewardship plans and effective monitoring.
- Multi-use area management is ineffective and source of ongoing divergence of land uses and land use plans. Communication is lacking, and clarity is missing. Controlling management prescriptions are required for legacy implementation;
- Land use plans can and need to support revitalizing Indigenous culture, language, and knowledge-base.
- Implementation & monitoring plan effectiveness needs a higher bar.
- Community wealth increases and diversifies with invention and opportunity.

2.3.7 Terminology

Several individuals suggested that a set of clearly defined terms should be a key element of a modernized approach to land use planning. It was noted that even the phrase ‘modernizing land use planning’ means different things to different people. Some of the other common terms that need to be defined include: ‘certainty,’ ‘co-governance,’ ‘collaborative stewardship,’ ‘co-management,’ ‘Indigenous knowledge,’ ‘reconciliation,’ ‘shared benefits,’ and ‘shared decision-making.’

Several additional comments were offered, including the following:

- ‘Indigenous knowledge’ may mean something different to Indigenous people than it is from a western perspective. There needs to be a de-construction of terminology so that everyone is working from a common understanding.
- The term ‘reconciliation’ was noted as not resonating with some participants. Some suggested that the word ‘truth’ needs to be included when ‘reconciliation’ is used. Others suggested that the Province should focus more on co-governance of resources rather than reconciliation.
- There is a need to be careful with terminology: “Don’t call it ‘governance’ when you actually mean ‘coordination’ of consultation.”
- The word ‘modernized’ is not a great word. Suggestions to replace the word modernized include ‘integrated,’ ‘holistic,’ and ‘government-to-government.’

2.4 Program Design Considerations

2.4.1 Institutional Arrangements and Governance

Several individuals called for clearly defined governance arrangements to guide the development and implementation of a modernized land use planning program. For example, one person called for “government-to-government agreements with a land use vision and goals embedded” as foundational documents. Other individuals highlighted examples of governance arrangements that have proven effective for other government-to-government initiatives in the past, suggesting that these might offer lessons and insights. Yet others called for the establishment a provincial forum or working group on land use planning, to advise on program development and implementation over time. Finally, a few individuals commented on the important role of individual champions for successful planning processes. These themes are expanded upon below:

Governance Arrangements and Models

Some individuals commented on the need for clearly-defined governance arrangements to guide the development and implementation of the modernized land use planning program. Several comments were offered on this topic, as follows:

- It will be important to “develop governance arrangements early—and keep them as simple as possible, ideally building off what is already in place.”
- Successful projects have a governance model understood upfront: “Keep it simple and non-threatening.”
- Land use plans should be “embraced and respected by all resource sectors. In the design phase, this means land use planning should not be constrained by narrow single-discipline resource management perspectives, but instead should adopt an integrated approach.” In the implementation phase, coordination may require adoption of a ‘one window’ or ‘one land manager’ model, whereby multiple agencies can be accessed through a single point of engagement.

Some individuals also highlighted specific examples of governance arrangements that have proven effective in other contexts, suggesting that these might offer lessons and insights:

- The process used for establishment of the First Nations Fisheries Council (FNFC) should be examined as a potential template for moving forward collaboratively. An Action Plan was developed, through a broad Tier 1 engagement event, coordinated by policy staff from the First Nations Summit. Ultimately, the FNFC itself was developed to implement the Action Plan.
- Another option for the collaborative development and implementation of modernized land use planning might draw on the ‘multi-stream’ process used for the recent Environmental Assessment

(EA) review, which included: an advisory council, supported by two secretariats (from BC and from the First Nations Leadership Council); bilateral engagements with individual nations; and sector engagement: “In six weeks, with amazing co-chairs, that advisory council was able to produce a report with recommendations.”

- An effort is needed to investigate “successes in other programs and agreements, such as the Collaborative Stewardship Agreement and how they engage and what gems have been found there. BC funds it, and the Nations who chose to sit on that select their staff, and everyone decides on budgets, agendas, and projects collaboratively. We need to see collaborative processes in place for the development of the Land Use Planning framework.”

One individual suggested that a decentralized approach might be considered (as it had been during the recent review of EA), involving the establishment of sustainability or reconciliation offices where data can be housed. Another suggested that regional, government-to-government management boards should be considered as a potential governance arrangement.

A Provincial Forum, Working Group or Secretariat

Several individuals called for the establishment of a ‘provincial body’ that would enable First Nations to come together to discuss land use planning, and offer advice or guidance. Others called for the creation of a ‘working group’ or ‘secretariat’ that might help to ensure that planning efforts are effective and that approaches are consistent with UNDRIP and the Calls to Action from the TRC. Such a body might also provide a streamlined vehicle for communication on issues related to land use planning.

Specific comments related to this topic included the following:

- Depending on how the process moves forward, a larger table is probably needed at the political level to work on some of the broader issues, and capacity funding will be required for that.
- There should be a forum established for First Nations to come together to talk about some of the issues associated with land use planning. There is not a forum for land use planning like there are for other issues (e.g. First Nations Forestry Council), but there still should be some high-level agreement on broad issues and principles with leadership. Outcomes such as a Collaborative Resource Stewardship Strategy (CRSS) could come out of those discussions that would cover high-level priorities. Finding a starting point is key; reaching out to leadership is also important.
- Develop a working group to assist land use planning teams to adhere to principles of UNDRIP and TRC recommendations.
- Advanced notification and information-sharing is critical, and more collaboration on inviting participants and setting agenda should occur. Nations often learn about provincial initiatives at the last minute. The Province should create a standard process for communicating schedules so there is less overlap.
- Consideration may also be given to the establishment of an ‘advisory group’ or similar; “the intent is to work nimbly but effectively.”

Other individuals offered a note of caution about the stature, size and role of a provincial body however, suggesting that it should not displace the authority of First Nations themselves:

- Caution is needed however, to avoid any assumption that a provincial body can represent individual First Nations’ interests. Such a body can also be seen as another level of bureaucracy; a provincial First Nation land use body would not be well received by many Indigenous communities. This is different, however, from provincial mechanisms or forums for sharing information. Regional approaches should be considered as well.
- The Province needs to “think about the fact there are over 200 First Nation communities, and we know that larger bodies don’t speak for us. We have a form of governance that is bottom up, so this require devolution of centralized decision making power down to regions and districts, at a bioregional level.”
- It is important to be aware of the scale and size of groups that are effective. Sub-groups might be needed.

Champions and Risk

Some individuals underlined the importance of creativity and a willingness to try new approaches as planning processes are developed and implemented. In particular, it was suggested that having individual champions who are willing to take on a degree of risk taking is key to ensure program success.

Comments on this topic included the following:

- It is important to lead and take calculated risks ahead of policy direction when local relationships require it: “Just do it, otherwise it may not happen!”
- In one recent planning process, “at the outset, there was resistance to advance collaborative planning without clear policy direction. It required strong local champions and an advisor trusted by both parties to push through that resistance.”
- The personality of the individuals—and their willingness to take risks and earn trust—can be critical to the success of processes.

2.4.2 Knowledge and Information

Several individuals suggested that a modernized land use planning program needs to grapple with the kind of supporting information that is needed for planning purposes, from what sources and in what forms, and improve how that information is compiled, managed, and utilized. Several individuals called for the recognition of Indigenous/traditional knowledge as well as western science, and for consideration of the use of Indigenous languages, which encode different worldviews and understandings. The importance of cultural data was also highlighted, including mapped and other information related to traditional use and occupancy. Several individuals commented on the need for improved measures to protect sensitive information, and clear agreements related to the sharing of such information and how it would be managed and utilized. It was also suggested that land use planning should be informed by relevant baseline information, and some individuals called for clearer definition of the actual data needed for the completion of planning products.

Further details on several of these topics is included below.

Science and Traditional Knowledge

Several individuals suggested that land use planning should recognize and respect the contributions of both western science and traditional knowledge. As one person stated, it is important that modernized approaches to planning “recognize the equity of western science and traditional knowledge... Both are needed to inform management. The Provincial Government should consider a formal acknowledgment of the value of TK.”

One individual offered the following distinction between the two bodies of information: “The only difference between traditional ecological knowledge (TEK) and western science is the timeframe. Traditional ecological knowledge has developed over many thousands of years and is observational; western science is largely based on data collected over short time frames, for example, not more than 200 years.”

Other comments related to the use of both streams of knowledge included the following:

- There is arrogance that western science is superior and communities feel dismissed when talking about traditional knowledge. Science does not reflect the connection to the land by First Nations. There is a cultural disconnect and it is a significant obstacle.
- Indigenous people hold a significant amount of knowledge about their territory; this knowledge needs to be treated equally to western science.
- Western science and traditional knowledge “are both important ways of knowing that contribute to solutions.”
- “Integrating Indigenous science with western science is not difficult; it simply needs to be done, rather than just talking about the theory of doing so.”
- The land use planning framework must incorporate traditional values and cultural uses of land. If what the community hears from experts does not match traditional knowledge, then the communities will not trust the plan.

- The vision for modernizing land use planning needs to recognize the importance of reconnecting and renewing Aboriginal people's relationship to land and the value of Indigenous knowledge.
- First Nation values need to be incorporated into land use plans. Indigenous knowledge needs to be at the core of land use plans. Traditional resources should be tabulated within plans, including information that comes from Elders.
- It is important to recognize two perspectives, and the different languages, that are being brought to the table. As one person stated, "forcing Indigenous people to fit a provincial approach and framework requires special capacity and translation and causes challenges. A common platform is needed that includes traditional knowledge and western science as part of the 'ethical space' dialogue."

Another individual shared their own experience of working with these two forms of knowledge from a past planning process, noting that "the Secwepemc talked a lot about 'walking on two legs and seeing with two eyes'—in other words, using more than just western science to understand the world around us and our relationship to it. The First Nation also has capable biologists, foresters as well, but we need to honour both knowledge systems as they contribute to better decisions."

Finally, one other individual noted that "the S'ólh Téméxw Use Plan is a good example of Indigenous cultural values being incorporated into land use planning."

Cultural Data

Several individuals noted that documenting traditional land use and occupancy and Indigenous knowledge to support decision-making is key for modernized land use planning. It was noted, in fact, that bringing forward this kind of information and incorporating it into the planning process has been fundamental for the completion of some of the more recent First Nations land use plans, such as in the case of the Atlin Taku Land Use Plan and for the Klappan. It was also acknowledged, however, that First Nations across BC vary in terms of the data sets they have compiled over time. As one person stated, "developing and maintaining adequate traditional use and occupancy information to support planning remains a challenge for most communities."

One individual noted that the scope of traditional land use and occupancy data and indigenous knowledge includes information related to the conservation of dynamic ecosystems, not just artefacts.

Several individuals noted that with Elders and knowledge holders ageing rapidly, there is some urgency to compile cultural data before that information is lost. With those considerations in mind, some individuals suggested that First Nations "need financial and technical support to complete their traditional use and occupancy studies" as a first priority.

Other individuals noted that there are well-recognized concerns regarding the sensitivity of cultural data sets. As one person stated, "First Nations need to know why information is being requested from them, and what is being done with it." Another commented that "in order to be truly collaborative, communities need to know where the information they provide is going, otherwise there is no benefit to the Nation." Privacy agreements were suggested as one mechanism to ensure that sensitive information is given the appropriate protection. Another person recommended that having a trusted translator assisting with the collection, management and interpretation of cultural data might help to address concerns.

Other comments related to the collection, management and use of cultural data included the following:

- Mapping capacity is needed so as to digitally tag and track areas of cultural and environmental significance. (Some individuals also noted that their First Nation uses funding obtained from proponents of major projects to get heritage sites identified and registered).
- Interviews with knowledge holders is critically important. It might be helpful therefore to "develop an interview guide ahead of time: Protocol; Software/hardware; Information systems."
- Land use planning should address Indigenous people's' traditional practices, such as controlled burns.
- There needs to be recognition or compensation for historical sites.
- Under some circumstances, access management projects can help protect sensitive areas, hunting trails, etc. from the public.

- The manner in which data has been collected and interpreted in the past has sometimes been problematic: “In the 1990’s there was a lot of work that happened around Traditional Use Studies (TUS), and some First Nations shared data with the Province in the form of polygons via spatial files. There was a lot of information in those files around traditional use, and it isn’t clear what happened to that information. In some cases, it looked as though the information just became a point on a map with no background reference information. The Province refers to the information they have as a point, whereas a polygon will show all of the information behind that point.”

Finally, one participant highlighted the importance of Indigenous language, noting that “language reflects worldview and ways of knowing. With this in mind, it will be important to think about how we respect and be reflective of indigenous language. Perhaps the vision for modernized land use planning should be expressed in indigenous language or languages first, and then translated into English?” Another individual suggested that “translating the principles [into indigenous languages] would be a good start to ensuring that UNDRIP is implemented in a meaningful way.”

Baseline Data

It was noted that the compilation of a high quality, shared baseline data set at the appropriate scale is key to support modernized land use planning. Such data should include information on the current status of values, as well as trends and patterns. As one individual noted, “more than half of the [land use planning] process was spent just understanding the common information base, with data provided from government, industry and [our First Nation’s] traditional ecological knowledge. Having a high-quality, trusted information base at the outset is key to an efficient process.”

A few individuals commented that in some cases, the accuracy and reliability of existing data sets is in question, which creates challenges for collaborative planning efforts. In particular, it was noted that provincial agencies are often operating with outdated or inaccurate information. With that in mind, it was suggested that “tapping into the Indigenous knowledge base” would be helpful, providing that sensitive information is respected and protected.

Another individual noted that the data needed to support land use planning is often relevant to other management activities and thus the time and effort need to assemble baseline information is rarely wasted. Yet others commented on the time and considerable effort required to collect new information and fill gaps, adding that planning often needs to proceed despite the fact that data sets are not complete. (One individual suggested that First Nations should “work with what you have (for data collection), even if you are just starting today.”)

Some individuals suggested that work is needed to clarify what kind of data is actually needed to support land use planning initiatives and how that information might be useful and for what purpose. As one person stated, “First Nations and the Province need to collaborate on establishing parameters around data—what to measure, how to measure, etc. Government—both Provincial and Federal—often ask for information and the Nation doesn’t receive any benefit.” Another individual suggested that First Nations and the Province should collaborate on establishing parameters related to data collection and management. Yet another individual commented that “changing the metrics on data collection and capturing the shared values and identifying how they are measured could be very useful.”

Data Sharing

Some individuals noted that for collaborative planning, data should be available for all of the parties involved. As one person noted, “knowledge exchanges are valuable. Cross community sharing of knowledge, expertise and ideas should be fostered and encouraged.” It was also noted that the sharing of information contributes to the building of trust and the strengthening of working relationships.

It was also suggested, however, that mechanisms for the sharing of data—including protocols and written agreements—could be improved. As one person commented, “it is important to have a good understanding of how data will be access and shared between BC and FN partners, so that both can benefit from investments made to collect data, while also respecting the privacy of sensitive data.” Another individual added that information sharing “needs to be reciprocal—governments need to start sharing more information with communities.”

Another individual suggested that effort is needed to ensure that spatial data (shapefiles, KMLs) that are shared are in correct formats, for ease of use.

2.4.3 Incremental Approach, Adaptation and Flexibility

Several individuals called for a modernized land use planning program to adopt an incremental approach, including some 'early wins,' and allowing for continuous improvement over time. Others echoed this idea, suggesting that the program should be designed from the outset to be adaptable, particularly given uncertainties and the growing complexities of land use issues. Yet others called for the program to be sufficiently flexible so that planning approaches can be tailored to regional circumstances. Some individuals with past experience in complex land use processes cautioned against 'one-offs' however, noting that each exception can establish precedents that might not contribute to the long-term success of the program overall. These themes are expanded upon below:

Incremental Approach and Adaptability

Comments related to the need for an incremental approach and adaptability in the program included the following:

- Provincial policy for working with Indigenous people needs to be flexible, adaptable and nimble. Fixed policy positions for complex, collaborative planning initiatives are challenging. Products and structures need to be built so they can evolve.
- Systemic change will take time. In the meantime, an approach should be designed that is incremental, with opportunities to learn and adapt as the process moves along.
- Modernized land use planning should embrace a continuous improvement approach.
- A step-wise, phased approach is needed, for example: jointly develop a tentative policy framework; identify preliminary new tools and arrangements; apply those to new collaborative planning processes; and then, assess and adjust as needed moving forward.
- The Province and Indigenous peoples must develop a process that allows for 'early wins'—this will help maintain the commitment and participation of both Parties.
- Consideration should be given to co-developing an assessment of regional risks and priorities, to guide prioritizing and investment in collaborative plans.
- The concept of starting small and then building on success is helpful—don't need to resolve everything at once.
- Focusing on areas with less tension, and avoiding areas where there are overlapping territory assertions, might be a useful first step.
- The Province needs to recognize that there will be uncertainty in the land use planning process. There is a "need to move away from prescriptive land use planning models where there is little space to try new things—need to have space to try new approaches in a collaborative way."
- Land use plans need to be living documents, not just documents that sit on a shelf somewhere never being used. Land use plans are dynamic and reflect ongoing reconciliation.

Regional Variation

Several individuals called for a modernized land use planning to be sufficiently flexible to accommodate different approaches matched to local circumstances. Additional comments included the following:

- A modernized land use planning framework "needs to be flexible in order to allow for consideration of unique interests and regionally-specific issues."
- Regional discussions are needed. BC is too diverse to undertake the modernization of land use planning at a provincial level.
- Recognizing cultural and ecological variation across the province is critical. Neither the issues or the likely solutions will be same across the province.
- There is regional uniqueness but there are also major overlaps/similarities on common issues. The parties should also not have pre-conceived notions of planning units. (There will not be hard lines for all territories).
- It is OK that land use planning means different things to different people. There needs to be flexibility with regard to policy and approaches, to allow for each collaboration to be shaped in a way that meets the needs of Indigenous peoples and the Province.

- Indigenous communities are diverse, and need to be treated on an individual basis.
- The Province needs to do away from the 'postage-stamp thinking.'
- There needs to be flexibility built into land use planning processes to allow for unique community perspectives and challenges.

Notwithstanding the calls for regional variation and the tailoring of planning approaches to match local circumstances, several individuals with experience in the Great Bear Rainforest (GBR) context cautioned against 'one-off' planning approaches and their potential precedent-setting influence. Comments on this final point included the following:

- "One-offs can set precedents and become the model. What I mean is to be calculating. If you don't, you may presuppose something that you may regret at the larger table or later on. You only have so many cards to play. It's really about the long game. One-offs should fit into the long game, the long view. Ask yourself: does the one-off you are contemplating contribute to the long-term vision of where you want to go?"
- "One-offs can derail you and have impacts on a much larger scale than intended. One-offs are scary when we are bound by the whole gamut of provincial policy."

Flexibility in Plan Products

Finally, some individuals called for planning products themselves to be flexible, so that they can accommodate changes in conditions over time. As one person commented, "the vision for land use planning has to recognize that there is a need to be adaptive; so much change is happening. Plans cannot have a fixed view, but instead need to be flexible to emerging issues and circumstances." Another stated that "there needs to be flexibility built into land use planning processes to allow for modifications and on-the-ground decisions"

(For more information on planning for resilience in the face of climate change, see Section 2.7.2. Information on the need for monitoring and evaluation of land use plans is presented in Section 2.10.4)

2.4.6. Timelines and Urgency

Several comments were offered related to timelines, both related to the development of the modernized land use planning program more generally, and for the development of land use plans more specifically.

Timelines for Program Development

Some individuals expressed concern with the perceived urgency to embark on this modernized land use planning program without having a full policy in place, which could lead to an ad hoc, "implementation on the fly" approach that does not achieve its potential. (See Section 2.2.4 for more information on the policy framework for modernized land use planning).

One individual commented that a modernized land use planning should not have legislated or prescribed timelines attached to it.

Yet another individual cautioned that one of the challenges related to the development and implementation of the modernized land use planning program over the longer term is maintaining this as a policy priority in the context of elections and staff turnover.

Timelines for Planning Projects

Several individuals commented that adequate time is needed within planning projects to build trust and relationships, and to create the space for respectful recognition of Indigenous worldviews, interests and perspectives. As one individual said, trust levels are "all over the map around the province and It takes time and an open mind to change the nature of the conversation."

Another noted that while a joint vision might be developed quickly in some areas, it will take longer in other areas, with more investment required in the early engagement phase.

Another individual commented that community buy-in is essential, which takes time and suggested that a "bottom-up, community driven approach is essential."

Finally, one other individual commented on the need for transparency regarding timelines for formal approvals of planning products, noting that “transparency is so important. Delays in getting approvals within government were never made clear. If we had known about such delays in advance, we would have done things differently.”

2.4.7. Resourcing for Land Use Planning

Several individuals highlighted the critical importance of adequate resourcing for First Nations to undertake pre-planning prior to joint land use planning with BC, to participate effectively in lengthy, joint planning processes with BC, and to support First Nations involvement in plan implementation.

A Funding Framework

Given the importance of this element to success, several individuals suggested that there needs to be an explicit fiscal framework and commitment in place to ensure First Nations have a sustainable, multi-year source of funding to support their involvement in land use planning and resource stewardship. It was also recommended that the Province should work with First Nations to identify funding priorities collaboratively, rather than making unilateral funding decisions. The fiscal framework should include funding for First Nation participation in all resource stewardship initiatives, rather than an ad hoc or intermittent funding.

Additional comments on the need for adequate funding and resources for land use planning included the following:

- There are rarely enough funds to do a comprehensive land use and occupancy study with all members, to get the information needed to inform planning.
- The scope and pace of planning needs to be matched to available resources. Staff and stakeholders will get burned out if the pace is too rapid or scope too complex.
- Many land use plans lack sufficient resources for implementation (e.g., protected area management planning).
- Indigenous people are central to compliance and monitoring of plan implementation, but this requires sustainable funding.
- Facilitation and other process support can be especially valuable and important, to help the parties navigate complex issues and work through challenges.

Some individuals also noted that BC and First Nation could work together to access funding, including from the Federal Government, and through tools such as carbon offsets.

Philanthropic Support, Non-Traditional Partnerships

Several individuals commented on the significant opportunities and value in non-traditional partnerships to secure resources for planning, for example, with philanthropic and non-government organizations and private sector. Others cautioned, however, that there need to be clear terms of reference to guide the use of external funding sources, especially where there may be conflicts of interest.

2.4.8. Dispute Resolution

Several individuals commented on the need for a modernized land use planning program to include thoughtful mechanisms for dispute resolution. The intent should be to work in a collaborative fashion as much as possible to address frictions and conflict points that need to be worked through. Challenges and conflicts will inevitably arise but can be resolved if there is a good atmosphere of respect. Dispute resolution mechanisms need to be in place not just to support government-to-government processes, but also engagement with stakeholders and the public.

Several individuals suggested that indigenous worldviews and ways of resolving conflict could be helpful and should be explicitly built into the collaborative design of dispute resolution mechanisms.

One individual noted that the trust and relationships that were built at the local or regional level can help overcome challenges and tensions that can arise at more senior bureaucratic or political levels.

2.5 Pre-Planning and Readiness

First Nations highlighted the importance of careful preparation in advance of the start-up of a land use planning process. Such preparation might include documenting Indigenous law, building the necessary capacity and technical capabilities, and completing an assessment of overall readiness. These themes are explored in more detail below.

2.5.1 Documenting Indigenous Law

Several individuals noted that many First Nations are working actively to recover and restore Indigenous knowledge and governance systems, through initiatives such as RELAW or through other means⁵. It was suggested that this step may be important as a precursor to land use planning, and as a foundation, for several reasons:

- Indigenous knowledge and governance systems should not be seen simply as a 'data set' but instead represent knowledge of place, spiritual attachment to land, and stewardship approaches. As one respondent commented, "Our laws talk about responsibility in homelands."
- Any such information should be valued and given appropriate recognition, potentially in a legal form (e.g., intellectual property rights).
- It may be important for First Nations to be clear on their own authorities and jurisdiction so that internal decision-making processes related to plan development, approval and implementation can be well defined.

Some individuals also noted that it should be up to Indigenous people to define their own body of knowledge and Indigenous law. Furthermore, First Nations need adequate time to bring their own knowledge and Indigenous law together, and to compile it in a form that is practically useful for land use planning.

It was also suggested that documenting Indigenous knowledge and governance systems might avoid the reliance on strength of claim analyses, which were criticized by some respondents as an "interpretation through someone else's legal system."

Finally, some individuals noted that documentation of Indigenous knowledge and governance systems might be necessary to enable First Nations and Crown governments to engage with one another in ethical space.

2.5.2 Capacity Building

Many individuals stressed the importance of capacity building to support modernized land use planning. This issue was highlighted, in fact, as one of the key lessons from First Nations that have had experience with planning in the past. Several individuals also suggested that the Federal and Provincial Governments have a critical role to play in providing adequate financial and other resources for such capacity building to occur. Furthermore, while capacity is often a key requirement for First Nations, similar improvements in technical capacity might also be needed within provincial or federal agencies for collaborative initiatives to be successful. (One individual suggested that improving agency capacity in areas such as GIS and data management is particularly important). As one participant stated, for example, "There has to be a strong commitment to building and sustaining capacity for land use planning and resource stewardship, at multiple scales, within both BC agencies and Indigenous People's' governments, otherwise we are setting up for failure." Several other aspects of capacity building were highlighted, including:

- The particular types of technical or other capacity that is needed;
- The need to consider whether capacity is needed at the local or regional scale;
- Opportunities for training; and,
- Recruiting and retaining staff with the appropriate skills and experience.

⁵ Revitalizing Indigenous law for Land, Air and Water (RELAW) is an is a program of West Coast Environmental Law, supportive of and supported by the [Indigenous Law Research Unit](https://www.wcel.org/program/relaw) at the University of Victoria, Faculty of Law. See: <https://www.wcel.org/program/relaw>

These themes are explored in more detail below:

Types of Capacity

Several individuals noted that different *types* of capacity might be needed to support modernized land use planning. Collaborative land use planning places multiple demands on First Nations, and additional capacity might be needed at the administrative as well as at the technical level as plans are being developed. A diversity of technical skills might be required, for example related to both marine and land management. It was also suggested that while additional technical expertise contributes to increasing capacity, it remains important to engage those who harvest and cultivate on the land, so that local knowledge is incorporated into planning efforts. Others added that “getting youth involved will help develop young community leaders.”

Some individuals also noted that capacity will also be needed to support effective implementation. As one person stated, “First Nations need to have their own capacity, resources and ability to carry out stewardship, monitoring and enforcement. This is key to implementation of land use decisions because First Nations people are on the land” (see also Section 2.10.3 **Error! Reference source not found.**). Another individual stated that “some Nations are currently focusing on building economic capacity in order to start doing this type of [land use planning] work.”

It was also suggested that many First Nations are willing to cooperate with other governments but lack the capacity to do so. Another individual stressed the need to distinguish the different challenges involved in planning for developed versus rural areas.

Yet another individual reflected on the multiple demands already placed on First Nations communities, commenting that “many communities are forced to wear many hats and are scattered and can’t do more than one thing because they are so busy.” As noted in Section 2.5.3, the capacity of First Nations may already be under strain as they work to respond effectively to referrals, and to participate meaningfully in other initiatives (such as the review of new policies or legislation).

Capacity and Geographic Scale

The *geographic scale* at which capacity building needs to be available was also identified as an important consideration. Based on experience from land use planning within First Nations territories in the area referred to as the Great Bear Rainforest, the capacity to engage in discussions related to the development of policy or legislation for example, at a senior level, might actually be needed at the regional scale rather than being made available by each individual First Nation. As one individual commented, “a lot of what [our key technical advisor] did was actually senior policy and technical work grounded in his particular expertise. We needed this senior policy expertise engaged and needed to be able to stay current on policy and legislation to be able to co-design a modernized land use planning approach. It was a real issue to find the right people to engage in these discussions. Nanwakolas and Coastal First Nations were natural entities to have these complex conversations about land use orders, and other implementation tools. If we had tried to do that with 20 different Nations, we would not have got there.” It was also suggested that aggregating or ‘pooling’ some technical capacity among multiple First Nations at the regional level might actually result in cost savings, through economies of scale.

Another individual suggested that “further analysis is needed to identify the pros and cons of regionalization among Indigenous people, so that they that can capitalize on potential benefits (i.e., efficiencies through pooling of administrative, management and technical capacity) while respecting the authorities and autonomy of each individual nation involved. Regionalization needs to emerge organically from Indigenous people and cannot be imposed from the outside.”

Training

Several individuals highlighted the need for training to help build capacity within First Nations communities. The scope of such training might vary, including education for community members to obtain the skills and qualifications necessary to take a more active role in natural resource management, assessments of claims and permits, or to play a role in health and safety or environmental monitoring. Identifying the appropriate training for a given community should therefore be based on an assessment of needs. Some individuals also suggested that training should be delivered within local communities, so that it is as accessible as possible. Finally, it was also noted that at present, “there is no training program

for First Nations in land use planning, and no consolidated information on who to talk to or where to start.” In light of this, some individuals suggested that it would be helpful to have a contact list with different agencies, technical planning providers and working groups identified, where technical resources might be available.

Recruitment and Retention

Recruitment of technical capacity and the need to retain key personnel over time were also highlighted as being important in the context of land use planning.

Several individuals suggested that there are opportunities to build capacity through multiple avenues, such as:

- Procurement agreements that include commitments for First Nations staffing;
- Secondment of agency staff to support First Nations planning and capacity building;
- Job shadowing;
- Partnerships with universities or with particular resource agencies; and,
- Intentional mentorship.

Some individuals noted that long term planning initiatives can be hampered when staff turnover results in the loss of institutional memory, or requires a period of learning and adjustment as new staff get up to speed. Other suggested that making land use planning a core service might help to retain more capacity.

2.5.3 Readiness

Several individuals highlighted the importance of assessing readiness before engaging in land use planning. Such an assessment should inform decisions on whether or not to engage in such an ambitious initiative, how broad the scope of planning should be, and prioritization of issues to be addressed. It was suggested that any such assessment be based on a clearly defined set of criteria—which should be co-designed and widely shared—related to factors such as the availability of technical and administrative capacity, the compilation and availability of Indigenous knowledge, the compilation and availability of other data, and the completion of research studies or analyses related to key values.

Several additional comments were offered on this topic:

- It often takes considerable time for First Nations to identify and compile Indigenous knowledge and other information, and to secure the funding needed to support planning efforts. In some cases, additional technical support is needed to complete these steps (i.e., from consultants, provincial agencies, or others). It was suggested that some First Nations might not have access to such external support, or may be unclear where such support might be available.
- The coordination of land use planning activities often places considerable demands on administrative capacity within First Nations. Furthermore, planning often requires extensive internal consultation within First Nations communities, which can be time consuming, costly and demanding.
- Some First Nations will simply not have the necessary capacity to undertake land use planning. For smaller or more remote communities in particular, the time invested and cost of participation is going to be much higher.
- First Nations are often required to respond to on-going referrals while planning is underway. It is therefore important to maintain capacity and funding support to maintain this function. As one example some individuals highlighted the example of a revenue sharing system used by the Ministry of Forest, Lands, Natural Resources Operations, and Rural Development (FLNRORD) to help fund staffing of a referrals position specific to forestry.
- Some First Nations may also need to secure additional funding to complete research or studies, such as cultural heritage assessments. It was suggested that such studies might provide important information in advance with regard to sensitive values in areas where development might be proposed.

Several individuals also underlined the need for First Nations to “have their own, internal conversations first, and then engagement with stakeholders.” Others noted that the completion of internal discussions and the assembly of the necessary resources prior to broader engagement is critical for an approach based on ethical space.

Some individuals suggested that First Nations should complete their own stewardship/use plan, resource policies or land codes for their territory before engaging in a government-to-government planning initiative. It was suggested that collaborative planning would then focus on how provincial and Indigenous plans might be reconciled and implemented.

2.6 Interim Measures

Several First Nations individuals highlighted the importance of some form of interim measures to ensure that key values are conserved and that cultural practices can continue unimpeded while land use planning is underway. As one person stated, “there has to be a recognition that the parties do not have unlimited time to figure this out; resources are being extracted from the land and Indigenous people’s territories are impacted all the time. We can’t talk and log! The vision for land use planning needs to address the need to protect the space while processes are underway and while trust is being developed.”

Other individuals recommended that planning partners should “find ways to take ‘interim steps’ to address priority issues and concerns while plans are pending formal implementation or updates.” It was suggested that “some interim steps can be easily implemented among the nation and regional staff, and address the most significant concerns quickly.”

Several related points were made:

- It was suggested that modernized land use planning should make available a range of interim measures, including:
 - economic accommodation (e.g., tenure transfers);
 - efforts to engage industry through Impact Benefit Agreements or other mechanisms; and,
 - restrictions on the scope, timing or spatial extent or resource extraction or development activities (e.g., a suspension of moose harvesting, restrictions on the allocation of water rights, no staking reserves, *Land Act* S16/17 set-asides).
- Respondents also noted that a modernized approach should clarify what should happen when collaborative planning leads to conflicts with existing permits and authorizations.

2.7 Technical Planning Tools and Climate Change

2.7.1 Technical Planning Tools

Several individuals commented on the importance of technical tools to support modernized land use planning, including tools: to assist in the collection of information from knowledge holders and First Nations community members; for the legal protection of values in a more sophisticated and adaptable manner; and, for the identification of land use zones. One person suggested that current approaches should be supplemented with “adaptive approaches and analytical tools that allow for development of proactive management approaches to different development scenarios.” It was also suggested that creating a compendium of tools and approaches to support planners engaged in collaborative efforts would be helpful. Others added that an incremental approach should be adopted for the development of technical planning tools, perhaps with the support of a technical working group. Finally, one person noted that “there is a range of tools, with strengths and weaknesses and gaps. Parties engaged in land use planning need to be innovative when making use of existing tools, and should support training and the development of new tools (i.e., policies, procedures, specific direction to decision makers, monitoring programs, etc.)”

Community Engagement in Data Collection

For the collection of information at the community level, several key issues were highlighted:

- Working with the knowledge keepers is critical. Giving maps to First Nations families to record what they do where on the land helps highlight important areas.
- Improved tools and processes are needed to assist First Nations with the collection and digitization of information.
- Density mapping/weighing of points is an important consideration for spatial mapping.

Legal Instruments

As noted in Section 2.2.3, it was suggested that new and improved legal instruments are needed to support modernized land use planning in British Columbia:

- Past experience suggests that identifying the scope of legislative tools currently available to meet land use planning objectives is important but can be time consuming.
- To be fully effective, modernized land use plans might need to be given ‘teeth’ through additional legal mechanisms.
- Blunt legal instruments (e.g., Conservancies under the *BC Park Act* or *Protected Areas of BC Act*) may be too constraining and take too long to effect in some cases. As one person stated, “we need other, more flexible tools.” Another person suggested that an alternative mechanism might be an Order in Council with specific objectives to be met versus a protected area.
- An expanded toolkit for implementing UNDRIP and recognizing title in decision making is needed.
- *The Heritage Conservation Act* has restrictions on what qualifies as an archaeological site but it was suggested that there might be more leeway around places designated for protection than what is currently prescribed for a registered archaeological site.
- Some form of incentive might be needed to encourage private property landowners to conserve values of importance to Indigenous people, for example, via reduced property tax.

Zoning

Some individuals suggested that further work is needed to establish improved mechanisms for managing potential land use conflicts and for prioritizing resource use values. Another suggested that attention is needed to improve approaches for the identification and conservation of areas with sensitive cultural, ecological or other values, particularly in the context of mineral exploration and mining development and concerns over the current mineral tenure system. It was proposed that the Province should be willing to assist First Nations in completing this task. Several additional comments were offered on this topic:

- Provincial agencies and proponents should respect the knowledge of First Nations and their reasons for identifying areas as ‘no-go’ zones, even in the absence of written documentation.
- The Province should work with Nations to create a new or hybrid classification for Indigenous lands.
- Modernized land use planning approaches should identify cultural and spiritual sites, registered and potential archaeological sites, features and materials, traditional resource gathering sites, and develop appropriate management strategies.
- Many Nations have already established ‘no-go’ zones in their territory, typically identified through oral histories and field observations.
- Density mapping, or adding buffers to sensitive areas/points could potentially help with privacy concerns when undertaking spatial analysis.

Other individuals suggested that *existing* land use plans should be reviewed and updated to clarify areas available for mineral exploration and mining, and other areas set aside to protect critical cultural, ecological values on the land.

New Technology

Some individuals noted that new technologies might be of utility for modernized land use planning, including the use of LIDAR (light detection and ranging), and the use of drones (for data collection, or for monitoring).

2.7.2 Climate Change and Planning for Resilience

It was suggested that modernized land use planning needs to take into account the realities of climate change, and incorporate greater adaptability to account for change over time and address the need for resilience. Several comments supported this view:

- One person stated, “land use plans should not be fixed and inflexible. They need to adapt to address increasing change and complexities over time.”
- Another commented that “climate change is an issue that needs to be considered, so the process of collecting data needs to reflect that new reality. Many industrial activities on land—such as pipelines, powerlines, etc.—are impacting habitat and leading to species at risk.”

- Another individual recommended that “an adaptive management regime and mindset is needed to address the effects of climate change on ecosystem distribution and composition. We can’t take a static view of these resources.”
- Yet another individual offered: “Plan for the unexpected. Ensure that the process and end-products are adaptable, nimble and resilient.”
- Finally, another individual stated: “In the context of dynamic ecosystems—that are affected by climate change, drought, etc.—land use planning should not result in products that are static (e.g., fixed reserves). Instead, there should be greater emphasis on increasing resilience, which may involve more conservative landscape design (e.g., wider riparian buffers) or the use of cumulative effects models and adaptive management. “

One individual noted that the notion of resilience should be applied not only to ecosystems but also to human communities, suggesting that “the conventional approach to planning and resource management involves the removal of wealth from Northern or rural areas to the south and to urban areas, or even overseas. A different approach is needed that emphasizes regional resilience, and focuses on building healthy, vibrant communities.

Finally, one individual suggested that *existing* land use plans should be revisited in light of new information and understanding: “Now it may be time to go back to the community to revisit the plan and take into consideration new factors such as climate change.”

2.8 First Nations Community Engagement

Several individuals commented on the importance of engaging First Nations members at a grassroots level, so that First Nation communities “own the plan” and want to be part of making it a success. A range of tools need to be utilized for effective communication and engagement, including social media, vlogging, clickers at meetings, posters, recorded video of meetings, community surveys, workshops, family meetings and field trips to the area.

Other individuals noted that it is important to consider all ages when communicating within First Nations communities, with several individuals highlighting the importance of engaging with Elders and youth. Other individuals commented on the need for approaches to be tailored to local circumstances, noting that it is important to understand that the metrics for successful engagement in each community will be different. It was also suggested that giving communities the opportunity to understand, digest and discuss issues may take extra time, but will also bring to the surface local issues and considerations (e.g. local contaminated sites, etc.).

Finally, it was also suggested that the involvement of Leaders within First Nations communities is important, not only so that they are fully informed, but also to ensure that land use planning initiatives receive the necessary support and that staff are given the time to participate as needed. As one person noted: “Leaders are really stretched and can’t make it to events, but need to know what is happening.... [land use planning] initiatives need to be promoted, otherwise there won’t be space made in work-planning to attend sessions.”

2.9 Education and Engagement with Local Governments, Stakeholders and Communities

As noted in several earlier sections of this report, Indigenous peoples embarking on land use planning need to consider not only their relationship with senior levels of government and their own First Nations members, but also how they will interact with local government, stakeholders and local communities. Several individual offered comments on this issue, highlighting the need for public education as well as effective third-party engagement.

Public Education

Several individuals highlighted the importance of BC acting proactively to educate British Columbians on UNDRIP, reconciliation, and the new basis for undertaking land use planning as a partnership between BC and First Nations.

Several individuals also noted that there is a lack of knowledge and denial of Indigenous rights by some members of the public, including some local government officials and among some stakeholders, and that the burden is often placed on Indigenous communities to educate these third parties, when this is primarily BC's responsibility. (As noted in Section 2.3.4, several participants also expressed frustration that some local governments seem to believe that Indigenous governments have the same standing as stakeholders, and are not a level of government).

Another individual commented that there needs to be more education of the general public and industry about Indigenous land use plans and the long-standing stewardship responsibilities carried out by Indigenous peoples.

Finally, one individual noted that the need for education applies not only to third parties, but also to provincial agency staff, suggesting that "the vision [for land use planning] should include a constant process of education; helping people orient to a respectful place for dialogue. There has been a loss of corporate knowledge due to a wave of retirements, so there is a constant need to educate and re-educate. It will also be important that resources are available to ensure the continuity of knowledge."

Third Party Engagement and Reconciliation

Several respondents also noted that reconciliation is a process that must include local non-Indigenous communities, especially through local and regional governments, so that they are engaged and supportive of the land use planning work.

Other comments and observations on the involvement of third parties include:

- It is important that the Indigenous rights holders have standing in government-to-government processes, separate from the influence of stakeholders. Engagement with communities, stakeholders and industry needs to follow from G2G discussions.
- The parties need to be clear on what engagement means, and share a joint commitment to undertake the necessary work with stakeholders and the public to enable enduring agreements.
- BC and First Nations need to ensure that all parties understand and recognize that there are two governments coming together. If there is stakeholder engagement, it needs to be developed jointly. An effective stakeholder engagement plan needs to be in place.
- A key design principle is engagement with stakeholders through advisory groups that respect the G2G relationship both at the local and senior policy levels. Engagement by stakeholders at all levels needs to be through a G2G arrangement. There cannot be lobby groups 'going around' the process.
- Consider developing a stakeholder support fund to enable their participation.

2.10 Implementation

2.10.1 Implementation Capacity and Resources

As noted in Section 2.5.2, several individuals commented that adequate capacity and resources need to be allocated to the implementation phase of land use planning specifically. Implementation is a critical element that is often complex and under-resourced for both First Nations and government agencies and it remains an ongoing challenge to find and retain adequate technical capacity to support implementation of land use agreements. Concerns over the inadequacy of implementation efforts may also undermine commitment to planning initiatives more broadly; as one person stated, "I believe that there have been tons of planning and to date nothing ever gets done... [there are] no next steps."

Strong documentation and procedures also need to be in place so that land use plans can be understood and handed off to new First Nation leadership.

2.10.2 Legislation and Policy to Support Implementation

As noted in Section 2.2.3, several individuals noted that provincial legislation and policy can be cumbersome and ineffective at implementing land use agreements. As a result, the substance of many land use plans remains a matter of policy, with little certainty that the agreements will be fully

implemented over time. It was suggested therefore that new legislative tools need to be developed to support agreement implementation, including new legislation enabling Indigenous protected areas. Existing tools, such as section 93.1 and 93.3 of the *Land Act* should be better utilized to provide supporting guidance. Other legal mechanisms also need to be developed, within a structure of nested plans, so that lower level plans (i.e. Forest Stewardship Plans) are required to comply with higher-level reconciliation agreements.

Additional individual comments on this topic include:

- The process to legalize the Gitanyow Lax'yip Land Use Plan was long, resource-intensive and challenging to relationships, but necessary to ensure implementation beyond voluntary compliance. As a result, Gitanyow and B.C. share the same 'lens' when making operational decisions as a result of the learning and the relationship building that happened through the process, and the direction in the plan.
- First Nations spent years negotiating land use and other government-to-government agreements—"seven years of hard work on the Coast"—only to discover that they then have to negotiate with every forest company on forest stewardship plans, and then negotiate yet again with government on operational permits and authorizations. As a result, eight years later, First Nations are still negotiating in operational battles with companies what they thought they had secured in strategic agreements.
- Recommendations from the plan largely depend on the goodwill of forest licensees to ensure ongoing implementation and an 'annual refresh' meeting to maintain dialogue and reporting on progress. Plans can 'sit on the shelf' and get sidelined by other priorities like drought and fire when there are no clear legislative or regulatory mechanisms to ensure compliance.

2.10.3 Shared Decision Making and Adaptive Learning at the Operational Level

Some individuals felt there is a need to apply a shared decision-making approach at the operational level, for example, by requiring statutory decision makers to implement consensus recommendations from government-to-government agreements and forums. Several respondents also noted that strong relationships based on trust and mutual understanding played a key role in making implementation more effective and efficient. Another noted that "a formalized land use plan developed through a meaningful collaborative process can create a shared language that supports efficient shared decision making."

2.10.4 Monitoring and Evaluation

Several comments were offered related to the need for monitoring and evaluation as a key aspect of land use plan implementation. In particular, it was suggested that a modernized approach needs to include the ability to review and refine the land use planning program overall on periodic basis (see Section 2.4.3) as well as monitor, evaluate and improve specific plan products over time. As one person noted, "there needs to be an ability to evolve, revisit and adapt these plans as conditions change. It is very difficult in the current context to look at more than a five-year timeline." Another person added, "at the front end of planning processes, it is important to build in the requirements for systematic review of plan outcomes. What will be measured? How will it be measured? What will trigger actions to adapt and modify decisions in light of the ongoing learning?"

Several individuals commented that monitoring of land use plan implementation in BC has largely been ineffective to date. It was suggested therefore that ongoing implementation needs to be happening incrementally, with monitoring of achievement of milestones, and mechanisms in place to ensure this monitoring informs ongoing decision-making. As one individual commented: "A land use plan can't just be a 'do and forget' product that sits on a shelf." Several individuals also commented that Indigenous communities should play a key role in monitoring land use plan implementation, and added that traditional governance systems can help inform monitoring approaches and shared learning.

It was also suggested that any evaluation of the effectiveness of land use plans should include reporting on compliance not only with the broad direction set out in a land use plan, but also with the terms and conditions set out in permits or other statutory authorizations.

Finally, several individuals commented on the need to review and revisit existing land use plans, many of which were developed without the involvement of First Nations. As one person stated, "Land and

Resource Management Plans (LRMPs) are done and implemented at the operational level, but may not be relevant in the current context of UNDRIP etc. There is a need to revisit these plans. What do we do about existing out-dated LRMPs where they do not work for Indigenous people but are driving Forest Stewardship Plans and operational decisions? LRMPs need to be on the table for review.”

2.10.5 Guardian Programs

Several individuals commented that First Nation communities should play a key role in monitoring land use plan implementation through Indigenous guardian programs. Several participants spoke about the role that Indigenous people play on the land protecting resources and monitoring activities, noting that this has been their role historically and continues today. Some participants shared positive experiences with guardian programs and suggested that these types of programs need to be expanded so that the knowledge Indigenous people carry about the land can be shared and honoured. Guardian programs also provide an opportunity to build resource management capacity in First Nations communities through on-the-ground monitoring, compliance and enforcement. It was also suggested that further efforts are also needed to support networking among guardian programs provincially and beyond.

Other comments related to guardian programs included the following:

- Indigenous people are stewards of the land and guardians of their territory.
- Communities need to build capacity and recruit and train staff to fully participate in land use planning activities. Stewardship and monitoring programs like the Guardian program are particularly useful.
- Work is needed so that land use planning is intimately connected to territorial patrols and people on the land.
- First Nations need to have their own capacity, resources and ability to carry out stewardship, monitoring and enforcement. This is key to implementation of land use decisions because First Nations people are on the land.

Appendices

Appendix A: Overview and Timelines: Indigenous Engagement Process for Modernized Land Use Planning in BC

The Indigenous Engagement Process related to modernized land use planning involved the following events and mechanisms:

Mandate Letter

July 18, 2017 Letter from Hon. John Horgan, Premier of British Columbia, to Minister Donaldson (FLNRORD) including direction to “work with the Minister of Indigenous Relations, First Nations and communities to modernize land-use planning and sustainably manage B.C.’s ecosystems, rivers, lakes, watersheds, forests and old growth.”

Provincial Workshop

September 20-21, 2018: Provincial Workshop: The Resource Planning Partnerships (RPP) Workshop brought together a diversity of representatives from First Nations, including staff and consultants, with experience in land use planning. Several First Nations presented case studies of their experience with land use planning.

Regional Workshop and Meetings

February 2019	Mineral Tenure Act Regional Forum
April 2019	Mineral Tenure Act Regional Forum
April 17, 2019	Regional Workshop: Cranbrook
May 21-22, 2019	Regional Workshop: Chilliwack
June 11-12, 2019	Regional Workshop: Parksville
July 25-26, 2019	Regional Workshop: North Vancouver
October 29, 2019	Regional Workshop: Williams Lake
December 17, 2019	Regional Workshop: 100 Mile House

Additional engagement was also undertaken throughout 2019 with various First Nations in the Thompson-Okanagan region.

Written materials were provided to participants shortly after each of these regional workshops and meetings, including draft summary notes from the event, copies of all presentation materials, and a semi-structured questionnaire. Participants were invited to provide feedback or provide additional comments in any written form.

Two regional workshops in the Northern Area (Smithers and Prince George) were postponed in March 2020 due to concerns over travel related to the Covid-19 crisis. Provincial staff are looking at other options for engagement with the Northern Area First Nations.

Written Submissions

As noted above, written submissions were invited following all regional workshops and meetings, either via a semi-structured questionnaire or in any other form.

Following the three coast region workshops (May and June 2019), 102 packages were mailed, one to each of the First Nations in the coast region. Each package included written materials describing the process for modernizing land use planning, summaries from the regional workshops completed to date, a copy of the questionnaire, and contact information for the program managers. A similar package was sent

to approximately 30 First Nations that had registered for the Northern Area workshops in Smithers and Prince George.

Further Engagement

As part of an anticipated second phase of province-wide engagement, provincial staff are currently reviewing additional opportunities for securing input from First Nations, including the possibility of one or more in-person meetings or workshops in the North Area.

Draft

Appendix B: Summary of Data Sources

Title of Source Document	Indigenous Peoples	BC Region	Author of Source Document	Venue	Date
Resource Planning Partnerships Workshop Summary	Various	Coast, Central Interior, North East	Dovetail Consulting Group	Vancouver	20 September 2018
Summary of Observations and Feedback from Participants re: Land Use Planning	Various	Various	Emily Barner, MEMPR	Mineral Tenure Act Regional Forum	February 2019
Summary of Observations and Feedback from Participants re: Land Use Planning	Various	Various	Emily Barner, MEMPR	Mineral Tenure Act Regional Forums	April 2019
Ktunaxa Nation Land Use Planning Meeting	Ktunaxa	SE	Laura Henstra, MIRR	Ktunaxa Nation Government Office, Cranbrook	17 April 2019
What Was Heard: Indigenous Engagement Sessions in Lower Mainland & Vancouver Island	Various	Vancouver Island, Lower Mainland	Indigenuity Consulting Group	Chilliwack Parksville, Tsleil-Waututh Nation (North Vancouver)	21-22 May 2019 11-12 June 2019 25-26 June 2019 (Report dated 23 July 2019)
Modernized Land Use Planning Regional Workshop Meeting Summary	Various	Lower Mainland	Indigenuity Consulting Group	Stó:lō Government House, Chilliwack	21-22 May 2019
SDNA MLUP Questionnaire Response	Southern Dakeh Nation Alliance	Central Interior	unknown	unknown	August 2019
Summary: Modernized Land Use Planning Regional Workshop with Northern Secwepemc te Qelmucw Meeting	Northern Secwepemc te Qelmucw	Central Interior	Laura Henstra, MIRR	Williams Lake	29 October 2019
Modernizing Land Use Planning - Regional Workshop with Esk'etemc and Whispering Pines	Esk'etemc Whispering Pines	Central Interior	Alisha Skelton, FLNRORD	100 Mile House	17 December 2019
Modernized Planning in the Thompson Okanagan Region – 2019	Various	Thompson Okanagan	Tracy Thomas, FLNRORD	Kamloops	20 February 2020

Appendix C: Tabulated Summary of Themes by Data Sources

The following table summarizes the occurrence of material related to the various theme areas contained in this report, by source. This table is intended to illustrate the degree to which particular themes were mentioned in various sources and locations. Readers are cautioned however that this analysis relies on a limited source of written material. As a result, this table should not be interpreted to represent a comprehensive account of opinions in any given region or within any specific organization. Furthermore, the absence of a mention of a particular theme does not imply that the theme is not relevant or important, but merely that it was not discussed or included in a particular event or written submission.

Themes	Data Source								
	Resource Planning Partnerships Workshop	Mineral Tenure Act Regional Forums	Ktunaxa Regional Meeting	Regional Workshop: Chilliwack	Regional Workshop: Parksville	Regional Workshop: North Vancouver	Regional Workshop: Central Interior	Regional Workshop: Williams Lake	Regional Workshop: 100 Mile House
Foundations and Assumptions	✓		✓		✓	✓			✓
Vision	✓	✓	✓	✓	✓	✓	✓	✓	✓
Mandates and Intergovernmental Coordination	✓	✓				✓			✓
Program Design Considerations: General		✓		✓	✓	✓			✓
Policy Framework and Guiding Principles	✓	✓		✓	✓	✓	✓		
Institutional Arrangements and Coordination	✓	✓		✓	✓	✓			✓
Knowledge and Information	✓	✓			✓		✓	✓	✓
Benchmarking and Best Practices	✓					✓			
Incremental Approach, Adaptation and Flexibility	✓				✓	✓			✓
Planning Timelines and Urgency	✓								✓
Resourcing for Land Use Planning	✓			✓	✓				
Dispute Resolution	✓			✓	✓				✓
Documenting Indigenous Law	✓		✓			✓	✓		
Capacity Building	✓	✓		✓	✓	✓			✓
Readiness	✓	✓		✓			✓	✓	✓
Interim Measures	✓	✓							

Themes	Data Source								
	Resource Planning Partnerships Workshop	Mineral Tenure Act Regional Forums	Ktunaxa Regional Meeting	Regional Workshop: Chilliwack	Regional Workshop: Parksville	Regional Workshop: North Vancouver	Regional Workshop: Central Interior	Regional Workshop: Williams Lake	Regional Workshop: 100 Mile House
Planning Tools and Information Management	✓								✓
Information Management	✓	✓		✓	✓	✓		✓	
Technical Planning Tools	✓	✓			✓	✓			✓
Zoning	✓					✓			
Climate Change and Planning for Resilience	✓			✓					
Public and Stakeholder Engagement: General	✓				✓	✓			
Public Education	✓					✓			
Community and Stakeholder Engagement	✓		✓				✓		
Implementation	✓							✓	
Monitoring, Evaluation and Shared Learning: General				✓	✓				✓
Monitoring and Evaluation Approaches	✓			✓					
Compliance and Enforcement	✓								
Guardian Programs	✓					✓			

Appendix D: Acronyms

CCLUP	Cariboo Chilcotin Land Use Plan
CEM	Cumulative Effects Management
CRSS	Collaborative Resource Stewardship Strategy
CSF	Collaborative Stewardship Framework
DFO	Department of Fisheries and Oceans / Fisheries and Oceans Canada
DM	Deputy Minister
EA	Environmental Assessment
EAO	Environmental Assessment Office
ECDA	Economic Cooperation and Development Agreements
ESI	Environmental Stewardship Initiative
FLNRORD	Ministry of Forests Lands, Natural Resource Operations and Rural Development
FN	First Nation
FNFC	First Nations Fisheries Council
FPIC	Free, Prior and Informed Consent
GBR	Great Bear Rainforest
G2G	Government-to-Government
LRMP	Land and Resource Management Plan
LUP	Land Use Plan
MEM, MEMPR	Ministry of Energy, Mines and Petroleum Resources
MIRR	Ministry of Indigenous Relations and Reconciliation
NGO	Non-Government Organization
NOW	Notice of Work
RPP	Resource Planning Partnerships
SAR	Species at Risk
TEK	Traditional Ecological Knowledge
TK	Traditional Knowledge
TRC	Truth and Reconciliation Commission
TUS	Traditional Use Study
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples