An Updated

Effective Practices Guide

Land Use Planning by First Nations in British Columbia

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INVESTING IN FIRST NATIONS IN BRITISH COLUMBIA

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Thank you!

Gregory Kehm, Gwen Bridge, Krista Robertson
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WHAT IS THIS GUIDE ALL ABOUT?

In 2009, the New Relationship Trust (NRT) funded the research and writing of five best practice reports to support First Nations in British Columbia (BC). These reports covered governance, environmental assessments, comprehensive community planning, consultation & accommodation, and land use planning. The land use planning report[1] included over twenty-five participants, thirteen First Nations and land use planning practitioners across BC that were invited to share the most effective elements of their land use planning experiences.

In 2018, NRT recognized the need to re-examine the original land use planning report to highlight new and emerging innovative approaches and to 'raise the bar' to achieve healthier communities, increased First Nations wealth, and effective territorial management and control. The original effective practice contributions have been expanded with information collected from additional interviews and research within BC and across Canada. Quotations from both sets of interviews begin each of the sections in the Land Use Planning Framework chapter.

The timing for this revision coincides with major shifts in federal and provincial statements and policies intended to foster reconciliation with First Nation communities and open new, better approaches to decision making. In British Columbia, this has translated into a Ministry of Forest, Lands, and Resource Operations and Rural Development mandate to modernize land use planning as a process jointly led by the Province and Indigenous governments following principles based on the United Nations Declaration of the Rights of Indigenous People (UNDRIP)[2], the Calls to Action of the Truth and Reconciliation Commission and ministerial orders.

Prior to the Alberta Election of April 2019, the provincial New Democratic Party had been in the process of making tangible, structural changes in relationships with Indigenous Peoples. For example, A Traditional Ecological Knowledge Policy was being developed to guide Alberta to "consider and respectfully apply traditional ecological knowledge in land and resource management systems". The policy was under review during the change in government and its current status is unclear. It was anticipated to have a significant influence on Alberta planning perspectives and processes.
In 2016 Alberta created an Act to Ensure Independent Environmental Monitoring including establishment of the Indigenous Wisdom Advisory Panel[3] to advise

1 Kehm, Gregory. Kim Hardy. Ecotrust Canada. *BC First Nations Land Use Planning: Effective Practices.* Vancouver BC: New Relationship Trust, 2009.
2 UN General Assembly, United Nations Declaration on the Rights of Indigenous Peoples: resolution / adopted by the General Assembly, 2 October 2007, A/RES/61/295. Google. Accessed July 11, 2019. https://www.refworld.org/docid/471355a82.html
3 "Alberta Indigenous Wisdom Advisory Panel." Google. Accessed July 11, 2019. https://www.alberta.ca/Indigenous-wisdom-advisory-panel.aspx

Alberta's Chief Scientist on traditional ecological knowledge and its incorporation into environmental monitoring; this is the first time in Canada that Indigenous knowledge in environmental monitoring has been required by legislation and while limited in scope, it sets an important precedent.

In Manitoba (MB) and in the Far North of Ontario a land use plan cannot be adopted or enforced without First Nations consent and approval of the plan. The city of Thompson, MB is pursuing joint planning districts with First Nations; an innovative practice to watch and apply elsewhere.

The Yukon Territory and Northwest Territories have robust Indigenous engagement processes for land use although First Nations do not yet have a separate approval process.

The following guide outlines a land use planning process that can be modified and tailored to meet the unique planning needs of your community. It also highlights effective practices that have led First Nations in BC to successful land use planning in their communities.

This guide is not intended to be a prescription or how-to manual, nor is it an exhaustive survey of the topic. Instead, it attempts to be a practical synthesis of approaches and lessons learned by BC First Nations, and highlight those areas of planning deserving more attention and practice.

Land use planning is an ongoing process. Completion of a plan document is often recognized as the primary need and driver for planning initiation. However, the outcome of a good planning process is the establishment of an ongoing conversation in community to share information and track progress towards realizing a broad land use vision and goals. Ideally, a First Nation community creates a self-directed, self-defining vision, goals and future land use plan first, and then proceeds to engage in a government-to-government planning process.

Across Canada, and within BC, many First Nations communities have developed an initial vision and land use plan within a joint process led, funded, and directed by provincial governments. In BC, the current emphasis on moving towards reconciliation may result in pressures to conduct collaborative planning. The research findings contained in this report emphasize these primary effective practices:

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- Completing a self-defined territory-scale land use planning process/plan prior to engaging in a government-to-government planning process can achieve increased benefits and greater outcomes across plan implementation, monitoring, and the development of broader collaborative governance approaches.
- Effective land use planning can help Nations achieve greater self-determination, cultural revitalization and economic development by getting clear and aligned on their goals and plans for their lands.
- Remain updated on ongoing announcements from governments that will clarify how they intend to implement UNDRIP and other agreements and leverage them through alignment of your plan with the intent of each document.

Land use planning can be a daunting process. The following framework is provided to help increase clarity and highlight some of the key effective practices in land use planning.

Planning for Land Relationships and Land Uses

Land use planning is commonly practiced by resource managers and planners to designate the management of land and water for the purpose of realizing a future vision or intended state. This is a non-Indigenous idea and a widely applied approach across urban and rural land areas.

In Canada, land use planning in this tradition is often practiced with minimal consideration of Indigenous 'land planning and management methods'. North American Indigenous land 'use' traditions vary across the continent and in Canada Indigenous perspectives towards the land and water are typically described as a set of responsibilities to a relationship with the land and all living things sustained by it. A land relationship captures a holistic perspective identifying interdependencies among creatures, systems and the human involvement to its fullest and sustaining well-being.

Canadian law has often interpreted Aboriginal Rights in a non-holistic fashion where natural resource use rights end up in silos of separated use activity categories such as hunting, fishing or gathering.

Now, Indigenous Peoples in Canada are beginning to renew cultural and political processes to better articulate their relationships with the land and their full rights. To better reflect this perspective many Indigenous peoples are beginning to refer to land relationship planning rather than land use planning. Indigenous people are living in a relationship with the land and living things.

Recognizing that emerging terms and processes are challenging our understanding and thinking about the land and specifically land use, in this document the term 'land use planning' will be kept for clarity while acknowledging a broader shift in terminology is underway.

With every land use plan a story unfolds about the current and future state of a community's territory. Land use planning is important for maintaining Aboriginal rights and community values while guiding development in a Nation's traditional territory. The process is an opportunity to engage a community in determining the future use of its natural resources. A land use plan is "a conception about the spatial arrangement of land uses with a set of proposed actions to make that a reality."[4] A 2008 Building Environmental Aboriginal Human Resources (BEAHR) land use planning occupational standards document[5] describes the land use planning process as "undertaken to

4 Leung, Hok-Lin. *Land Use Planning Made Plain, Second Edition:* University of Toronto Press, 2004, page 1
5 BEAHR (Building Environmental Aboriginal Human Resources). *Land Use Planning National Occupational Standards. Calgary, AB:* Environmental Careers Organizations Canada, 2008. Preface. https://www.eco.ca/research/report/nos-beahr-land-use-planning/

develop a formal framework that guides decisions about existing and future land allocation, use, management and protection"[6], and defines aboriginal land use planning as "a holistic process that considers the interconnectedness of all aspects of an Aboriginal community, including its social, traditional, economic, cultural, spiritual and governance context."[7]

Historically, First Nations actively managed their lands according to their own laws, practices and governance structures. With the ever-increasing development pressures of today's world, First Nations are setting out to create documented land use plans as a way to harness and shape development on their lands, and to ensure the needs of the Nation are met now and into the future. This process involves formalizing and integrating information and knowledge that has been held by First Nations over generations. Capturing this information and knowledge in the form of a land use plan allows First Nations to communicate, as stewards of their lands, with others interested in their territory, while at the same time publicly presenting their cultural values and asserting jurisdiction.

A succinct summary of the history of land use planning in British Columbia is included in an excellent Forest Practices Board Special Report.[8] A summary of the status of land use plans in BC, including comparisons between them, is available from a supplementary table to the above mentioned report.[9]

6 Ibid.
7 Ibid.
8 BC Forest Practices Board. *Provincial Land Use Planning: Which way from here?* Special Report (FPB/SR/34). Victoria, BC: BC Forest Practices Board 2008. https://www.bcfpb.ca/wp-content/uploads/2008/11/SR34-Provincial-Land-Use-Planning.pdf
9 Ibid. Supplementary Tables. https://www.bcfpb.ca/wp-content/uploads/2016/04/SR34-Supplementary-Tables.pdf

Maximizing the Benefits of a Land Use Plan Including Key Innovations and New Approaches

Land use planning is a major undertaking and can take many forms. The timing for undertaking a land use plan varies depending on the political, economic, social and legal needs of a community. However, the underlying reasons are often similar among communities and focused on a concern about ways of maintaining Aboriginal Rights, mismanagement of resources and documenting a different vision of the future than that of government and industry.

Land use planning is a key way that a Nation can set, guide and implement its vision of its future and a key stepping stone to self-determination. The critical element here is that the Nation completes its land use plan prior to engaging with governments and industry so that their vision and plan is previously determined and a key starting point for any negotiations.

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- A successful planning process includes diverse views and backgrounds, encourages participation from the community at all stages, and creates specific and measurable outcomes.
- Complete a land use vision and plan prior to engaging with governments and industry as it is a vital starting point in negotiations.

Land use planning has led many communities to realize unexpected benefits beyond their initial planning intentions. These can include forging new relationships with other governments, neighbours and businesses; strengthened program capacity and staff technical skills; pursuit of a path towards ownership and engagement in proposed future developments. In addition, for some Nations, having a land use plan that has been led by the Nation has allowed them to identify land uses designated for economic development, which through private sector partnerships has enabled those Nations to generate long-term sources of revenue. The critical success factor here is that the Nations lead the planning upfront to gain the clarity of their vision and goals that are adopted in a land use plan from the early stages.

A few of the most important outcomes and new approaches in both a First Nations led and government-to-government negotiated planning process include the following:

Indigenous cultural resurgence: Witnessing the collection of information and knowledge about ancestors, the territorial lands and waters and the creation of exciting products that summarize this knowledge is a significant legacy planning outcome. In one northern BC community prior to the planning process meeting attendees would appear without regalia and avoid speaking in the language. By the end of the planning process the meetings were celebrated as moments of cultural expression through dance, wearing regalia and speaking the language. The final plan reflected this resurgence and optimism.

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- The community vision and land use planning process provides a unique way to encourage pride in community and creates opportunities to revive positive individual self-esteem.

Cultural research is ongoing: Indigenous cultural research is critical to land use planning success and is an invaluable expression of a community's story, presence and knowledge of their territory. Cultural research is an ongoing process leaving it outside of fixed planning time cycles and process needs. This creates challenges in informing and guiding a plan with evolving information and perspectives. Information gaps do not mean that knowledge doesn't exist and it is important to write into the plan the potential influence of new discoveries and associated values.

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- In your plan acknowledge ethnological and cultural traditional knowledge as a continuum of input, learning and understanding. In practice, between planning revision cycles identify a process to quickly respond to new, significant ethnological and cultural traditional knowledge input and to be able to adapt to carefully protect these discoveries.

Thinking in cultural systems: Applying cultural research to planning is often limited to fixed and discrete locations of known, documented presence (e.g. mapped points, lines and polygons). If these past and current uses are instead considered as cultural systems delineating connectivity and linkages interacting within physical and ecological processes, then the intent of identifying and maintaining these cultural practices becomes integrated, and not isolated, within a land use plan. Two examples include the Taku River Tlingit 'Yellow Book' and Hupačasath Intensive Traditional Use Areas.

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- Consider planning for cultural systems and cultural places. Historical and contemporary Indigenous cultural uses of the land and waters are dynamic and interpret the landscape as interrelated systems instead of discrete areas, or zones.

Leadership and strengthened decision making: A community vision presented through maps and documents provides strong support for leadership to negotiate at government-to-government planning tables and maintain the integrity of the community vision and goals. Communities that define how joint decision making between governments will utilize the land use plan have greater success implementing it over time. Communities that negotiate a joint decision-making agreement that informs the planning process and ongoing relationships can realize greater efficacy of their plans and improved government-to-government relationships.

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- Develop a joint decision making process with the government at the start of your community land use planning and fully address aspects of a future government-to-government relationship, including implementation of the negotiated land use plan where resolution of differences will be required. Such a process will help to avoid your land use plan functioning as a cookbook of actions and options for government to independently select.

It is intended that this guide will offer your community insights and guidance as you begin your land use planning process that is based on other First Nations' experiences in British Columbia.

Land use planning processes take many different approaches because of the variety of needs and resources of a community. This guide does not seek to suggest a single approach or address the full depth of opportunities and constraints a community may face when undertaking land use planning. Instead, it lays out a practical land use planning framework and suggestions for First Nations based on other communities' experiences.

An Important Note: Future Climate and Your Current Land Use Plan

Projected rapid and extreme change in future climate is one of the most important, wide ranging and potentially disruptive influences on your land use plan's success. It is possible that a land use plan completed today could be largely irrelevant in one or two decades if it has not taken into account the social, economic impacts and associated ecological shifts that will occur due to predicted changes in temperature, precipitation, plant productivity (growing degree days), invasive species and natural disturbance — to name just a few indicators.

The environmental changes across the landscape will alter social practices, including traditional harvest and hunting, and economic drivers as tree species shift and disturbance events burn or dry out important natural resources. Indigenous knowledge is a critical source of understanding about past and contemporary uses of the land, ecological systems and functions and identifying the vulnerabilities of a community to natural disturbances and increased threats to food security.

Western science data, climate models, and *understanding* of how to integrate projected climate change into traditional territory-scale land use planning continues as a nascent area of applied practice.[10] Research for this report did not find any BC First Nations-led land use plans directly informed by projected future changes in climate although climate vulnerability and risk assessments have been completed by some communities.[11] A good example of a land use plan including planning for a climate changed future is the Atlin-Taku Land Use Plan in northern BC created between the Taku River Tlingit First Nation and the Province of British Columbia in 2011. The Canadian Parks and Wilderness Society (CPAWS) conducted an analysis of projected climate change and enduring features for the planning area[12] to help inform a planning approach for conservation lands. The final plan includes new thinking on the importance of planning for socio-economic well-being, wildlife movement corridors, altitudinal and latitudinal ecosystems shifts, and refuge areas buffered from changes in climate.

While there is little precedent readily available for how to create a future climate ready land use plan, a realistic working assumption is that all landscapes and cultures will be impacted to some degree (e.g. alpine areas are predicted to shrink and disappear entirely in some locations). Taking a precautionary approach when designating areas of ecological and cultural importance will be a reasonable start towards allowing the space and time for ecosystems and species to adapt and persist into the future (i.e. regional connectivity linkages, larger areas for cultural and ecological systems).

10 Climate adaptation planning and emergency planning for reserves is receiving increased funding recently and there are an increasing number of examples of completed plans at this scale. See "First Nations Adapt". Google. Accessed July 10, 2019. https://www.aadnc-aandc.gc.ca/eng/1558113374675/1558113396940

11 Indigenous and Northern Affairs Canada: First Nation Adapt Programs 2018-2019. Google. Accessed September 23, 2019. https://www.aadnc-aandc.gc.ca/eng/1558113374675/1558113396940

12 CPAWS. *Wild at Heart: Spring 2009 Newsletter*. Vancouver, BC. 2009. https://cpawsbc.org/wp-content/uploads/2019/08/Wild-at-Heart_Spring-News_2009_web.pdf

The following are key guidance points.

a) **Mainstream:** where possible, integrate thinking about future climate at all stages of planning instead of an add-on project later on. While this is frequently a challenge as funding programs isolate climate change adaptation planning grants as a separate and specific set of activities (focused on reserve lands, or categories of threat such as food security), it is a vital part of the success of a plan.Integrating projected future climate change into all of your work and processes allows your existing organizational and decision-making systems to become more adaptive, responsive and effective. It is a lot harder to fund and succeed with a separate plan and separate organizational delivery entity for reasons ranging from cost to capacity to human tendencies to resist change.

b) **Simplify:** local knowledge and Indigenous knowledge track climate through documenting major fire events, floods, availability of food, etc. This knowledge can help to identify the future threats and the adaptive responses needed in your community. New local knowledge surveys can be designed to include more specific information about climate observations, pattern shifts and resource changes. Maintaining clarity and simplicity in interpreting what can become an information-rich and overwhelming concept is critical. Revisit the primary goals related to climate change and land use planning: understanding impacts, identifying risks, and developing adaptive strategies.

   Climate science is complex and always changing. British Columbia is fortunate to have the very practical Pacific Climate Impacts Consortium (PCIC) based at the University of Victoria. PCIC hosts numerous web-based resources designed to simplify access, interpretation and use of climate model data.[13] Projected climate models look forward in time and while it may be interesting to see what scenarios show for 80-100 years from the present, communities usually see little use for those scenarios instead appreciating a 25–30 year time horizon.

c) **Communicate:** a translation process between climate terms and community language is critical. It is easy to talk about climate change without using those words. Community members will appreciate discussions about changes in the landscape they see, whether it is shifts in wildlife species, declining snow pack, frequency of fire, etc. Likewise, the goals of integrating projected climate futures into contemporary land use planning processes is to achieve lasting corridors for movement, larger intact landscapes, and refuge areas for species and ecosystems buffered from broader climate influences.

13 Pacific Climate Impacts Consortium, University of Victoria. Google. Accessed July 10, 2019. https://www.pacificclimate.org/

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- Where possible, integrate thinking about future climate at all stages of planning instead of as an add-on project later.
- Local knowledge and Indigenous knowledge track climate through documenting major fire events, floods, availability of food, etc. This knowledge can help to identify the future threats and the adaptive responses needed in your community.
- A translation process between climate terms and community language is critical. It is easy to talk about climate change without using those words by identifying local changes and trends.

A Land Use Planning Framework

A Land Use Planning Framework

Land use plans are guided and determined by many different approaches, frameworks and planning time periods. Some of the most successful land use plans are those that have been developed and tailored to suit the needs and constraints of a specific community's social, economic and political circumstances. For example, a First Nation on coastal BC may develop a land use plan whose primary purpose is to gain leverage in negotiating specific economic development opportunities. There is no right way or wrong way to do land use planning. It is best to adopt an approach and scale of planning that fits within the capacity and style of your community. With this in mind a broad framework for land use planning is represented in "Figure 1" at the end of this section. The Framework can support a community vision by making clear linkages between activities occurring before and after the plan's development. The land use plan framework can guide leaders, funders and communications activities, and the presence of a plan can nurture ongoing political and financial support. This Framework includes the following important land use planning best practice themes:

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- Create a community-based vision/plan of the land FIRST and then enter into a negotiated land use planning process with government to maximize your leverage and effective plan implementation.
- Many champions are needed over time for the plan to progress and be adopted successfully.
- When goals, objectives and strategies in the plan are super specific, including numeric targets and strict language, they are easier to measure and it is easier to track progress towards realizing the community's vision.
- Producing a land use plan document is the start of an unfolding process over time designed to realize community-based goals for the future. Keep the completed plan fixed, document what isn't working and wait for a five-year period to comprehensively reflect, and revise the plan. This maintains the credibility of the plan process and document.
- Leverage the land use plan process to build long-term stewardship program capability and staff technical proficiencies for the Nation.
- Designate a lead person who is responsible and accountable for the implementation of the land use plan for the Nation.

The framework outlines stages in a land use planning process. Emphasis is placed on a long-term view of keeping leaders and the community involved in the plan, communication, and reflection on how your lands are managed against the community's core vision and set of goals. Many First Nation land use planning processes reviewed for this report (see Appendix E "Overview of Land Use Plans") focused on producing a planning document. Few write about implementation strategies or set out objectives and guidelines specific enough to enable implementation and monitoring of how well the plan is achieving its purpose over time.

The process and work of land use planning can be rolled out over five areas of grouped activities: Pre-planning, Planning, Implementation, Assessment and Adaptation. These areas organize the structure of this guide and are explained in detail.

The framework lists three key long-term needs important to maintaining a strong foundation of a land use planning process: build capacity, including chief and council support; maintain funding and communication strategies; and focus on community participation. The process of land use planning is nurtured and unfolds with the ongoing support of these elements over many years. If leadership support wanes the plan will likely lose funding and momentum. This is a potential risk of a plan development process that takes too long.

Not all communities who have a land use plan or process have necessarily followed this Framework for reasons that include funding and leadership changes, or a purpose for the plan that was by design strategic and short-term (e.g. support negotiations or legal cases). This framework may be useful to existing land use plans to benchmark progress and track remaining work in achieving a long-term vision set out by a community.

This framework is not intended to prescribe all the steps or sequences of activities to create a successful land use plan and supportive community process. It is designed to help you think past the short-term goal of *producing* a plan document to maximize your success in achieving the long-term future vision articulated by your community.

Before you begin, consider some of the more recent First Nation planning approaches in BC that focused first on *simple and smart planning*. Land use plans can often follow a similar type of architecture including a vision, goals, management zones designations, protected areas and implementation/monitoring. These are important components of any plan and can be developed in creative and faster ways. For example, Clayoquot Sound First Nation communities, in particular the Ahousaht First Nation's Maaqutusiis Hahoutlhee Stewardship Society[14] spent two years working on a streamlined, shorter process referred to as Land Use Visioning. Using a straightforward mapping process to identify community priorities, where these values are located and how best to manage them with specific designations and management prescriptions promoted success that is being applied by neighbouring Clayoquot First Nation communities.

14 Ahousaht First Nation 2017 press release http://www.mhssahousaht.ca/news/press-release-ahousaht-land-use-vision

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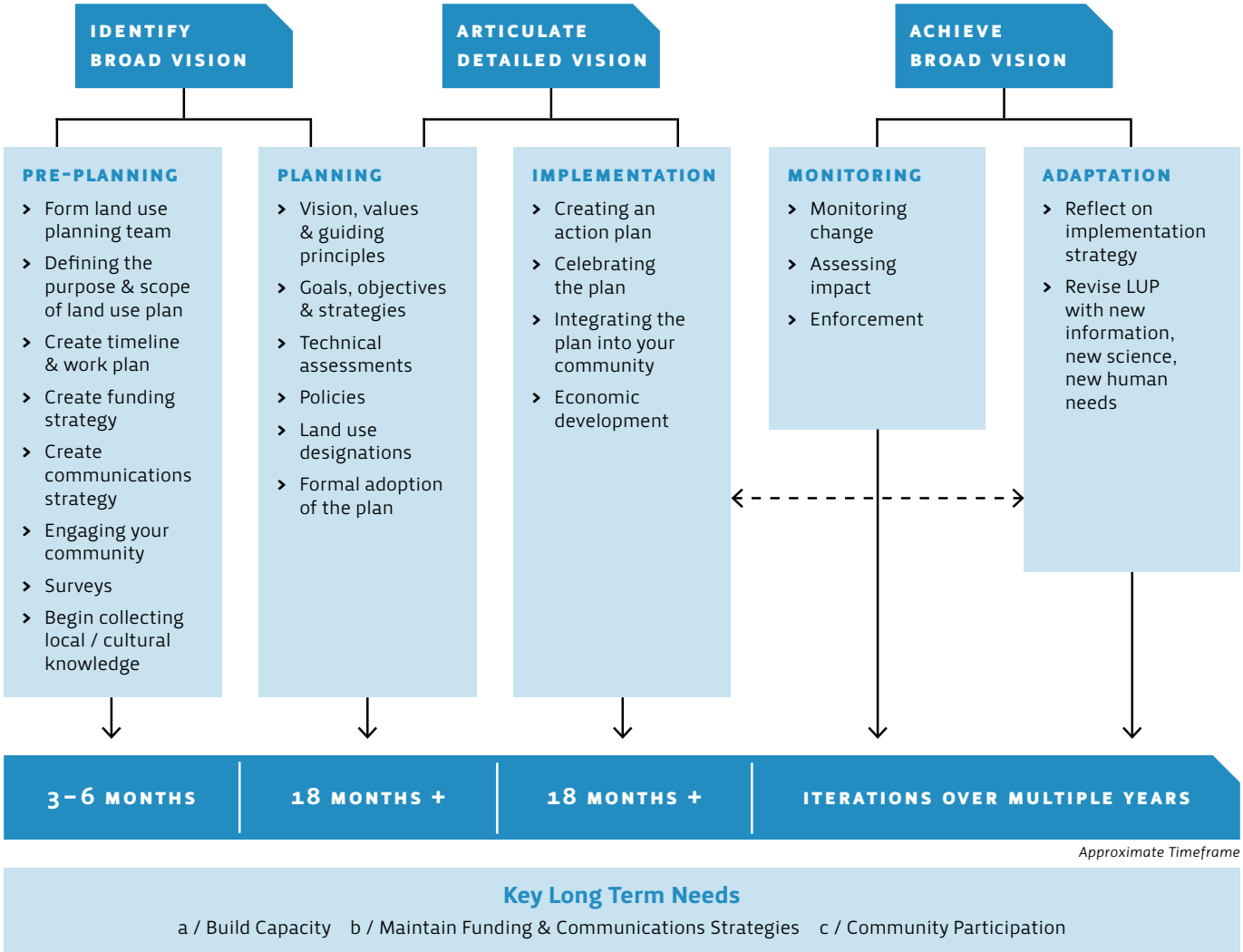
- A rapid land use visioning and planning exercise, followed by special zone planning is an effective, lean strategy that lends itself to rapid response and faster application of the community vision to negotiations. Plan outcomes can be customized to reflect the traditions and culture of your community, and may be almost entirely map-based exercises.

Figure 1 / A Land Use Planning Success Framework



Overarching Themes

Throughout the interviews conducted for this report, three overarching themes for effective land use planning were often discussed as having relevance to all communities. These themes are *capacity building*, *communication* and *community participation*. These themes are critical across all stages of a land use planning process. Communities felt it was important to keep them top of mind throughout the entire planning journey and identified effective practices for each.

CAPACITY BUILDING

A recurring theme of capacity resonated throughout the interviews. First Nations all mentioned the challenges of overcoming capacity issues and named this the biggest obstacle to successfully complete and implement a land use plan. Referrals and community demands continue while undertaking land use planning. Communities often feel overwhelmed by unrealistic timeframes to complete planning on top of their existing day-to-day responsibilities.

Communities have used land use planning as an opportunity to develop facilitation and technical skills in-house while also bringing in extra capacity to help manage the increased workload demands. Introducing mentorship opportunities whenever possible was an important aspect to communities concerned with developing their capacity throughout the planning process. One community saw the benefits of building a mentorship component into their contract with an outside partner hired to assist with the plan.

As an example, some First Nations who have established stronger relationships with local neighbouring municipalities have had positive experiences in working with and collaborating with them on land use planning. This is certainly not always the case, but in some cases there are opportunities for support. The Federation of Canadian Municipalities[15] is actively working to facilitate positive relationships with local governments and First Nations and have a number of case studies documented to showcase what is possible.

15 "Federation of Canadian Municipalities". Google. Accessed July 10, 2019. https://fcm.ca/en/programs/first-nation-municipal-collaboration/community-economic-development-initiative

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- Find as many ways as possible to build a land use planning facilitation and technical capability in-house throughout the planning process.
- Look for and take advantage of mentorship opportunities with partners or consultants throughout the planning process. This might include co-presenting with consultants and focused training sessions.
- Make realistic space in staff schedules to work on land use planning within their existing responsibilities.
- Understand what your community's capacity is before developing work plans and action plans. Identify the areas where you might need help.
- Hire consultants committed to and experienced in supporting your capacity-building goals.

COMMUNICATION

Communities stressed the importance of having regular, proactive communication through the entire planning process. Awareness of the land use planning process increased the level of input and engagement of community members resulting in a plan that is more deeply connected with the people for whom it is being developed.

Communication with stakeholders and partners outside the community was also noted as being an effective practice. For many communities, this practice resulted in their land use plan being followed and used by community neighbours to guide future developments. It also improved relationships and forged new partnerships with neighbouring First Nations, governments and regional districts. It is important to coordinate WHAT you share and WHEN you share information with stakeholders and partners outside the community. It is important to have your community comfortable and knowledgeable before information is released. Lines drawn on a map and revealed too soon can be easily misunderstood as a final decision.

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- Identify the unique ways your community shares and receives information (i.e. word of mouth, newsletter, radio, community posters) and use these methods to communicate updates and progress of the land use planning.
- Co-ordinate communications through one person to ensure messages are streamlined and consistent throughout the land use planning process.
- Identify one contact person who is accessible to community members and partners to answer questions and relay community feedback throughout the planning process.
- Seek and provide opportunities for two-way communications: to allow community members to give input and for the land use plan team to communicate externally.
- Have your community comfortable with sharing information and carefully coordinate WHAT information you share and WHEN you share it to external partners and stakeholders.

COMMUNITY PARTICIPATION

Based on interviews conducted for this report, communities found that the more participation they had in developing their land use plan, the more accurately the plan reflected community values and encouraged ownership of the process. Throughout the planning process it is vital to maintain your leadership's interest and enthusiasm in the land use planning process. Regular formal updates and informal communication with chief and council will help set the tone for the community at large to embrace the planning process. Many communities found that community participation was directly linked to members' understanding of the impact land use planning has on the future of their Nation. Once members became aware of the value of land use planning, they naturally wanted to participate in the process. Communities felt that seeking as many opportunities as possible to engage everyone in land use planning was essential to its success, including inviting non-members in order to build better understanding and appreciation of the plan. Some communities found it helpful to modify the planning process to fit the pace and timelines of community activities as opposed to requiring the community to fit itself into the schedule of the planning. For example, any summer season land use planning events need to be carefully planned (or avoided) due to the large number of community members who are out on the land.

Communities also found that keeping participation in the plan process interesting and fun helped to encourage people to be more involved throughout the entire process. Using an "open space"[16] or "inquiry"[17] approach to a community's involvement helped to keep input positive and participation focused on what works in their territory, and what they'd like to see more of. Conversations around negative events or issues in the past can derail a constructive dialogue. Communities have diverted negative dialogue by accepting what has happened, and cannot be controlled, and focusing on what can be changed or built upon throughout the land use planning process.

+ EFFECTIVE PRACTICES

- Help ensure your leadership and chief and council remain interested and current on land use planning activities.
- Invite community members to participate in all stages of the land use planning, from developing the planning process, identifying vision and goals, to how the plan is evaluated. This will ensure everyone has an opportunity to influence the process.
- Community members can be grouped into specific smaller groups so that they may be more likely to attend and share openly. Many First Nations have had success with grouping some of their community participation by youth, elders, family groups, etc.
- Use positive or appreciative questions to help maintain a constructive dialogue throughout the planning process. Avoid getting stuck on negative events that have happened in the past and focus on what has worked and should be built upon.
- Invite neighbouring First Nations and non-members into your land use planning process to help build a better understanding and appreciation of your culture and plan. The process may also offer new opportunities to collaborate, to learn, and to realize shared goals.

16 Open Space is a technique to facilitating community meetings that allows for a safe space for participants to contribute http://www.algonquincollege.com/fol/files/2012/11/Open_Space_Facilitator_Guide_v1.doc

17 Appreciative Inquiry is an approach to community planning that asks questions about a community and seeks to build on those things that have worked in the past.

IDENTIFY
BROAD VISION

Pre-Planning: Getting Ready

"Figuring out what we needed to do to get ready for our land use planning made us realise how big the project was going to be and how much money we were going to need to do it the way we wanted to."

In the pre-planning stage, a community designs a land use planning process. Communities interviewed for this report indicated that organizing for land use planning is as important as the planning itself; it sets a positive tone and forward momentum for the process while ensuring the scope of the planning is achievable within the constraints of available human and financial resources.

Some of the interviewed communities emphasized the importance of designing a planning process that works with their own community's unique characteristics. One community identified the need to break up their planning process into sections so that they could prioritize and focus on planning in areas that were under pressure from outside developments. Another community recognized their capacity constraints and designed their planning through a partnership with an outside organization to complete their plan while developing their technical skills through training. Critical factors common to all successful land use planning processes are a shared commitment to the process by the leadership, and capacity and resources in place to complete the plan.

There are important elements of pre-planning that communities can use to create the foundation for successful land use planning and ensure the process is completed and intelligently leverages opportunities.

At this stage four questions help define the planning process:

1. What is the broader legislative and policy context of the plan?

First Nations in British Columbia have significant new opportunities to leverage the transformative intent of international, national and provincial statements and policies designed to improve the situation for Indigenous peoples. These new opportunities arise from the federal and provincial governments moving towards implementing[18, 19] the articles of the United Nations Declaration on the Rights of Indigenous Peoples

18 Government of Canada Bill C-262. Google. Accessed July 10, 2019. https://openparliament.ca/bills/42-1/C-262/?tab=mentions

19 Letter from Premier Horgan Honourable Doug Donaldson Minister of Forests, Lands, Natural Resource Operations and Rural Development to July 18, 2017. Google. Accessed July 10, 2019. https://www2.gov.bc.ca/assets/gov/government/ministries-organizations/premier-cabinet-mlas/minister-letter/donaldson-mandate.pdf

[2007][20]; the Truth and Reconciliation Calls to Action [2015][21]; and the Department of Justice Principles [2017][22].

The Indigenous Circle of Experts (ICE) Report [2018][23] and National Advisory Panel (NAP) Recommendations [2018][24] are reports commissioned by the federal government to ensure that land and resource use planning, specifically regarding conservation focused on meeting Canada's Biodiversity 2020 commitment to the Aichi Targets, moves forward in a way that includes Indigenous peoples and is consistent with UNDRIP.

A common theme among these documents is that relationships between First Nations and governments need to be built through negotiated solutions consistent with the intent of the UNDRIP and other government statements. First Nations will need to articulate how they define these relationships and then describe the planning tools that are most useful to their unique interpretation and expression of planning practices. The term "Ethical Space" is articulated in the ICE Report as a recommended form of dialogue or a "style of coming to agreement which respects the integrity of all knowledge systems and provides for collaboration and advice, sharing and cross-validation (where one side validates the other's decisions)". This style of dialogue is intended to support the process of achieving reconciliation. It is discussed at length in the ICE Report and the reader is referred to the report for further detail.

Appendices A through C provide tabular summaries of sections from the UNDRIP, ICE Report and NAP Recommendations relevant to land use planning by First Nations. They identify strategies and information needs to better understand the opportunities to leverage land use plans. Please note the following suggestions when referencing the report appendices:

a) There will be ongoing announcements from governments that will clarify how they intend to implement UNDRIP and other agreements. It is important to identify when information in this report is outdated or further clarified through these announcements to create a timely and strategic land use plan.

b) Review and describe how the realization of community land use planning processes and goals will meet the commitments and recommendations of these documents.

20 UN General Assembly, United Nations Declaration on the Rights of Indigenous Peoples : resolution / adopted by the General Assembly, 2 October 2007, A/RES/61/295. Google. Accessed July 11, 2019. https://www.refworld.org/docid/471355a82.html

21 Truth and Reconciliation Canada. *Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada.* Winnipeg, MB: Truth and Reconciliation Commission of Canada, 2015. http://www.trc.ca/assets/pdf/Honouring_the_Truth_Reconciling_for_the_Future_July_23_2015.pdf

22 Department of Justice Canada. *Principles Respecting the Government of Canada's Relationship with Indigenous Peoples.* Ottawa, ON: DOJ, 2017. http://nctr.ca/assets/reports/Calls_to_Action_English2.pdf

23 Parks Canada. *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.* Gatineau, QC: Indigenous Circle of Elders, 2018. https://www.iccaconsortium.org/wp-content/uploads/2018/03/PA234-ICE_Report_2018_Mar_22_web.pdf

24 Parks Canada. *Canada's Conservation Vision: A Report of the National Advisory Panel.* Gatineau, QC: National Advisory Panel, 2018. https://static1.squarespace.com/static/57e007452e69cf9a7af0a033/t/5b23dce1562fa7bac7ea095a/1529076973600/NAP_REPORT_EN_June+5_ACC.pdf

c) Leveraging these commitments and recommendations requires communicating the intent and content of your land use plan in a way that aligns with the particular intent of each document. The stronger your community accepts and asserts their land use plan as an expression of relevant UNDRIP articles and other government recommendations, the greater your opportunity to influence government-to-government negotiations.

British Columbia will "be fully adopting and implementing the United Nations Declaration on the Rights of Indigenous Peoples, and the Calls to Action of the Truth and Reconciliation Commission"[25] and is currently working towards a modernized land use planning process with First Nations based on UNDRIP. The Ministry of Forest, Lands, and Resource Operations and Rural Development is responsible for land use planning in British Columbia and has indicated that the mechanisms and tools to improve land use planning to meet this mandate are currently undetermined.

2. What is the purpose of the plan?

Knowing why a land use plan is needed will guide decisions on designing the plan process, timing, and strategies tailored to achieving a successful outcome. If there is any question about this, you can return to chief and council early in the process to gain clarity. For some First Nations the purpose of the plan is cultural revitalization, for others it is economic development. A good planning process identifies those key drivers for the community and combines all of them into the final plan and outcomes.

Creating a community land use plan prior to negotiating with government or engaging in a joint land use planning process is identified by many communities as a critical first step. Funding available to create a community-based land use vision and plan is often negotiated with government as part of a larger planning process. In these negotiations it is important to leverage the intent of reconciliation expressed in international, national, and provincial statements and policies (Appendices A–C). First Nations can strive to have their community plans either independently funded, or the first necessary phase of a collaborative planning process with government.

3. Who will use the plan?

Identifying your main audience for the plan (chief & council, band members, industry/business, technical staff, etc.) clarifies decisions around who needs to be involved, and what their roles are.

4. What's your timeframe and budget?

While the plan's purpose may be straightforward, how the work will get done is constrained by the reality of time and funding. Usually, there is not enough of either. Ensure realistic timeframes on all aspects of the planning process and ensure chief and council approve a budget commensurate with the stated goals and objectives.

25 "B.C.'s Endorsement of UN Declaration." Google. Accessed July 10, 2019. https://www2.gov.bc.ca/gov/content/governments/Indigenous-people/new-relationship/united-nations-declaration-on-the-rights-of-Indigenous-peoples

+ EFFECTIVE PRACTICES

- Evaluate the broader legislative and policy context of the plan.
- Identify the purpose of the plan.
- Bring together the full range of key drivers for the plan and combine them together.
- Identify your primary audience for the plan.
- Scope out your timeframe and budget being as realistic as possible.

IDENTIFY BROAD VISION

PRE-PLANNING

- ***Form land use planning team***
- Defining the purpose & scope of land use plan
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FORMING THE LAND USE PLANNING TEAM

Successful land use planning requires a team to pull it together and lead the process for the community. Communities interviewed for this report identified three important elements of a planning team: a working group, an advisory committee, and outside help when required. The working group complete the tasks in the plan; the advisory committee approves key stages and makes decisions throughout the process; and external players often fill any technical skills gaps in the planning team.

The three planning team layers are described in more detail below and are by no means exhaustive of a land use planning team. Some communities work without any external partners, while others rely on them more heavily.

Your land use planning team design might look very different from another community's, but there are some common elements that appear in most land use plans.

The Planning Team / Working Group

Interviewees frequently mentioned the importance of having a small group of people committed to driving the planning process from start to finish. This group of people comprises the planning team working group.

A working group is typically responsible for coordinating the land use planning process, seeing it through to completion and taking on the majority of the planning work. A typical working group has three to six members depending on the size of the community and planning process. Working group members are usually employees of the First Nation, most often working in a Lands and Resource or related department, and may include consultants and lawyers (if required). Those communities that have

core working group members who are staff find it maximizes capacity and leadership opportunity developed in-house for the land use plan. Some working groups have opted for a designated outreach coordinator especially if there is a strong need to link the plan more directly into the community.

Communities that have assembled working groups based on enthusiasm have found that participants willing to learn can take advantage of technical training opportunities[26] and develop the skills required to adequately carry out the functions of a working group.

Participation by youth often results in mentoring within the planning process and can lead to management and executive positions during implementation. Continuity of community involvement, especially for youth, is critical to executing the final plan and negotiating future agreements.

A working group may comprise a core group of paid staff including, but not limited to lands director/coordinator, Geographic Information Specialist (GIS) specialist, researcher/librarian, community liaison, and communications coordinator. Together, this group should possess the skills and experience to do the heavy lifting to make the plan come to life. It is advisable to have one working group member responsible for leading the team and keeping the process on track.

Those communities that did not have GIS or enough capacity in-house often turned to outside sources to participate on the working group or planning team. Communities that developed their GIS capability in-house cited this as very important to the success of their land use planning, particularly when it came to implementing the plan as a team.

Many working groups interviewed for this report indicated that they determined how to work together and make decisions by writing a project charter or terms of reference. A charter or terms of reference were also used to address how a working group relates to the rest of the planning team as well as communicates with the broader community and chief and council. This helps to guide how everyone works together to achieve shared goals. One of the interviewed communities' working group met weekly to discuss their land use plan to ensure that there was momentum in the process and their goals were being met. Another community's working group reviewed the purpose of their land use plan on a regular basis to maintain focus on the big picture amidst the daily activities and other responsibilities required to complete the plan.

26 Training opportunities are often available through partnerships with universities and colleges as well as non-profit organizations such as First Nations Technology Council http://www.technologycouncil.ca/ and Ecotrust Canada http://www.ecotrust.ca

+ EFFECTIVE PRACTICES

- Answer the following questions: what's the purpose of this plan; who's the audience; what is your timeframe; and how much funding is available?
- If resources allow, first create a community-based land use plan and vision before negotiating with government on a joint planning process.
- Ensure working group members are passionate about the land use planning process and are committed to seeing the process through.
- Try to have core working group members who are staff to build maximum capacity and develop leadership in-house for the land use plan.
- Early in the planning process include youth to increase their knowledge of the territory and encourage their ongoing involvement implementing the plan.
- Identify one working group member responsible for leading the team and keeping the process on track.
- Remain open to how well your community understands land use planning and its importance, and consider if an outreach coordinator is needed.

The Planning Team / Advisory Committee

"The Advisory Committee was very important. They represented the community in the land use planning process and approved many decisions that staff could not have made."

Unlike the working group, an advisory committee acts as a routine decision-making body for the planning process. This group can be comprised of community members that are representative of the community, family groups or clans. The advisory committee can include elders, youth, councillors and community members interested in the process. This advisory committee can be used to generate and approve the community's vision, values and strategic direction for the land use planning. The group provides an objective view outside of the working group that is mindful of the community's best interests. The advisory committee can be engaged in major decisions needing to be made over the course of the land use plan.

It is important for the advisory committee to have conflict resolution mechanisms in place as they will face major decisions and need to represent a diverse cross-section of the community. The working group can help an advisory committee by facilitating discussions that require a resolution around a conflicting issue. Any major decisions that cannot be made by the working group should come to the advisory committee for input.

Communities have found it useful to involve councillors who hold portfolios relating to lands on the advisory committee. They found that the strategic input given by these councillors was very informed and gave weight to the process. Communities also found that having council members and hereditary leaders involved on the advisory committee enabled issues to be made a priority at chief and council meetings.

+ EFFECTIVE PRACTICES

- Utilize an advisory committee to help guide the working group and make decisions on behalf of the community.
- Continuity and commitment of the advisory committee is a key to the success of the planning process and ideally should be an ongoing committee to support plan implementation, monitoring and revision.
- The advisory committee will need to create strong conflict resolution mechanisms as they will face major decisions and need to represent a diverse cross-section of the community.
- Have the chief, councillors and hereditary leaders participate in the advisory committee.

Planning Team / Outside Help

"It was important that we worked with someone familiar with our community and our culture; someone who lived near us and already understood us."

Outside help and consultants can bring a wide range of experience, technical skills and an objective outside perspective to a planning process. First Nations that successfully utilized outside help stated that the practitioner had a solid understanding of the community's values and had the temperament to work as a coach and with an open ear to gauge the pace of work and progress. Communities that have had the most success working with outside help are those that used outside help and consultants as a supplement to the process and for roles that could not be performed by someone within in the community. Sometimes having an outside consultant facilitate a meeting will mute or deter some community dynamics and politics. However, work that requires the technical skills of a single person, such as writing and synthesizing information for the final plan, can be very effective roles for a consultant. It is important to budget for total outside help/consultant expenses against limits set by funders and/or councils and keep it at a reasonable share of the overall budget. Communities have spent as much as half of their budget on consultants in the past and that amount may be too high.

Communities that have had the most success in working with outside help and consultants all worked with practitioners that either resided in the community or nearby,

though in some cases this is not possible. It is important to consider hiring consultants who have specific expertise to what the stated purpose of the land use plan is. For example, if economic development from the land is a priority, then including a consultant on the team who is experienced in land economics or real estate will be important.

+ EFFECTIVE PRACTICES

- Hire outside help and experienced consultants who are sensitive to your community's unique characteristics.
- Ensure your consultant is taking a role that best utilizes their technical skills and outside perspective (i.e. writing up the final report, facilitating visioning sessions).
- Build a role for the outside help and consultant to mentor and/or provide technical training that is directly tethered into the development of the land use plan.
- Ensure external contractors understand the importance of skills transfer and professional mentorship as ways of building the community autonomy and ability to implement a plan on its own.
- Check the total consultant expenses against possible limits imposed by some funders. Communities have spent over half of their budget on consultants for a territory-wide plan.

IDENTIFY BROAD VISION

PRE-PLANNING

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DEFINING THE PURPOSE AND SCOPE OF THE LAND USE PLAN

"A primary purpose of the Land Use Vision is to establish [our] role…in land use planning processes."

"We are using it as a negotiation tool and as a way to collect important information about our cultural and traditional uses of our traditional territory in the past."

A plan's *purpose* answers the question of why a land use plan is needed and what it intends to achieve. Establishing clarity around purpose early on will guide decisions on designing the plan process and inform a strategy tailored to achieving a successful outcome, which. will help build and maintain a common understanding of the work that follows. The need for a plan varies among First Nations interviewed for this report. The plan can range from clarifying the boundaries of the traditional lands, fully describing appropriate future uses of lands

and requirements for use, and defining the intent and type of relationship your community wants with government and its authority over the land.

Indigenous governance is underlain by the relationships of people to the land and the inter-connectedness of all beings. A land use plan which describes many of these relationships, obligations, and prescriptions can strengthen the rebuilding of traditional governance practices.

"It deals with broad land use allocation and resource management issues as they relate to the [Nation's] ecological, cultural, social and economic goals and objectives."

"We needed a plan to negotiate with the [BC] Government…."

"The purpose of developing the LUP was to guide our own development on our lands. We didn't use any government funding towards our LUP development to ensure that it wasn't influenced in anyway by outside sources. It was a plan developed by us, for us…."

A plan's *scope* describes what is, and is not, included in the document. For example, the plan may not include marine areas or freshwater aquatic resources and be focused solely on terrestrial resources and uses. Or the plan may only contain key planning outcomes, strategies and requirements with relevance at the territory scale. The scope of the plan may also include identification of areas for further technical analysis or future planning requirements at more detailed scales.

+ EFFECTIVE PRACTICES

- *Relationships with intent:* Relationships between First Nations and governments need to be built through negotiated solutions consistent with the intent of the UNDRIP and other government statements. First Nations will need to articulate how they define these relationships and then describe the planning tools that are most useful to their unique interpretation and expression of planning practices. [UNDRIP 2007]
- *Healing:* Prepare your land use planning process to include opportunities to heal the communities' relationship with the land (e.g. land based learning activities, culture and language teaching opportunities, ceremony and celebration). [Truth and Reconciliation Commission 2015]
- *Reconciliation:* View the land use plan as part of a process of reconciliation. Insist that your First Nation be allowed to define what it needs in a land use plan, without interference. [Truth and Reconciliation Commission 2015]
- *Stepping stone to self-determination:* Your land use plan is a step towards rebuilding strong self-governing and self-sufficient Nations; write it as a governing document, a stepping stone to self-determination. [DoJ Principles 2017]

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TIMELINE AND WORK PLAN

"You have to really want a land use plan. It doesn't need to take over your department, but it does take a lot of work."

Land use planning is quite often the most important planning tool a community can create for itself and it takes time to do it right. Depending on the purpose for your land use plan, it may be possible to complete a plan within 18 months. First Nations have completed their land use plans in timeframes ranging from one to three years. Being realistic about the length of time it will take you to effectively engage the community and collect all the information required will help everyone *agree on a timeline that can effectively be met*. Designating a project manager to be responsible and accountable for the land use planning process and implementation is critical to succeeding in meeting timelines and outcomes.

Land use plans often follow a similar type of architecture including a vision, goals, management zone designation, protected areas, and implementation/monitoring. These are important components of any plan and can be developed in creative ways if time is short. For example, Clayoquot Sound First Nation communities, in particular the Ahousaht First Nation's Maaqutusiis Hahoulthee Stewardship Society, spent two years working on a streamlined, shorter process referred to as Land Use Visioning.[27] Using a streamlined mapping process to identify community priorities, where these values are located and how best to manage them with specific designations and management prescriptions, was a successful approach that is being applied by neighbouring Clayoquot First Nation communities.

To keep the planning process moving forward it is important to track as closely as possible to agreed-upon deadlines and deliverables. When creating your schedule keep the following in mind: book meetings with the community well in advance; work with other departments to minimize hosting events at the same time; observe school calendars, and be considerate and respectful of community celebrations and funeral arrangements.

A quick scan of the available staff and skills within your organization will aid in understanding what work is feasible to take on, and what new resources may be needed. The staff and volunteer time needed to complete a land use plan can be overwhelming and difficult to work into existing responsibilities and time pressures such as responding to referrals and community requests. Many communities opt to take the time to hire and train community members so that they increase their own capacity and build

27 "Ahousaht First Nation 2017press release." Google. Accessed July 10, 2019. http://www.mhssahousaht.ca/news/press-release-ahousaht-land-use-vision

technical capabilities in-house. Communities under pressure to complete their plans within a short timeframe often source additional support through consultants or partner organizations (see “Planning Team / Outside Help” on page 31 for information on how to most effectively engage outside help).

+ EFFECTIVE PRACTICES

- *Simple, Smart Planning*. A rapid land use visioning and planning exercise, followed with special zone planning later on is a good, lean strategy that lends itself to rapid response and application of the community vision to negotiations.
- Designate a lead person to assess the work plan against actual time and funding available to keep the process reasonable and on track to meet deadlines and deliverables.
- Create a meeting schedule mindful that community meetings need to be arranged far in advance, in coordination with other departments and broader community calendar events (e.g. school calendars, seasonal celebrations, etc.).
- Identify community members that are interested in seeing the land use planning process through and build their technical capabilities in-house via mentoring and training.
- Utilize outside contractors to fill gaps in technical ability and train band members as an expectation of their work.

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DEVELOPING A BUDGET AND FUNDING STRATEGY

“We didn’t want to be influenced by anyone else in our land use planning so we found funding through non-government foundations whose ideas were similar to ours.”

Developing a work plan and detailed budget for your land use planning project will establish the timing and resources required to complete it. This allocation of time, combined with expenses incurred through travel, meals, honoraria, community events, consultants and printing costs will comprise your land use planning budget. It can be easy to let the budget be swayed by how much funding might be available to you. Budgeting for your ideal planning scenario will give you an idea of how much funding you would like. Identify those sources of funding available, and if there is not enough funding available for your ideal scenario you can

prioritize the key activities that are most important to your process. First Nations-led land use planning budgets may range from $200,000–$300,000, or more depending on a number of factors.[28]

"Our land use was funded by government and this has allowed for us to work with [government] in sharing information and data that we wouldn't have had otherwise."

Sourcing funding, particularly sustained funding for your land use plan can be a challenge and is a frequent limiting factor for long-term success. Many First Nations have approached government departments to fund their plans as well as private foundations and non-profit organizations. Also, some Nations have their own resources from other sources like economic development. It is important to recognize the source of funding and consider how it might impact the results of your planning work. Some First Nations have opted to not use government funding as they felt it would influence their land use planning process. Others have used solely government funding. Successful engagement of funders requires having a clear purpose for the land use plan because it enables a funder to easily understand why a plan is needed, and how it dovetails with their own funding goals.

"Funding to revise our community land use plan is desperately needed so we can reengage our community with the plan."

If one source of funding is not available for your entire land use planning, some First Nations have divided their planning into sections and applied for funding for each. It is recommended that your community establish a funding strategy early on for both plan development and longer-term implementation needs. Some options might include creating an endowed stewardship fund with provincial and private philanthropy or industry contributions, as well as seeking new revenue streams (e.g. sale of atmospheric carbon credits on select forest lands).

One important ongoing funding source for First Nations reconciliation and land use planning is the *BC Capacity Initiative* funded by the Federal Government and administered by Indigenous Services Canada.[29] The New Relationship Trust offers *Direct Support* grants[30] and Coastal British Columbia First Nations can apply to the Coast Opportunity Fund for grants related to regional planning initiatives and specific stewardship and economic development components of land use plans.[31]

28 Factors include: time frame of plan development, how much base information needs to be assembled, and the depth of community involvement needed.
29 BC Capacity Initiative http://www.bccapacity.org/
30 New Relationship Trust http://www.newrelationshiptrust.ca/funding/
31 Coast Opportunity Funds http://www.coastfunds.ca/Programs/index.htm

+ EFFECTIVE PRACTICES

- When speaking with a potential funder be prepared to state clearly the purpose of the land use plan, and why it is needed.
- Create a budget for your ideal land use planning scenario; prioritize key activities and scale back to work within funding sources available and achievable timelines.
- Understand the intention of funders clearly and consider how it might affect the results of your land use plan if you accept their funds.
- Develop a funding strategy to identify possible sources, diversify revenue over time, and leverage the National Advisory Panel ("Appendix D") report intent and recommendations for funding land use/conservation planning.

IDENTIFY BROAD VISION

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COMMUNICATING WITH YOUR COMMUNITY

"Throughout our land use planning process communication was very important. It helped that everyone knew what was going on [and] when. It was important for them to understand what we were doing and why."

A communications strategy helps organize a long-term schedule, identifies key audiences and how best to involve them in the land use planning process. Communities can ask themselves: who do we want involved in the planning process and how? Who do we want to shape and understand the policies and principles of our land use plan? Who would we like to refer to our land use plan in the future? What are the innovative ways we can track progress in the long-term planning process?

Developing a communications strategy will ensure that every opportunity to provide information to your community is taken advantage of, including announcing the launch of the planning process, opportunities for participation, key issues, goals, milestones to announcing its completion and implementation over time. Different audiences will require different forms of communication. If you are interested in communicating with outside partners (i.e. other governments, private companies) a formal letter might be required. If a community is interested in communicating via the media they will need to develop a news release and media strategy.

Communities that have had success in communicating their land use planning process have adopted a two-way approach to communications: providing not only information,

but also a way for community members to provide comment and feedback. This creates an opportunity for community members to learn more about the process and become actively involved with it. Your neighbouring Indigenous community may or may not have a land use plan, but by proactively sharing your planning intent and learning about their planning efforts can only make your plan stronger and better.

"Community engagement must extend beyond communications and into gathering community input through participatory tools."

Communities have used many different techniques to communicate with their members and partners, from creating websites, to developing a newsletter, to word of mouth. Some communities develop a calendar of key community events, which includes updates about the land use planning process. It is important to know how your community most effectively receives information and make the most of those channels. If deploying a website, be cautious about posting draft or incomplete maps to avoid confusing people and having them fix on pre-mature conclusions.

Regardless of the technique used, it is important to regularly announce major planning milestones such as when funds are secured, when a draft plan is completed, when broader public comment is requested, and when a plan is made final. An important lesson learned by communities interviewed for this report is how difficult it is to maintain ongoing communication about the land use plan. Once the plan is completed and implementation begins any visual accomplishments and tangible outcomes will take time to appear. Protected areas may be designated quickly, but larger land uses (e.g. changes to where and how forest harvest occurs) will likely change more slowly and can lead to confusion and doubt about the plan by community members. Ongoing two-way communication is vital to the success of your plan as it is the primary tool to manage expectations and convey accurate information.

"Implementing our plan lacked communication and created an information vacuum that sowed distrust within our community. Maintain ongoing communication, and in both directions."

Land use planning is an opportunity to build relationships with those you might not have had previous contact with. Communicating updates about your land use planning with people with whom you would like to develop a relationship will help initiate this dialogue.

For further in depth information and guidance for communications tools and techniques you can refer to the *First Nations Communications Toolkit*, produced by Indigenous Services Canada[32] as a starting point.

32 Indigenous Services Canada. *First Nations Communications Toolkit*. Gatineau, QC: Government of Canada, 2015. https://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-BC/STAGING/texte-text/fnct_e_1100100021861_eng.pdf

+ EFFECTIVE PRACTICES

- Have a long-term communications strategy that identifies your key audiences: why they are important to developing and implementing the plan and when they need to be involved for making decisions and supporting outcomes.
- Understand and acknowledge if shared territory land use plans exist. Conduct concurrent and complimentary processes in the shared areas, including attempting to negotiate a shared decision-making process between communities.
- Create a land use planning website to communicate the progress and host information gathered through a land use planning process. Websites can be interactive and designed so that community members can leave comments. Websites needn't be costly; a simple blog that can be updated and used to post updates on can be very effective. Posting photographs and maps on the website makes it more engaging and interesting to community members.
- Use caution around posting in-progress or incomplete maps to the web to avoid causing misunderstandings and leading community members to draw pre-mature conclusions.
- Utilize existing community communications tools for all ages, such as social media, newsletters, community radio and TV, etc. to communicate the progress of your land use planning.
- Ensure all community partners and neighbours (including potential business partners, etc.) are aware of your land use planning process and the steps you will take to broadly implement it.
- Publicly announce major planning milestones: securing funds, completing the draft plan, finalizing the plan, implementation of the plan, etc.
- Keep communicating after the plan document is complete to manage community expectations, provide progress updates, clarify any misunderstandings, and ensure ongoing support.

IDENTIFY BROAD VISION

PRE-PLANNING

- Form land use planning team
- Defining the purpose & scope of land use plan
- Create timeline & work plan
- Create funding strategy
- Create communications strategy
- ***Engaging your community***
- Surveys
- Begin collecting local / cultural knowledge

ENGAGING WITH YOUR COMMUNITY

"Just watching the past three years how the community has become aware of their own territory — it's exciting to see the embracing of maps."

A land use plan is best rooted in a community's culture and values by maximizing the participation of community members in the planning process. Every community will have a unique way in which its members effectively engage in a planning process. Understanding how your community responds to information and participates in processes will help you to design the right approach to engage your community. Some communities have found that they are able to gather richer information when families, clans, or youth are brought together separately to discuss and brainstorm.

Although communities hope that their members have the time to participate in a process as important as land use planning, it doesn't always happen that way. Communities are often overwhelmed by the number of planning processes and other meetings they are expected to participate in. Community members suffer fatigue or burn out in workshops and planning processes. It is important to make it as easy and flexible as possible for your community members to give input into your land use planning process. Some communities provide additional incentives, such as food or unique door prizes, to encourage people to participate in planning activities. Always try to minimize your community meetings and piggy-back on other content-related meetings, which will help integrate planning thinking into existing programs and services.

"It worked better to have ten people having a discussion around a map, not a hundred."

Communities have found that community participation is very sensitive to location. Members may be more comfortable having a discussion about the land on the land, while others might prefer to meet indoors. There might be certain buildings that work better to bring people together or a community might decide to host a planning meeting in the community hall as opposed to a government administration building, or ask community members to host meetings in their kitchens over a meal as opposed to in an office.

"Holding our community meetings out on the land allowed people to build a deeper connection to what we were planning for."

It is important to try to connect with a full representation of your community: youth, women, men, parents, elders, family groups, employed, unemployed, people who know the land and/or waters from working on it, those unfamiliar with the territory, those

living outside the community, and those living inside. Good meeting facilitation will bring out a diversity of perspectives and opinions and help to make sure everyone's voice has been heard.

+ EFFECTIVE PRACTICES

- Understand your community's unique ways of participating and allow for community members to guide the process as much as possible.
- Find incentives in keeping with the theme of land use planning to encourage community members to participate in the process.
- Try to minimize community meetings to increase participation by either combining a land use planning meeting with another topically related meeting or coordinating back-to-back meetings.
- Try convening some community land use planning meetings out on the land you are planning for and use participatory tools and approaches for getting input from community members. Active, participatory mapping exercises, transect walks and activities that require community members to actively participate in shaping the land use planning are good tools.
- Good meeting facilitation is important to ensure a wide range of ideas and perspectives are captured.

IDENTIFY BROAD VISION

PRE-PLANNING

- Form land use planning team
- Defining the purpose & scope of land use plan
- Create timeline & work plan
- Create funding strategy
- Create communications strategy
- Engaging your community
- ***Surveys***
- Begin collecting local / cultural knowledge

SURVEYS

"Having a survey made it possible for a lot of our elders to give their input into the land use planning on their own time. It also meant that some very busy people who couldn't make it to the community meetings could take their time and respond to the survey."

Some community members are sensitive to actively participating in an environment where there are lots of people. Often a survey can be a useful way of capturing information from members uncomfortable participating in large groups of people. A survey is also a good way to capture information from community members who are unable to attend a participatory planning event. Surveys can be delivered through the mail, newsletter, or online (e.g. using a service like SurveyMonkey or Google Forms). Responses should be kept anonymous, so community members' feel they can be as open and honest as possible. It is important to remember

that literacy can limit some community member's participation and can be overcome by conducting guided interviews.

When designing a survey it is very important to think through the questions you are asking and consider how you will use the information you collect so that you can ask the appropriate questions.

Communities can use surveys any time a question needs to be posed to the community in the land use planning process. They can be used to collect information from community members around traditional knowledge, developing the vision and values or to evaluate how the planning process has been received.

+ EFFECTIVE PRACTICES

- Develop a survey to collect information from those community members either unable to or uncomfortable with participating in a community meeting format.
- Make sure that community members' surveys are anonymous. This will allow for more honest information to come through in responses.
- Share the results of data collected, and use this as a basis for the plan.
- Ensure an adequate sample size in surveys to capture a broad view.

IDENTIFY BROAD VISION

PRE-PLANNING

- Form land use planning team
- Defining the purpose & scope of land use plan
- Create timeline & work plan
- Create funding strategy
- Create communications strategy
- Engaging your community
- Surveys
- ***Begin collecting local / cultural knowledge***

BEGIN COLLECTING CULTURAL KNOWLEDGE

The greatest potential of a First Nations land use plan is its ability to uphold past, current and future uses of the land. Use and Occupancy Map Surveys (UOMS), similar to Traditional Use Studies (TUS), is a methodology combining social science interview techniques with the documentation of a respondent's place-based activities on a map. The goal is to capture aspects of oral traditions and current uses of the lands by elders and well-respected individuals in the community. Each individual map biography is converted to GIS and when combined with all respondent maps creates a picture of the Nation's combined uses and occupancy. These data are unique and can form a baseline to guide various aspects of the land use plan, such as those geographic areas requiring special designation and management as spiritual or cultural/natural areas. Place names and Traditional Ecological Knowledge (TEK) are additional thematic data collection exercises useful to your planning process.

An excellent, although somewhat out-of-date, guidebook on conducting UOMS is *"Chief Kerry's Moose: a guidebook to land use and occupancy mapping, research design and data collection"* by Terry Tobias and available for free download at the Aboriginal Mapping Network.[33] A substantive follow-up UOMS best-practices textbook titled *"Living Proof: The Essential Data Collection Guide for Indigenous Use-and-Occupancy Map Surveys"* was published by Ecotrust Canada and the Union of BC Indian Chiefs in 2009 and is available for purchase at: https://www.ubcic.bc.ca/living_proof and http://ecotrust.ca/wp-content/uploads/2018/03/A-Order-Form-2018.pdf.

Getting an early start to organizing your Nation's cultural data is critical to the success of the land use plan. These data may be scattered among different bands and available in a variety of different media (e.g. GIS-ready shapefile format, paper maps and reports). These data will need extra time and funds allocated to organize well. Creating new UOMS data is important and expensive work that will be ongoing beyond the completion of the first plan document. Strategically allocating funds for new UOMS to those areas that are most important culturally and at highest risk is a good way to fill data gaps. It is unusual for previous cultural data to cover an entire territory and to be current. New data should be collected with rigor as they can serve multiple purposes (e.g. strategic planning, regular referrals negotiation, and as submitted evidence in the courts). Most important of all, defining a clear purpose for collecting your cultural data helps to set an appropriate cultural data quality threshold. Creating the methodology and roadmap for carrying out UOMS is best accomplished with the help of an experienced professional and will minimize risk of failure and maximize the quality of the data.

UOMS maps, data, reports contain very personal and unique types of information and need to be treated with utmost care and security. Store these data in secure locations and within water/fire proof containers available from business supply stores. Keep controlled access to the information to prevent its misuse or revealing of private individual information. Data sharing and security agreements are necessary to outline the terms by which the data may be used and displayed, although many communities refrain from any sharing of these data so as to maintain its security and keep decision making that may reference these data inside the community (e.g. referrals and other proposed land use activities).

Indigenous cultural research is critical to land use planning success and is an invaluable expression of a community's story, presence, and knowledge of their territory. Cultural research is an ongoing process, leaving new information at risk of not being included within fixed planning time cycles and process needs. This creates challenges in informing and guiding a plan with evolving information and perspectives. Information gaps do not mean that knowledge doesn't exist and it is important to write

33 Tobias, Terry. *Chief Kerry's Moose: a guidebook to land use and occupancy mapping, research design and data collection*. Vancouver, BC: UBCIC & Ecotrust Canada, 2001. http://www.nativemaps.org/?q=node/1423

into the plan the potential influence of new discoveries and associated values. Applying cultural research to planning is often limited to fixed and discrete locations of known, documented presence (such as map points, lines and polygons). If these past and current uses are instead considered as cultural *systems* delineating connectivity and linkages interacting within physical and ecological processes, then the intent of identifying and maintaining these cultural practices becomes integrated, and not isolated, within a land use plan. Two examples include the Taku River Tlingit 'Yellow Book'[34] and Hupačasath Intensive Traditional Use Areas.[35]

+ EFFECTIVE PRACTICES

- Defining a clear purpose for collecting your cultural data helps to set an appropriate cultural data quality collection method (e.g. purpose as court evidence = highest quality threshold).
- Creating a strong methodology and roadmap for how to carry out Use and Occupancy Mapping Surveys is necessary and requires an experienced professional to minimize risk of failure.
- Write into the plan the potential influence of new cultural discoveries and associated values. Between planning revision cycles identify a process to quickly respond to new, significant ethnological and cultural traditional knowledge input and to be able to adapt to carefully protect these discoveries.
- Strategically allocating funding for new Use and Occupancy Mapping Surveys to those areas that are most important culturally and at highest risk is a smart approach to filling data gaps. Ethnological and cultural and traditional knowledge is an ongoing research exercise, and the planning process and government need to recognize this information is a continuum of input and influence on the plan.
- Take great care of cultural data as it includes personal and unique information. Store maps and reports in water/fire proof containers, control access and use of the data with data security and sharing agreements. It is important to recognize that data stored, shared and transferred across the internet or stored using Cloud options may violate respondent confidentiality agreements because it remains permanently accessible to the public.
- Information gaps should not be confused with knowledge gaps. Perhaps refer to cultural data gaps as future cultural research areas.

34 Taku River Tlingit. "*Our Land Is Our Future: Taku River Tlingit First Nation Vision and Management Direction for Land and Resources.*" Atlin, BC: Taku River Tlingit First Nation, 2003. https://www.roundriver.org/wp-content/uploads/pubs/taku/reports/TRTFNVMD.pdf

35 "Hupacasath FN use areas." Google. Accessed July 19, 2019. https://hupacasath.ca/use-areas/

IDENTIFY BROAD VISION

Planning: Creating the Plan

"We had a very clear and continuous vision about our future and those of our lands given from our highest governing body. This sustained us through our tough negotiations with the province and allowed us to know we had achieved a successful land use plan."

"The land use planning process introduced me to my lands, and it generated a lot of information. That rocked their [neighbouring municipalities] worlds."

Once the pre-planning is complete it's time to dig into the heart of land use planning. Generally, a well-developed land use plan will be guided by: a land use vision generated by the community; an articulation of the shared values of the community; and, key guiding principles. Once these enduring guiding frameworks are established, the more detailed work of technical assessments, objectives setting, and policy and procedures development can begin.

IDENTIFY BROAD VISION

PLANNING

- ***Vision, values & guiding principles***
- Goals, objectives & strategies
- Technical assessments
- Policies
- Land use designations
- Formal adoption of the plan

VISION, VALUES AND GUIDING PRINCIPLES

The vision of a land use plan clearly articulates the future a community sees for its territory. An inspirational vision is the foundation upon which the plan is built and its tone and emphasis shape the entire land use planning process. Examples of vision statements from a number of communities' land use plans can be found in "Appendix C".

The vision is usually supported by a list of values and guiding principles. Values are the shared and enduring beliefs embedded in a Nations' culture. A Nation's values will drive its approach and priorities for land management. Articulating and agreeing on common values brings communities together and provides guidance through the land use planning process, subsequent decision-making, and plan implementation.

An example of a values statement from a communities' land use plan follows:

Openness

"Our people will welcome opportunities to accept new ideas and innovations that can assist us in managing our land and resources on a sustainable basis. We will anticipate changes to our territory, and adjust to new challenges such as climate change."

Similarly, guiding principles are a more detailed articulation of shared operationalized values and provide clarification on the constraints, rules and criteria with which all land use and management decisions must be aligned. They are clarifying for both a Nation's land managers and external parties. An example of a guiding principle from a communities' land use plan is:

"Precaution: A precautionary approach shall be adopted for land planning and management, so that decisions err on the side of caution when information is limited."

It is important to get as many community members involved in developing the vision and supporting frameworks as possible. Communities often use a large portion of their community engagement budget on gathering members early on in the planning process to discuss and develop the vision, values, and guiding principles for their land use plan.

Economic development is a key focus area to include in the visioning process of land use planning and is often left out. The land use plan sets the vision of the community's future, which is essential, and considerations should be made early and regularly throughout the process about the economic sustainability of the Nation's future. Ensuring that questions of economic development and sustainability are asked during the visioning process are critical to setting the desired direction(s) by the First Nation for implementation of the land use plan while helping them move towards self-determination.

There are a number of tools and participatory techniques you can use to develop your land use vision. Bringing people together to express their ideas in a facilitated session or multiple sessions is one of the most effective ways to begin building and articulating a clear land use vision and associated core values. Maps of the territory with base information can help to prompt people to draw their vision of the lands and capture places that are significant. Organized activities can guide participants' input, including such activities as historical timelines, transect walks, participatory mapping, post-it and sort comments and other techniques.

Organized and experienced facilitation at these sessions will help to encourage broad participation, generate a full range of ideas and stay as succinct as possible. Other approaches include smaller focus groups, community surveying, kitchen table meetings, or individual interviews.

Whichever tool you use, it is important to get as many community members involved in developing the vision as possible. This is also a key role for the advisory committee, as convenor, facilitator, and/or witness of community involvement in this critical stage.

+ EFFECTIVE PRACTICES

- A community vision and land use planning process is a unique opportunity to revive positive individual self-esteem and expression, and community pride.
- Infuse your land use plan full of Indigenous principles, prescriptions and language as much as is possible at this moment in your community.
- Invite as many community members as possible to contribute to development of the LUP vision and values.
- Make the visioning process as succinct as possible to highlight the most important community values and perspectives.
- Apply a process for visioning that is inclusive and open to many perspectives, and also defines a role for the advisory committee in drafting the vision.
- Include economic development as one of the key focus areas within the visioning process to understand the desired directions for economic sustainability for the Nation's future that are often tied to the land.

IDENTIFY BROAD VISION

PLANNING

- Vision, values & guiding principles
- ***Goals, objectives & strategies***
- Technical assessments
- Policies
- Land use designations
- Formal adoption of the plan

IDENTIFYING GOALS, OBJECTIVES AND STRATEGIES

At this planning stage all management goals, objectives and strategies are drafted carefully, reviewed, amended and ultimately approved.

Most communities generate goals that are broadly stated and represent the community vision, values, perspectives and broad outcomes desired. They describe what the community wants to do and may contain statements of community values as quotes from members of the community.

The strategies define your approach to achieve your goals, including how goals will be accomplished and who will do it. Finding a balance between strategies too specific and too general is useful. If strategies are too specific they can limit the utility of the plan — too general and they become hard to quantify and monitor.

Clear objectives are measurable steps you take to achieve a strategy. These include specific guiding statements that detail what will be done to meet the strategies and usually identify where the objectives should take place and how they will be measured.

Clearly identifiable and measurable goals, strategies and objectives help to give specific direction to those who are involved in implementing the plan.

Below are two illustrative examples:

Example A

Goal — Build a healthy Indigenous community grounded in its culture
Strategy — Document all known Indigenous cultural and heritage values and their locations
Objective — Protect all known cultural resources across our Traditional Territory and target new research priority areas

Example B

Goal — Maintain and expand critical caribou habitat
Strategy — Protect existing old and mature forest in caribou habitat areas and reduce fragmentation of critical and buffer habitats
Objective — No harvesting of old and mature forest or building of new roads in critical habitat and buffer areas

+ EFFECTIVE PRACTICES

- Make sure to provide very clear, measurable goals, objectives and strategies to provide explicit direction to those who are involved in implementing the plan.
- Attach measurable indicators to your objectives and/or strategies to help guide the monitoring and adaptation stages of planning.
- Write strategies that are not too specific nor too general, but test whether they are useful and achievable.

IDENTIFY BROAD VISION

PLANNING

- Vision, values & guiding principles
- Goals, objectives & strategies
- ***Technical assessments***
- Policies
- Land use designations
- Formal adoption of the plan

TECHNICAL ASSESSMENTS

"We started our planning officially in 1998, and we've been collecting data ever since."

Knowing the past and current state of a Nation's resources is essential to planning for the future. This phase of the planning cycle involves gathering and analyzing as much information as possible.

It is important to revisit existing and historical documents and cultural information as well as collect new information. Communities have values that endure over time and have often been articulated in various ways. Thus, there may be cultural norms, practices, beliefs and traditions that can continue to guide the community today.

The first goal is to document the past and current state of key themes so as to provide a better understanding of the current condition of the territory (e.g. forests, rivers and lakes, agricultural lands, minerals, parks, transportation, place names and known cultural sites and use areas). Increasingly, Nations are researching historical data to identify and quantify a pre-colonial state of the landscape including forest types, salmon habitat, etc. with a goal of setting a baseline to compare against changes over time. This knowledge base has multiple purposes beyond the planning process including reconciliation negotiations, documented economic losses, current landscape restoration and future planning goals.

Historically, one of the most challenging parts of a land use planning process has been finding, gathering and organizing all of the data together. However, an increasing number of resources and digital data are available for download over the Internet, bringing a wealth of readily available information to your fingertips. Nevertheless, gathering data remains one of the more daunting and time consuming aspects of planning. It is important to develop data sharing agreements with various government ministries early on to access their vast data libraries that are not publicly available. Data collection continues throughout the planning process and while some data may arrive too late to directly inform the plan it remains a useful contribution to your data catalogue for future uses.

Hard copy and digital reports can be collected and organized into themed categories such as archaeology, forestry, etc. digital spatial data, such as GIS shapefiles, are available for download on a wide manner of themes, at various scales and geographic completeness. A good single source for BC provincial data is the BC Data Catalogue.[36] A special First Nations BC electronic ID (BCeID) may be obtained to provide access to a greater number of data sets than the general public may access. Additional BC data are available for free download from the Federal government, including GeoBase and GeoGratis.[37] A full list of data resources are summarized at the Aboriginal Mapping Network.[38] Additionally, signing data sharing agreements with your local Integrated Land Management Bureau, Front Counter BC representative will help to formalize a process for obtaining information.[39]

Once a baseline of knowledge has been assembled and acquired, the planning process of looking forward begins. It is at this time that specific resource management options aligned with a Nations' vision need to be carefully considered and analyzed.

36 "BC Data Catalogue." Google. Accessed July 10, 2019. https://catalogue.data.gov.bc.ca/dataset?download_audience=Public
37 "GeoBase." Google. Accessed July 10, 2019. http://www.geobase.ca/; GeoGratis http://geogratis.cgdi.gc.ca/
38 "Aboriginal Mapping Network." Google. Accessed July 10, 2019. http://www.nativemaps.org/?q=top_menu/1/72/75/46
39 "ILMB FrontCounter BC." Google. Accessed July 10, 2019. http://www.frontcounterbc.gov.bc.ca/

This second goal is to frame the resource management options within cultural, environmental and economic technical assessments. For instance:

a) *Environmental* analyses represent those areas where management goals and objectives for air and water (quality/quantity), fish, wildlife, plants and ecosystems are identified.

b) *Cultural* analyses represent those areas where management goals and objectives around maintaining a living culture and spirit, access and use of lands for hunting, trapping, and fishing, and recreation are identified.

c) *Human well-being* baseline research establishes where your community health and wealth is currently, and helps set quantitative targets for what you want to accomplish in the future. Socio-economic studies should be at the beginning of the planning process to help bring ongoing focus and thinking about positive socioeconomic outcomes.

d) *Economic* analyses represent those areas where management goals and objectives are identified for exploration or development of agriculture, forestry, fisheries, tourism and recreation, non-timber forest products, power generation, mining, coal-bed methane, oil & gas and other permanent land conversions (development). These analyses should help to review annual allowable cut (AAC) amounts, tenure re-allocation, license acquisition, fish processing, and selling atmospheric carbon offsets from deferred forest harvest.

This is an excellent time to bring information back to the community by convening together working groups, focus groups, and key community members, technicians and interested parties to see and discuss the implications and impacts of proposed management guidelines.

Typically, communities will organize a number of different forums and meetings that allow for deep discussion of the issues related to different resource themes such as forestry, mineral extraction, tourism, etc.

With good base data, technical analysis, and values-driven management scenarios generated information can be brought back to the community and its leadership for deliberation and decision making.

+ EFFECTIVE PRACTICES

- It will save you time in the end if you first create a logical data library structure for organizing all of your information, especially the large volumes of GIS data that you will collect.
- Identify priority data layers, and be willing to move forward in the planning process without all of the information.
- Research and collect work from all previous planning activities in your community. They may be useful in your current planning process and will likely be referenced by anyone who had been involved in previous planning processes.
- Create a standardized base map with suitable scale for planning area and start to produce existing condition themed maps early. Produce and display a lot of maps to excite participants and show progress.
- Develop indicators related to the environment, reconciliation, revitalization of language, cultural practices, protocol and ceremony, job creation, sustainable livelihoods and social well-being as suggested in the ICE Report.
- Conduct socio-economic analyses early on in the planning process to identify baseline conditions and future goals for human well-being and increased local wealth.
- Research and collect pre-colonial landscape information on forests, fish habitat, trade and travel routes to support an understanding of baseline conditions, cumulative landscape changes and reconciliation negotiations.

IDENTIFY BROAD VISION

PLANNING

- Vision, values & guiding principles
- Goals, objectives & strategies
- Technical assessments
- ***Policies***
- Land use designations
- Formal adoption of the plan

POLICIES

"You can't make the language used in your land use planning policies strong enough."

Policies are the heart of a land use plan and serve to describe the management goals and directives of the Nation. The word policy is defined in the Canadian Oxford Dictionary "as a course or principle of action proposed or adopted by a government" — in this case by the First Nation undertaking the land use planning. Essentially, a land use plan is a series of policies for managing resources in a given area, accompanied by some context and general statements of vision and intent. This is an opportunity to express the First Nation's long-standing policies and positions clearly in a formal and comprehensive way that can deliberately advance the reinvigoration of land governance traditions.

"The land use plan is not intended to be a comprehensive statement or definition of the Nation's aboriginal rights and title. This land use plan is without prejudice to the positions that may be taken by the Nation with regard to their rights and title in future negotiations, land claims or other claims."

The development of policies is informed by the leadership and their resource staff working with the community, elders and traditional knowledge holders, and advised by scientists and technicians. As the German statesman and Chancellor Otto von Bismarck said — "Laws (policies) are like sausages, it is better not to see them being made." Creating a body of policy is difficult and time-consuming and involves give and take between different ideas and even ideologies within a community. Often, however, community members and leadership have similar beliefs and aspirations for a better future for their children and what that includes. Creating a land use plan that is accepted by the community will provide direction and aid in governance of the community and land use decisions into the future. A key role for the land use planning advisory committee can be to identify effective policies as outcomes of the land use plan and include them as recommendations for the chief and council to consider.

Policies are often made at different levels or scales — from broad goals that apply to the entire plan area down to specific strategies for geographically restricted areas. For example, a First Nation may have a policy that states that the use of pesticides is discouraged throughout the territory with a preference for manual brushing. A more specific policy may apply to a particular valley or island stating that pesticide use is permitted to help eliminate a problematic introduced species that has become problematic in the area. Policymaking should attempt to deal with a wide range of issues, rather than narrow and specific goals, and informed with objective information, e.g. TEK and science.

Grouped into categories or themes, policies can be easily referenced. For example, there may be a section on water and water quality which could set out a series of policies on drinking water — specifying what actions are permitted near drinking water sources such as mandating a buffer where industrial activity such as logging and road building must be set back from water courses that feed a community watershed. Policy outcomes should be specific enough so as to be measured and evaluated. Policies are usually created in a series, from the general principle to the specific objectives and strategies designed to achieve the higher level intent.

Some themes that First Nations may want to include that are not usually included in general land use planning are Cultural Heritage, Sacred Sites, and Co-Management.

Cultural Heritage refers to the body of resources that include archaeological sites, cultural sites, historic sites, and cultural resources (such as ceremonial plants). The protection and promotion of traditional art and craft can also be dealt with under this heading. One example of cultural heritage policy is the protection and continuing management of large old growth cedar suitable for canoe-making and carving large items.

First Nation Sacred Sites are often vitally important to the community and are not currently protected well. Sacred sites are the product of cultural and spiritual beliefs and may not be apparent to people not familiar with the First Nation. The creation of a land use plan is a good opportunity to identify and protect these important places.

Co-Management is another section that was not included in land use planning by western governments until recently, and relates to the competing assertions of jurisdiction between federal and provincial governments on one hand, and the First Nation on the other. While a land use plan is not intended to resolve these issues it cannot entirely avoid them. Often a middle way is selected while the larger issues are resolved in other venues. This is often achieved through co-management — whereby the parties (First Nation and Canadian Governments) agree to management of resources while setting aside the jurisdictional issues. This is properly achieved through negotiation but a section on how this is envisioned may be included in the plan prepared by the Nation.

Land use plans indicate desired outcomes for resource management and are separate from issues of jurisdiction and/or sovereignty. They are therefore written on a 'without prejudice' basis generally. However, it is advisable to provide a statement of rights and title that references the land use plan or written description of the traditional territory. This reinforces the Supreme Court of Canada legal requirement for outside organizations to consult and accommodate your nation's interests.

+ EFFECTIVE PRACTICES

- Provide a statement of rights and title that references the land use plan map or written description of Traditional Territory. This reinforces the Supreme Court of Canada legal requirement for outside organizations to consult and accommodate your nation's interests.
- Reinvigorate land governance traditions by including Indigenous land and water policies that are rooted in tradition and practice in your land use planning process.
- Maintain policy design as a social decision practice that is *informed* by good science and TEK but they are often not the sole determinant.
- Focus your policy making on a wide range of issues to begin with. Over time policies can be modified and focused as needed with applied experiences.
- Clearly articulate your policy outcomes to be specific enough so as to be measured and evaluated.
- Utilize policy creation as a tool for addressing land use plan outcomes that require longer time horizons to achieve and may have yet to be fully funded or aren't immediately actionable, e.g. the creation of new departments or research.

IDENTIFY BROAD VISION

PLANNING

- Vision, values & guiding principles
- Goals, objectives & strategies
- Technical assessments
- Policies
- ***Land use designations***
- Formal adoption of the plan

LAND USE DESIGNATIONS

Land use designations involve designating a territory into areas of different uses, or designations. Some First Nations are reluctant to designate zones of their territory due to concerns that it will be used by others to undermine the rights and wishes of the community, especially in those areas outside of the clarity of Indigenous Conservation Areas/tribal parks and protected areas that are more broadly described (i.e. Special Management Zones). However, land use designations are a useful tool for providing specific and strict language on management direction for areas with similar issues, resources, or values.

It is important to distinguish that land use designations are not prescriptive at the site level and do not replace consultation requirements for proposed activities. Community members might get nervous and confused about designations so it is important to be clear and allow ample time and space for questions on this topic.

Writing land use designations with clear, strict language will help to assure community members about the activities allowed in different area and how the community values will be maintained over time.

Some Nations have derived land use designation boundaries along traditional cultural lines, or along resource type values (mountainous areas vs. lowlands). Often the boundaries selected follow natural landforms like height of land or other boundaries that may be clearly defined on the ground or referenced in cultural means. In this way a First Nation can indicate where they would like to see development activities occur, often with the intention of having the development benefit the Nation. For example, First Nations on B.C.'s Central Coast created zoning for areas where they intend to operate forestry businesses and areas that are set aside for cultural values and other resource management regimes. Similarly, First Nations in urban areas with growing land values created land designations for areas where they have established partnerships with developers for commercial real estate development with benefits flowing back to the community.

In creating land designations, a range of priorities is usually taken into account and overall plan policies still apply. In all land use planning there is usually a process stipulated for how proposed development projects will be reviewed. Ideally, a land use plan's land use designations provide general direction and intent for proposed project review including more specific management goals and objectives. For example, an area may be open for forestry operation but subject to policies protecting sacred sites and water quality as stipulated in the land use plan. In addition, there may be direction to undertake other research and policy/planning for specific heritage priorities such as Culturally Modified Trees or critical habitat for select species.

Based on comments from First Nations interviewed for this report, it is important to manage resources using an explicit set of objectives that are defined by using strong, clear and bounding language that establishes what are allowable and non-allowable activities. For example, "no new roads may be constructed in remaining caribou habitat". The more specific the direction the easier it is for decision makers to correctly evaluate, and be accountable to, whether proposed land uses would be allowable based on the land use plan and land designation. Unfortunately, beyond protected areas and tribal park designations many land use plans fail to adequately guide and constrain decision makers.

A map depicting land use designations is a powerful tool to use when communicating the plan and during negotiations regarding plan implementation.

+ EFFECTIVE PRACTICES

- Land use designations work when their purpose and utility in the land use plan is clearly communicated. Consider walking through an example scenario of a proposed land use and how designations help to evaluate when there is a good fit between plan and proposed use, and when community priorities are at risk of being impacted.
- Provide ample time and frame discussions carefully to bring clarity and comfort to community members around land designation.
- Land use designations are most effective when described with clear, strict, limiting language whether applied to areas of high cultural and natural resource values or across broader geographic areas, and thus serve as a way to safeguard those values.
- Wrap special management zone land use designations in language stating explicit objectives: what's allowable and not allowable and where to maintain the range of heritage, ecological and economic objectives. These are painfully clear prescriptions with as little room for interpretation as possible. Implementation-level operational guidance needs to be measurable, clear and accountable.
- Management plans should be developed in order to monitor the protocols for protected area to ensure the core values and stewardship objectives of the land use plan are achieved.

ADOPTION OF THE PLAN

Generally, among First Nations there is an expectation that serious matters such as land use management and adoption of a land use plan will involve the community and leadership. This can mean involvement of both elected and hereditary leaders, elders, and knowledgeable people such as hunters and cultural knowledge-holders. The more thorough the endorsement of the plan, the more validity it has when engaging with people outside the community (e.g. government, business).

At the beginning of the planning process, it is useful to outline both the process to create the plan and what is needed to implement it. If the planning process involved the community, hereditary leadership and elected government of the Nation in a meaningful way, it will be easier to have the land use plan adopted.

In some cases, the adoption of the land use plan will include a resolution from the chief and council as well as a feast (if that is part of the traditional way of formally announcing decisions). The feast is important because it provides a traditional validation of the work as well as a venue for the leadership to present future land management plans. In some plans a letter from the leadership, or a joint letter from the elected and hereditary leadership can add needed momentum and backing for plan adoption.

Community celebrations reveal a collective support along with a forum for the working team, committee, and chief and council to formally present the plan, take questions and bring it to life.

Formally adopting the plan brings the political and administrative weight of the community to bear and prepares the way for its implementation.

The management of lands has been going on for millennia, so a plan should be seen as fitting into this history. Plans will change over time as circumstances and the needs and desires of the community change. When a plan is created it is useful to include a clear process that describes when and how it will be modified and updated.

+ EFFECTIVE PRACTICES

- The land use plan can be used as a Nation-building exercise that achieves a generally agreed upon consensus from the community regarding the management of resources and human activities within the territory.
- Outline how the plan will get adopted at the beginning of the planning process (Band Council Resolution from chief and council, community vote or referendum, or other community mechanisms).
- Fit the planning into an ongoing management process to help ensure the land use plan is adopted. Remind yourself the plans are not *'carved in stone'* and are subject to periodic reviews and changes as circumstances, knowledge and the aspirations of the community change.
- The adoption of the land use plan is best accomplished in a culturally relevant manner — often in the form of a motion from the government (elected chief and council) that is endorsed by the chiefs and/or elders, and celebrated in the form of a feast to mark the occasion.
- Consider including elders and youth in the development of the land use plan, so that it is not the "consultant", "land department" or "chiefs' " plan, but it is the community's plan.
- Approving the land use plan by referendum may involve complex issues and an expectation of additional referenda may be required to amend the plan. A consistent two-way communication with community throughout the planning process will help to work through any big concerns prior to a referendum.

ARTICULATE DETAILED VISION

Implementation: Putting Life into the Plan

"It is my bible. I go everywhere with it."

"Now that we have a plan we have certainly been taken more seriously in terms of referrals."

"There is no funding for implementation... a First Nation needs to find their own funding."

"Implementing our plan on a day-to-day basis using the entire plan was just too cumbersome. Having a chart on the wall that lists the activities and who is doing them and when they have to be done makes it easier to follow."

Implementation is the process of bringing the plan into reality. It does not happen overnight, but if steps are taken to integrate the land use plan into existing and new activities, then it helps support self-determination and collaborative governance. These steps include creating an action plan, celebration of the plan, engaging the plan, enforcement, and economic development.

ARTICULATE DETAILED VISION

CREATING AN ACTION PLAN

Some communities interviewed for this report indicated that they developed an action plan to implement the land use plan. The action plan can include activities to implement the land use plan with responsibilities and timeframes attached to each. The action plan can be a living document that sits on each team member's desk for reference, and it can also be a larger chart that hangs on a wall for reference.

International and Canadian government statements and policies are increasingly moving towards full adoption of the United Nations Declaration of the Rights of Indigenous Peoples. An important part of creating and leveraging your action plan is to review and describe how the plan goals will meet the recommendations and commitments of governments to international statements and policies.

+ EFFECTIVE PRACTICES

- Create an action plan that includes next steps, roles, activities and timelines.
- Share the plan with government ministries and agencies that you regularly engage with regarding your territories.
- Review and describe how the plan goals will meet the commitments and recommendations of international and Canadian government statements, policies (e.g. UNDRIP, NAP). Research both traditional and current ways your First Nation government makes land use decisions and have your action plan reflect both processes as a means of reconciling between the two means of decision making.

ARTICULATE DETAILED VISION

IMPLEMENTATION
- Creating an action plan
- ***Celebrating the plan***
- Integrating the plan into your community
- Economic development

CELEBRATING THE PLAN

"We hadn't even realized all that we'd achieved until we gathered to celebrate. Everyone was there, everyone knew we had an understanding of what was on our land and we felt so proud."

"Our land use plan allows us to move forward with economic development on our lands with the confidence that we are doing it in a sustainable way that reflects what's important to our community."

Celebrating the completion of a land use plan and hard work and effort a community has put into the process will highlight the journey and dedication of everyone involved. It provides a time for the planning team to reflect on what they've achieved as well as gives the community an opportunity to embrace the plan. Fully involving the community and its partners in creating the land use plan will increase the level of understanding and assist in implementing the plan. Inviting all partners and stakeholders that work within your Traditional Territory to the celebration will send the message that you are ready to work with them to meet the objectives of the land use plan.

+ EFFECTIVE PRACTICES

- Celebrate the completion of the land use plan to support the entire community, neighbours, and partners in rallying around the results in a spirited way.
- Hold regular planning open houses to encourage two-way dialogue on the plan as it develops.

ARTICULATE DETAILED VISION

IMPLEMENTATION
- Creating an action plan
- Celebrating the plan
- ***Integrating the plan into your community***
- Economic development

INTEGRATING THE PLAN INTO YOUR COMMUNITY

Communities interviewed for this report stated that integration of the land use plan into the broader functions of the community is essential for the plan's success.

The first step in integrating the plan into your community is providing training and maintaining the capacity level of the natural resource staff, elected leaders and other people involved in the implementation of the plan. During the planning process, it will be important for the First Nation to consider ways to increase internal capacity and operational efficiencies, so that the objectives of the land use plan can be achieved.

The second step should involve defining ways the land use plan can be integrated into community decisions. Interviews for this report highlight the importance of bringing together the land use plan and any economic plans or strategies to avoid conflicting intents that may arise if economic development is inconsistent with the land use plan.

Finally, sharing the land use plan outside the community informs others about the community vision and plan. For instance, provincial and federal agencies, tenure holders and business owners may use the plan as guidance for land use and resource management decision-making.

+ EFFECTIVE PRACTICES

- Maintain adequate staff and training for natural resource, elected leaders, and those directly involved in plan implementation.
- Maintain or establish adequate programmatic capability such as a natural resource department.
- Integrate the land use plan into different department, executive and community forum decision-making processes.
- Share the plan freely and outwardly to levels of government, business owners, and neighbouring communities.

ARTICULATE DETAILED VISION

IMPLEMENTATION
- Createing an action plan
- Celebrating the plan
- Integrating the plan into your community
- ***Economic development***

ECONOMIC DEVELOPMENT

Land use planning is a critical tool to enable strong economic development opportunities and to guide decision-making for First Nations. In some cases, the entire purpose for pursuing a land use plan is to be better able to respond to economic development interests on your territory as well as to create your own economic opportunities. A land use plan will identify important cultural and ecological information while also indicating areas that could or should not be examined for development.

The plan should set measurable socio-economic goals and targets for community wealth creation. For example, if using lands for economic development is desired through partnerships, there could be a land designation for commercial development that is set aside in the land use plan. Many Nations like Osoyoos Indian Band, Kwikwetlem Nation, Musqueam Nation, and Tsleil-Waututh Nation have had success with these types of commercial ventures and partnerships. A land use plan identifying the First Nation's desired directions for economic development can help to enable these opportunities earlier.

Key benefits of a land use plan to a First Nation's economic development may include:

1) Responding to proposed developments in a way that provides clarity for a Nation about how best to manage their territory and how projects may or may not impact their land's future economic development.

2) Providing clarity and direction for which type of economic development opportunities are worth exploring and where those opportunities can be explored while balancing other key priorities and interests in the territory.

3) Enabling the First Nation to be proactive versus reactive to opportunities for economic development. For example, if lands are set aside for commercial development the First Nation can actively seek business partnerships.

4) Leveraging the First Nation's ability and position to negotiate with industry and government projects based on their clear knowledge, vision and territory land use plan.

A resilient economic future also includes adaptation strategies to projected climate changes (e.g. fire, drought, severe flooding, invasive pests) that are already threatening traditional land-based industries and communities. If your plan includes climate change knowledge and projections it will be a useful aid in evaluating new economic opportunities through a climate-smart risk evaluation of how land uses may change over time and the vulnerabilities to current and future economic activity.

After the land use plan is complete and has included high-level economic vision and goals then future phases of work can pursue writing more detailed economic development.

Land use planning collects substantial amounts of important data and information that can inform detailed economic development planning and reveal new local economic opportunities. One community interviewed for this report ventured into developing eco-tourism opportunities after identifying a cluster of cultural and archaeological sites that were of significant interest. This economic opportunity offered protection of the heritage sites while generating revenue for the Band. Connecting land use planning with economic development provides the greatest potential for development opportunities that are pursued to also be complimentary to a community's physical, cultural and economic environment.

It is vital in the land use planning phase that economic development vision and goals are explored. To do this most effectively, the First Nation's own economic development corporations, and member companies should be apprised and involved in the planning process. Nations can undermine their land use plans if their own economic development corporations, members companies, and negotiations with industry do not align well with the plan. Councillors, land and resources staff, economic development staff, directors of corporations, and the business community need to understand the management framework in which forestry, mining, tourism, aquaculture, hunting, agriculture, etc. take place. Open and honest dialogue at the beginning of the land use planning process will help avoid surprises and antagonisms between land use designations and economic development ambitions.

If a Nations' members are not bound by the plan then external players will not be either. If there is a disconnect between what a Nation identified in its land management, and the economic decisions it makes, an adjustment of the economic course or re-evaluation of the vision and values of the plan is necessary.

Municipal governments in BC often ask developers with interests in a parcel of land that does not have a land use plan supporting it to help fund and/or contribute to adding capacity to local government to complete the plan. For industry, governments and developers who are initiating projects within the territories of First Nations a new opportunity could be to follow the model used between developers and municipalities to support a First Nation's costs of the land use plan. For a First Nation to make decisions about these projects adequately it is reasonable that the information in a land use plan is required and that resources should be provided to the Nation by these groups who do not yet have completed land use plans.

+ EFFECTIVE PRACTICES

- Ensure the early vision and goals in the land use planning process include a community's desired directions for economic development.
- Filter any new economic opportunities through a climate-smart risk evaluation of how land uses may change over time, and the vulnerabilities to current and future economic activity. A resilient economic future includes adaptation to projected climate changes (e.g. fire, drought, flooding, pests) that are already threatening traditional land-based industries and communities.
- Leverage the plan. Industry is developing productive relationships with First Nations to pursue economic development co-activities, revenue sharing AND support for realizing the desired land use outcomes.
- Request financial support. Where First Nations are asked to make decisions about projects from industry, government or developers those organizations should reasonably contribute resources, funding and capacity to a land use plan enabling the community to properly make informed decisions about those projects.
- Seek and attract investments, grants and training funds to help the Nation build an economic base aligned with the plan and its socio-economic goals that produce tangible benefits early on.
- Support members to receive academic, trades and other training in new fields, techniques, technologies to kick-start a motivated and capable work force for new employment opportunities.
- Leverage the land use plan to find and build alliances with partners interested in new economic initiatives especially where a cascading wealth is created. For example, a solar electricity farm might be producing revenue from electricity generation while also supporting the energy requirements of community greenhouses producing food and propagating native plants.
- Apply the land use plan to identify local economic development opportunities that build upon or enhance cultural and environmental goals. Push for innovative economic growth to diversify revenues and apply smart, out-of-the box thinking to generate sustained sources of wealth aligned with cultural and ecological values.

ACHIEVE BROAD VISION

Implementation: Monitoring and Assessment

"Monitoring is so important, but it is the last thing we have money for."

"Working enforcement into the budget and implementation of the LUP process would benefit any First Nation looking to effectively monitor and evaluate the work going on in their traditional territory."

"…the original plan did not effectively achieve the purpose, so we are now revising it and making it a land use plan with impact. It's hard to do that without the monitoring and enforcement component."

ACHIEVE BROAD VISION

MONITORING
- ***Monitoring change***
- Assessing impact
- Enforcement

MONITORING CHANGE

Monitoring and assessment involves collecting information about the type and intensity of land use activities and checking how consistent these uses are with the plan's designated areas, strategies and objectives. Is the plan achieving its goals and objectives around the location of proposed and existing land use activities such as forestry? Is the management of forest harvest, including specific objectives, written in the plan? This phase includes monitoring how well the plan's policies and application of the land use designations are being enforced. Creating monitoring capability and capacity in a community takes time. It is useful to have appropriate people begin work on this early in the planning process including preparing estimates of cost, expert training, writing standards of field-conduct and in-house data management protocols. Leaders and decision makers may need training on what to expect from the activities of monitoring a land use plan and how to integrate the results into implementation of the plan.

Plans that include readily accessible land use category maps, clear guidelines, specific language and measurable indicators prove to be vital in assessing and evaluating field collected monitoring data. Further information on monitoring may be found at the BC Coastal First Nations Regional Monitoring System (RMS) begun in 2009,[40] and the Indigenous Leadership Initiative National Indigenous Guardians Program that received an initial investment of $25 million dollars over five years in the 2017/2018 federal budget to expand its network,[41] and the newly launched Indigenous Guardians Toolkit by Nature United in collaboration with Indigenous communities across Canada.[42]

40 "Coastal First Nations Regional Monitoring System." Google. Accessed July 10, 2019. https://coastalfirstnations.ca/our-environment/programs/regional-monitoring-system/
41 "Indigenous Leadership Initiative National Indigenous Guardians Program." Google. Accessed July 10, 2019. https://www.ilinationhood.ca/our-work/guardians/
42 "Indigenous Guardians Toolkit." Google. Accessed September 23, 2019. https://www.Indigenousguardianstoolkit.ca/

The following example guideline illustrates a specific measurable goal in a plan:

One of the main objectives of the plan is to protect and enhance fish habitat and rebuild salmon runs to historic levels based on escapement data.

The objective is supported by a table of historic salmon escapement. Because the objective is supported with a measurable indicator it will be possible to measure salmon escapement, compare it with the historic information and assess how well and quickly the main objective is being met.

If a plan was written with broad statements and few specific goals and objectives it may be necessary to revisit the document. The goal would be to make the plan easier to implement. An example of a forest management strategy is to preserve functional old growth forests. An associated action would be to maintain all intact old growth forest stands 40 hectares or larger in size with linkages to other intact old growth areas.

Monitoring and associated data collection is a vital and necessary part of evaluating a plan's effectiveness in achieving the vision and goals of the land use plan, identifying areas for improvement and identifying trends in field-based monitoring results. Changes in species and ecosystems can appear over longer time frames than the more immediate changes associated with development and land conversion therefore benefiting from ongoing, consistent data collection. The ultimate goal of monitoring is protecting those values and priorities of the community.

+ EFFECTIVE PRACTICES

- Task key people early in the planning process to begin designing and assembling the pieces for a long-term monitoring capacity.
- Negotiate monitoring funding when starting planning negotiations with government and develop cost estimates to support strategies including traditional knowledge, measurable criteria, capacity plans, equipment and standards development.
- Include monitoring guidelines and strategies in the land use plan to structure.
- Write specific, measurable indicators to guide monitoring data collection and analysis questions.
- Set professional standards for staff including monitoring routines and protocols in the field and in the office. Data quality, consistency and completeness are vital to the success in monitoring the land use plan.
- Make sure data collected are getting analyzed and integrated into the decisions people are making including tracking overall plan effectiveness, gaps and needs.

ACHIEVE BROAD VISION

MONITORING
- Monitoring change
- ***Assessing impact***
- Enforcement

ASSESS IMPACTS AND CUMULATIVE EFFECTS

Assessing the effectiveness of the land use plan involves measuring how well it is succeeding in helping to guide decision making aligned with its original vision and purpose. It is also important to assess how well the land use plan guides all activities that currently occur on the land. Cumulative effects are changes to the natural and social environments from a land use activity in relation to past, present and proposed land use changes. Managing for cumulative effects is partially dependent on measuring indicators of change including area-specific changes from land disturbance or linear disturbance. Linear disturbance is the density of human made linear features such as roads, railways, pipelines and transmission corridors. Both of the above indicators have direct impacts on habitat and species resilience, and ecosystem health.

First Nations need to be notified of proposed activities and assess potential impacts on their traditional territories through the legally required land referrals /consultation process. The recently revised Aboriginal Mapping Network land referrals toolkit contains current case law summaries, legal resources, and tools designed for First Nations.[43]

While Government, not industry, has the sole duty to consult a First Nation on proposed activities on their lands, often proponents will independently approach the First Nation with a desire to work together. This presents an opportunity to have the proponent hire a community guide or monitor to help assess the proposed area and collect baseline information from which to measure future impacts.

+ EFFECTIVE PRACTICES

- Apply the land use plan to proposed activities to understand if there is agreement between the two.
- Create or collect territory-wide data that set out a baseline in time from which future measurements of change may be compared.
- Assess proposed impacts at multiple geographic scales, meaning beyond the specific location of the proposed activity to understand the bigger picture of cumulative activity (existing and proposed).

43 "AMN Land Referrals Legal Toolkit." Google. Accessed July 10, 2019. http://www.nativemaps.org/?q=top_menu/1/72/186/189

ACHIEVE BROAD VISION

MONITORING
- Monitoring change
- Assessing impact
- ***Enforcement***

ENFORCEMENT OF YOUR PLAN

Enforcement of the land use plan requires being aware of activities happening in the territory and the ability to guide, restrict or stop activities that are inconsistent with the plan.

Enforcement of your plan is typically not legally supported by provincial law (see review of enforcement alternatives in The Legal Context for Land Use Planning in the next section) and is dependent upon having adequate financial resources and capacity to carry out such activities. When an activity is identified as being inconsistent with a land use plan the first question that often arises is who has jurisdiction to enforce the measure. Some Nations have co-management agreements with the Province and those agreements should detail how enforcement happens and who pays for it. In other cases a review of resource use proposals may indicate inconsistency with a Nation's land use plan, and the Nation's response to the applicant and recommendation to the Province can be enough to bring compliance with the land use plan.

When considering policies and land use designations in the planning process, it is recommended that consideration be given to how to monitor and enforce these policies over time. Furthermore, co-management agreements, use fees, land/resource use application fees and other mechanisms provide sources of revenue to help offset the costs of enforcement.

+ EFFECTIVE PRACTICES

- Assess current mechanisms for your plan to become legally binding through formal agreements between Indigenous and non-Indigenous governments.
- Build your plan and write your guidelines/polices with consideration of how to monitor and enforce them.
- Enforce the plan ensuring activities in the territory are consistent with the goals and objectives of the land use plan.
- Apply your land use plan to increase consultation outcomes that reflect First Nation interests and the courts' protection of those interests.

ACHIEVE BROAD VISION

Adaptation

"First Nations re-evaluate and adapt their plans a few years after they've completed them mainly due to frustration of their lack of impact on their original purpose."

"We completed our land use plan in 2003 and we are now reviewing it and revising so that it is more effective. We needed to give it more teeth."

Adaptation to change is an activity we do every day as individuals and as communities. Few land use plans clearly set out guidelines on why adaptation to change is important and how it is best achieved in a plan (frequency of review, what to review, when to change). The result is too few plans are revisited. However, it is critical that both the planning process and the plan itself be responsive to evaluation of its effectiveness and new information (i.e. are good decisions about land and water management being guided by the plan and its management objectives?).

Adaptation involves reflecting on whether the plan is useful and being used in the community as intended, and reviewing the plan with new scientific and cultural research information.

ACHIEVE BROAD VISION

ADAPTATION

- ***Reflect on implementation strategy***
- Collect LUP revision needs & new information, new science and new socio-economic needs

REFLECT ON IMPLEMENTATION STRATEGY

Treat the planning process as a living one that is responsive to the community involvement and commitments built alongside the plan's development.

Communities with the capacity to hold meetings that periodically address land use planning can agree on a system of reviewing how well the plan is being implemented and ask the question: is the plan effectively guiding land uses, and if not, why? These meetings are important opportunities to work through misunderstandings and identify knowledge gaps, including discussing the results of monitoring data-collection activities. Such discussions also enable natural resources staff and chief and council to inform the larger community about how well implementation is proceeding, what activities in the territory have been changed or altered to reflect the plan, and to hear important feedback from the community including resolving any misunderstandings that may arise.

Chief and council meetings are one possible forum for this activity, but care should be taken to ensure chiefs and councillors understand the plan itself is not open for revision until a set period of time after its completion. By locking down the plan after its completion and not allowing incremental tweaks, the credibility of the plan is maintained and time is given to allow for the complete scope of implementation to occur.

+ EFFECTIVE PRACTICES

- Enable ongoing community engagement and involvement in the land use planning processes.
- Monitor communication effectiveness to hear community concerns and respond with factual information about the plan including managing expectations of change.
- Provide a mechanism to address complex or controversial land use decisions including providing facts and a forum to discuss concerns and capture potential revision requirements.
- Allow for adaptation and tracking revisions to maintain a plan's relevancy in an organized way and over a period of time.
- Avoid tinkering with your plan between revision cycles as it will never be perfect and it can't be reactionary to be effective and maintain certainty, buy-in and credibility.

ACHIEVE BROAD VISION

ADAPTATION

- Reflect on implementation strategy
- ***Collect LUP revision needs & new information, new science and new socio-economic needs***

REVISE THE LAND USE PLAN

"Our plan is out-of-date and out-of-mind. Our community needs to be re-engaged and the plan updated and made relevant to the changes we have seen in our territory."

Plan revision is quite often the most overlooked aspect of land use planning. Research and interviews for this report indicated a minority of plans have been, or are anticipating to be revised. A plan that is responsive to new information, cultural knowledge/science and changes in human needs is more likely to be relevant to your community over time and function as a more effective tool to guide land use decisions.

Adaptation is the process of re-visiting the land use plan and adjusting what is not working, while adding new information/realizations and insights into how actions on

the ground are meshing with the vision outlined in the plan. The goal in re-visiting the plan is not to rewrite it, but rather to track progress towards achieving land use objectives and goals and to adjust and modify the plan to best reflect new cultural research, science, information and responses to it. It is important that the revision process is understood by all not to be a redo of the plan.

Often staff resources are not available to revise the plan. In these situations, the time frequency of revisions may be lengthened, although try to stay within a five-year time horizon as experience suggests this is an appropriate time to have tested the plan, learned from it, and be ready for updates. The suggested revisions to the plan can be collected over time and organized to be dealt with when staffing resources are available.

+ EFFECTIVE PRACTICES

- Adapt based on the results of monitoring and assessment efforts, data and analysis.
- Make sure the community is clear that re-visiting the plan is not starting from scratch and instead is focused on specific modifications and changes needed to improve it.
- Revisit the plan in intervals of five years and include reflecting back and looking ahead, too.
- Begin the revision with an evaluation of the existing plan and if goals were met or are progressing, areas for change and improvement including decision-making processes.

The Legal Context of Land Use Planning

The Legal Context of Land Use Planning

The completion of your land use plan and the steps to implement, monitor and renew the plan occur within the context of an evolving legal landscape that should be considered in decision making, negotiation and plan implementation.

Your plan is an important information document and decision support tool for responding to resource use proposals within your traditional territory. A more detailed discussion of this theme can be found in the New Relationship Trust best practices report recently revised and titled "Best Practices for Consultation and Accommodation: Moving to Informed Consent" [2018].[44]

The legal context of land use planning is primarily found in statutes and case law. It offers guidance for both interpreting and applying a plan. What follows is a summary of the basic legal framework of land use planning in British Columbia, with some comparisons to other jurisdictions in Canada.

A. PROVINCIAL AUTHORITY FOR LAND USE PLANNING

The British Columbia Land Act provides general legal authority to the Province to establish land use designations and land management objectives for Crown land. Land use objectives, even if endorsed by the cabinet through an 'approved' provincial land use plan, are not legally enforceable unless legal orders are made in respect of the particular objectives. Orders related to land use objectives can be made under the authority of the *Land Act*, the *Forest and Range Practices Act*, the *Oil and Gas Activities Act*, the *Environment and Land Use Act*, and the *Wildlife Act*. Where land use plans recommend protected areas, the *Protected Areas of British Columbia Act* can also be used to establish ecological reserves, parks and conservancies, which then become legally enforceable designations.[45]

A well-known example in BC of a land use order is the *Great Bear Land Use Objectives Order*, which came into force in 2016, bringing into law a range of land use objectives related to forestry for a designated area in coastal BC. The Order drew on the Central Coast Land & Resource Management Plan as well as land use plans developed by First Nations in the designated area. It establishes a number of objectives related to First Nations rights, interests and values that must be taken into account in forest development planning, including a requirement that licensees consult with affected First Nations at all planning levels.

44 Payer, Brian. Michael Bonshor. *Best Practices for Consultation and Accommodation: Moving to Informed Consent*. Vancouver, BC: New Relationship Trust, 2019. http://www.newrelationshiptrust.ca/wp-content/uploads/2019/05/Consultation-and-Accommodation-Best-Practices-FINAL-Feb2019.pdf

45 References to statutes are current to March 31, 2019.

Generally speaking, First Nations interests are not specifically referenced either procedurally or substantively in provincial legislation related to land use objectives and orders, with the exception of excluding areas on Haida Gwaii from Ministerial powers to make land use objectives in order to reflect the province's recognition of Haida authority as described in the *Haida Gwaii Reconciliation Act*. The lack of formal recognition of First Nations as partners or authorities in land use planning in the BC legislative scheme can be contrasted to the *Far North Act of Ontario*, under which First Nations are identified as joint planning partners, and must jointly approve a land use plan with the Minister before the plan may come into effect.[46] Despite gains made in shared decision making through land use planning processes in BC over the past two decades, the BC legal regime is overdue for amendments that codify the rights of First Nations and the recognition of the role of Indigenous laws.

B. INDIGENOUS AUTHORITY FOR LAND USE PLANNING

Indigenous laws are also a source of jurisdiction for land use planning and management. Most land use plans developed by First Nations in BC reference the legal authorities of the signatory First Nation. For example, the Heiltsuk Land Use Plan states the following:

ˇGví'il.ás is a set of customary laws that governs the overarching system of the Heiltsuk. The wordˇ7áxvái translates as the "power" or "authority" people derive from their ownership of and connection to the land. It is a complex and comprehensive system that embodies values, beliefs, teachings, principles, practices and consequences. Yím' as Moses Humchitt refers to ˇGví'il.ás as our "power" over all matters that affect our lives. Responsibility to manage resources and to provide material well-being is part of this complex concept. Based on ˇGví'il.ás, the Heiltsuk are the responsible stewards of the land.

Statements of Indigenous legal jurisdiction are also found in jointly authored plans in BC; for example, the purpose section of the joint Haida Nation-British Columbia Haida Gwaii Marine Plan states that "the content of the plan is relevant for matters within the constitutional authority of the Government of British Columbia and Council of Haida Nation, pursuant to Canada's Constitution and the Constitution of the Haida Nation, respectively".[47]

46 Far North Act, 2010, S.O. 2010, c. 18.
47 Marine Planning Partnership Initiative. *Haida Gwaii Marine Plan*. Haida Gwaii, BC. 2015. http://www.haidanation.ca/wp-content/uploads/2017/05/MarinePlan_HaidaGwaii_WebVer_21042015-opt-1.pdf

Another notable example of First Nations in BC explicitly acting on their inherent land use planning and management jurisdiction is the establishment of Tribal Parks. The Tla-o-qui-aht First Nation has declared three Tribal Parks within its traditional territory. Similarly, in 2014, the Tŝilhqot'in Nation established the Dasiqox Tribal Park, which it describes as "an expression of Tŝilhqot'in self-determination and a means of governing a land base".[48] The Tŝilhqot'in have also made public a Mining Code setting out Tŝilhqot'in values and objectives for mining that may take place on their lands. Though Tribal Parks and First Nation laws related to resource use outside of reserve land are not recognized by provincial law, they generally have a strong political effect on provincial decision making. These and other initiatives being taken by First Nations across BC exhibit the implementation of First Nation land use plans, values and visions under the authority of Indigenous law.

C. LAND USE PLANS AND THE DUTY TO CONSULT

A review of the intersection of the land use plans and the Crown's legal duty to consult with Indigenous groups about land use decisions in the common law over the past decade yields three primary themes:

1) the Crown has a duty to consult with First Nations about land use planning because it is a strategic, high level decision that might have an impact on Aboriginal rights and title in the future;[49]

2) having a land use plan in place is not a prerequisite to permitting decisions by the Province; and

3) having a land use plan in place can increase consultation outcomes that reflect First Nations interests (and in particular, the courts' protection of those interests in the face of contrary provincial decisions).

The second theme is illustrated in the case of *Dene Tha' First Nation v. British Columbia (Minister of Energy and Mines)*,[50] where the Court found that it was not necessary for a regional land use plan to be in place before the Province could make decisions regarding mining tenure dispositions. Similarly, in the case of *Apsassin et al v. BC Oil and Gas et al.*,[51] the Saulteaux First Nation argued that a land use plan was required to determine the potential cumulative effects of an exploratory gas well before authorizing exploration, but the court declined to overturn the permit on that basis.[52]

48 "Dasiqox Tribal Park." Google. Accessed July 11, 2019. https://dasiqox.org/
49 *Squamish Nation v. British Columbia (Community, Sport and Cultural Development)*, 2014 BCSC 991; *Rio Tinto Alcan Inc. v. Carrier Sekani Tribal Council*, 2010 SCC 43.
50 2013 BCSC 977.
51 2004 BCSC 92.
52 See also *Taku River Tlingit First Nation v. Ringstad*, 2002 BCCA 59.

While the courts have shown a reluctance to require that land use plans be in place prior to development authorizations, the courts have also taken into account the Province's failure to consider First Nations land use plans in finding the Province breached its duty to consult (theme three). In the case of *Squamish Nation et al v. The Minister of Sustainable Resource Management et al.*,[53] the Court quashed a resort development permit on the basis that it would adversely impact the Squamish Nation's aboriginal rights and title. In doing so, it noted that the Squamish Nation had produced a land use plan designating the land in question as a sensitive area.

In another case involving the Squamish Nation,[54] the Court acknowledged that the Nation had a land use plan as well as an agreement with the Province to work toward harmonizing its plan with that of the Province, in reaching a conclusion that the Province breached its duty to consult. In the case of *Hupacasath First Nation v. British Columbia (Minister of Forests) et al.*,[55] in finding that the Crown failed to meet its duty to consult in a forestry decision, the Court considered the fact that the Hupačasath had provided the Province with its land use plan for its traditional territory.

In cases where Aboriginal title has been proven, the Supreme Court of Canada has held that First Nations are entitled to consultation at the level of consent.[56] Where a First Nation has a land use plan in place for its Aboriginal title lands, it is hard to imagine a scenario where the Province would not be obligated to act in accordance with such a plan. In general, a First Nation's development and implementation of a land use plan for its traditional territory is a strong statement of governance authority over lands and resources associated with Aboriginal title, and is likely to strengthen the First Nation's position in title and other Aboriginal rights cases, as well as its negotiating position.

+ EFFECTIVE PRACTICES

- Having a land use plan in place can increase consultation outcomes that reflect First Nations interests and the courts' protection of those interests.

53 2004 BCSC 1320.
54 Supra, at footnote 1.
55 2005 BCSC 1712.
56 *Tsilhqot'in Nation v. British Columbia*, 2014 SCC 44.

D. THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLE

The United Nations Declaration on the Rights of Indigenous People was adopted by the United Nations General Assembly in 2007. At that time, Canada opposed the declaration. In 2016 under the new federal Liberal government, Canada announced the reversal of its objector status to UNDRIP at the General Assembly, and committed to adopting and implementing the declaration in Canada in accordance with the Canadian Constitution.[57] In the context of international law, UNDRIP is a declaration and not a treaty or a covenant that has been adopted by Canadian legislation. Therefore, even though Canada has now endorsed the declaration, its provisions are not legally binding on the state. Both the federal government and the BC government have made public announcements of their intention to fully implement UNDRIP; however, no legislative amendments to do so have yet occurred. What exactly would be required to implement UNDRIP 'in accordance with the Canadian Constitution', as stated by the federal Justice Minister, remains unknown.

The UNDRIP includes forty-six articles setting out a broad suite of rights related to equality, freedom, cultural integrity, use of their lands and self-determination. The most well-known is article 32, which requires states to obtain free and informed consent prior to approving projects that affect Indigenous lands and resources:

1. Indigenous Peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

2. States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

While subsection 2 is the most often cited in Canada in the context of resource use development, subsection 1 is worth noting for its relevance to land use planning. As discussed above, First Nations in Canada are not yet in a position to rely on UNDRIP as law in Canada; section 35 of the Constitution recognizing and affirming the rights of Indigenous Canadians remains the primary legal framework within which Indigenous groups interact with the Canadian state. However, as Canada and BC progress towards a more concrete implementation of UNDRIP, First Nations in Canada can strategically cite UNDRIP as a part of a strong foundation for their assertion of land use jurisdiction through proactive land use planning. In addition to the fact that Canada has an increasingly strong moral and ethical obligation to implement UNDRIP, the Supreme Court of

57 The statement also referenced the recommendations of the Truth and Reconciliation Commission Calls to Action issued in 2015 which included the adoption and implementation of UNDRIP as a framework for reconciliation.

Canada has recently stated that the constitution "should be interpreted in conformity with our international obligations".[58] Other Court decisions also give credence to the proposition that Indigenous self-determination is a principle of customary international law, and should be a relevant consideration in reviewing state action.[59]

+ EFFECTIVE PRACTICES

- Applying international law instruments such as UNDRIP support a strong role for First Nations in land use planning.

E. ENFORCEMENT OF LAND USE PLANS THROUGH AGREEMENTS

As noted above, land use plans, including land and resource management plans developed by the Province with stakeholders, plans developed in partnership with First Nations, or plans developed by First Nations independently, are typically not enforceable under provincial law. However, there are a number of instances where land use plans, or components of them, have been made legally binding through formal agreements between Indigenous and non-Indigenous governments. This section provides some illustrations.

1. Strategic Land Use Planning Agreements

Strategic Land Use Planning Agreements (SLUPAs) between BC and a number of First Nations in the Province began to emerge in early 2000, around the time of the completion of the central coast land use planning process in BC. Typical core features of SLUPAs include:

- Mutual or 'parallel' statements of assertion of jurisdiction for land management;
- Recognition that the First Nation has rights and interests within its traditional territory;
- An agreement to implement aspects of provincial and/or First Nations land use plans, such as the establishment of protected areas, operating areas, and special management areas;
- An agreement to core management principles for operating areas, such as ecosystem based management principles, which would eventually become legislated requirements; and
- An agreement to continue with more detailed strategic planning on a government-to-government basis.

58 *Ktunaxa Nation v. British Columbia (Forests, Lands and Natural Resource Operations)*, 2017 SCC 54.
59 *114957 Canada Ltd. (Spraytech) v Hudson (Town of)*, [2001] 2 SCR 241.

While SLUPAs and related agreements in BC don't function to make land use plans legally binding, the agreements bind the Province to specific land use commitments, and put a signatory First Nation in a position to legally enforce those commitments. An example of the courts holding the province to such commitments is the case of *Da'naxda'xw/Awaetlala First Nation v. British Columbia (Attorney General)*.[60] In that case, after signing a Land Use Planning Agreement in Principle with the Province to implement a provincial land use plan, the parties entered into a Collaborative Management Agreement pertaining to the areas proposed for protection under the land use plan. When the Da'naxda'xw/Awaetlala First Nation sought a boundary change in respect of a proposed protected area in their territory, the Province refused. The Court, in overturning the Provinces' decision, found that the Da'naxda'xw/Awaetlala First Nation could rely on their reasonable belief that their request to amend the boundary would be dealt with in the collaborative manner as contemplated by their agreements.

2. Reconciliation Agreements

There are a range of agreements in BC which are broadly described as 'Reconciliation Agreements'. These vary in content, but typically include provisions for economic development or revenue opportunities, engagement processes for land and resource use decisions, and core principles for the development of government-to-government relationships with the overarching goal of reconciliation of Indigenous and settler societies. A notable example of a Reconciliation Agreement that includes specific provisions related to land use plans is the Gitanyow Huwilp Recognition and Reconciliation Agreement. Schedules to the Agreement setting out land use zones and management objectives are expressly incorporated into the Agreement, together with clauses indicating that the parties agree to the land use zones and management objectives and the intention of the parties to support the legal establishment and collaborative implementation of the land use designations, land use zones and management objectives. The agreement contains further clauses with express commitments on the part of the province to implement legal protection measures for identified areas. The legal effect of the Agreement is to 'hardwire' the Gitanyow land use plan into a binding legal commitment for the on-the-ground implementation of the land use designations and management objectives, actualized through the legislative tools available to the Province, such as those discussed above in Section 1.

60 2011 BCSC 620.

Another notable example in this category that intersects with land use planning is the Nenqay Deni Accord (The People's Accord), signed in 2016 by the Tŝilhqot'in Nation and BC. Flowing from the Tŝilhqot'in Nation's successful Aboriginal title claim at the Supreme Court of Canada in 2014, the Accord is a broadly scoped framework for Tŝilhqot'in self-determination and Crown-Indigenous reconciliation. Section 12 of the Accord sets out a framework for joint strategic planning for lands and resources, and includes provisions for a joint process to update the South Chilcotin Stewardship Plan, supported by provisions to defer permitting processes to allow for conformity with updates. In contrast to the Gitanyow agreement discussed above, the Accord does not include specific land use planning objectives that the parties agree to implement; however, if the Province failed to honour the procedural commitments in the Accord to achieve outcomes of a legitimate joint planning process, the Tŝilhqot'in would have a range of legal remedies to enforce these commitments.

3. Land Claim Agreements

Most modern land claim agreements have provisions related to land use planning. The contemporary treaties in British Columbia all have similar provisions providing for the First Nation parties to engage in land use planning for their treaty lands, and requiring coordination of land use planning with neighbouring local governments. To date, the scope of LUP provisions under the BC treaties is confined to local government or community based planning, rather than broader regional or traditional territory level planning.

In contrast, land claim agreements in the three territories of Canada (Yukon, Nunavut and the Northwest Territories) have much further reaching land use planning terms. These include the establishment of planning boards or commissions with strong Indigenous government participation, and a requirement for the parties to the land claim agreement to collaboratively develop a land use plan for land in the agreement area. Once a land use plan is in place, all permitting and resource use decisions must conform with the land use plan. For example, Sahtu Dene and Metis Comprehensive Land Claim Agreement was brought into force in tandem with the *Mackenzie Valley Resource Management Act* which states that:

46 (1) The Gwich'in and Sahtu First Nations, departments and agencies of the federal and territorial governments, and every body having authority under any federal or territorial law to issue licences, permits or other authorizations relating to the use of land or waters or the deposit of waste, shall carry out their powers in accordance with the land use plan applicable in a settlement area.

The case of *First Nation of Nacho Nyak Dun v. Yukon*[61] stands as a clear pronouncement by the Supreme Court of Canada that land use planning provisions in land claim agreements will be upheld and enforced by the courts. In the *Nacho Nyak Dun* case, the Nation's land claim agreement established a regional land use planning process to guide land use decision making in an area in the Yukon known as the Peel Watershed. After a lengthy engagement process, the planning Commission recommended a land use plan that protected large portions of the Peel Watershed, which was supported by the First Nation. When the Yukon government made substantial changes to the plan in order to increase access and development to the Watershed, the Court intervened in favour of the First Nation, quashing the Yukon government's actions.

+ EFFECTIVE PRACTICES

- The legal context of land use planning is evolving within a dynamic legislative and common law environment. Remain up-to-date on new intents, policies and plans as they are adopted by various levels of government by working with lawyers and practitioners who track these changes in the context of land use planning.

61 2017 SCC 58.

Conclusions to the Guide

Conclusions to the Guide

This guide attempts to summarize the current statements, policy, legal cases on reconciliation between First Nations and Canada and the provinces. This guide identifies applied action steps to advance land use planning by First Nations in British Columbia. It is largely based upon the knowledge and tested experiences arising from First Nations land use planning activities in British Columbia as expressed through the Nations, practitioners and participants themselves.

Our current political and legislative environments are more open than ever before to solidifying into intent and laws what reconciliation is between First Nations and governments. Land use planning processes can tether various statements and commitments into actions and unprecedented changes on the ground. A new process of negotiating current and future land use is essential to building a shared and equitable future decision-making structure between First Nations and other governments. This process is defined in an ethical space where unprecedented solutions arise from deeply listening to different perspectives, asking questions, and bringing courage to embrace unprecedented opportunities. Ethical space is a necessary new forum for braiding differing world views into geographic places and the dialogue to test and define what reconciliation is and what it needs to achieve now and into the future.

Translating the conceptual ideas of reconciliation, including first clarifying what that word means, and applying new terms such as ethical space into scalable actions within land use planning is a key challenge to success. Land use planning stretches how we apply these words. It has the potential to lift the process up to achieve better outcomes and to set in motion broad, real changes on the ground for achieving increased socio-economic benefits within First Nations communities.

Overall, First Nations who have engaged in land use planning processes concur the effort is worthwhile. However, their reasons for believing so are different. For some, it was a helpful way to align different interests within their community. For others, it offered a platform from which to successfully engage outside interests such as government and industry. As First Nations in BC increasingly take on government decisions and functions, the role of effective land use planning cannot be understated. It forms a critical basis for articulating what can happen on the land from the vantage point of a First Nation. It provides the vision and roadmap that all may follow.

Interviews and research for this report confirm that adequate resources and capacity are essential and often lacking or unavailable for land use planning by First Nations. Without these prerequisite supporting factors the planning process often grinds to a halt. Also stressed in interviews was the importance of integrating land use plans/processes into the broader community so that economic development interests, elected and hereditary leadership, businesses, etc. integrate the plan into their own decision-making. A key aspect of making that happen is to integrate the perspectives and input of all key community actors into the process at the earliest planning stages.

A land use planning framework for success situates the production of the plan document within a broader political, legislative, and legal context in an ongoing process of implementation, monitoring and adaptation/re-evaluation. The framework lists three key long-term needs important to maintaining a strong foundation for a land use planning process: building capacity; maintaining funding & communications strategies; community participation. The process of land use planning is built upon and proceeds forward with the ongoing support of these factors over many years.

Finally, the lack of integration of climate change within BC First Nations land use planning (although not an area of focus for this report) is highlighted as a significant gap in past and present land use plans and the report encourages this area of study and practice to maintain the viability of achieving values and goals articulated in the land use plan.

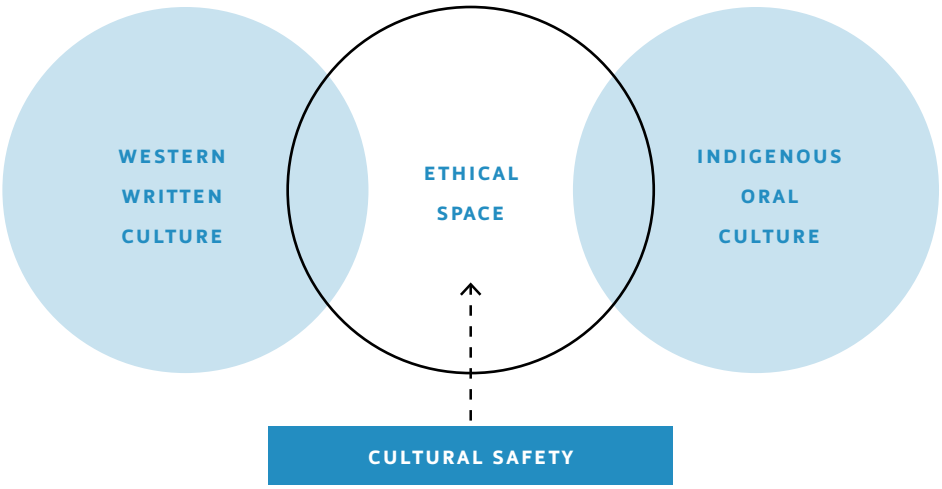
Appendices

A APPENDIX A: SELECT DEFINITIONS

Ethical Space[62] — a framework for dialogue between human communities. The ethical space of engagement proposes a framework as a way of examining the diversity and positioning of Indigenous Peoples and Western society in the pursuit of a relevant discussion on Indigenous legal issues and particularly to the fragile intersection of Indigenous law and Canadian legal systems.

These are dialogue spaces that are created when two distinct, complementary world views are acknowledged equally.

Work to understand a perspective that is different from our own, and then examine that understanding with an eye to finding connections with our own perspective, or our own worldview, we begin to create an ethical space. The key is to link these worldviews in a way that does not diminish either, and that honours both. This new way, which reflects a deep understanding of varying perspectives and values, can result in an ethical space that transforms the way we work together.



The above diagram illustrates that what comes out of a new way of having dialogue is a new space that is created from two ways of knowing but is something new, *Voices of Understanding — Looking Through the Window*[63] provides a great discussion of the concept.

62 The concept of Ethical Space as described by Dr. Reg Crowshoe in various written materials and orally.
63 Alberta Energy Regulator. *Voices of Understanding — Looking Through the Window*. Second printing, November 7, 2017. https://www.aer.ca/documents/about-us/VoiceOfUnderstanding_Report.pdf accessed Feb. 11 2019.

Indigenous Protected and Conserved Area (IPCA) — "…the term chosen by ICE to describe a variety of land protection initiatives in the Canadian context. Examples include Tribal Parks, Indigenous Cultural Landscapes, Indigenous Protected Areas, and Indigenous Conserved Areas. IPCAs are lands and waters where Indigenous governments have the primary role in protecting and conserving ecosystems through Indigenous laws, governance and knowledge systems. Culture and language are the heart and soul of an IPCA."[64]

Reconciliation —there is no single definition of reconciliation that everyone has agreed upon. In the context of land use planning, a consistent premise is that reconciliation will be possible when the rights Indigenous peoples have, including title, are recognized by Canadian society, including all levels of government and the public; and where Indigenous peoples desired uses for the lands and resources shape decisions with equal weight as Canadian and provincial desired uses.

B APPENDIX B: UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES [2007]

The UNDRIP was written by Indigenous people to provide guidance for governments in the development, establishment and maintenance of productive and egalitarian relationships with Indigenous Peoples. The United Nations adopted UNDRIP in 2007 and Canada endorsed its implementation in 2016. A proposed bill (Bill C262) if enacted into law would ensure Canadian legislation is consistent with UNDRIP.[65] UNDRIP is not legally binding in Canada until Bill C262 (or other legislation) receives Royal Assent.

Of UNDRIP's 46 articles, 17 are pertinent to both community initiated and government-to-government collaboratively written land use plans implementation, monitoring and revision processes.

Relevant UNDRIP articles are reviewed with suggested strategies and information needs First Nations may consider in a land use planning process to ensure the Articles intent is applied.

64 Parks Canada. *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*. Gatineau, PQ: Indigenous Circle of Elders, 2018. Page 5. https://www.iccaconsortium.org/wp-content/uploads/2018/03/PA234-ICE_Report_2018_Mar_22_web.pdf

65 As of June 11, 2019 the Senate Committee Report was presented without amendment after two readings.

	PRINCIPLE	LAND USE PLANNING STRATEGY	INFORMATION NEEDS
8.2 (b)	The State shall provide "mechanisms for prevention of, and redress for any action which has the aim or effect of dispossessing them of the land, territories or resources."	Identify your lands and resources to prevent dispossession, or if dispossessed, document descriptions of the land and impacts for redress discussions. Highlight your intention to pursue redress discussions in your plan.	Research and record of conditions of the landscape prior to colonization.
11.1	Right of Indigenous Peoples to practice and revitalize cultural, spiritual and religious traditions.	Plan to maintain or restore protection and access to areas where spiritual and cultural practices have taken place and/or continue to occur.	Cultural use research.
11.2	Where "cultural, intellectual, religious and spiritual property" was and is taken without "free, prior and informed consent or in violations of their laws, traditions and customs" then the states shall provide restitution.	Research, identify and describe those places and connections between places where various "cultural, intellectual, religious and spiritual properties were taken without consent or in violation of cultural laws" then note in plan intent to discuss restitution with governments.	Details on the nature of the impacts and the desired restitution.
13	The "right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retail their own names for communities, places and persons."	Integrate language, place names and history transmission systems into land use planning process and final document.	Indigenous knowledge about history, traditions, philosophies, writing systems and literatures and place names.
18, 19	The right to participate in decision making and to develop Indigenous decision making institutions is articulated in Article 18. Article 19 describes the need for States to consult in good faith to obtain free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect Indigenous peoples.	Be prepared to assert your land use planning process in the way that you think is best, engage in collaborative processes at a time right for you. A current BC best practice is for First Nations to first create a land use vision/ plan and then engage with governments.	Connect your land use plan to a larger consultation or rights and title protection strategy.
20	1. Indigenous Peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities. 2. Indigenous Peoples deprived of their means of subsistence and development are entitled to just and fair redress.	Develop your land use plan to characterize economic self-sufficiency for your nation. Consider traditional and modern economic opportunities. Identify what is needed to ensure traditional activities will carry on.	Land based economic opportunity research and selection. Analysis of impacts of the loss of economic self-sufficiency.

	PRINCIPLE	LAND USE PLANNING STRATEGY	INFORMATION NEEDS
24	Indigenous Peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals.	Ensure that the land use plan captures the conservation of medicinal plants, animals and minerals.	Ecological inventories of minerals, plants and animals.
25	The right to maintain and strengthen unique spiritual relationships with, and responsibilities to, traditional lands, waters, and other resources for current and future generations.	Develop your land use plan to identify your unique spiritual relationships, if appropriate, and any necessary mechanisms for their implementation.	Any unique mechanisms which are required in order to maintain your relationship with the land.
26	The right to lands, territories and resources they have traditionally owned, occupied or otherwise used or acquired and the right to own, use, develop and control that land. And "states shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems."	Assert Title to lands as appropriate for your First Nation.	Cultural use and occupancy, unique relationship identification, potential work with neighbouring nations.
27	To establish and implement, with Indigenous peoples, a system whereby Indigenous people's laws, traditions, customs and land tenure systems are recognized and Indigenous rights can be adjudicated.	Have your land use plan communicate land and resources laws, traditions, customs, and land tenure systems.	Traditional law and other protocols and the interpretation of them.
29	"Indigenous Peoples have the right to the conservation and protection of the environment and productive capacity of their lands", and that "states shall establish and implement assistance programmes for Indigenous peoples for such conservation and protection, without discrimination."	Land use plans define areas of conservation priority. Identify any funding needs associated with the management of conservation areas.	Define areas that can be specifically referenced as 'conservation' areas.

	PRINCIPLE	LAND USE PLANNING STRATEGY	INFORMATION NEEDS
31	1. Indigenous Peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions. 2. In conjunction with Indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.	Only include in the land use plan information you are comfortable sharing. Identify there is a requirement to protect intellectual property, traditional knowledge, etc.	Knowledge about specific systems of knowledge or implementation practices unique to your nation. Ecological inventory.
32	1. Indigenous Peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources. 2. States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources. 3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.	Write your land use plan from your own perspective and engage the government at the time that is right for your First Nation. Prepare to engage with the government in discussions of "public interest" and constitutional obligations. Be prepared to assert the land use plan as an expression of UNDRIP rights.	Legal research and preparedness.
39	Indigenous people have the right to access financial and technical assistance from the state for the enjoyment of the UNDRIP rights.	This point has significant implications for governments to fund land use planning. Identify your financial requirements for all stages of planning and communicate to government.	Determine and assert your funding requirements with government.

C APPENDIX C: INDIGENOUS CIRCLE OF EXPERTS REPORT [2018]

Indigenous Circle of Experts (ICE) Report [2018] is the outcome of needs identified by Canada to frame a collaborative approach to land protection with Indigenous communities to achieve Canada's commitment to Convention on Biological Diversity signed in Rio de Janeiro in 1992. Relevant ICE Report recommendations and land use planning strategies/information needs are summarized in the table below.

REC. #	PRINCIPLE	LAND USE PLANNING STRATEGY(S)	INFORMATION NEEDS
1	IPCAs are lands and waters where Indigenous governments have the primary role in protecting and conserving culture and ecosystems through Indigenous laws, governance and knowledge systems.	Identify conservation areas as IPCAs as this is the strongest designation in your interest. Articulate management regimes for any IPCAs in your land use plan. Consider management partnerships (e.g. Biosphere reserves, provincial parks, national park reserves, etc.) Plan for reinvigoration of land governance traditions.	Traditional land management knowledge. Traditional land governance processes.
5	Federal, provincial, territorial and Indigenous governments recognize and support the potential of IPCAs to enable sustainable, conservation-based Indigenous economies to help diversify local economies.	Consider potential economic opportunities of conservation areas. In LUP implementation work with governments to secure financial and/or political support.	Socio-cultural economic analysis of conservation economy opportunities.
6.1	Federal, provincial and territorial governments acknowledge and address past wrongdoings—such as appropriating lands and waters from Indigenous Peoples, refusing to recognize the rights of Indigenous Peoples, and excluding them from access to their resources—in the establishment of parks and protected areas.	Focus on your vision for conservation even if it seems currently politically unfeasible. Develop communication and engagement strategies to work with governments to redress past land use decisions.	Past land and water appropriations.
6.2	Federal, provincial and territorial governments to develop collaborative governance and management arrangements for existing federal, provincial and territorial parks and protected areas.	If protected areas exist in your territory determine if it is desirable for your First Nation to work in collaboration with governments and define the terms of protected areas collaboration.	Research into models of collaborative protected areas governance.
9	Federal, provincial, territorial and Indigenous governments work together on an ongoing basis to review—and, where necessary, amend—protected area legislation, policies and tools to support IPCAs.	If designating IPCAs recognize governments may take time to develop tools to support them. Avoid being constrained by current conservation options in designated IPCAs. As much as possible develop your land governance frameworks so that new tools at other levels can reference your existing governance mechanisms. In land use plan implementation work with governments to support new tool development.	Traditional and contemporary land governance protocols. Identification or development of your First Nations governance mechanisms that can be used in collaborative decision making.

REC. #	PRINCIPLE	LAND USE PLANNING STRATEGY(S)	INFORMATION NEEDS
10	Federal, provincial and territorial governments use land withdrawals and other measures to prevent development and new third-party interests in IPCA candidate areas while those areas are being considered.	As soon as potential conservation areas are defined communicate the land areas requiring immediate limits to third party interests.	Identify those areas which could be candidates for land withdrawal while discussions are underway (e.g. in BC Sec 16 and Sec 17 of the Land Act are relevant).
14	Indigenous governments develop IPCA indicators for success, including social, economic and cultural indicators. These indicators should be used to assess progress and outcomes that are in line with their IPCA objectives.	ICE suggests developing indicators related to the environment, reconciliation, revitalization of language, cultural practices, protocol and ceremony, job creation, sustainable livelihoods and social well-being.	Research on what are suitable indicators.
17	Federal, provincial and territorial governments collaborate with Indigenous governments to support Indigenous land use planning, collaborative land use planning and governance models to support them.	Define a role for governments in your land use planning process e.g. funding, collaborative planning, implementation support. Define your vision for an ongoing relationship with external parties.	Reviewing and referencing other models of collaboration, e.g. the Great Bear Rainforest. Defining your unique collaborative vision.
18.1	ICE recommends that federal, provincial and territorial governments take a more integrated approach to conservation and biodiversity that is consistent with Indigenous worldviews and tailored to what the land and water needs locally and regionally.	Define in your land use plan your worldviews and Indigenous perspectives on regional issues of importance. Include defined water quality and quantity standards as management objectives in land use plan. Communicate and share the land use plan with governments.	Clarify what are unique regional issues of importance. Water quality and quantity requirements for your community. Indigenous management protocols for water management.
18.2	ICE recommends the full implementation and coordination of the other Aichi Targets and their related Canadian targets, notably (in the context of ICE's mandate) Aichi Targets 14 and 18: TARGET 14: By 2020, ecosystem essential services, including services related to water, and contribute to health, livelihoods and well-being, are restored and safeguarded, taking into account the needs… Indigenous and local communities. TARGET 18: By 2020, the traditional knowledge, innovations and practices of Indigenous and local communities relevant for the conservation and sustainable use of biodiversity, and their customary use of biological resources, are respected, subject to national legislation and relevant international obligations.	Specifically define community shared benefits accrued from land use planning implementation and ecosystem services. Define a strategy for ensuring cultural sustainability as an outcome of land use planning implementation. Plan for climate change in your land use plan. Reference traditional methods of land management as much as possible, avoid deferring to western approaches of land management. Write your document in your language and consider a translated copy that retains key graphic and language references.	Define what cultural sustainability is to your community and what requirements, adaptive measures are needed in the future e.g. climate change.

REC. #	PRINCIPLE	LAND USE PLANNING STRATEGY(S)	INFORMATION NEEDS
22	ICE encourages federal, provincial, territorial and Indigenous governments to work together to support the development of on-the-land programs (e.g. guardian programs or similar community-based initiatives) for development and management of IPCAs.	Develop a strategy based on the land use plan for a guardian program. Apply for guardian funding (see Indigenous Leadership Initiative https://www.ilinationhood.ca).	Research guardian programs and define how guardians can be used to increase on-the-land programs.

D APPENDIX D: NATIONAL ADVISORY PANEL [2018]

The Federal Minister of Environment and Climate Change Canada and the Alberta Minister for Environment and Parks as provincial and territorial representative, as part of the Pathway to Canada Target 1 process, appointed in 2017 a National Advisory Panel (NAP) to advise on how Canada can protect at least 17% of its land and inland waters by 2020. The NAP included Indigenous representatives.

The NAP report focuses on Indigenous participation to identify opportunities for protected areas, and similar to the ICE Report, on advancing 'ethical space' dialogues. Of the 38 recommendations, 10 have particular relevance to First Nations land use planning in BC and are summarized in the table below.

REC. #	PRINCIPLE	LAND USE STRATEGY(S)	INFORMATION NEEDS
14	We recommend that the federal government lead the development, by 2020, of a nationwide ecological connectivity strategy based on science and Indigenous knowledge, involving collaboration with partners.	Consider how ecological connectivity is supported in your land use plan, both within your territory and through your territory at broader scales. Consider future connectivity and adaptation requirements of species and ecosystems in relation to climate change.	Understanding of the current status of ecological connectivity in terrestrial and freshwater ecosystems. Define future connectivity requirements from cultural perspectives.
19	We recommend achieving the short term quantitative target of 17 percent protection by 2020 governments begin by completing protected area proposals and commitments already underway. To fill the remaining gap, ongoing landscape-level planning initiatives may provide opportunities to protect more areas: e.g. Indigenous-led land use planning, forest management planning, non-governmental conservation planning initiatives, and plans to protect critical habitat for caribou and other recovery planning for species at risk. In all cases, protected areas and OECMs should be created within a framework of reconciliation, including through free, prior, and informed consent of Indigenous Peoples.	Quickly present your proposed protected areas to governments, even at early stages to gain funding and planning leverage. Use this principle to assert funding needs for First Nations land use planning. Identify species at risk in your planning area and apply their presence to initiate land use planning. Assert that all land use planning going forward will be done either through First Nations-led planning or collaborative planning.	Quickly confirm if there are areas that are known to be in need of conservation and protection within your territory and communicate those early in relationships with government.

REC. #	PRINCIPLE	LAND USE STRATEGY(S)	INFORMATION NEEDS
20	We recommend that all jurisdictions fund and actively encourage the use of all legal and policy mechanisms supporting Indigenous participation in establishing and managing protected areas.	Define funding needs for the management of protected areas in your land use plan or land use plan implementation strategy.	Determine costs associated with land use planning/conservation planning and implementation.
21 and 22	We recommend that federal, provincial, and territorial governments engage in ethical space with Indigenous governments and peoples to develop new legal and policy mechanisms for Indigenous protected areas and OECMs that meet international standards for protecting areas over the long term, and that public funding be designated for the establishment and management of these areas. Governments engage in ethical space with Indigenous governments and peoples to reconcile Western and Indigenous legal mechanisms with the goal of establishing and supporting Indigenous Protected Areas (IPAs).	Prepare for ethical space dialogues by equipping your land use plan with culturally based legal, decision making and management instructions as appropriate or if and when known. Define funding needs for implementation and management of protected and conserved areas and land use plan implementation overall, including for research on cultural legal traditions, etc. and reconciliation negotiations. Request to government for funding support.	Legal traditions. Culturally based policy and land management protocols. Decision making processes and land governance mechanisms.
24	We recommend that systems be implemented so that protected areas, including Indigenous protected areas, build Indigenous capacity for management and meaningful operational participation on the land, prioritizing Indigenous ways of connecting with the land as a long-term strategy to conserve biodiversity.	Identify capacity needs for protected and conserved areas and for land use plan implementation for those areas which are related to maintaining Indigenous practices on the land base outside specific protected and conserved areas.	Identify practices and capacity requirements for ongoing 'connecting to the land' practices.
26	Key principles of landscape-level conservation planning be adopted by all jurisdictions: • Understand and obtain clear evidence about what is needed to maintain ecological integrity and function at the local, regional, and national levels, and incorporate findings into conservation planning and management, and sustainable development. • Commit to working on a nation-to-nation basis with Indigenous Peoples, including valuing both Indigenous and non-Indigenous ways of knowing and creating an ethical space to reconcile people and Nature. • Understand the value of the land (ecological, traditional, spiritual, and socioeconomic) and ensure that the significance of different values are considered in conservation planning.	Articulate your cultural perspectives on connectivity needs for the landscape. Prepare to work with governments on a nation-to-nation basis, either in initial planning stages or in later ethical space collaborative governance dialogues around implementation, monitoring, revision of the land use plan. Articulate the cultural importance of the land and the necessary ways of interacting with it to guide governments and peoples' acknowledgements of your approach to planning.	Articulate traditional knowledge on connectivity issues. Discuss and understanding of ethical space concepts.

REC. #	PRINCIPLE	LAND USE STRATEGY(S)	INFORMATION NEEDS
27	We recommend the Government of Canada and also provincial, territorial, and Indigenous governments and governance bodies place priority on landscape-level conservation planning across Canada.	Conduct land use planning and identifying conservation priorities at a landscape, or territorial scale.	Research on what are suitable indicators.
33	The NAP recommends additional federal investment for nature conservation that includes the following priorities: 2. Federal protected areas. $94M per year ongoing for establishing new national parks and national wildlife areas by 2020, and improving management of existing federal protected areas; also a one-time $50M investment to resolve third-party interests in proposed protected areas . 5. Other government new protected areas and OECMs. $120M per year ongoing for a fund to support planning, establishment, and management of new protected areas and OECMs by provincial, territorial, municipal, and Indigenous governments; to be fully funded for Indigenous governments. 6. Capacity building for Indigenous protected areas (IPAs). $200M per year ongoing to support capacity building and necessary legal and other institutional arrangements to support Indigenous protected areas; including Guardians and other IPA capacity-building initiatives. 8. Resolving third-party interests. $100M one-time investment for resolution of third-party interests to enable establishment of protected areas. 10. Planning for conservation. $200M over five years and $50M per year ongoing to support regional planning initiatives focused on identifying conservation needs and based on Western science and Indigenous knowledge.	Consider new national parks/ park reserves and wildlife areas as part of your land use plan. Identify those areas which require immediate resolution to the third party impacts, and identify the third parties and communicate these priorities to government. Identify funding needs and write proposal for conservation/ land use planning which may consider conservation planning and communicate with governments. Identify the areas for conservation and protection and solicit government for funding to establish and manage new protected areas. Propose land use planning that incorporates both traditional knowledge elements and western science knowledge.	Document third party interests on Nations' land base.
37	We recommend that all jurisdictions include in their climate change adaptation strategies an objective of completing networks of well-connected protected areas and OECMs that contain climate change refugia.9 Climate adaptation funding should be allocated to help deliver on this objective.	Consider including climate change impacts and adaptation strategies in land use planning.	Climate change impacts research and modeling. Traditional knowledge of climate change; funds for climate adaptation.

E APPENDIX E: SELECT FIRST NATIONS LAND USE PLANS AVAILABLE ONLINE

Líl̓wat Nation [August 2006]
The Vision and Plan for the Land and Resources of Líl̓wat Nation Traditional Territory
http://www.lilwat.ca/

Tla'amin Nations [March 2010]
Land and Water Use Plan for Tla'amin Traditional Territory
http://www.tlaaminnation.com/wp-content/uploads/2014/11/Tlaamin-Land-Use-Plan-March-2010.pdf

Pikangikum First Nation [June 2006]
White Feather Land Use Strategy
http://www.whitefeatherforest.ca/wp-content/uploads/2008/06/land-use-strategy.pdf

shíshálh Nation [June 2007]
A Strategic Land Use Plan for the shíshálh Nation: First Approved Draft
http://www.secheltnation.ca/

Hupačasath [June 2003]
Territory Land Use Plan for Hupačasath First Nations
https://hupacasath.ca/land-use-downloads/

Nisg̱a'a [December 2002]
A Land Use Plan for Nisg̱a'a Lands
https://www.nisgaanation.ca/sites/default/files/LUP%20DOC%20-%20received%20April%2026.pdf

Heiltsuk [2005]
For Our Children's Tomorrow
http://ecotrust.ca/wp-content/uploads/2015/01/HeiltsukLandUsePlan.pdf
Scroll to page bottom for downloadable executive summary

Kitasoo/Xai'xais [June 2000]
https://klemtu.com/stewardship/land-use-planning-management/

F APPENDIX F: PARTIAL LIST OF LAND USE PLANNING BEST PRACTICES RESOURCES

A Strategy for Ecosystem Stewardship: Act Now to Restore Ecosystems for Generations to Come… First Nations Mountain Pine Beetle Initiative. December 2007.

Aboriginal Community Land and Resource Management: Data Needs Assessment, GeoConnections Canada. Unpublished draft. June 2008.

Best Practices Using Indigenous Knowledge, Nuffic/UNESCO. November 2002.

Halseth, G & Booth, A. *Lessons in public consultation from British Columbia's resource planning processes*. Local Environment, Vol. 8, No. 4 437–455, August 2003.

Integrating Aboriginal Values into Land-Use and Resource Management, International Institute for Sustainable Development. June 2001.

Integrated Land-Use Planning and Canada's New National Forest Strategy, Sierra Club of Canada. July 2004.

Joseph, C. *Evaluation of the BC Strategic Land Use Plan Implementation Framework*, University of Victoria, 2004.

Land and Resource Information for British Columbia, Directory of Provincial and Federal Inventories, Canada-British Columbia Information Sharing Protocol, March 2002.

Land Use Planning Handbook, United States Department of the Interior Bureau of Land Management, July 2004.

Provincial Land Use Planning: Which way from here? Special Report Forest Practices Board FPB/SR/34 November 2008 (including supplemental report) https://www.bcfpb.ca/wp-content/uploads/2008/11/SR34-Provincial-Land-Use-Planning.pdf

The Aboriginal Forest Planning Process, A Guide Book for Identifying Community-Level Criteria and Indicators. Ecosystem Science and Management Program, University of Northern BC, 2003. http://researchforest.unbc.ca/afpp/AFPPMain.htm

G APPENDIX G: SAMPLE VISIONS AND GOALS FROM OTHER FIRST NATION LAND USE PLANS

Mt. Currie Band, Líl̓wat First Nation

[Mt. Currie, BC 2006]

VISION:

"The Líl̓wat Nation Traditional Territory is recognized for its wilderness areas, clean water and air, and healthy populations of animals, plants, and fish. Our land sustains us physically, culturally, and spiritually. We are stewards of this land, our home, our sanctuary, our garden.

We are a people who care for each other and who work to strengthen our community. We live our culture by speaking our language, understanding our history, and maintaining our connection to the land throughout our Traditional Territory.

We plan for our future and govern our Traditional Territory as a Nation, making decisions about the land and benefiting from the use of its resources. Our economy sustains the land and serves our people today and for future generations.

Our people and our land are one."

GOALS:

- A deep respect for the importance of the environment in Lil'wat culture among those that visit the Traditional Territory and undertake resource activities.
- Líl̓wat stewardship of the Traditional Territory using the concepts of Ku'Lstam ("take only what food we need") and Kw'elantsut ("take only what materials we need") to protect the land.
- The creation of Líl̓wat Nt̓ákmen Areas to protect environmental values and enable areas to function naturally.
- An increased role of the Líl̓wat resources managers and community members in promoting sound management of the environment.
- Healthy lands, glaciers, and rivers to ensure clean, reliable supply of water for humans, plants and animals.
- Managed population growth to avoid impacts to the environment.
- A better understanding of resource development impacts through research and monitoring.

Taku River Tlingit First Nation — "Our Land is Our Future"

[Atlin, BC 2003]

VISION:

Our vision for the future of Ha t_atgi ha khustiyxh ("our land and way of life") and for how others coming to our territory will work with us for the future, includes the following:

- We are a strong and capable Nation, exercising ownership, sovereignty and jurisdiction over our territory by living up to our sacred responsibility to govern our own actions as citizens and affect control over the actions of others within our territory.
- We are a confident people who welcome others to our territory, secure in the knowledge that visitors will respect the laws of our land and culture, and that we are willing to accept new ideas that will strengthen our ability and commitment to sustain our resources and people.
- We are a people grounded in our knowledge and respect for our Taku River Tlingit culture and values Ha khustiyxh ("our way of life"), rooted in Ha t_atgi ("our land"), actively engaged in working together, and guided clearly by our Constitution, by the knowledge of our Elders, and by our respected leaders.
- We are a people who are healing from the damage from past injustice, committed to sharing and caring, who enjoy the respect, friendship and cooperation of others, confident and creative in managing our territory for the benefit of present and future generations.
- Many individuals spend time on the land, are familiar with its peaks, rivers, forests, valleys, special places and sacred values, and that travel its trails and rivers unimpeded.
- There is a productive natural environment with diverse and abundant animal, fish and plant populations, that reflects the rhythm of natural ecological cycles and change, and that provides opportunities for harvesting and gathering and other activities that we have depended upon for countless generations.
- Our Territory is managed so that Taku River Tlingit sacred places and cultural heritage sites are revered and protected, and so that the traditions of our ancestors are continued for our children and grandchildren forever.
- Use of our territory respect Tlingit land ethics and ensure wild areas and other special places remain rich, intact and un-fragmented.
- There is a supportive, secure and healthy community enjoying the peace and beauty of its natural surroundings and a sustainable quality of life within our territory.
- There is diverse and vibrant economic activity, that is led by capable Tlingits, and that respects our land and its bountiful gifts, and provides creative and enduring opportunities for employment while ensuring ecological and social sustainability.
- There is protection and support for traditional lifestyles based on historical culture and methods.

Squamish First Nation

[Squamish, BC 2001]

VISION:

Values and uses of the land that members care deeply about...
Values and uses of the forest and wilderness of the Squamish traditional territory that community members care deeply about include:

- Secluded places for traditional cultural practices (e.g. storing regalia, vision quests);
- Wildlife and wildlife habitat, especially mountain goats, grizzly bears, and animals for food such as moose and deer;
- Fish for fishing, and healthy rivers and streams;
- Clean air, and clean water for drinking, for the ecosystem and for ritual bathing;
- Resources from which Squamish members can earn a living, such as forestry and tourism; and,
- Places to heal, recover and re-connect with the land.

Management Priorities...
The most important priorities in managing the forest and wilderness of the Squamish traditional territory include:

- Protecting the rights and interests of the Squamish people;
- Sustaining the traditional territory for our children's children — seven generations;
- Planning ahead instead of always reacting to problems and conflicts;
- Protecting heritage, traditional use, sacred and cultural sites;
- Protecting old growth forests;
- Providing opportunities for hunting, fishing and gathering;
- Repairing damage to the land and water, and reducing soil, water and air pollution;
- Getting Squamish Nation members into the traditional territory for health, education, recreation, spiritual and cultural purposes, including camps for children and youth;
- Regulating tourism, and minimizing impacts of tourism and recreation, while increasing benefits to Squamish members (e.g. as guides in ecotourism); and,
- Getting Squamish members more involved in resource management.

Heiltsuk First Nation "For Our Children's Tomorrow"

[Bella Bella, BC 2005]

VISION:

"Since time immemorial, we, the Heiltsuk people have managed all of our territory with respect and reverence for the life it sustains, using knowledge of marine and land resources passed down for generations. We have maintained a healthy and functioning environment while meeting our social and economic needs over hundreds of generations.

Our vision for this area remains unchanged. We will continue to balance our needs while sustaining the land and resources that support us. We will continue to manage all Heiltsuk seas, lands and resources according to customary laws, traditional knowledge and nuyem (oral tradition) handed down by our ancestors, with consideration of the most current available scientific information."

GUIDING PRINCIPLES:

ˇGví'il.ás, serves as the paramount principle for managing resources. The Heiltsuk also endorse the general principle of ecosystem-based management. Guiding principles for land management, in order of priority, include;

1. Ensure conservation of natural and cultural resources.
2. Ensure Heiltsuk priority access to resources for cultural and sustenance use.
3. Enable appropriate Heiltsuk commercial and recreational use of resources.
4. Enable appropriate non-Heiltsuk commercial and recreational use of resources.

NOTES

The future of our land is now

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