

This Land is Your Land: Exploring the Sea  
to Sky Land and Resource Management  
Plan through the Lens of Indigenous  
Planning

by

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## **AUTHOR'S DECLARATION**

I hereby declare that I am the sole author of this thesis. This is a true copy of the thesis, including any required final revisions, as accepted by my examiners.

I understand that my thesis may be made electronically available to the public.

## **Abstract**

Canadian Indigenous groups have long faced challenges regarding land rights assertion and validation within land use planning and resource management. Although attempts to deviate from the rational comprehensive planning tradition have been made, Indigenous communities still face palpable barriers in asserting their claim to the land. In order to explore the modern opportunities and challenges that exist within Indigenous communities, this research adopts a qualitative case study approach in examining the Sea to Sky Land and Resource Management Plan – a comprehensive land use planning process – in south British Columbia. Through paralleling both the practice of Canadian planning and Indigenous planning tradition, the literature review introduces the fundamentally divergent theories that exist between these two worldviews. This research seeks to explore the value of more nuanced, provincially-developed, comprehensive land use planning mechanisms in validating Indigenous land use rights. Through interviewing both provincial employees and Indigenous participants who worked closely with the land use plan, a deeper understanding of the plan was unravelled. The prevalent themes that are identified in the research include the complexities of instigating “government-to-government” partnerships, the wide range of opportunities and challenges faced by participating First Nations, and the significant impact external factors exert on both land use planning and government-to-government relations in general. The significance of this research is its ability to provide a snap-shot of the range of issues faced in British Columbia land use planning practice, as well as the vital importance of meaningful discussion in order to actualise land use goals in Indigenous communities.

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# Chapter 1

## Introduction

### 1.1 Background

To accurately illuminate the challenges Indigenous communities face across the country, approximately 400 years of Canadian history would need to be considered. Harmful colonial relics remain, representing themselves even in a modern day context. The strategic pattern of reservations across the country, the survivors of residential schools, and the negative cultural-appropriation of sacred Indigenous symbols all remind us that, as a nation, we have not progressed far enough away from the colonial legacy of Canada's history. Upon colonisation, European policies were crafted with the explicit intent to eradicate or assimilate Indigenous culture. This was largely manifested in the "spatial segregation of Indigenous peoples" and the intentional displacement of groups from their traditional territories, thereby alienating Aboriginal rights to their land and permanently altering their relationship with the surrounding environment (Sandercock, 2004, pg. 118). In the modern Canadian context, the Indigenous experience has been shaped and determined largely by the Indian Act, a piece of federal legislation that remains largely unrevised since its introduction in 1876, serving to govern most aspects of Indigenous life, and was originally intended to assimilate Indigenous groups into mainstream cultural practices (Maaka & Fleras, 2005). Specifically, it both oversees and sets the tone for the relationship between individual Nations and the federal Crown, and governs who is considered an "Indian", how bands function, and how reserves are developed and run. Although the Royal Proclamation of 1763 discussed Indigenous communities as somewhat of a partner in nation-building, the Indian Act framed Crown-Indigenous relations through a "paternalistic approach in which Aboriginal people were treated as wards of the state" (Godlewska & Webber, 2007, pg. 15).

Thankfully, Canadian policy has been a part of a critical shift that is working to better accommodate and validate the Indigenous experience within the modern context. Although the Indian Act remains a significant influence in the lives of many Indigenous peoples, its deficiencies are becoming increasingly apparent – opening up the policy sphere to more creative and innovative approaches to all aspects of Indigenous life. The oppression that the Indian Act perpetuated is slowly eroding, leaving space for nuanced ways of coming to a meaningful relationship with Canadian Indigenous communities. The shift from the Indian Act has been represented by the Berger Inquiry into the Mackenzie Valley

pipelines, which has been heralded as one of the first studies that championed the notion that the social impacts of development needs to be considered in Indigenous communities. This shift has also been represented in the numerous Supreme Court of Canada decisions that have raised doubts about the current approaches that are taken to validating and protecting Indigenous land rights. This shift has also been seen in the Idle No More Movement, a social movement that originated in 2013 in protest of on-going disrespect of treaty rights and Bill C-45 – an omnibus “budget” bill that made devastating changes to the Fisheries Act and the Canadian Environmental Assessment Act. In the summer of 2014, the Supreme Court granted 1700km<sup>2</sup> of contested land to Tsilhqot’in First Nation in British Columbia, despite the band’s semi-nomadic traditions (CBC, 2014). Although the Court did not completely condemn resource development within the swath of land, the decision did ensure that both the federal and provincial governments need to demonstrate necessity to further develop, as well as increase consultation with impacted communities. Speculation is already buzzing regarding this decision’s impact on Nations moving forward into the future and how it could elevate the legal validity of land and resource claims.

That being said, despite an overall positive evolution in Indigenous rights validation, the Grassy Narrows First Nations in northern Ontario lost their appeal of a 2013 decision to disallow logging within their traditional territories. First Nations residing in the Peel Watershed in Yukon Territory had their extensively collaborative land use plan rejected by the territorial government. Several Mi’kmaq protestors have faced criminal charges in recent years over protesting fracking in their traditional territories in the Maritimes. Numerous recent examples of Indigenous communities fighting for land autonomy and resource control strongly justify the need to increase research within the realm of Indigenous land use planning and resource management – these incidences also motivate my personal interest and passion in this integral policy sphere.

Within the last few decades, Indigenous-centred research has commonly been adopted within the fields of anthropology, health, and psychology; however, the Indigenous experience within the realm of land use planning has been underrepresented in the literature (Hibbard & Lane, 2005; Booth and Muir, 2011). By definition, land use planning is a field which deals specifically with multi-scalar land valuations and helps shape governance trajectories regarding environment and resource management. Therefore, developing meaningful land use planning mechanisms can be an essential tool for Indigenous communities to increase land-based autonomy and to regain decision-making power lost through

colonial-based policy mandates. Although Indigenous “concerns” have historically been considered under the purview of the federal government, progressive and innovative land use planning mechanisms have been increasingly adopted by the province. Examining these types of nuanced approaches to land use planning provides benefit for Indigenous and non-Indigenous players, and helps us to understand the necessary components of a successful planning process. Planning practitioners need to be provided the tools and knowledge-base necessary to understand and support Indigenous planning. In order to actualise this goal, it is of vital importance to continue pursuing the developing field of study of Indigenous planning in order to promote “planning created by Indigenous peoples to meet their own purposes and needs rather than pursuing planning done to First Nations” (Booth and Muir, 2011, pg. 421).

My research intends to develop an increased understanding of the Indigenous experience through their participation and interaction within collaborative and comprehensive land use planning (CC-LUP) processes. By examining the innovative Land and Resource Management (LRMP) system that covers the majority of British Columbia, practitioners and theorists can better understand the significant opportunities and challenges involved with developing mechanisms that better reflect the values and viewpoints of modern Indigenous communities. The LRMP process attempted to adopt a “government-to-government” negotiation framework – an innovative approach that has not been without its deficiencies. My research concludes with recommendations for moving forward with a better relationship between provincial governments and First Nations.

## **1.2 Personal Reflection on Research Direction**

Although I grew up in suburban Mississauga, I am of largely European descent, and have limited direct personal impact of colonialism and Indigenous oppression, Indigenous rights and land use assertion have been areas of personal interest for as long as I can remember. This was initially and primarily influenced by my Nana, who grew up in Star City, Saskatchewan in close proximity to a reserve. She grew up watching her marginalised neighbours, astutely noting the discrepancies in both income and quality of life. Despite the potential to view such situations in the light of small-town racism, my Nana lives her life as an ally. She exhibits her support in the ways she knows how, mainly through filling her apartment with genuine Indigenous-made art and raising tolerant children and grandchildren. She

was clearly shaped and changed by these observations, and I am thankful that I was exposed to these issues from a relatively young age.

I also count myself lucky to have been exposed to many Indigenous issues and causes throughout my undergraduate degree. Several of my professors and mentors have taken up research relating to Indigenous land and resource rights, embodying the cause within their work and also through influencing countless students to take up these issues in research and careers. Where many of my grad school colleagues mention never having discussed Indigenous issues in their undergraduate careers, I feel grateful for being exposed to these causes through meaningful discussion on a regular basis.

This research represents an attempt at exploring some key issues that are impacting Canadian Indigenous communities. It also represents an attempt to include First Nations within the conversation as much as possible. Despite the limitations that are often present within the confines of a Master's thesis (discussed further in Chapter 4), attempting this research trajectory represents an incremental addition to this integral conversation. Issues relating to Indigenous planning and resource rights are not easily siloed, or easily delegated to specific jurisdictions, regions, provinces, or cultural groups. Everyone has a role to play in eradicating modern colonialism and instigating change in the system. This is an important time to actualise Indigenous autonomy, considering recent court decisions, resource development conflicts and uncertain futures. Indigenous groups have the potential to shift the balance of power to a more equitable system where resource development is done with sustainable and community-focused directives.

### **1.3 Purpose and Objectives of the Study**

Through this research, my overarching intent is to add to the literature surrounding the documentation of the Indigenous experience within Canadian comprehensive land use planning mechanisms. This broad goal influenced the development of several more specific research objectives and research questions that have been useful in guiding my research.

Firstly, it is of vital importance to be mindful that as the importance of the field of Indigenous planning is made more prominent and the amount of related research increases, the potential for further conversations regarding the recognition of Indigenous planning in the field of planning is also elevated. In the same light, turning a critical eye to existing CC-LUP arrangements is of key importance not only to Indigenous nations, but to the general Canadian public. In recent decades, resource

“conflicts” have erupted across Canada; often it has been Indigenous groups and organisations at the helm of opposition to development and rampant resource extraction. The core motivating factor in such events is often deemed to be “environmentalism”; however, the reality is that there are a bevy of deeper and uniquely-Indigenous meanings and interpretations to these scenarios. Often what is being contested and protested is the neglect of culturally-appropriate resource considerations, incongruent conceptions of terms such as land rights and tenure, and overall scepticism of the capitalistic underpinnings of modern society (Coombes, Johnson,, & Howitt, 2012; Sandercock, 2004).

The complex contexts that situate resource and land disputes are mostly navigated with a western bias and with a lack of attention to Aboriginal-developed planning trajectories. Not only are discussions of Indigenous planning sorely lacking in literature and practice, there is a deficiency of historically documented power relations and adequate frameworks to ensure inclusion and accountability (Barry and Porter, 2011). This has resulted in a myriad of ambiguous interactions between government bodies and Indigenous groups across Canada due to the documented lack of equity in many procedures and ill-defined obligations of participating groups.

An example of this reality is the paradoxical existence of the “duty to consult” mandate. Often, this constitutionally-enshrined mandate (obligatory to resource companies and governments) is shallow in nature and simply applies to the *act* of consultation itself – conditions ensuring the inclusion of whatever information is gathered throughout the consultation practice are nonexistent (Natcher, 2001; Nguyen, 2014). In the field, contentions over the definition of “adequate” consultation often overshadow the reasonably well-intended duty to consult article (Natcher, 2001), therefore calling its relevance into question. Additionally, while the duty to consult stipulation applies to federal (and some provincial) scenarios, local governments are mostly omitted from this “mandated” framework due to jurisdictional parameters and fiscal resource constraints – therefore elevating the challenges faced by Indigenous groups (Nguyen, 2014).

The narrative evident in the aforementioned example has been reflected in Barry and Porter (2011); a lack of clear and all-encompassing frameworks offering support and acceptance of Indigenous values has proven to be a detrimental reality for individual communities. Further, there is a significant lack of research that has been directed to looking at provincial policies’ and plans’ ability to recognise the land rights of Indigenous communities (McLeod, 2014). When frameworks are open to individualised interpretations and ambiguous parameters, Indigenous communities are put at an increased risk.



Therefore, my research focuses on the need to qualify, in a more substantial way, the realities Indigenous communities face within CC-LUP scenarios in order to improve inter-cultural resource and land use relations into the future

### **1.3.1 Research Problem**

In the literature, discussions of concepts such as traditional ecological knowledge (TEK) and Indigenous planning have largely been theoretical in nature, and there is a dearth of studies that apply these terms to land use planning practice. Booth and Muir (2011) specifically outline the necessity for expanded research in these fields and cite the past failures of governments and researchers in overlooking this essential research trajectory. Through evaluating existing CC-LUP arrangements through the lens of Indigenous planning, this research furthers the expanding body of research that seeks to explore the theoretical and practical gaps in the field of Indigenous planning and resource studies in general.

### **1.3.2 Research Objectives**

My research intends to contribute an increased understanding of Indigenous participation and experience within comprehensive land use planning (CC-LUP) mechanisms in Canada. I am specifically interested in Indigenous expectations and experiences when engaging in CC-LUP processes, and why some groups elect to participate and others do not. Through the use of a LRMP case study, my research will develop conclusions regarding the effectiveness of existing planning structures and will offer recommendations for future CC-LUP arrangements.

My first objective is to develop an understanding of the disparities between (Westernised) Canadian planning tradition and Indigenous planning theory, through a review of planning literature. This process will not only assist in developing evaluation indicators for my case study, but will provide a theoretical foundation for making recommendations about future CC-LUP processes. My next objective is to explore and evaluate one CC-LUP case study, an LRMP in British Columbia. I intend to examine the determinants of Indigenous experiences, while reflecting on the indicators identified in my literature review. Meeting this objective will involve interviewing both provincial and Indigenous participants in the LRMP to understand what led to the development of the LRMP and to understand what First Nations have gained or given up in the process. This will also include a reflection of the potential implications for future land use planning processes in British Columbia, based on the findings of this

research. Finally, conclusions will be made regarding how to shift towards CC-LUP processes that effectively engages, and meets the needs of, Indigenous communities. Recommendations will be structured around the information gleaned from the literature review and from the participant interview process.

### **1.3.3 Research Questions**

Using my key research objectives as guides, I developed research questions to clarify my research intent and focus. The following key questions represent the basis of my thesis research:

1. How does Canadian planning tradition differ from Indigenous planning practice? How have these two models developed?
2. What kind of planning model would meet the needs of Indigenous people? What does this framework look like? How has the rise of provincial or regional land use interventions (as opposed to simply relying on federal structures ie. Indian Act) benefited Indigenous communities?
3. What have been the experiences of Indigenous groups participating in Canadian CC-LUP processes and what have been the determinants of their experiences? Ultimately, how have Indigenous groups been impacted by their involvement in CC-LUP processes and does their participation represent an adequate vision for their communities?
4. What factors influence a community's decision to participate in CC-LUP processes? What are the prospects of "alternatives" to treaties?
5. What is the current state of Indigenous participation in CC-LUP processes? What can be gleaned from these experiences and what are recommendations for future CC-LUP processes?

## **1.4 Key Definitions**

This research makes use of specific terminologies and meanings, therefore the purpose of this section is not only to ensure readability of this document, but to ensure that I can establish ownership over the terms and vocabulary I make use of.

### **1.4.1 Indigenous Terminology**

In the Canadian context, defined in the Constitution Act of 1982, the term Aboriginal is commonly used to describe any individual of First Nation, Inuit, or Métis heritage. According to Statistics Canada (2010), 1,172,790 individuals self-identify as being of Aboriginal descent. Population projections

indicate that the Aboriginal population will realistically increase to 1.4 million by 2017, marking Aboriginals as the swiftest expanding demographic bracket in Canada. This is due to higher birth rates amongst Aboriginal populations (when compared to the general population), as well as promising efforts to de-stigmatise seeking Indian “Status” (Statistics Canada, 2010). However, what is not reflected in this statistic is the vast diversity of cultural practices and language families among Aboriginal communities.

In addition, as is often the case when discussing cultural minorities in Westernised society, terminology has the potential to further isolate groups through stigmatising cultural practices or perpetuating divisive stereotypes. The appropriate choice of terminology can become a quickly-politicised, contentious debate between and within societal groups. This reality has played out across the world, often in colonial contexts, and there are countless examples of how derogatory language and word associations have perpetuated racist and prejudiced ideals. Language can create a damaging schism between groups, resulting in deep emotional disparity. In the context of Canadian Indigenous studies, the linguistic circumstances are of vital importance to consider while conducting research for relevant groups and, more broadly, for the nation to consider when discussing Indigenous issues.

Often, the terminology that circulates in popular culture, the media, or old texts is absorbed by the greater public and is utilised with little thought. An under-examined element is the potential for language to continue to create divides between Indigenous groups and settler-society or perpetuate a certain status for each group. Divisive terms range in extremities, from the relatively commonly used “Indian” (a term commonly adopted by the Federal government, serving as a reminder how shockingly outdated the *Indian Act* is) to the truly horrendous “Savage” (also adopted in many government documents into the 20<sup>th</sup> century) (Usher, Tough, & Galois, 1992). However, Indigenous scholars have also taken issue with the popularly used term *Aboriginal*, as is can be seen as a “state construct (used for the intention of perpetuating) an agenda rooted in colonialism”.

Many scholars use Aboriginal, Indigenous, and First Nation interchangeably; however, because of the aforementioned terminology contexts, I will be mostly relying on the term *Indigenous* throughout my research. Given the populations involved in my case study area, I will also be making use of the term First Nations, when appropriate. Additionally, the term *band*, refers to an Indigenous Nation (or unit of government) unified in language, cultural practices, and geographically-proximity. The stand-alone term *Nation* will also be employed, lending support to the idea that a band is a self-governing and semi-autonomous organisation.

### **1.4.2 Collaborative and Comprehensive Land Use Planning (CC-LUP)**

Generally, collaborative land use planning refers to the “the pooling of appreciations and/or tangible resources...by two or more stakeholders to solve a set of problems which neither can solve individually” (Gunton, Peter, & Day, 2007, pg. 21). Ultimately, an emphasis of collaborative planning facilitates discussion over varied land use values and allows for relevant stakeholders to intervene in planning and management programs. In a similar vein, comprehensive land use planning contends with large scale planning initiatives that establishes appropriate uses for land within a pre-determined area (Conglose, 2015). Collaborative planning is seen as essential in successful comprehensive land use planning processes (Frame, Gunton, & Day, 2004).

Planning is often considered a municipal exercise, left to individual towns and cities to determine land use patterns and trajectories for their citizens. In this way, regional planning runs the risk of resembling an incongruent patchwork quilt of policies, land uses, and mandates. A lack of coordination at the local level can negatively impact the efficient development of regional planning, a notion especially important to note given the transient nature of citizens and the fluid boundaries of environmental features (Nolon, 1993). However, the definition of comprehensive land use planning transcends this relatively simplistic definition in a few key and important ways. Comprehensive planning arrangements contend with how land uses are determined and stratified, and with the institutional arrangements and mandates that enable such land uses to be actualised (Leung, 2004). Brown (1994) discusses comprehensive land use planning as a “top-down and bottom-up continuum”, a definition that concisely describes the intention of the practice. Effective land use planning seeks to mediate the mandates provided by upper-tier governments with the local desire of individual communities, while continuing to assess regional constraints and requirements.

Both collaborative planning and comprehensive planning contend with drawing together diverse land-related values and diverse land-related uses. Additionally, both of these models are represented within the LRMP process. I am electing to combine the two concepts under one blanket acronym: CC-LUP. This will aim to adequately serve the intent of the LRMP process, and describe the philosophies in which it was founded upon.

### **1.4.3 Duty to Consult**

This term is constitutionally enshrined under section 35(1) within the Constitution Act, 1982 and broadly refers to the Federal Crown's "fiduciary relationship" with Aboriginal groups to consult them in resource development and land use decisions (Murphy and Chretien, 2009).

### **1.5 Summary of Methods**

My research methodology was loosely inspired by a series of LRMP evaluations that have been undertaken by graduate students and professors at Simon Fraser University in the School of Resource and Environment and Management. Though I will be providing a more detailed account of the relevant methods, as well as a discussion of specific amendments from the Simon Fraser model, this section will introduce my case study-based research approach. In order to achieve my research objectives, the following research steps were undertaken:

1. A review of the evolution of collaborative/comprehensive planning from a westernised lens was conducted in order to understand the development of the planning model that is typically emphasised in Canada.
2. A subsequent review of Indigenous planning literature in order to understand the alternative practice that has been undertaken by Indigenous communities. This trajectory will include a discussion of the inherent differences that exist between westernised planning and Indigenous planning, and provide some examples of how this has manifested itself in problematic planning scenarios. This information will provide an adequate foundation to analysing the interface between Indigenous and non-Indigenous groups in terms of land use planning and land use conflict. An additional focus of this section will be to explore the departure from the traditional fiduciary role the federal government has played in the lives of Indigenous peoples to the evolving presence of the provincial government's responsibilities in managing and accommodating Indigenous lands.
3. Interviews were undertaken in order to glean important information about Indigenous participation in the LRMP and associated land use plans. Interviewees fell into one of two categories, and were either:
  - a. representatives from relevant Indigenous communities to provide the Indigenous perspective;
  - or

- b. provincial/regional planners or representatives who participated to some extent in the LRMP process and/or Indigenous consultation
4. An analysis of the interview responses was undertaken in order to evaluate the satisfaction of participants and discuss successes and failures that surfaced through the interview process. Recommendations and conclusions were provided based on information from the data collection as well as the literature review.

### **1.5.1 Identification of Literature and Theoretical Groundings**

My thesis relies on several schools of thought and theoretical underpinnings to support and ground the research findings. To provide a baseline for exploring the issues that Indigenous groups face within the realm of planning, I start by looking at Western planning practice and tracking the general trajectory of its development. After setting the context for how most planning is practiced across Canada, I will introduce the concept of Indigenous planning and discuss the importance of understanding the inherent differences that exist between the two paradigms.

These two planning theories are supported by two fundamental questions that drive my research trajectory. The first question surrounds how planners can better accommodate Indigenous groups in a meaningful way; this question can be understood by paralleling the two aforementioned theories and creating planning processes that well-mediate these often conflicting schools of thought. The second question pertains to deciding the appropriate level of government to engage Indigenous groups in land use planning-related processes and concerns. Although Indigenous matters are considered the fiduciary responsibility of the federal government, provincial initiatives have been adopted at an increasing rate and with reasonable success.

### **1.6 Outline of Thesis**

This thesis starts with a literature review that will span Chapter 2 and Chapter 3. Chapter 2 starts with an introduction of the broadly accepted Canadian and British Columbian planning tradition, in order to provide context to understand the importance, and inherent differences, that exist in contrast to Indigenous planning theory. Chapter 3 will commence with a discussion on Indigenous planning theory, compare Indigenous planning with the widely practiced Canadian planning tradition, and will conclude with a discussion of some examples of alternative Indigenous planning models that have emerged across the country. Dividing the literature review is an intentional choice and is not

meant to frame these two planning traditions as completely polarised or incomparable; the separation of the two Chapters serves the purpose of allowing the reader to understand both traditions as independent entities. Chapter 4 provides an account of the methods I used during my research. Chapter 5 introduces the Sea-to-Sky LRMP case study. Chapter 6 presents the results from the interviews, followed by Chapter 7 which presents a discussion of the themes that surfaced from the interviews. Chapter 8 will present recommendations for future land use planning processes, directions for future research, and will conclude with a summary of this research endeavour.

## **Chapter 2**

### **Evolution of Canadian Planning Tradition**

Although this chapter does not discuss planning as it pertains to Indigenous individuals and groups (that will be the focus of Chapter 3), this chapter will serve as a documentation of the evolving trajectory of participatory planning in Canada and British Columbia. The intention is to provide context for the progression of participatory planning in this country; Chapter 3 will introduce Indigenous planning theory and will discuss the pivotal differences between the two practices. The two literature chapters discuss that, although the last several decades have represented a vital and substantive change in terms of public participation in (land use) planning, the successes exist in contention with Indigenous planning practice and often continues to isolate marginalised communities. The latter half of this chapter will establish the important history of land use planning practice in the Province of British Columbia. Over the past several decades, land forest management policy has gone through a particularly tumultuous evolution and has been subject to extensive public debate and protest. Understanding historical dynamics sets the political and intuitional context that has led to the current land use planning climate in British Columbia.

#### **2.1 Canadian Planning Tradition**

The trajectory of planning tradition in Canada has evolved dramatically over the course of our young country's development; the 20<sup>th</sup> century proved to be a dynamic and transformative time within the realm of community and land use planning. This section will briefly trace this evolution and will provide context for some key epochs of Canadian planning tradition. This planning path will sometimes be referred to as "westernised planning tradition", due to practical commonalities experienced across the British Commonwealth.

##### **2.1.1 Technocratic Planning**

Shiple and Utz (2012) discuss that formalised planning did not become a designated government responsibility until around 1900, meaning that decision making was conducted in an ad-hoc basis or fell under the de facto jurisdiction of elites and community "experts". This process served those who held the power, leaving little motivation to improve the process by mandating public input and involvement. The output of this long-serving trend resulted in the world's most beautiful and exquisite



cities; it also served to create palpable tension between the elite-class and the remaining populations (Wilson, 1981; Gordon and Hodge, 2008). Cunningham (1972) discusses that industrial psychologists were a key stakeholder in instigating the needed shift towards a more inclusive planning process; new research surrounding the importance of communication and elevated participation being key to the creation of a dynamic workplace was beginning to be applied in numerous situations. Following the Great Depression in the 1930s, the Canadian political landscape was dominated by Keynesian economic theory, signifying an emphasis of government intervention and investment in social programming and initiatives (Bunting and Filion, 2010).

In the Canadian context, the term “community planning” did not enter the public, and governmental, lexicon until the 1950s (Hodge and Gordon, 2008). What can be inferred from the relatively recent adoption of this term is that planning historically accounted very little for the actual *community* that was being planned for. Planning practice at this time was characterised by the rational-comprehensive model (RCM), which can be described as a practice with strictly defined goals, carefully selected plan trajectories to reach those goals, and carefully executed implementation assessments (Grabow & Heskin, 2007). It is interesting to note the constructs placed around the term “rational”, a term that planners and planning literature uses as a synonym for technocratic planning tradition. This decision on terminology alludes to the over-reliance on this “rational” planning trajectory, and by deeming it a rational decision, increases the legitimacy of the process and any decisions made through this decision. Additionally, as Altshuler (1965) comments, “this confusion has a political function...(to) convey the impression that expert logic or technique can produce good decisions on complex human issues” (194).

For much of the 20<sup>th</sup> century, planning remained an endeavour controlled by experts in a “rational” way. However, by the early-to-mid 20<sup>th</sup> century, incremental change was beginning to take place. Through this epoch, planning theory and practice continued to be dominated by high-level experts, in a “cerebral” and technocratic fashion (Healey, 2008). RCM planning “has elitist, centralising, and change-resistant tendencies (Grabow & Heskin, 2007, pg. 108). These “change-resistant tendencies” are, arguably, the most problematic and dangerous aspect of the structure of the RCM; unexpected change is likened to unwanted change, especially when social programmes are being discussed and implemented (Grabow & Heskin, 2007). This planning period is characterised by an active separation of “facts” from values. This being said, “technical knowledge is inevitably infused with biases reflecting

particular interpretations” (Healey, 2008, pg. 9). Ultimately, this means that the technocratic practice itself is shaped by the biases practitioners may hold –a tragic flaw in the RCM considering the lack of public input.

For too long, professional planners followed a doctrine of exclusivity, excluding the public from the very decisions that impacted them on a daily basis. The reality is that planning contends with inherently “wicked problems”; these problems do not have defined solutions, are complex in nature, and often must be “solved” within relatively tight timelines (Rittel & Webber, 1973). In reality, the problem itself may go through a crisis of definition, as varying stakeholder groups may interpret planning situations in diverse ways. When faced with wicked problems, planning experts cannot be expected to solve all of society’s troubles; this was increasingly becoming apparent to the public who had been barred from the planning process for so long (Rittel & Webber, 1973). Theory and experience are often inadequate in the face of these wicked problems; increasingly, acceptance grew for increasing effort and outreach to benefit the public, even if doing so elevated planning and procedural complications (Christensen, 1985). This reality catalysed grass roots action, and subsequent governmental responses, as well as several planning theories focusing around alternatives to foster and promote public participation.

### **2.1.2 Communicative Planning**

A “confluence of voices” have long pushed for change and transformation within the planning profession – and “their voices and demands have not shown any signs of abating” (Roberts, 2004, pg. 322). The time between 1960 to the 1980s signified a substantial period of critique on the RCM, representing a shift towards collaborative planning practice, with communicative planning acting as the cornerstone of the movement (Murray, 2005). Communicative planning is a relatively new planning theory (Innes, 2005) and is briefly explained as “the mediation of community discourse rather than the creation of a technically rational plan” (Fainstein and Campbell, 2012, pg. 11). Moreover, it emphasises the value of bringing together two or more stakeholder groups in order to overcome planning obstacles (Murray, 2005), and seeks to empower participants to “seek an outcome that accommodates rather than compromises the interests of all concerns” (Wilson, 1998, pg. 267-268). Communicative planning opposes “rational” planning convention, as it seeks to build upon consensus-based decision making in order to adopt a collaborative process (McGurik, 2001).

Collaborative planning models have been popularised in the past several decades, with the expansion of the general consensus that impacted groups are the most relevant to include as participants (Morton, Gunton, & Day, 2012). Increasingly, governments have adopted communicative-based planning tenets as the dominant planning practice when navigating environmental and resource-based conflicts – especially when these conflicts involve Indigenous groups (Murray, 2005).

There is immense value in incorporating public participation in land use planning (Alexander, 2009), and the overall benefits of communicative planning endeavours are significant. Through combining diverse skills and knowledge-bases, a process of shared learning can result in a better-rounded plan. Through attempting to generate consensus in an inclusive fashion, participants have a sense of ownership over the plan – this increases the likelihood of acceptance even if the plan omits certain stakeholder concerns (Murray, 2005; Roberts, 2004). Credibility of decisions is increased considerably when impacted stakeholder groups are meaningfully informed of and included in the planning process (National Research Council, 1996). “Democracy has to be...learned through practice” (Roberts, 2004, pg. 323), and deliberation is an essential component of capitalising on democratic decision-making structures that impact groups and stakeholders, directly or indirectly. For stakeholders who have previously felt disengaged in planning, participation can be a cathartic process; “most citizens suffer from alienation”, and care taken to include them can be endlessly beneficial in the short and long term (Roberts, 2004, pg. 323).

### **2.1.3 Comprehensive and Collaborative Land Use Planning**

With the assistance of the building-blocks communicative planning theory offers, comprehensive land use planning (CC-LUP) is another concept that entered the planning lexicon through attempts to expand the breadth and participatory nature of the practice. Considering both comprehensive planning and collaborative planning in the same light has been an accurate depiction since the infancy of theories surrounding the practice; Altshuler (1965) stated that comprehensive planning must be guided by public interest and goals must be determined through meaningful public discourse. Nolan (1993) echoed this idea, by saying that “comprehensive planning is society’s insurance that the public welfare is served by land use regulation” (pg. 351). In a broader context, CC-LUP refers to large scale planning that attempts to plan for mediating competing land uses and organise regions into predictable land uses. The regional perspective related to CC-LUP will be emphasised throughout Chapter 3.

## 2.2 Communicative and Comprehensive Planning: Criticisms

Despite the positive trajectory communicative planning represents, the shortcomings of collaborative and communicative theory require additional research. The first issue with the concept of “participatory” planning is the very definition of the term itself; participation is a word that can embody different things in varied stakeholder groups and is often criticised as simply being a “buzz word”, thrown into planning documents to give the illusion of being community-minded (Kelly & Van Vlaenderen, 1995). The type of dialogue, and the framing of terminology, continues to be problematic in planning and environmental management more broadly. In addition, participation-related issues that exist during planning are often not properly reflected upon in practice (Barry & Porter, 2011; Kelly & Van Vlaenderen, 1995). Public participation has been a legislated fixture in modern planning practice since the 1960s; however, the struggle to define “meaningful” participation and consultation remains. This reality has begged the question: “have we witness the exponential growth and increased sophistication in the field, or something rather more fitful and patchy?” (Campbell, 2012, pg. 381).

The second main concern, as McGurik (2001) notes, is how communicative planning theory does not inherently deal with underlying power-struggles that are exacerbated by traditional planning practice, and often does not seek recognition of nuanced knowledge systems (such as traditional ecological knowledge). Although communicative planning has been adopted as a common method to alleviate conflict regarding land and Indigenous communities, the dearth of investigations into its significance and tangible influence is lacking in the literature (Murray, 2005). Habermas’ (1984) seminal text on communicative planning clearly outlines the importance of preventing one specific school of thought to dominate and control the planning initiative. However, this theory does not transfer easily to practice – especially when marginalised populations are involved. Schrijvers (1991) writes pessimistically about communicative planning theory’s ability to consolidate two groups who have been impacted by long-standing power struggles. Attempting to level power struggles is not an inherent component of the communicative planning practice, exacerbating pre-existing power relations within the relevant communities. However, Schrijvers (1991) does recommend communicative planning if power discrepancies are minimal.

Lastly, many groups frame participatory measures as inefficient and disruptive, as they draw in varied stakeholders that are ill-informed and “governance should rest on well-informed knowledgeable elite (Roberts, 2004, pg. 324). This, rather short-sighted, frame of reference is the unfortunate remnant

of the RCM-centred past, and can cloud authorities and negatively impact the participation of a variety of stakeholders. The qualification of previously excluded and oppressed groups, who have long been omitted from planning processes, is questioned as the transition into a more participatory role takes place. An important question to adequately consider is if room has adequately been made for nuanced viewpoints within the planning processes that already exist; if these existing processes are sufficiently equipped to adopt and incorporate these previously “under-qualified participants”.

It is of vital importance to note that “(t)he possibility for oppositional – let alone transformative – action needs to be argued for, rather than assumed, and this involves questioning assumptions about the possibilities of communicative planning itself” (Huxley, 2000, pg. 376). Exploring the dichotomy between communicative planning and divergent planning theories will be of key interest moving forward with Indigenous-based research.

## **2.3 History of Land Use Planning in British Columbia**

### **2.3.1 Summary of BC Forest Lands and the Rational Comprehensive Model**

To understand land use planning issues within British Columbia (BC), it is important to first consider the unique existing biodiversity and the features that make the land base so extraordinary. The Province of British Columbia consists of 95 million hectares of land base (45 million hectares of which is productive and contact forest land) and hosts unmatched biodiversity. 1140 vertebrate species inhabit the province, consisting of three-quarters of Canadian mammals; 24 mammals solely inhabit British Columbia (Ministry of Environment, n.d.). Extremely diverse physiography has resulted in several distinct climactic regions and eco-zones. BC’s unique geography is coupled with the Province’s unique land-base tenure situation, as 94% of their land base is under jurisdiction of the Provincial Crown. 92% of the Provincial Crown lands are placed under the ultimate jurisdiction of the Ministry of Forest, who determine land use and serve to regulate the forest industry through setting stumpage fees and licensing agreements (Wilson, 1998).

Wilson (1998) concluded that the “rise of the forest environmental movement inaugurated an era of raw, redistributive politics in BC, forcing the provincial government to reconsider the policies it had crafted in response to legitimate and accumulative pressures” (pg. xiii). Throughout the 20<sup>th</sup> century, several policy phases have directed the management of lands in BC and eventually served to shape current practice. When the Forest Branch of the Department of Lands, Forests and Water

Resources was created in 1912, Provincially-guided forest and land use policy was consistent with “minimally constrained development” to serve the mandate of a bottom-up approach to decision making (Wilson, 1998, pg. 13). This was to minimise top-level intervention in local land use matters so that individual communities could benefit from their own industries.

The 1900s were characterised by government mandates that centred on the “twin imperatives of promoting forest industry profitability and forest sector employment” (Thielmann & Tollefson, 2009, pg. 112), effectively ignoring intrinsic forest values. Additionally, the forestry industry was strongly characterised by its heterogeneous nature, divided simply by interior and coastal operations. It was largely export-driven, and survived only through off-shore demand and relatively low stumpage rates instated by the Provincial Crown (Jackson & Curry, 2002; Wilson, 1998). This trajectory led to Wilson’s (1998) conclusion that the forest industry represented a “liquidation-conversion project”, as this epoch signified the destruction of pristine virgin forests and replacing it with tree farms in order to maximise output (Thielmann & Tollefson, 2009, pg. 79). However, the late 1930s brought forward thoughts of sustainable yields and benefits in order to ensure long-term prosperity of BC resources. The focus of the Sloan Commission in 1945 solidified this trajectory, as its recommendations advocated for a “progressive conservationist paradigm” in order to take a controlled approach to forest and land management (Wilson, 1998, pg. 85). Although the Commission advocated for a progressive approach, the resulting alterations to land tenure structures had adverse impacts on certain communities and First Nations. In order to encourage logging companies to foster secondary forest growth, the Department of Lands, Forests and Water Resources expanded licences to have flexible boundaries, allowing for the infiltration into bordering Crown lands. This policy was described as a “critical step in the imposition of the ‘colonial space’ on native territory” (Wilson, 1998, pg. 85), as it exacerbated tensions between Indigenous and non-Indigenous groups and further marginalised Bands from decision making roles. Despite the impact on First Nations, the new policy’s relaxed tenure restrictions symbolised the Province’s progress into a more environmental-focus for their land and forest management. Professional practice within the forestry industry did not dramatically adapt or evolve during the 1965-1996 epoch, but changes in public perception and policy subtly acted to shift responses to conflict. 1971 saw the passing of the Environment and Land Use Act which was described, at the time, as “one of the most potentially far-reaching planning statutes in North America” (Wilson, 1998, pg. 108). The Act encouraged an integrated approach to land management, all the while mandating the express consideration of

regional biodiversity. The Province sent a strong signal that they were prioritising forest and land related issues when the newly-elected Social Credit Government established the Department of Forests as a stand-alone department in 1976, separating it from the Department of Lands, Forests and Water Resources.

Despite these subtle changes in the way the Province established forest tenure and land use policy, the latter end of the 20<sup>th</sup> century was characterised by intense push back from the public regarding both the top-down approach favoured by the British Columbian legislature and demanding threats from both private companies and government directives to focus on resource extraction (Booth & Halseth, 2011; Gunton, Williams & Day, 2003; Jackson & Curry, 2002; Wilson, 1998). The Social Credit Government, which was in power from 1975-1991, adopted a fresh focus for forest and land use policy that “pushed the idea of integrated resource management...added new dimensions to long-standing arguments over the tenure system [and] contested company plans to harvest particular tracts of timber” (Wilson, 1998, pg 149). Critics of the government saw promise in establishing a comprehensive land use planning approach to help ease the woes and strife that had accumulated over the preceding decades; however, Bill Bennett and the Social Credit government continued with a decade long experimentation with ad-hoc negotiations and lukewarm public engagement attempts in hopes of appeasing all stakeholders (Wilson, 1998). Conflicts at Tsitika/Robson Bight and Clayoquot Sound were but two examples of unresolved land use issues that were drawn out into the 1990s due to dysfunctional land use planning techniques. Unfortunately for the BC Social Credit government, reversing the existing policy-direction proved to be a challenge, as they were in a sense “locked into [existing policy] by their predecessors” (Wilson, 1998, pg. 5). Navigating and rectifying the compounding land-related issues that characterised the middle of the 20<sup>th</sup> century, while reversing the entrenched and existing policy directives, proved difficult.

### **2.3.2 War in the Woods: CORE, LRMPs, and the New Era of Land Use Planning**

Despite rumblings of policy reform and tangible action originating from the BC legislature, nerves over appropriate land use and forest extraction culminated in the *War of the Woods* which came to define the years between 1986 and 1991. The Social Credit’s efforts fell short of meeting the reasonable demands of both the environmental movement and local communities, and numerous unresolved land issues resulting in the “forceful intervention of Native peoples” who had long-felt ostracised from the process (Wilson, 1998, pg. 215). Much of the animosity felt towards the Province

stemmed from the exclusion of relevant stakeholders in decision making frameworks, explicit exclusion of First Nations in land claims and land use plans, and the characterisation of forests as income-sources, effectively ignoring intrinsic or non-extractive benefits derived from in-tact forests (Saarikoski, Raitio & Barry, 2013; Thielmann & Tollefson, 2009; Wilson, 1998). BC citizens were advocating for a more balanced approach to both land and parks planning, urging the government to consider the needs of both conservation and recreation (Ministry of Lands and Parks, 1991). Thus, the *War of the Woods* commenced; this epoch was represented by a series of highly organised protests, blockades, and public campaigns specifically geared towards increasing participatory measures in planning. These protests garnered both national and international attention, casting an unflattering light upon both the forestry industry and British Columbia as a whole (Thielmann & Tollefson, 2009). One of the most publically-noted points of conflict was the Clayoquot Sound region on Vancouver Island, a conflict that had spread from the neighbouring Meares Island. An Indigenous-environmentalist alliance formed under the Clayoquot Sound Sustainable Development Steering Committee to occupy a great stretch of the environmentally distinct region in order to represent a range of stakeholder interests.

Policy goals and the instruments designed to actualise these goals were incongruent; the dysfunctional pairings of goals and policy became increasingly more apparent by the 1990s (Thielmann & Tollefson, 2009). Regional conflicts scattered across the Province and pressures to jump on the “Brundtland bandwagon” were the impetuses to the campaign of the Provincial New Democratic Government, who sought election in 1991 based on a campaign of ending the *War in the Woods* and dramatic reform of land use planning policy (Wilson, 1998, pg. 262). When the Brundtland Report was released in 1987, the whole world briefly rallied around the concept of sustainable development, and the power of local involvement and participatory measures. Mike Harcourt, who was elected as an NDP premier in 1991, campaigned on introducing consensus-based land use planning frameworks, an unprecedented commitment to negotiating Indigenous land claims, encourage a more broad assessment of the importance of non-timber forest products/added-value manufacturing, and, ultimately, resolving existing land use conflicts in order to ensure a more certain future for regional interests (Harcourt, 1990).

Harcourt and the NDP government were praised for quickly implementing relevant actionable items in order to ease tensions in the forest. One of the first initiatives established through legislation was the Commission on Resources and the Environment (CORE), a body whose role was to advise



cabinet in an “independent manner (on) strategy for land use and related resource and environmental management...facilitate development of processes for regional planning, community-based participation, and dispute resolution” (BC, Legislative Assembly, Commission on Resources and Environment Act, 1992). With Stephen Owen as Commissioner from 1992-1995, CORE’s broader mandate was to create a provincial land use strategy that will “protect...examples of the natural diversity of the province...and the characterising backcountry recreational and cultural heritage values of each ecosystem” through preserving 12% of the Provincial Crown to completely protected areas (British Columbia, “A Protected Strategy for BC: The Protected Areas Component of BC’s Land Use Strategy, pg. 6). Based on an assessment of the most volatile conflict zones, CORE established four key regional land use planning priorities: Vancouver Island, Cariboo-Chilcotin, and both East and West Kootenay. Each of these regions featured an independent facilitator that guided stakeholders through a consensus-based decision making round-table (Thielmann & Tollefson, 2009). The primary function was to both outline areas for protection (in order to meet the 12% land preservation mandate) and to determine appropriate land uses within the plan area.

Unfortunately, in many regards, CORE is now considered a planning failure. Although a strong interdisciplinary team was established around each of the four planning areas, there was little direction provided as to how to go about engaging in negotiations, nor was there any guidance provided as to who should be included as stakeholders in discussions. As Wilson (1998) concludes, “given the diversity of interests at the tables, it is no surprise that none of the CORE regional processes ended up achieving full consensus” (pg. 269). Although the Province compiled recommendations on how to move forward with public participation mechanisms, the over-emphasis on flexible procedures may have worked to the detriment of the efficiency of the plans itself. CORE was successful in adding around one million hectares of park lands to British Columbia’s protected system; however, CORE suffered greatly due to the negative precedent set by past land use-related Provincial decisions (Thielmann & Tollefson, 2009; Wilson, 1998).

Despite best efforts to move forward through CORE, by the end of 1994 the process was almost at a complete stand-still. In 1996 the CORE was cancelled by newly-minted NDP Premier Glen Clark; thankfully, a land use planning void was not left in the Province for long. The Land and Resource Management Plan (LRMP) process was to be implemented by the newly-established Land Use Coordination Office (LUCO) in order to cover all other regions that were not covered by the disbanded

CORE process; Table 1 outlines the key similarities and differences between the two policy directives. The LRMP system was actually resurrected from policy that was first considered in the late 1980s and sought to further the cause initiated by CORE through developing plans in order to understand complex and polarising land use planning-related issues (Thielmann & Tollesfson, 2009). Typically, the multi-stakeholder approach included anywhere from 15 to 70 individuals in order to negotiate appropriate land use designations of a predetermined geographical area (Frame, Gunton, & Day, 2004). Looking beyond the four plans initiated by CORE, the intention of the LRMP process was to be applied to 85% of British Columbia and to create 30 individual management regions. The LRMP process intended to integrate collaborative planning into practice and encourage locally-appropriate land utilisation, integral in meaningful land use planning processes (Hayter, 2003).

Similarities	Differences
<ul style="list-style-type: none"> <li>▪ Allocation of relevant land zones and protected areas</li> <li>▪ Set “high level” objectives through establishing planning tables</li> <li>▪ Future-oriented focus, long-range considerations</li> <li>▪ Pertained to both land use and resource/extractive activities</li> <li>▪ Attempted to build consensus, sought input from each level of planning</li> <li>▪ Both attempted to include First Nations (varying levels of success)</li> </ul>	<p><u>CORE</u></p> <ul style="list-style-type: none"> <li>▪ Larger budget</li> <li>▪ Focus on diverse stakeholder-based consensus building</li> <li>▪ Focused on 4 problematic regions (prescriptive)</li> <li>▪ Large-scale plans</li> </ul> <p><u>LRMP</u></p> <ul style="list-style-type: none"> <li>▪ Constrained/limited budget BUT more flexible timelines provided to complete the plans</li> <li>▪ Support regional-based committees from relevant ministries (involved in matters related to land use planning, resources, etc)</li> <li>▪ Solely directed by Provincial public servants, overseen by deputy ministers</li> <li>▪ “sub-regional” focus, smaller planning areas than CORE</li> <li>▪ Focus on adaptive management/ecosystem-based management</li> </ul>

**Table 1:** Similarities/differences Between CORE and LRMPs (Gunton, Williams & Day, 2003; Thielmann & Tollesfson, 2009).

## **Chapter 3**

### **Indigenous Planning**

This Chapter seeks to explore two important issues that related to planning with and for Indigenous communities in Canada. The intention of this section is to introduce the concept of Indigenous planning, as well as contrast the “resurgence” of Indigenous planning in theory (and, more importantly, in practice) with the more widely practiced Canadian planning tradition. This comparison will be used to assess the inherent differences of these two practices, and how disparities are exacerbated in the attempt to engage Indigenous groups in land use planning processes that are unfamiliar and not historically relevant. This interface will provide context to the challenges Indigenous groups face when engaging in CC-LUP processes. The second intention of this Chapter will be to examine the slow and subtle shift away from the stanch jurisdiction of Indigenous issues from the federal government, to the shift towards provincial and regional initiatives and programs.

These two themes are central in supporting my examination of the LRMP system in British Columbia. First and foremost, it is of key importance to assess the participation and perception of this process in the eyes of the Indigenous groups that are involved in the process. However, to expand applicability to other regions across the country, exploring the shift from federal jurisdiction to the reliance on provincial programs is of additional interest. A discussion of these two themes is done in an attempt to provide a robust assessment of the current status of Indigenous planning issues and the opportunities for change in practice that exist across the country.

This chapter will conclude with a discussion of the Indigenous experience with land use planning in British Columbia – a relatively dynamic and unique story that not only differs from most provinces but has assisted Nations in other parts of the country in gaining land claims and autonomy. This section will build on the discussion regarding participatory planning in British Columbia from Chapter 2.

#### **3.1 Indigenous Planning Theory**

The following section presents a discussion of Indigenous planning literature – a theory finding its way in planning literature. It is a theory that adopts the sentiment that land use planning has a key role in validating land rights assertion, due to the fact that planning addresses the divergent opinions of land uses, problem-solving, and consultation (Hibbard, Lane, & Rasmussen, 2008). However, it is important to note that much of planning – including Indigenous planning – terminology is rooted in

western practices; as such, it is also likely that Indigenous communities may not recognise their land use practices as *planning* (and may not want to) (Jojola, 2013). Even well-intended language utilised in Indigenous planning can represent a continuation of paternalistic planning practice. Leaning too heavily on the “emancipatory” (Hibbard, Lane, & Rasmussen, 2008) potential of planning can perpetuate hierarchies between non-Indigenous and Indigenous communities. This could occur if non-Indigenous individuals advocate to Indigenous communities that they should be adopting “Indigenous planning” practice, as opposed to truly offering Indigenous communities opportunities to operate in the way they feel is culturally appropriate. This section is intended to represent a summary of the Indigenous planning literature to this point, recognising that the discipline must continue to expand to include more Indigenous-developed definitions and practices. The consideration of this caveat is important, as it helps to further colour the challenges that can be faced in Indigenous community’s assertion of their land rights and the need to de-colonise planning in a meaningful way.

### **3.1.1 Definitions and Characteristics**

Indigenous planning theory is an essential lens through which to examine Canadian CC-LUP arrangements. Essentially, an Indigenous planning approach represents the theoretical and practical opposition to colonial-based planning practices, a discipline which is seen as analogous to the historical tradition of seeking eradication of Indigenous culture (Barry & Porter, 2011; Matunga, 2013). First and foremost, discussions of the *land* aspect of land use planning is of key importance to Indigenous groups; land is considered to be the lifeline that holds communities together and ensures stewardship of resources and food to sustain the needs of the communities (Copet, 1992; Alfred & Corntassel, 2005). The community connection to land and territory is largely built upon a collectively cultivated knowledge of the surrounding environment (Usher et al., 1992). Borrini-Feyerabend et al. (2004) discuss the necessity to foster Indigenous planning practices, as it helps fulfil community desires to see a strong emphasis on locally-created land and resource valuations, and provides a purpose for pre-existing community organisations. In this way, Indigenous planning seeks to secure the integrity of groups linked in kin within a geographic region. Matunga (2013) references the importance of geographically-based cultural knowledge and practice that often develop through lived-experience within First Nation’s traditional territories. Alfred & Cornstassel (2005) frame this thought as a “Peoplehood” model of community relations, one that emphasises the inherent and inseparable connection between social capital, freedom to maintain cultural practices, and land stewardship as contributing to the preservation

of culture and supporting resistance to colonial practices. The ability to formulate a place-based existence centres on the adequate quality and quantity of the inhabited land. This theory borrows from anthropologist Edward Spicer's "enduring peoples" (Alfred & Cornstassel, 2005, pg. 608), which also stresses the essential relationship between Indigenous groups and land.

Building off the theme of considering land, the consideration of alternative land tenure systems is critical; land tenures ideally should be able to shift with the needs of individual communities and represent structures that differ from typical western-centric tenure structures. Indigenous title is considered to be "communally held, inalienable, and derived from ancient and oral law systems" (Barry & Porter, 2011; pg. 170). Organisation has a socio-territorial element, with the shared enjoyment of communal territory being governed by the right to alienate and assign specific rights and obligation among shared members (Usher et al., 1992). Additionally, as Krishnaswamy (2000) notes, land use problems and concerns that may arise were never categorised as good or bad, rather were seen as shades on an ever-evolving continuum. It can be considered that the "key to (cultural) survival was access to, and control of, resources, rather than the control of land per se" (Usher et al., 1992, pg. 112).

Beyond what is important to consider during the plan making process, Indigenous planning emphasises the most important consideration of all: the fact that Indigenous groups are not "passive bystanders" but "active participants in their planning" (Matunga, 2013, pg. 4). An important point to consider through exploring the meaning and intention of Indigenous planning is that this is by no means a new concept or practice. Although I am presenting it as a theory, Matunga (2013) argues that "Indigenous planning theory" is actually not theoretical in the least – in reality, Indigenous theory should be considered a term that pays homage to a loyalty to traditional practices or the natural trajectory that Indigenous groups would have adopted in the absence of colonial interference. Land use and environmental planning have been facets of Indigenous culture for as long as their culture has existed; in fact, many First Nations cite land use practices as part of their unique cultural identity. This fact is important to be mindful of, as it emphasises that "planning the use of land and natural resources is not unique to Eurocentric societies" (Booth & Muir, 2011, pg. 431). The emphasis of the resurgence of Indigenous planning is important, due to the fact that Indigenous communities engaged in their own form of community-building and planning before their arrangements were disrupted by European colonisers. In this sense, Indigenous planning is not considered as a practice or theory rooted in archaic or idealised assumptions of how Indigenous groups live; it is what existed before Indigenous groups

were “forced to respond to systemic and institutional application of colonial policies” (Matunga, 2013, pg. 5).

By nature, Indigenous planning is incongruent with structural and procedural components of westernised planning systems; therefore, it is of particular interest to investigate how First nations interact with the rational-comprehensive institutional process (Sandercock, 2004). Although land use planning practices have generally evolved in scope and depth to capture localised opinions, the inclusion of Indigenous planning should be of the utmost importance due to complex and damaging historical precedents, and the strong desire for autonomous decision making in First Nation, Inuit, and Métis communities across the country.

### **3.2 Indigenous Planning in Contention with Westernised Planning Thought**

Now retired Judge John Reilly (2011, 138) stated that “we owe (Indigenous groups) a lot of gratitude...(we) start out with a system that doesn’t really work for them and apply it against them as we do with everyone else”. Reilly’s initiatives through working in an Alberta Provincial Court adopted liberal interpretations of the 1996 criminal code changes and worked to apply more Indigenous teaching and healing in court case decisions. This application greatly assisted the people of Stoney Creek Cree Nation near Calgary, Alberta, where Reilly presided as a Provincial Judge. This precedent sets an exciting standard that land use planning can aspire to; however, land use planning currently lacks a crusader to instigate the transition. The following section contends with the inherent differences that exist between conventional Canadian planning practice and Indigenous planning, outlining the classic disparities and provides some context to why the divide can feel so large in practice.

#### **3.2.1 Fundamental Distinctions**

Within the context of this paper, it is important to note that planning can, and has, acted in a normalising capacity to assert the values and vision of a specific group. In Canada, and much of the British Commonwealth, western planning has historically been considered “complicit in the colonial project, a weapon brandished to erase and eradicate Indigenous peoples or at least contain them in rural enclaves or urban ghettos” (Matunga, 2013, pg. 4). Canadian Indigenous groups are of the land they currently, or historically, reside upon; this is in direct opposition to the colonial societies that extended from Europe during the time of colonisation (Alfred & Corntassel, 2005). Although consideration of the extreme means of colonisation that occurred in the past several centuries is of key

interest, it is the impact of the more understated means of colonisation that manifest in modern day communities. Whereas the past means of colonisation had the clear intention of eradicating the physical Indigenous being, the past few decades have demonstrated more subtle desecrations of culture and sovereignty; this has been partially done through the “political-legal compartmentalisation of community values” (Alfred & Corntassel, 2005, pg. 600). In this sense, communities have been forced to conform to often quite contrived planning or management mechanisms, to the detriment of culture and self-value.

### **3.2.2 Planning in the “Contact Zone”**

Effective and inclusionary land use planning is considered to be an ideal action to take in enabling Indigenous populations to self actualise and determine their own community futures (Barry & Porter, 2011; Hibbard & Lane, 2004; Zaferatos, 2004). On the contrary, land use planning (as traditionally practiced) can be used as an institutionalising tool that can exacerbate oppression, perpetuating harmful power relations and policy trajectories with dire consequences (Chabot & Duhaime, 1998; Coombes, Johnson & Howitt, 2011; Porter, 2010). A 1996 Royal Commission on Aboriginal Peoples identified that environmental degradation and loss of traditional lands are two of the more serious concerns facing Canadian Indigenous groups (Krishnaswamy, 2000); I would argue that these issues, overall, have grown in complexity with minimal advances in solutions.

Disconcertingly, a problematic paradox exists: First Nations are forced into “utilising planning techniques that are utterly non-Indigenous in philosophy, tenets and application...We expect the rationale is likely that there were no other approaches readily available or tried and tested. This is problematic” (Booth & Halseth, 2011, pg. 435). The Canadian government has long assumed the role of “solving problems” for Indigenous groups through targeted interferences; a prime example of this can be seen in housing constructions on reserves and across Inuit communities in the North (Chabot & Duhaime, 1998). The adoption of this lens has contributed to the “climate of distrust” that can exist between Indigenous and non-Indigenous individuals (Gardner, McCarthy, & Whitelaw, 2012).

Both terminology and practice can negatively contribute to the problematic dichotomy between western planning practice and Indigenous planning practice. For example, while conventionally the term “land” use planning is relied upon (including throughout this thesis), the term “community” is more frequently relied upon in Indigenous documents, due to its subtle ability to better serve the Indigenous-worldview more adequately through better representing the holistic cultural identity that exists within

respective communities (Booth & Halseth, 2011). Additionally, the discussion suggests land use planning is often a term that disguises the true intention of the action: approve or legitimise development. This skewed intention leads to an emphasis on industrialisation and land development, as opposed to culturally appropriate mechanisms that emphasis community security and stability (Booth & Muir, 2011). The 1996 Royal Commission on Aboriginal Peoples cited numerous testimonials that discussed the negative impacts of the reliance on the resource economy, and the impact of industrial development which, at times, felt completely uncontrollable (Krishnaswamy, 2000).

Barry & Porter (2011) label the inherently contentious meeting of Indigenous ideologies and planning/development trajectories initiated by settlers as the “contact zone”. The quality of interaction that takes place within the contact zone can be directly influenced by the level of support and autonomy experienced by the relevant Indigenous group; this can be considered “contact zone structuring”. Understanding inherent and exercised power relations, and the distribution of power, is of key importance. In modern day contact zones, it is the role of relevant texts (such as case law, wording of guidelines and policies, and legislation) that governs and dictates structuring the most (Barry & Porter, 2011). In addition to the textual context, the external context that necessitates the creation of a land use plan can often be problematic. Market forces have long put unrealistic and unfair pressures on both Indigenous and non-Indigenous communities, raising interesting questions surrounding the intention of policies and who they work to serve (Chabot & Duhaime, 1998). Indigenous bands are often put in a position where they are on the defence, responding to resource extraction or the increased industrialisation of their lands; these types of pressures put unrealistic time frames on the creation of plans and do not allow groups to develop a plan on their own terms, to the best of their abilities (Barry & Halseth, 2011).

Many scholars and practitioners strongly believe that balance has been tipped in favour of the Canadian government, with Indigenous groups having to compromise far too much in terms of knowledge and planning systems (Staples, Chávez, Barret, & Clark, 2013). When Indigenous groups are forced into meeting colonial legacies head-on, the inconsistencies between the two schools of thought is disproportionately in favour of the government (Alfred, 2007). Even environmental planning –a field which intends to account for natural variables –is anthropocentric in theory and practice, and land use planning in general pertains to the development of land and the process of giving land a “purpose” (Booth & Muir, 2011). Even though the Canadian Institute of Planning is attempting to emphasise



Indigenous inclusion, the methods utilised are still steeped in western tradition and little time is spent altering existing structures (Booth & Muir, 2011).

### **3.2.3 Integration of Indigenous Planning and Westernised Planning**

Within the post-colonial epoch, fairly significant attempts have been made to integrate Indigenous input into political arrangements; however, “colonised planning and the concept of contest sites” is still evident (Barry & Porter, 2011, pg. 73). When British Columbia came out with their “New Direction for Strategic Land Use Planning” guiding document in 2006, the intention was to re-frame the government’s position on several planning related concerns and to create guidance on priorities (Government of British Columbia, 2006). The New Direction represents a positive motion in terms of bridging the existing gap; however, this has not been done without challenges. For example, the Direction discusses two contradictory mission statements: the Direction discusses new legal parameters but also cites that businesses drivers have resulted in the neo-liberal infused cut back of budgetary provisions to land use planning mechanisms (Barry & Porter, 2011; Government of British Columbia, 2006). Restricted allowances for consultation and government-to-government negotiations add additional challenges and concerns.

Although this type of guideline system can be effective for setting policy, it is of more benefit to ensure that “planning [is] done with (rather than to) First Nations in a more culturally appropriate direction...planners in particular, and First Nations in general, need to devote better attention to providing support for the overall improvement and further development of the field of Indigenous planning” (Booth & Halseth, 2011, pg. 438). The necessity of expanding the role of planners and professional planning organisations, such as the Canadian Institute of Planners, in advocating for an evolution towards Indigenous planning models is clear, as is the obligation to foster groups to work alongside academics and First Nations alike. Overall, research into Indigenous planning and environmental management is curiously understudied, and there is a palpable lack of adequate place-based historical analysis (Barry & Porter, 2011). Key concerns, such as how intercultural negotiations and interactions are framed, are a missing link. Section 3.3 will attempt to illustrate the evolving landscape of land use planning.

### **3.2.4 Ambiguity of Duty to Consult**

When the Constitution was “brought home” to Canada in April of 1982, it included within it provisions that recognised and affirmed Indigenous title to land and treaty rights (Canadian Charter of Rights and Freedoms, 1982). Commonly referred to as the “duty to consult”, the constitution additionally entrusted the Federal government to mandate consultation when government decisions are predicted to have an adverse impact on Indigenous groups. The unprecedented legislative layer serves as a directive that intends to ensure Indigenous groups have an opportunity to comment on a decision that is being put forward, an action that was rarely taken prior to the Constitution Act, 1982. Although this landmark event represented a positive advancement in the recognition of Aboriginal rights in Canada, by providing a base layer of protection, notable issues exist within the legislation, specifically in regards to the application of the duty to consult. Troublingly, what constitutes “adequate” consultation was neither established nor discussed, leaving the mandate “open to inconsistency and threatened by individual interpretation” (Natcher, 2001, pg. 115). Isaac & Knox (2004) have categorised this section of the Charter as both “unprecedented and vague” (pg. 428). Although there are general practices that guide the consultation process, consultation can be viewed as a dreaded, expensive and lengthy process that often exacerbates conflicts between Nations and industry or government (Silver, Meletis, & Vadi, 2012). The application of this stipulation can be viewed as one of back-peddling and box-ticking, and is commonly considered in the broadest sense of the term. The almost purposeful vagueness of the term begs the question: what is adequate or appropriate consultation?

## **3.3 Traditional Ecological Knowledge (TEK)**

### **3.3.1 TEK Definition**

An extension of Indigenous planning practice is the acceptance and adoption of TEK. Berkes (2008) and Turner, Boelscher-Ignace, & Ignace (2000) explain TEK as unique, and often sacred, learned knowledge relevant to a geographical region or homeland. TEK often refers to the lived-experience shared by members of a family group and is often considered the foundation of resource decisions that bands make. TEK can be:

“best understood not as a discrete, stand-alone entity, but rather as tangible systems of knowledge, meanings, values and practices deeply embedded in Indigenous cultures...[TEK is] the way in which Indigenous people regard and act out their relationship with others, with their

lands and environments, and with their ancestors...It is also knowledge that relates to expressive aspects of Indigenous culture such as art, dance, song, story and ceremony...[It is] part of a living cultural tradition...[and it is] constantly validated, reaffirmed and renewed.” (Smallacombe, Davis, & Quiggin, 2006, pg. 7-9).

Jojola (2013) discusses the synonymous connection between First Nation-developed TEK and an adherence to the “Seven Generation” time frame. The Seven Generation model is an essential framework that guides individuals and groups to make decisions based on not just present demands and requirements, but to consider well-informed predications about the desires and needs of future generations. This approach has clear relevancy within the realm of resource and land management, as long range thinking is often touted as a desirable aspect when creating effective land use plans. This thought is also reflected in an additional concern that TEK attempts to mediate: the discrepancy between planning zones and environmental conditions. The creation and division of planning zones is often unreflective of the natural features of the surrounding environmental system (Booth & Halseth, 2011).

TEK can also be understood as the “construction of place-based knowledge”, and be of extreme relevance to not just Indigenous communities, but other resource-based or remote communities (Robson et al., 2009, pg. 173). Although this is a universal issue that impacts many non-Indigenous communities and regions, the impact is often more drastically felt in the context of Indigenous communities due to the application of incongruent land use policies. Additionally, the incorporation of TEK into plan making is an integral step towards not only actively including First Nations in the land use planning process, but the development of an increasingly autonomous Indigenous planning custom. The acknowledgment of TEK as a system of learning and understanding is of key significance, as is the need to validate the differing systems and insights that exist between Indigenous societies (Krishnaswamy, 2000).

For planners and other practitioners who seek to engage in discussions regarding TEK, it is as if they are learning and working in two different worlds; even similar facts and sites can manifest into diverse interpretations depending on what knowledge-sect you are drawing from (O’Flaherty, Davidson-Hunt, & Manseau, 2008). A quote from linguist Edward Sapir (1958) well summarised the paradox of interpreting inter-culture knowledge when he said “the worlds in which different societies live are distinct worlds, not merely the same world with different labels attached” (pg. 69). However TEK, by

comparison to its widely relied-upon counterpart, is viewed as an inferior practice that lacks the rigour required to be deemed as a reliable discipline. The reliance on TEK often contributes to the downgrading of Indigenous cultural traditions, to the point where their practices are often deemed to be less advanced and progressive (Smallcombe, Davis, & Quiggin, 2006). Moreover, Indigenous culture (and TEK by association) is often viewed as a homogeneous and static tradition that works to obstruct development and progress (Marglin, 1990; Sen, 2004). This is why some scholars take issue with the classification of this knowledge-set as “traditional”, as this term is seen as enforcing backwards assumptions of the practice (Berkes, Colding, & Folke, 2000). Conversely, TEK has seldom been touted for his adaptive capacity or its applicability to local application (Robson et al., 2009). This troubling characterisation discredits centuries of Indigenous tradition and cultural development, and is often derived from simplistic assumptions regarding the practice and application of TEK.

TEK is a field that is still finding its significance and place within the literature and resource management, and its incorporation into land use planning has rarely been considered formally. This has much to do with the bias that is often placed against this traditional decision making technique when it is compared to western science. Therefore, investigating the value of incorporating TEK into land use planning will work to bolster the growing support for this sacred knowledge set within the literature.

### **3.3.2 TEK and Land Use Planning**

In the majority of Indigenous traditions, humans are viewed as the least important entity in creation, a sizeable juxtaposition to the Judeo-Christian worldview which views humans as the dominating force of the natural world (Krishnaswamy, 2000). This holistic worldview, rooted in TEK teaching and understanding, is of central importance in considering Indigenous planning. The long-term survival of both culture and tradition relies on adequate acceptance of land jurisdiction and incorporation of TEK. Appropriately administered land use planning is considered both suitable and necessary in gaining access to traditional lands, but is of great significance to increase jurisdictional authority and to regain land stewardship rights (Krishnaswamy, 2000).

Following the tradition of Boas (in 1888), Speck (in 1915) and Freeman (in 1976) – who all conducted anthropological studies through the reliance on locally-adopted place names, ethnographic studies of Indigenous hunting traditions, and the accumulation of stories and oral traditions into “map biographies” – land use research should evolve to adequately represent the traditions and patterns of

the communities that will be directly impacted (Natcher, 2001). Defining geographical claims and sites of importance, while clearly framing past and potential conflicts, are important tenets of land use research.

### 3.4 Examples of Indigenous Land and Resource Management Experiences

Assimilation-centred policies and historical exclusion from making meaningful contributions to land and management decisions have hindered the development and establishment of viable Indigenous communities. Table 2 briefly summarises the restricted and Crown-mandated land title designations that relate to Indigenous lands in Canada; most of these designations were developed in the late 19<sup>th</sup> century into the 20<sup>th</sup> century, drawing into question their relevance in a modern context. Although Campbell (1996) considers modern treaties alongside treaty territories, I would like to briefly illuminate the concept of a modern treaty separately. Comprehensive land claims are often referred to as “modern treaties” because these arrangements apply to First Nations and Inuit bands who have not historically signed treaties (Aboriginal Affairs and Northern Development [AAND], 2014). Comprehensive land claims intend to balance negotiations between the Federal government and Indigenous Nations, and typically involve: assertion of land rights and responsibilities, guaranteed involvement in environmental management decisions and assessments, and, in some circumstances, the affirmation of Indigenous self-governance (AAND, 2010). The scope of these arrangements is significant: 40% of Canada’s land mass is included in one of the 21 settled comprehensive land claims, which serves 91 Indigenous bands (Indian and Northern Affairs Canada, 2010).

Land Classification	Summary
<b>Reserve Land</b>	<ul style="list-style-type: none"> <li>○ Most generally recognised; created by the Crown through the <i>Indian Act</i> that sets aside land for the use of a Band</li> <li>○ Land is not owned through fee simple title but governed through and by the Crown ultimately</li> </ul>
<b>Treaty Territory (off-reserve)</b>	<ul style="list-style-type: none"> <li>○ Land resulting from individual negotiations between First Nation and the Crown, surrender of title to traditional lands so the Crown could pursue settlement</li> <li>○ Represented through numbered treaties (Treaties 1-8, Treaty 10)</li> <li>○ Negotiated as a result of rising pressures to settle land and develop resources</li> <li>○ May or may not include reserve land</li> </ul>
<b>Traditional territory (off-reserve)</b>	<ul style="list-style-type: none"> <li>○ Land surrounding a First Nation community utilised for traditional and/or subsistence activities</li> </ul>

**Table 2:** Summary of Three Key Classifications of Land Relating to First Nations (Campbell, 1996).

Campbell (1996) predicted that a lack of participation and meaningful authority in what occurs both within and around treaty lands will be an increasingly significant challenge for Indigenous groups; almost twenty years later, this statement is still relevant. Even First Nations who have laid claim to treaty land have little-to-no input in decisions that occur in lands adjacent or near their traditional territories. This is of particular importance to consider in a province such as British Columbia, that did not sign historic treaties and have only a few modern treaties fully signed; as a result, British Columbian First Nations have less land-related options. The mostly ad-hoc land management arrangements vary greatly from region-to-region and from province-to-province. For the most part, decisions that have been made over the last 40-odd years have been reached either through lengthy modern treaty negotiations or through costly and discriminatory litigation often heard in front of the Supreme Court of Canada.

One particularly challenging aspect of mediating concerns regarding Indigenous planning and claims to traditional territory is the, often contradictory, jurisdictional frameworks that silo governmental responsibilities and initiatives. Traditionally, as has been the case since the creation of the British North America Act in 1867, Aboriginal issues have been considered under the jurisdiction of the federal government. The fiduciary responsibility constitutionally entrusted to the federal government has included lands reserved for “Indians”, the establishment and maintenance of residential schools, the negotiation of treaties and, as stipulated in the Constitution Act of 1982, the duty to consult Indigenous groups in times of development or land use changes (Canadian Charter of Rights and Freedoms, 1982). The Provinces, on the other hand, are responsible for natural resource management, and are the ultimate authority in matters of land use planning and municipal affairs. Typically, neither the federal nor the provincial government want to supersede their jurisdictional responsibilities, which increases the challenges faced when considering this interface (Campbell, 1996).

This jurisdictional-contradiction creates a “complex mosaic” of land titles, claims, and privileges across the country (Usher et al., 1992, pg. 109), despite the fact that federal control had the potential to mandate consistency across the country. A clear example of this can be illustrated by comparing Indigenous groups in Ontario and British Columbia: while Ontario has several historic treaties, British Columbia long-opted-out of participating in Indigenous engagement and only negotiated and signed its first treaty in 1998 (Olive & Carruthers, 2005; Usher et al, 1992). Uncertainties regarding jurisdiction and land title have exacerbated tensions between First Nations and government, especially when

considering proposed extractive activities or development. Several contributing factors have led to the creation of conflict zones throughout Canadian history; conflict zones that arguably are still being contested. Firstly, projects touted as “hinterland resource projects” are taking place in areas that people *do* indeed inhabit, and in areas that government and resource structures already exist. Tangible rights to traditional territories have both been historically poorly-defined by government and historically poorly-upheld by governments, due to the lack of legal and political clout to protect them (Campbell, 1996). Making the realistic “distinction between the ability to contribute to a knowledge community and the ability to impact decisions” is an important point of clarification, and is often an over-looked distinction when looking at potentially tokenistic land use arrangements (Robson et al., 2009, pg. 174).

Although tensions have always been palpable, in recent decades numerous factors have coalesced and have served to shift the conversation on Indigenous land rights. This section will explore utility of an expansion of the federal government’s “responsibility” to Canadian Aboriginal groups towards an inclusion of more provincial and regional initiatives. Given the nature of provincial jurisdictional powers and the concept of subsidiarity, expanding the role of the Provinces in participating in First Nation land and resource management is a logical progression. Bringing decision-making and negotiation down to the level that will be able to have the more direct and purposeful impact, and interaction, may be a logical next step in empowering Indigenous groups, drawing away from the strict reliance on federal comprehensive land claim negotiations and treaties. In terms of land management and Indigenous issues, both the federal and provincial governments have mostly pushed for centralised management schemes, which run in opposition to the resurgence of First Nation advocacy for decentralised approaches (O’Flaherty, Davidson-Hunt, & Manseau, 2008). Although I do not advocate for a system that fully sees the Federal government removed from the system, expanding the Province’s role could help to expand options for First Nations.

Additionally, this section will serve to demonstrate the diversity of land use planning arrangements that currently exists across the country, demonstrating the propensity for the adoption of nuanced frameworks that do not represent the conventional approach to Indigenous governance and land management. A question of central importance is to inquire if, rather than rely on the federal government to guide comprehensive land use planning, other jurisdictions are better equipped to negotiate and manage Indigenous land use concerns. Although some of these examples of alternative land use planning and management structures have exacerbated certain challenges, the cases offer

nuanced strategies for Indigenous groups to move forward in a positive way towards the reclamation of Indigenous planning practice. This discussion of case studies is presented in no particular order, and does not represent a hierarchy of best practices.

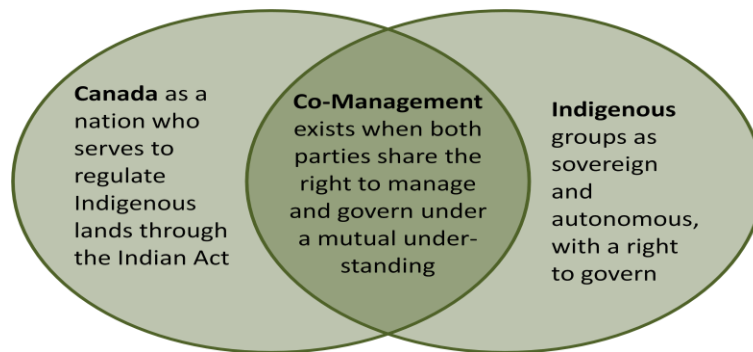
### **3.4.1 Co-Management: Case Study – Ruby Range Sheep Steering Committee**

Co-management is a relatively recent concept that emerged in the literature in the 1980s and pertained to informal management regimes developed for wildlife and fishery protection that typically emphasised the participation of local Indigenous groups. This is a term that embodies principles of inclusionary planning, that emphasises negotiation, dialogue, and equal partnerships in land and resource development and management (Campbell, 1996). Even though this concept has been recently introduced, and scholars often have trouble succinctly defining the concept, co-management practice in Canada has become a hopeful mechanism to help alleviate previously unaddressed issues pertaining to Indigenous land and resource rights and is seen as one of the only mechanisms to bridge the gap between industry, government and First Nations (Campbell, 1996; Smith, 2013). Its prominence is due to co-management's emphasis on "non-traditional" stakeholders, which expands control to interest groups who are not government bodies or industry leaders; these newly-included stakeholders are often Indigenous groups, NGOs, or even local community groups. In addition to including new interests, co-management is also proficient at including nuanced bodies of knowledge such as TEK alongside conventionally held definitions of scientific practice (Campbell, 1996). Robson et al. (2009) discusses co-management in a more practice-based light when they say that "clarification of Aboriginal rights, delegation and sharing of this power are the result of co-management agreements, court cases and, in areas where historical treaties were not signed, Comprehensive Land Claims Agreement" (pg. 174). As seen in Figure 1, Smith (2013) discusses the ability of co-management to represent a mutual understanding between two Nations, which symbolises the Canadian government's acceptance of Indigenous self-determination. When the state begins to formally validate Indigenous self-determination, a successful co-management regime can commence.

A prominent example of a co-management regime is the Ruby Range Sheep Steering Committee (RRSSC), founded in Burwash Landing, Yukon Territory, in order to develop a management strategy for a vulnerable and significant sheep population. The initiative was catalysed by a meeting held by the Kluane First Nation who was growing increasingly concerned over the decreasing Dall sheep population. The RRSSC was developed directly out of this gathering, with the intention of drawing together varied



interest groups and relevant stakeholders in order to make recommendations to the Yukon Ministry of Renewable Resources and the Yukon Fish and Wildlife Management Board. The RRSSC created an opportunity for government, First Nations, biologists, trappers, and environmentalists to come together and develop a holistic management plan for the Dall sheep. This arrangement has been praised for its ability to bridge the gaps between both prominent stakeholders and stakeholders long left out of the decision making process, greatly improving both management practices in the Yukon and the perception of local land use control of the Kluane First Nation (Nadasdy, 2003).



**Figure 1:** Co-management Bridging Two, Potentially Conflicting, Governance Trajectories (Smith, 2013).

Although Paul Nadasdy’s in-depth field study of the RRSSC revealed some shortcomings of the process, the concept of co-management has merits in its ability to create partnerships between resource users. At first glance, co-management arrangements appear to bolster Indigenous decision-making powers; however, co-managements can sometimes force Indigenous groups to adopt bureaucratic institutions that mirror those that they are working (Nadasdy, 2003). However, clarifying both definitions and priorities can help to alleviate feelings of distrust or animosity. Additionally, Robson et al. (2009) identifies that “in most Canadian examples...Indigenous groups need to be wary of the ways in which their knowledge is brought into the decision-making arena” (pg. 174). An example of this phenomenon was evident in the Yukon, as other participants were largely unaware of the perceived issues that Kluane Nation experienced due to their comfort with both terminology and procedural elements (Nadasdy, 2003). Some additional examples of co-management schemes that had relevant and lasting power resulted from both the signing of the Inuvialuit Final Agreement in the Western Arctic region in 1984 and the Nunavut Land Claim Agreement in 1993. The co-management schemes that were enabled through these land claims differ from the RRSSC due to the presence of legally-entrenched protection for Indigenous participants to be able to play an active role in all aspects of the management

plan, from development to implementation (Campbell, 1996). Although co-management has been heralded as a success, provisions must be made for Indigenous groups that pursue co-management as opposed to litigation or comprehensive land claims; strategies must offer things such as royalties and tangible partnership opportunities, as well as decision-making authority.

### **3.4.2 Community-Based Resource Management: Case Study - Ontario's Northern Boreal Initiative and Far North Act**

Community-based resource management (C-BRM) is categorised by a de-centralisation of authority and decision-making power and by the subsequent devolution of responsibilities pertaining to land and resource allocation decisions. C-BRM strongly emphasises both the inclusion of impacted individuals and capacity-building. C-BRM and/or planning differentiates from co-management in the sense that it is a practice that emphasises a more “bottom-up” approach as opposed to a shared arrangement; C-BRM has been used to manage wildlife, natural and marine resources, conservation efforts, tourism, and education (Lane & McDonald, 2005; Sebele, 2010). Additionally, it is built upon common property theory, which intends to prevent the adverse impacts that can result from open resource access and restricts use and benefit to the local community that works to manage it (Sebele, 2010). More importantly, C-BRM ensures that local employment can be maintained so that the local population can benefit economically and socially from the management regime (Swatuk, 2005). By shifting control to the population that is most closely-tied to the resource itself, a more flexible and adaptive approach to management is created. By comparison, top-down management regimes have generally been problematic due to their over-simplification of ecological systems and their reactive nature (Armitage, 2005).

The Ontario-based Northern Boreal Initiative (NBI) was founded in 2000, in direct response to numerous First Nations advocating for a nuanced structure that allowed them to participate in community-based forestry. The NBI sought to encourage a focus on “orderly development” within Ontario's north, through a focus on sensitive region protection and comprehensive land use planning (NBI, 2002, pg 1). Although the impetus for the Ontario Ministry of Natural Resources (MNR) was to handle matters that pertained to forestry, the NBI was expanded in intent to include a varied range of sustainable development initiatives within the far north of Ontario (NBI, 2002). Ultimately, the program sought to reconcile the visions that Ontario-based First Nations had with Province-wide mandates and objectives. Pikangikum First Nation was one of the groups that initiated the NBI and in 1996 the

Pikangikum First Nation had already begun to develop a Nation-driven forestry strategy through the creation of the Whitefeather Forest Initiative. In 2000, the MNR solidified a partnership with Pikangikum First Nation in developing an innovative tenure system that would allow for Indigenous use of the Whitefeather Forest. In order to implement the goals outlined through the NBI, the Ontario government set up a community-based land use planning regime, with the intention of enabling Indigenous tenure while maintaining the province's role in "ensuring local planning is consistent with priorities at broader eco-regional and provincial planning levels" (O'Flaherty et al, 2008, pg.7)

The Whitefeather Forest strategy has been justly named "Keeping the Land", in attempt to emphasise the importance the ancestral duty of retaining their land stewardship responsibilities (Pikangikum First Nation, 2006). Pikangikum First Nation, a remote community that resides north of Red Lake in north-western Ontario, derives a majority of their livelihood from the forests that surround their community, demonstrating the clear modern-day connection the Nation has with the surrounding forest. The Strategy stands as an agreement between the provincial MNR and the First Nation to collaborate towards the shared vision of ensuring forestry opportunities for current and future generations (Pikangikum First Nation, 2006).

The NBI has transitioned into the regime that currently governs Ontario's far north: the Far North Act (2010). The 2006 discovery of chromite deposits in the Ring of Fire has energized the push for development in Ontario's north, and interesting turn in the face of recent population trends that identify increasing urbanisation in the Province. Garner, McCarthy, & Whitelaw (2012) categorises the promotion of the community-based approach as the province's attempt to consolidate two simultaneous directives: "...(a) the current desire of local First Nations communities to preserve their traditional territories in a way that ensures that the land and resources will support future generations; and (b) a government initiative to address a number of planning and management issues, including orderly resource development, natural heritage protection, climate policy, and improved relations with First Nations" (pg. 5). This significant piece of legislation has four objectives: to elevate the Indigenous role in land use planning; to increase natural heritage protection; to preserve ecological services; and to ensure that development is conducted in a sustainable way (The Far North Act, 2010). The community-based aspect of the legislation allows participating First Nations to advocate for locally-determined significant economic, social, and cultural drivers (NBI, 2002; Gardner, McCarthy, & Whitelaw, 2012); these policy trajectories successfully signal to the general public that the Province is keen to develop in a

socially responsible way, with specific considerations given to the potential ramifications of development.

Although the NBI and community-based land use planning represent a significant embrace of collaborative management, these mechanisms are not without fault. Alfred & Corntassel (2005) indicate that the “colonial system is always a way of gaining control over another people for the sake of what the colonial powers have determined to be the ‘common good’” (pg. 601). This quote speaks to concerns over the hierarchy that is created through the Provincial legislation, as well as the way that resource extraction and development is often justified as something that will serve the majority of the population, despite the potential for localised impacts. In the face of almost complete opposition from Ontario-based First Nations, the Act was passed through the legislature. This staunch opposition was largely related to fears the Act would exacerbate social and environmental justice concerns, leading to “inadequate consultation; negative impacts from land use planning on treaty and indigenous rights; jurisdictional separation of First Nation traditional territories; inadequate resourcing; and limited power sharing” (McCarthy et al., 2012, pg. 306). These concerns are secondary only to the grave concerns that resulted from negative procedural actions. These include the cancellation of certain community-based meetings in the impacted Indigenous communities, as well as the tabling of the Bill without consultation of those directly impacted (Gardner, McCarthy, & Whitelaw, 2012). This is in direct contention with the United Nations Declaration of the Rights of Indigenous Peoples, which guarantees the right to “free, prior, and informed consent of the Indigenous peoples involved” before adopting and implementing legislation or administrative measures (United Nations, 2008, pg. 6). The overall lack of consultation during the development and passing of the Act will serve to encumber the future success of the framework due to the continuation of a top-down policy directive. The legislation does not transfer planning autonomy to Indigenous groups and offers a structure where both parties must sign, with the province being the ultimate authority. The economic directive of the Act is also troubling, as it is yet to be seen if local First Nations will be guaranteed adequate royalties from any resource development.

A key concern that has surfaced pertains to the tension that can exist between TEK and western-adopted science, despite the expectation that NBI-driven projects would effectively bridge both First Nation and Provincial concerns (NBI, 2002). For example, concerns surrounding caribou population monitoring have been a clear point of tension throughout the mediation of the agreements between the Ministry of Natural Resources and Pikangikum First Nation (O’Flaherty et al., 2008). Ignoring attempts at

resolving this disparity will prove difficult moving forward with community-based land use planning, considering the practice is intended to be rooted in provincial mandates. In recent years, numerous provincial governments and naturalist groups have advocated for increased habitat protection to avoid the woodland caribou sliding into further endangerment; however, in the case of Pikangikum, sometimes First Nations frame the root “problem” in unique ways. For example, Elder Solomon Turtle (from Pikangikum Nation) has questioned certain conservation initiatives, saying “(our Nation has) not led to (the caribou) decline so why should we be concerned about the decline? Something out there is causing their decline but I cannot relate to that” (O’Flaherty et al., 2008, pg. 11). Additionally, the Nation was reluctant to single out any region as particularly significant, as they view the forest as an evolving entity of equal significance. This is a common concern faced by Indigenous groups; many feel almost helpless in the face of conservation initiatives and environmental advocacy as many argue that Indigenous society has not been the case of environmental degradation. Indigenous groups may feel it challenging to partake in a solution, when they were not part of the problem in the first place (O’Flaherty et al., 2008).

The focus of the NBI and, consequently, of the Far North Act was the initiation of dialogue and the promise of partnership; however, the goal of tangible consensus building and Indigenous autonomy was deemphasised. Moving forward, this distinction may prove problematic because, for progress to be made, First Nations need to feel as if they have some level of authority and autonomy on the land base. The evident shortfalls of not pursuing government-to-government negotiations are of key concerns to both critics of the provincial legislative approach and relevant First Nations (Chetkiewicz & Lintner, 2014). Existing policy directions maintains the assumed hierarchy of provincial objectives governing lower-tiered decisions. The consideration of adopting a “broader, more holistic planning approaches that can address the unique requirements of the Far North, including considerations of the appropriate landscape and temporal scales required for planning” is lacking in current legislative frameworks (Chetkiewicz & Lintner, 2014, pg.3). The true outcomes of this Act have yet to fully unfold and, despite initial criticism, the intention of the Act does indicate a more thorough embrace of Indigenous ideals in land use planning, which at the very least signals an essential shift in policy focus (Fraser et al., 2015).

### **3.4.3 Comprehensive Land Use Planning: Case Study – Peel Watershed Land Use Plan**

In addition to co-management schemes, the Yukon Territory also features unique case studies relating to nuanced land use plan systems. In 1993, the Umbrella Final Agreement (UFA) was signed

between the Federal Crown, the Yukon Government, and the Council for Yukon Indians and exists as a document that, although not legally-enforceable, stands as a template for the fourteen Yukon-based First Nations to negotiate Final Agreements. These First Nation Final Agreements exist as constitutionally-recognised “modern-day” treaties and self-government mandates, representing “an exchange of undefined aboriginal rights for defined treaty rights” (Executive Council Office, Yukon Government, 2012). Prior to the signing of the UFA, the Yukon government ran on a mandate that was heavily rooted in colonial policies, and was overall reluctant to grant self-government and land rights to First Nations (Horne, 2010). Nadasdy (2003) believes that the UFA embodies the most positive step in supporting meaningful change pertaining to First Nation and government relations, and believes the “relationship will continue to change as self-government agreements are implemented through processes such as land use planning” (pg. 6). In the current context, land use planning and agreement facilitating is still in its relative infancy, and the process necessary to create and implement successful agreements is a considerable time and resource intensive process (Staples et al., 2013). This is partially due to the fact that, ultimately, land use decision making power is centralised and is not vested in regional planning commissions. Regional land use planning commissions (such as the Peel Watershed Planning Commission, to be discussed in this section) are simply temporary organisations with a mandate to put forward land use planning recommendations to the Land Use Planning Council who are ultimately responsible for the implementation of any land use plans.

As part of the UFA, the Yukon government and four First Nations had been working towards the creation of a land use and watershed plan that would work to govern land surrounding the Peel Watershed in north-east Yukon. The Peel Watershed Planning Commission was established in 2004 and reached their final conclusions in 2011, after lengthily and extensive consensus-based decision making discussions. However, the Yukon Government did not agree with many recommendations made in the conclusion of the Commission, and thought it required a “better balance of conservation and development” (Staples et al., 2013, pg. 7). This pushed the Yukon Government to undertake a subsequent series of public consultations that shifted many of the positive feeling that had previously been expressed by First Nations regarding the land use planning process. Ultimately, the Yukon government did not accept the recommended 2011 plan, choosing to release their own in 2012. This caused Na-Cho Nyak Dun Nation, Tr’ondek Hwech’in Nation, the Yukon Conservation Society, and the Canadian Parks and Wilderness Society – with legendary Canadian lawyer and Indigenous rights activist

Thomas Berger – to file a lawsuit to reinstate the original plan that was created through the Commission. In November 2014, Justice Ron Veale of the Yukon Supreme Court ruled that the government’s decision was not in line with the UFA and showed outright disrespect for the land use planning process that was initiated through the Commission. To add insult to injury, Veale also reprimanded the territorial government for “pursuing a ‘flawed process’ for two years” in order to establish an alternative plan (Morin, 2014). This cautionary case study implies the importance in scrutinise these types of plans and process, because they are typically precedent setting; there is an underlying importance of getting it right first in order to protect the integrity of future land use plan making processes. The level of support that has been voiced in the aftermath of the government’s decision breaths optimism into the situation, and indicates that the outcome was the result of a misguided government decision and that the general population supports the First Nations. This groundbreaking process should be heralded as a success in its own regard for its unique ability to build capacity within the participating Nations and provide on-going support for their land base values.

#### **3.4.4 Distinction between Regional and High-Level Processes**

The three examples discussed above demonstrate that even innovative planning mechanisms run the risk of falling short of their intended mandate or significance due to the external contexts that they are embedded within. Part of this is a result of what Wood & Rossiter (2011) describe as the “post-colonial sinkhole” (pg. 409): this “sinkhole” is the jurisdictional division of responsibilities that municipalities, provinces, and the federal government hold. Since the federal Crown is the only body that can *legally* recognise Indigenous title, the provinces are often put in a challenging position when they want to forge through with unique land use mechanisms. This has resulted in the general absence of topics relating to land use authority and rights within municipal and provincial planning policy, and planning literature as a whole (Dorries, 2012). The “rigid separation of municipal, provincial, and federal policy spheres of governments (stems from the) same jurisdictional logic that allows Indigenous politics to be separated from the sphere of land use planning” (Dorries, 2012, pg. 72). This reality has contributed to the general failure of British Columbia to come to resolutions around land use ownership and occupation. Supreme Court decisions continue to affirm the federal Crown’s responsibility –partially due to their reluctance to meaningfully engage with Indigenous communities in recent years (Wood & Rossiter, 2011). British Columbia’s historical reluctance to engage with the Nations to create treaties has exacerbated this problem.

The consensus regarding Indigenous communities being a “federal concern” has rendered them “invisible in their own land, under jurisdiction of a provincial policy framework that hasn’t accounted for or understood Aboriginal and treaty rights” (Borrows, 1997a, pg. 420). Despite restrictions and limitations, provincial policies have been evolving to better represent First Nations residing in their jurisdiction (McLeod, 2014). A significant component of this change is the shift towards “new” inter-governmental partnerships; these can be described as partnerships between actors such as territorial governments, provincial governments, and Indigenous communities (Nelles and Alcantara, 2011). Although it is advocated that this is a field which requires more research, the inter-governmental partnership approach does exhibit promise in terms of increasing collaborative efforts and meaningful partnerships.

### **3.5 First Nations in British Columbia**

First Nations resided in British Columbia long prior to European arrival in 1770s. First Nations resided on the land, living in communities with shared culture and relied on intricate social relations to survive on the often harsh land (Silver, Meletis, & Vadi, 2012). Although there were instances of strong working relationships between colonisers and Nations after initial contact, these meaningful ties slowly eroded over time. Communities were impacted by forced relocation, the criminalisation of hereditary government structures and cultural events such as the potlatch, and forced enrolment of residential schools (Harris, 1997; Tennant, 1990) – the aftermath of these cultural destructive events still have extremely negative ramifications for First Nations. Aside from the Douglas Treaties (signed between 1850 and 1854 on the southern portion of Vancouver Island), no land was ceded within the Province of British Columbia; therefore, much of the current province is owned and governed by non-Indigenous groups. The colonial perspective viewed the land as “under-utilised”, a viewpoint that served to “buttress a misinformed understanding of the lands...this dispossession has fostered the cultural and socio-economic marginalisation experienced by many generations of Aboriginal persons in the province” (Silver, Meletis, & Vadi, 2012, pg. 295-296).

6% of British Columbians are Indigenous, and they are represented by 198 individual First Nations across the Province (AAND, 2010; Gunton, Williams & Day, 2003). The modern diversity of Indigenous groups in British Columbia is unmatched in the country: the 198 First Nations represent one-third of Canadian Nations and represent seven of the eleven Canadian-Indigenous language families.



British Columbia serves as an ideal and interesting case study to explore issues related to Indigenous engagement and participation in land use planning; much of this has to do with the history of both land use planning and how Indigenous groups have been engaged in the past. The Province's general history of resource conflict has coupled with strong Indigenous cohesion and feelings of distinct nation-hood (Morton et al., 2012). These coalescing factors are exacerbated by the relationship of reluctance that the Province of British Columbia has historically adopted when it comes to signing treaties or engaging groups in land use planning (Gunton, Williams & Day, 2003; Thielmann & Tolleson, 2009; Wilson, 1998). Although the initial settling of British Columbia represented a lack of accommodation and acknowledgement of First Nation rights, there has been an evolution of actions that have been taken on the treaty-less land base (Silver, Meletis, & Vadi, 2012). British Columbia has made significant strides in instituting a collaborative planning model for the Province, yet their inability to uniformly represent Indigenous groups has been problematic in the recent past (Morton et al., 2012). Supreme Court cases have served as the guiding light in terms of demonstrating how the government should be responding to Indigenous rights and land use responsibilities (Christie, 2006; Harris, 2007; Silver, Meletis, & Vadi, 2012). The remainder of this subsection is devoted to drawing in some examples of Provincial policy and land use decisions that help to colour the modern Indigenous experience in British Columbia.

### **3.5.1 Implications of Supreme Court Decisions**

The consideration of a few key and often-referenced Supreme Court of Canada decisions is a necessary component to discuss in order to understand the British Columbian Indigenous experience. In Canada, Supreme Court rulings have typically assisted the progress of Indigenous communities, although the Courts have rarely provided precise and clear direction (Hedican, 2013). The first case that directly handled Indigenous land rights concerns was the 1888 *St. Catherine's Milling and Lumber v. R.*, which determined title could be given by the Crown in good faith, but was not an "inherent" right (Hedican, 2013, pg. 70). The next case pertaining to Indigenous rights did not come before the courts until almost 100 years later and, thankfully, this case represented a much more progressive step-forward for Canadian First Nations. For decades leading up to the 1973 *Calder* decision, First Nations were pushing back against the chosen policy-regime of the British Columbian government. Bands had gained precious little from the aforementioned "liquidation-conversion project", due to unsettled treaty lands and conflicting jurisdictional-authority (Thielmann & Tolleson, 2009, pg. 79). This reality was one of the key impetuses of the *Calder* decision before the Supreme Court of Canada in 1973. The *Nishga Tribal*

Council, Gitlakdamix Indian Band, Canyon City Indian Band, Greenville Indian Band, and Kincolith Indian Band declared against the Government of British Columbia that they held title to their traditional territories, as rights had never been extinguished nor land ceded to the Crown. Although the appellants lost at trial and the Court of Appeal, the highest Court of Canada formally recognised the Indigenous claims to the territories under dispute (Anderson, Dana, & Dana, 2006). This formal recognition applied to both traditionally-occupied lands and the resources found within these lands. The Court specifically outlined that to extinguish land rights, all parties must be fully aware that the lands in question are being surrendered. The Calder decision was groundbreaking for Indigenous Nations in the sense that it opened up the possibility of going directly through the Courts in an attempt to establish and gain title to their lands, essentially bypassing the “conventional” practice of leveraging the *Indian Act* and engaging the Federal Crown. At the time, the British Columbian Provincial Crown was not actively pursuing land claim negotiations, leaving First Nations to seek alternatives. The case served as the first to recognise that an Aboriginal claim to land existed prior to colonisation, despite the fact that the Provincial Crown insisted that title had been confiscated (Boyd & Williams-Davidson, 2000).

The Calder case was a landmark in its own right; however, it was the inclusion of the “duty to consult” stipulation through the 1982 Constitution Act that worked to provide slightly more guidance and structure to relations. This being said, although the Act states that Indigenous title cannot be extinguished, rights are not absolute; as such, Indigenous rights can be infringed upon as long as the infringement is justified under the “test” established through this Court decision (McNeil, 2004; Natcher, 2001). The Sparrow case was instigated by an Indigenous appellant who was charged under the Fisheries Act as a result of fishing with a net permitted by his Band licence, but not by the federal legislation (Supreme Court of Canada, 1990). The appellant claimed protection under Section 35 of the Constitution Act, 1982. This decision was unprecedented in its address of rights that extend beyond claim to territory: a right to hunt and gather food, “[taking] precedence over all other user rights, be it industrial, commercial, or recreational in nature” (Natcher, 2001, pg. 114). Future considerations that regard the right to traditional activity are now considered under what is known as the “Sparrow Test”.

For Indigenous title to be legally infringed upon, the two components of the Sparrow Test must be proven: a) the federal Crown must demonstrate infringement is in accordance with acceptable legislative-derived objectives; and 2) the federal Crown must demonstrate they have upheld their fiduciary responsibility to the involved Indigenous group (McNeil, 2004). In the event that a piece of

legislation is found to be in contention with the two aforementioned stipulations, then it will be legally disqualified from becoming statute, as Indigenous rights are constitutionally enshrined (Gardner, McCarthy & Whitelaw, 2012).

Although the *Calder v. British Columbia* case was a landmark case for its unprecedented discussion of Indigenous title, it was the *Delgamuukw v. British Columbia* case that first established a “test” for re-instating Indigenous land title (*Delgamuukw v. British Columbia*, 1997). The “test” that was determined through the Courts was that the First Nation in question needs to be able to prove, in some regard, that their people occupied the contested territory prior to 1846, the year that the British asserted sovereignty in what is now known as British Columbia (*Delgamuukw v. British Columbia*, 1997). This case was heard before the Supreme Court of Canada in 1997, and signified not only the affirmation of hunting and trapping rights but went further to establish land jurisdiction for the appellant Nations and reaffirmed the duty to consult principle. The Nations took the claim to the courts directly instead of navigating the available option of undertaking a federal land claim for two reasons: it was recognised that the federal process would be a slow and arduous, and the British Columbian government would not engage in the process. Since the Province held title to the Crown land under contestation, they acted to block this action for the Nations (BC Treaty Commission, 1999). Interestingly, the timing of this case coincided with the establishment of CORE and the LRMP framework, symbolising the volatility that was present across the Province in terms of forest politics and Indigenous land claims. After the judge’s deliberations, neither title nor a land claim was established. However, despite the fact that the 1997 decision was not entirely favourable to the participating Nations, this Supreme Court case represented unprecedented progression in the clarification and establishment of Indigenous land rights (BC Treaty Commission, 1999; *Delgamuukw v. British Columbia*, 1997; Dacks, 2002; McNeil, 2000). Even though a trial judge first dismissed several accounts of evidence that was steeped in Indigenous tradition (such as dance performances centred on the relationship to the land and oral story telling), the *Delgamuukw* decision offers lessons for the inclusion of traditional knowledge in land assertion. For the first time, the highest court in Canada established a definition of Indigenous title to land; until this juncture, “rights” has only been established as they relate to traditional Indigenous *actions* (such as hunting and trapping) on Crown land but had not gone so far as to direct *ownership* of the land (BC Treaty Commission, 1999; McNeil, 2000). This relatively simple distinction symbolises endless land-based opportunities for

Indigenous groups seeking claim and represents a significant progression in the Courts assessment of current Indigenous rights, while providing direction on how decisions will be made into the future.

The June 2014 *Tsilhqot'in v. British Columbia and Canada* decision is already being considered a landmark decision that will be of extreme relevance to consider moving forward with First Nations land rights. For the first time, the historical decision saw the Courts declare Aboriginal title to lands outside of a Nation's reserve land. The decision was heralded by First Nations for its decision to reject the "postage stamp" perception of Indigenous title, expanding title to cover large and desirable sites (*Tsilhqot'in Nation, 2014*). The decision additionally expands the autonomy of the Nation's utilisation of the land base, and excludes the area from the Forest Act – meaning that the Provincial Crown no longer has authority to allow forest companies to harvest the land. Further, the decision served to clarify the test that Nations can use to determine if they have a "right" to make claim in the eyes of the Crown (*Hutchinson, 2014*). Given the recent rendering of this decision, the full implications on future opportunities is still unclear. However, it is predicted that this decision will have unique ramifications within jurisdictions largely unresolved through historic or modern treaties (such as most of British Columbia, the Maritime Provinces, and Quebec) (*McCue, 2014*). It is anticipated that this decision will certainly change the conversation around expanding resource development initiatives within the Province of British Columbia, as the decision may elevate Indigenous authority in the face of controversial resource development projects (*Hutchinson, 2014*).

### **3.5.2 British Columbia Treaty Process and the BC Treaty Commission (1992- Onwards)**

British Columbia began to formally engage in treaty negotiation processes in 1992, after a lengthy period of historical in-action; aside from the Douglas treaties and the negotiation of Treaty 8 by several First Nations residing in northern British Columbia, no other treaties were signed, negotiations were sparse, and numerous forceful re-locations occurred to make room for Europeans settling in the newly minted Province (*Bartlett, 1991*). These re-locations and establishments of reserves prevented First Nations from carrying on their way of life, and often their land allotments were insufficient in their ability to ensure that hunting and trapping could continue (*Ministry of Native Affairs, 1989*). The Treaty process in British Columbia is unique and is differentiated by treaty processes in other Provinces in several ways. The reluctance on the part of the Province to engage First Nations residing in their traditional territories has deterred the establishment of both a meaningful cross-jurisdictional relationship as well as clear Indigenous land rights. Despite landmark Supreme Court decisions

throughout the 20<sup>th</sup> century, it was not until the establishment of the British Columbia Treaty Commission Act in 1996 that treaty signing was considered under provincial policy directives. The Act established statute that entrusted the powers to negotiate treaties within the Province of British Columbia to the Treaty Commission, a commission that is responsible for negotiating between the Federal and Provincial crown and one or more First Nations. Specific mandates include: assessing stakeholder readiness of commencing negotiations; allocating funds to allow First Nations to participate in necessary processes; ensure negotiations are timely; inform public on the happenings of the Commission and report on progress; and ensure dispute resolution mechanisms. Table 3 summarises the six stages involved in the BC Treaty process, and also provides the number of First Nations currently involved in each stage of the treaty process. Wilson (1998) predicted that “in decades ahead, native land claim settlements may significantly alter this most fundamental of ‘colonial vestiges’” (pg. xviii).

Stage	# of FN	Description
<b>1: Statement of Intent to Negotiate</b>		A statement that identifies a unique First Nation, and their intention to pursue a treaty claim. The statement will ideally outline the proposed traditional territory, as well as potential areas of over-lap with neighbouring First Nations.
<b>2: Readiness to Negotiate</b>	6	Within 45 of the statement of intent submission, the Commission must convene meeting between the First Nation, the Provincial Crown, and the Federal Crown. Information is discussed, and criteria are established to determine the First Nation’s “readiness” for negotiation. The Crown devises a plan to consult with third parties. When everything is established, the Commission can declare the Table prepared to commence.
<b>3: Negotiation of a Framework Agreement</b>	2	Represents “the table of contents of a comprehensive treaty”; the Table puts forward negotiation points; crown engages public/impacted stakeholders.
<b>4: Negotiation of An Agreement in Principle</b>	44	Stage 4 is where the majority of the negotiation occurs: examination/discussion of the framework agreement occurs in attempt to reach agreement. Discussions will include: existing/future land allocation, resources, gov’t structures, regulatory processes necessary, dispute resolution, financial structures, etc. An implementation is also part of stage 4.
<b>5: Negotiation to Finalise a Treaty</b>	4	Stage 5 formalises the discussions that transpired during negotiations, and attempts to resolve legal issues. Upon conclusion of stage 5, the treaty is signed and becomes a constitutional instrument.
<b>6: Implementation</b>	8	Stage 6 varies greatly from treaty to treaty; dependant on Table relations

**Table 3:** Summary of Treaty Commission Stages (British Columbia Treaty Commission, 2009a; British Columbia Treaty Commission, 2009b).

However, a recent Provincial decision in March 2015 has thrown the BC Treaty Commission into another round of uncertainty. Politian George Abbott was set to take his post as Chair of the Commission when, abruptly, word came down from the Premier’s office that the appointment would

not be made due to a “principled policy decision” regarding cited failures over the tri-party system as it currently exists (Hunter, 2015). The Globe and Mail reported that \$627 million has been spent on a process that has only resulted in the signing of four treaties; however, according to the BC Treaty Commission web page, eight treaties have been fully negotiated. Additionally, the \$627 million price tag is a bit of a misnomer: for every \$100 spent on treaty negotiations, \$80 is actually represented by a loan to be paid back by the participating Nation. Semantics aside, this unexpected turn of events has called into question the future of the BC Treaty Commission and has catalysed many uncertainties regarding how the process will be structured moving forward. The most paramount concern is in regards to the numerous treaties that are currently under negotiation, many of which are in the fifth or sixth stage. Although the Province has coloured the troubles with the BC Treaty Commission in a certain light, as there always is, there is two sides to this conflict. Out-going Chair of the Commission, Sophie Pierre, has expressed her dissatisfaction with the Province’s attitude towards negotiating treaties; even Abbott himself worries that his strong anti-Indian Act stance and desire to reach consensus may have led to the Province pulling-back to reassess the Commission (Hunter, 2015). The unfortunate reality is that, since most BC First Nations are without historically treaties, and 70% of BC First Nations are attempting to negotiate a treaty through the use of the BC Treaty Process, the process of negotiating modern treaties/comprehensive land claims is a considerably complex and labour-intensive task (AAND, 2010).

### **3.5.3 First Nation Involvement in the CORE and LRMP Processes (1991- Onwards)**

The late 1980s and into the 1990s was a dynamic time for land relations, Indigenous rights, and seeking nuanced consultation methods for British Columbia considering the almost simultaneous creation of CORE and the BC Treaty Commission. However, when CORE was first established, the process did a poor job at adequately engaging Indigenous groups; this reality carried on when the process shifted to the LRMP. Most First Nations desired to funnel their limited financial resources into the newly-established treaty process as opposed to engaging in the LRMP. However, beyond financial concerns, there were two clear reasons that contributed to First Nations choosing to opt-out of the LRMP process (especially at the beginning).

The first key reason many First Nations did not want to participate in the LRMP process was the fact that, initially, First Nations were included and engaged as “just another stakeholder” amongst numerous other interest groups such as resource extractors, tourism industries, etc. This characterisation is a narrow representation of Indigenous rights and authority, as First Nations desire

government status in order to negotiate with the Crown in a more legitimate and legally-enforceable way (Frame, Gunton, & Day, 2004; Gunton, Williams & Day, 2003, Karjala & Dewhurst, 2003; Morton, Gunton & Day, 2012). In addition, other stakeholder groups represent a collection of people who are relatively transient, and are often not directly or personally impacted by land use decisions; this is in opposition to First Nation's tie to the land and their reliance on traditional territory validation. Concerns regarding potentially prejudicing future treaty negotiations were also noted amongst First Nations, stemming from potentially having to submit traditional territory to provincial authority through the process (Karjala & Dewhurst, 2003).

The second key point of conflict between the LRMP process and First Nations was the assumption that First Nation and environmentalist concerns were synonymous. This disempowering assumption was made because, at a cursory level, these two groups typically did find themselves as allies. However, this assumption discredits the autonomy of Indigenous groups who may want the choice to develop or utilise the land in a way that they see as responsible or valuable. Willems-Braun (1996) speaks well when he says that "by equating 'wilderness' with the absence of modern culture, and by representing First Nations only through the lens of the 'traditional', the British Columbia environmental movement risks a subtle imperialism that denies First Nations their voice as *modern cultures*" (pg. 30, emphasis original). Although the environmental movement has often found common ground with First Nations, to discredit the complexities that both groups exhibit is a disservice. Although "the nature [of the relationship] has varied both across time and situations", First Nations and environmentalists do commonly agree on their opposition to the traditional "business as usual" development trajectory (Wilson, 1998, pg. 56-57). For example, Marchak (1995) predicted that Indigenous groups will totally transform the way the forestry industry works in the 21<sup>st</sup> century due to nuanced forest tenure structures and increased self-sufficiency amongst First Nations.

### **3.5.4 The New Relationship Trust**

The New Relationship Trust is a non-profit government-funded organisation that currently exists to guide First Nations in building constructive relationships with government and industry in order to strengthen individual First Nations and to build capacity. The Trust was formed around the tenets of the "New Relationship" guiding direction that was produced out of a collaboration of the First Nations Summit, the BC Assembly of First Nations, the Union of BC Indian Chiefs, and the Government of British Columbia. In 2006, the British Columbia government drafted a new policy document that is intended to

publicise goals, and guide strategic land use planning in the Province as it relates to First Nations. The document took a reflective look at land use planning in BC, and introduced some important changes that the Province wants to embody in the future. The document centres on some key questions that are intended to be addressed through the “New Direction”:

1. “Do we need to update and monitor completed plans?”
2. Do we expedite decision making processes of the remaining in-complete LRMP?
3. Do we honour existing legislations while addressing new planning pressures?
4. Should we continue developing new strategic plans?
5. What framework should we utilised in pursuing strategic land use plans with First Nations?
6. How do we allocate resources effectively?” (Government of British Columbia, 2006).

It was in this New Relationship guiding document that the concept of a “new government-to-government relationship” could, and should, be forged in order to recognise and accommodate Aboriginal rights and title. The role of the Trust is to work directly with First Nations, provide and divide funding streams, and disseminate information on best practices in developing an improved relationship between the Province and First Nations (New Relationship Trust, 2015). Annual reports liken the 2006 establishment of the Trust as entering into a new relationship that is guiding by foundational principles such as increasing capacity within first Nations, guaranteeing funding streams, and ensuring that communities have fair and equitable access to services (New Relationship Trust, 2015). The Trust has been positioned as tangible proof of the significant shift that has been made within the Provincial government in terms of acknowledging First Nations rights. On the other hand, it remains to be seen the full success of this New Relationship, especially considering political events such as the failure to pass the BC Recognition and Reconciliation Act in 2009 –in fact, the BC government has long exhibited an ebb and flow of interest in moving forward with meaningful relations with Indigenous communities (Wood & Rossiter, 2011). As discussed previously, these mechanisms are embedded in a complex system, making it challenging to isolate the impact of individual programs.



## **Chapter 4**

### **Research Design and Methodology**

This research uses a case study to explore the success of the Sea to Sky LRMP process. The following chapter will introduce the methodology and will provide a documentation of the methods utilised in the study.

#### **4.1 Introduction to Theoretical Framework and Research Direction**

##### **4.1.1 Theoretical Groundings**

Given the inherently public nature of land use planning, the necessity of meaningful participation has garnered serious attention over the past few decades. The evolution of participatory planning for the general public has been clearly noted; however, the processes entrusted to mediate Indigenous concerns have been less dynamic and less effective. Nuanced frameworks are essential to further adopt and validate Indigenous rights, and practices within the modern CC-LUP landscape can work to serve Indigenous groups better. Land use planning policy can be an integral aspect of encouraging, maintaining, and restoring “Indigenoussness” in situ; my research will attempt to illuminate how current CC-LUP serve Indigenous groups and will provide recommendations to enhance these models moving into the future.

A lack of land sovereignty has been a hindrance of autonomy for Indigenous communities; similarly, a lack of involvement in research has perpetuated the alienation of communities (Smith, 2002). Historically, Eurocentric research has emphasised university-produced, production-driven research, which often demonstrates impatience when faced with limited access to Indigenous communities or cultural differences (Battiste, 2001). Smith (2002) advocates strongly against the tradition of doing research “on” Indigenous communities, as this research trajectory mirrors the historical policy and research traditions that have negatively served individual bands across Canada. The researcher’s role should not be to speak *for* Indigenous groups; rather the researcher should serve as a vessel of communication to bridge different communities. By increasingly applying a decolonised lens on research, we can understand the often problematic underpinnings of modern CC-LUP arrangements and if these practices perpetuate “asymmetrical power relations” (Howitt & Stevens, 2005, pg. 32).

Furthermore, inclusionary research theory strives to provide working tools to further include and support historically marginalised populations.

#### **4.1.2 Evaluation Objectives**

This research can be generally described as an exploratory examination of the LRMP process in British Columbia and, more specifically, the process's ability to effectively engage relevant Indigenous groups in land use planning endeavours. My exploration is grounded by thoughts of relevant issues and questions pertaining to Indigenous participation, rather than a hard-and-fast predictive hypothesis. I have selected a single case study approach in order to glean specific conclusions on the situation; Patton (1988) supports this approach in saying that case study research is "particularly useful where one needs to understand some particular problem or situation in great depth...a great deal can be learned about how to improve a program by studying select dropouts, failures, or successes" (pg. 19). My evaluation will adopt a pure qualitative approach, through the reliance of interviews to document the emergence of data and patterns in relation to Indigenous participation in land use planning.

Chess and Purcell (1999) differentiate between participation evaluations that focus on a plan's procedural strengths and weaknesses, and evaluations that seek to document the success of a plan's outcome. One of the major deficiencies when evaluating participation in terms of plan outcomes is the focus on plan results in concluding if participation was successful; stakeholder groups that hold stratified values will ultimately define "success" in equally different ways and may not realise adequate representation within the final plan (Chess and Purcell, 1999). Additionally plan "success" may have been caused by concurrent events, therefore having little to do with the actual public participation process (Chess and Purcell, 1999). By simply focusing on evaluating plan outcome, these nuances are often lost. To avoid this, the focus of my evaluation will be bringing together three evaluation typologies discussed by Patton (1988): process evaluation, evaluating individualised outcomes, and responsive evaluation. Process evaluations are imperative when looking at participation in a process, as it assesses how the plan development was perceived and how it was able to accommodate public opinions. Both evaluating individualised outcomes and response evaluations are geared towards assessing the stratified impacts that policy processes can have on different stakeholder groups. Evaluating individualised outcomes can determine unique impacts of policies and is useful in tracing how impacts manifest between groups. Additionally, responsive evaluations emphasise personalised perspectives through learning about procedural concerns through stakeholder engagement.

Patton (1988) affirms that the “art of evaluation involves creating a design and gathering info that is appropriate for...(a) particular policy context...(and) permits evaluator to study selected issues, cases, or events in depth and detail” (pg. 9). Additionally, Patton (1988) discusses essential components of qualitative evaluation research that I have incorporated in the process of my evaluation:

- a) Adopting a “holistic approach”, which is considered to be a “description and understanding of a program’s social and political context” (pg. 17). The provision of background information on the development of the LRMP processes represents this holistic trajectory.
- b) Detailed summary of the program and its major processes
- c) Description of different participants and kind of participation
- d) Summary of how program was impacted participants
- e) A documentation of observed outcomes and impacts
- f) Analysis of program strengths and weaknesses based on data collection (ie. interviews)

Within the field of land use planning, plans are seldom judged based on “best practice” standards, a reality that Berke & Godschalk (2009) find somewhat surprising. This has resulting in an “evaluation-gap” in terms of overall plan quality, and in terms of how land use plans impact varied stakeholders. According to Alexander’s (2009) categorisation of plan evaluation typologies, my evaluation of the Sea-to-Sky LRMP represents a positive contingent evaluation. This type of evaluation process is characterised by drawing on the relevant, field-specific, definitions in order to be directly applicable to a specific case study scenario (Alexander, 2009). Positive contingent evaluations avoid generalisations and seek relevance in a practical context. My intention is to focus on evaluating the participatory intention and process of the Sea-to-Sky LRMP, as well as the satisfaction levels experienced by First Nations who engaged in the Provincially-developed land use plan. Therefore, the scope of this evaluation will not focus on the tangible outcome of the Sea-to-Sky LRMP, although elements pertaining to plan implementation will be discussed within the results section. Given the relatively recent release of the Sea-to-Sky LRMP, an evaluation of the specific outcome, and implementation, of the plan could be considered for future research.

Evaluations of the LRMP process, including the Sea-to-Sky plan, have been previously conducted and served as a jumping-off point for thinking about how to conduct my investigation of the LRMP process. For more than twenty years, researchers in the in the School of Environment and Resource

Management department at Simon Fraser University have been undertaking a multi-phase project that seeks to document results from all plans created under both the CORE and LRMP mandate. What follows provides a summary of the sizeable project undertaken by Simon Fraser University, concluding with how my evaluation differs to fill a niche un-served by previous evaluations.

1. The first part of the project took place in the early 1990s, and consisted of an investigation of the theoretical approaches that could be used to examine the structure of land management policy in British Columbia. This phase took place when CORE was being developed, and stands both as a literature review and theoretical groundings for further research.
2. The second phase of the plan consisted of moving forward from this theoretical research in order to evaluate the four new plans created through the CORE process.
3. The third phase of the plan consisted of an extensive evaluation process, documented by Frame (2002) in his PhD dissertation. This study looked at all of the LRMPs at a macro-level, evaluating all 17 individual plans simultaneously; this represented all of the LRMP plans that had been created up until 2002. This study developed a survey and consisted of 14 questions regarding procedural outcomes, and 11 questions regarding the process itself. Surveys were sent out stakeholder representatives (including forestry, tourism, industry, agriculture, First Nations, etc), and governmental negotiators; response rates were varied from evaluation to evaluation. Frame (2002) concluded that, overall, the LRMP process achieves consensus but identified areas where additional research is required; the need to evaluate more plans as they are completed, and the need to set more objective evaluation metrics based around participatory concerns were both identified. Although this study concludes that the LRMP system effectively reaches consensus amongst stakeholders, Booth & Halseth (2011) demonstrate that many plans did so by making numerous concessions and compromises. Through disaggregating the opinions and experiences of both stakeholder groups and plan processes, a deeper understanding of the stratified consequences of this land use plan process can be better understood, and evaluated with more rigour.
4. Stemming from the work of Frame (2002), and also concerns regarding the breadth of the previous series of evaluations, the fourth stage of the project consisted of evaluating the five plans that were created after 2002. It was decided that each plan would be evaluated and presented individually, in order to provide an opportunity to undertake more individualised

analysis and to complete the database to account for all CORE plans and LRMPs. The subsequent evaluations generally utilised the same methodological framework that Frame (2002) established, with slight augmentations to reflect for evolutions in the process.

By looking at the Simon Fraser evaluations, I was able to understand what type of information has been collected and, subsequently, understand what type of information may be of benefit to collect. Each of the evaluations conducted by the Simon Fraser research team looked at all *stakeholders* together in one study; by choosing to just focus on the First Nation participants, my research provides a more focused approach that will generate more targeted recommendations. Past evaluations have not adequately explored the direct impact of LRMPs on Indigenous groups, or the rationale behind participation. An additional concern exists with the evaluation's categorisation of First Nations as a "stakeholder"; as previously discussed, British Columbia First Nations were initially opposed to the LRMP process due to their categorisation of a stakeholder. By targeting my interview process towards talking to both First Nations and government employees responsible for the plan development and implementation, my research seeks to frame the process within the context of government-to-government negotiations. By utilising interviews, as opposed to a survey, the intention is to increase meaningful dialogue, provide opportunities for open discussion on the process, and allow for a heightened conversation regarding the nuances of CC-LUP processes in British Columbia.

Although LRMP processes were not developed with the intent of directly serving Indigenous communities, the LRMP model stands as an integral case study to evaluate within the context of Indigenous planning. British Columbia is home to 33% of Canadian First Nations, and 198 individual bands who represent 60% of the Indigenous language families found in Canada (AAND, 2010). Therefore, successful land use planning models should be developed with the intent of explicitly serving First Nations in a meaningful way in order to mediate against land use concerns.

## **4.2 Summary of Inquiry**

### **4.2.1 Research Questions and Objectives**

My overall research objective is to contribute to an increased understanding of Indigenous participation of the Indigenous experience within comprehensive land use planning mechanisms, and these processes role in validating land right assertion. In order to explore my research questions and objectives, I choose to research a single case study; focusing on one case study allows for a detailed

evaluation that can help to generate analysis regarding specific success and failures of CC-LUP, facilitating an understanding of CC-LUP processes more broadly (Frame, 2002). Based on research objectives and questions first introduced in section 1.2.2., Table 4 provides a summary of each of my research objectives, the associated research question, and the relevant thesis chapter and method that will be used to answer the research question.

<b>Objective</b>	<b>Research Question</b>	<b>Thesis Section and/or Method</b>
<b>Develop an understanding of how Canadian planning practice has evolved and how it differs from Indigenous planning tradition</b>	How does Canadian planning tradition differ from Indigenous planning tradition?  How have these two competing models developed?	Literature review (Chapter 2)
<b>Explore and understand the concept of Indigenous planning practice and develop an appropriate framework that would adequately represent Indigenous values and thought</b>	What kind of planning model would meet the needs of Indigenous groups?  How have provincial or regional land use interventions (as opposed to simply relying on Federal structures) benefited Indigenous groups?	Literature review (Chapter 3)  Semi-structured interviews
<b>Document the Indigenous experience and satisfaction levels within Canadian CC-LUP processes and inquire about what the determinants of these experiences have included.</b>	What have been the experiences of Indigenous groups participating in Canadian CC-LUP processes and what have been the determinants of these experiences? How have they been impacted by their participation?	Semi-structured-interviews  Discussion of results (Chapter 7)
<b>Determine what leads First Nations to participate in a provincially-mandated land use planning process and how they compare to the treaty process.</b>	What are the determinants that lead to First Nations participating in land use planning? What are the prospects of “alternatives” to treaties?	Discussion of results (Chapter 7)  Analysis of interviews
<b>Draw conclusions on how Indigenous groups currently experience CC-LUP processes and what recommendations can be made to improve their experiences in the future.</b>	What can be gleaned from these experiences and what are recommendations for future CC-LUP processes?	Recommendations (chapter 7)  Literature review; interviews

**Table 4:** Summary of Inquiry

## **4.3 Data Collection: Interviews**

### **4.3.1 Qualitative Case Study Approach**

This qualitative research project adopts single case study approach, which is a common method to adopt when undertaking qualitative research. A case study approach is appropriate when the researcher wants to explore a phenomenon or describe a unique situation in situ (Baxter & Jack, 2008). The relatively flexible nature of the case study approach allows the researcher to work towards the development of theory and remain focused on one unique situation. It is an ideal approach when the researcher wants to understand potentially divergent opinions or perspectives on the same situation through the comparison of different social groups (Baxter & Jack, 2008). Baxter & Jack (2008) and Flyvbjerg (2006) both discuss that the case study approach allows for the contextual conditions of a scenario to be emphasised within the research, adopting a more narrative approach to research in order to illuminate the case study. Case study research can embody a variety of different individual approaches. Yin (2003) differentiates the exploratory case study approach is a way for the researcher to explore an intervention or process without a preconceived notion of what the outcomes may be. This allows for the researcher to explore a case by allowing the data to speak for itself in a way. It has been argued that social science research can benefit from an increase of individual case study research in order to understand complex social phenomena and situations, and that this research trajectory may prove to be more generalisable than first imagined (Flyvbjerg, 2006). The generalisability of a case can be increased by selecting “extreme deviant” cases that have exhibited unique features or represent an extreme –an extreme case study can be represented by a particularly good or bad case, or a recent case study that has taken place in a progressive policy regime (Flyvbjerg, 2006).

### **4.3.2 Ethical Considerations and Research Limitations**

Navigating the ethical requirements and ramifications for research with historically marginalised groups is a considerable task. Being considered an “outsider” is an overarching challenge that inherently exists by doing research with or about Indigenous communities. Historically, this has been attributed to research scepticism and past negative experiences that were either harmful or served to perpetuate marginalisation within the community (Castleden and Garvin, 2008). Therefore, it is often the case that individual communities are unwilling to indulge the interests of researchers, therefore restricting research in certain disciplines and geographical regions. These barriers have been partially-alleviated

through the developing field of community-based participatory research (C-BPM), which seeks to actively engage community members in the research process from development in order to simultaneously increase the likelihood of successful research and satisfied communities (Allen, Culhane-Pera, Call, & Thiede; 2011; Castleden and Garvin, 2008;). Although this methodology is advantageous, especially when pursuing research related to Indigenous planning, personal financial and time constraints made it unrealistic within the parameters of this Master's thesis. By eliminating this avenue of research, my case study selection was biased to reflect communities more willing to partner with researchers and extraction companies, or towards communities who have a history of research within their territory. Coincidentally, the most recently approved LRMP was approved for the region just north of The Lower Mainland of British Columbia, a densely populated and well-connected area. This selection of this case study was logical as it is both topical and is a region where First Nations are commonly forced to negotiate with non-Indigenous groups and stakeholders due to their proximity to the dense Lower Mainland region.

In terms of my chosen case study, I was thankfully able to access several Indigenous participants who contributed meaningfully to my research. From the onset of my research, I invested time to building the relationships that I could – this being said, both the physical and cultural distance proved problematic. However, my patience in building a working relationship with a consultant with experience in the region proved invaluable in getting my research off the ground. However, there are several challenges with my research trajectory.

Firstly, by only getting access to Indigenous participants who were directly involved in the LRMP process, the research lacks the perspectives of the community at large and individuals who may have been impacted by the LRMP process or implementation. Through relying on one or two individual's perspective, the research runs the risk of portraying the Indigenous community as unified under one experience or perspective. This is a common assumption often made about Indigenous communities, which is a vast over-simplification of the dynamics that exist within communities. Additionally, I was concerned about the occurrence of a potential participation bias from the Nations that participated. It could be assumed that they Nations who participated demonstrated an over-all willingness to engage with non-Indigenous groups in other contexts. This may mean that harder to reach communities are increasingly marginalised due to the exclusion of their views. I would suggest an increase in participatory



measures, such as involvement in research design, to mitigate this impact. However, such techniques are unrealistic within the confines of a Master's thesis.

If I were to repeat this research study, I would do several things differently. Ideally, I would expand my field work and work towards accessing more community individuals. I would also involve the First Nation participants in the research design, such as the development of the interview guide used both within the community and with the Provincial participants. Lastly, I would expand my focus beyond the Nations who chose to participate in the LRMP in order to interview those Nations who decided not to engage within the LRMP. The inclusion of these viewpoints would allow the research to better represent the varying reasons to participate and to not participate in land use planning mechanisms. Although I recognise the deficiencies of my research design, being mindful of the dynamics is a recognised step in successful Indigenous research (Smith, 2002).

#### **4.3.3 Sampling and Recruitment**

The sampling regime I employed in this study represents a mix of purposive sampling and snow-ball sampling. I first utilised purposive sampling in order to directly recruit individuals based on their knowledge of the LRMP process. Purposive sampling is useful in recruiting individuals based on specific characteristics and are often considered to be closely tied to the research topic (Bradshaw & Stratford, 2008). Provincial participants were identified through screening LRMP documents and other publically accessible documents to see which types of departments and organisations participated in the LRMP process. After compiling an initial list of potential participants, I proceeded to contact individuals via their publically available professional e-mail accounts. Although I initially did not intend to rely on snow-ball sampling, this sampling method ended up being quite helpful with recruitment: the participants I initially contacted were often eager to pass me forward to other colleagues who participated in the process. During the interview-wrap up, I would informally inquire to the provincial participant if they had any suggestions for further contact. Through snow-ball sampling, I was able to access participants who no longer worked for the government or no longer worked in the department they were in at the time of the LRMP creation. Despite the fact that the S2S-LRMP was finalised in 2008, most participants were still working with the Provincial government, which increased the success of recruitment.

In order to gain multiple perspectives on the LRMP process, I sought interviewees that would serve to illustrate the divergent opinions that often characterise public land use planning processes. The process of qualitative policy evaluation emphasises the importance of studying the different opinions

and impacts experienced by diverse participants (Patton, 1988). However, based on my theoretical and literature groundings, the key participants in my research are the members of Indigenous communities that agreed to participate. Although the provincial practitioners provided invaluable perspectives into land use planning processes, the Indigenous perspective is of key significance. Before I went about recruiting the First Nation participants, I identified which Bands I needed to include. I sought the engagement and involvement of the three Bands who engaged in government-to-government negotiations with the Provincial government in order to create full land use plan: In-SHUCK-ch Nation, Lil'wat Nation, and Squamish Nation. To access the participating communities, I first contacted a consultant who have a history working with or for the relevant Indigenous groups. The intention of this action was to leverage the relationship that the consultant had cultivated with the relevant groups and to help build a bridge to the Nations. The consultant was able to connect me with the best-suited individuals to assist me in my research request; their assistance was invaluable in my research.

Table 5 provides a summary of the breakdown of my participants. Interviewees were separated into one of two main categories: Indigenous participants and Provincial participants. To ensure anonymity, each participant was assigned a code in lieu of their name (ex. Provincial Participant 1 or First NationA-1); each participating First Nation was assigned a letter to denote their Nation, and each participant was given a number. The intention with my recruitment was to access as many relevant voices as possible. The relatively small nature of the case study in question and the length of time that has passed since the signing of the S2S-LRMP, my sample size was someone restricted. However, as Patton (1998) stated “*there are no rules for sampling size in qualitative inquiry. Sample size depends on what you want to know, the purpose of the inquiry...what will be useful...Insights generated from qualitative inquiry have more to do with information richness and the observational/analytical capacities of the researcher than with sample size*” (pg. 184-185, emphasis original). My utilisation of snow-ball sampling to identify individuals that would be in a position to participate gave me confidence that I was able to access as many participants as possible that were supporting the LRMP process.

<b>Participant</b>	<b>Number of Participants</b>	<b>Identifier</b>
<b>Provincial Employee</b>	8	Provincial Participants: PP1-8
<b>First Nation 1</b>	2	FN1-1, FN12-2
<b>First Nation 2</b>	1	FN2-1

**Table 5:** Summary of Participants

### 4.3.3 Interviews

The bulk of my data came from interviews with key-informants in order to glean insights into the success of the participatory planning process. In multifaceted situations, especially those influenced by multi-cultural forces, conducting semi-structured interviews are usually required to attempt to understand the full range of perspectives and positions that result from a topic (Bradshaw & Stratford, 2008). Seeking the insight of key-informants through the interview process is a common method employed in qualitative research, and is a method well-suited to obtaining information that relates to personal experiences or for understanding for different stakeholders experience situations (Dunn, 2008; Yin, 2003). I sought the perspectives of both the First Nations who opted to participate in the Sea to Sky LRMP process, as well as the provincial employees that work/worked to create, negotiate, or implement the process. By getting both perspectives on the process, I was able to compare discussions of the LRMP in order to reach conclusions on where perceptions differed or were similar, and how participants frame issues differently. I also expected the information gleaned through the interview process would be useful in drawing conclusions on improving CC-LUP into the future in other jurisdictions.

Due to the location of my case study, the majority of my interviews were conducted over the telephone. I was able to conduct several of my interviews in person; my in-person data collection experience was also useful in networking and recruiting several more participants. With the permission of interviewees, I made use of voice recording software so that I could focus on the interview itself and not on note-taking during the conversations I had with participants. My interviews averaged in length from about half an hour to one-and-a-half hours.

Attached in Appendices 1 and 2 are my general interview guide for both Provincial participants and Indigenous participants, respectively. Both interview guides focused around the Indigenous experience in engaging through the LRMP process. The guide intended for the Provincial participants focused on choices around methods of engagement, the government-to-government process, the benefit to CC-LUP processes, etc. The guide intended for Indigenous participants focused on their experience with the LRMP process, the effectiveness of the government-to-government negotiations, rationale for engaging in the LRMP process, continuing land use uncertainties, etc. These templates acted as a general guide in structuring my interviews; however questions were often dropped or added depending on the area of expertise the interviewee possessed, or in response to natural conversations that resulted through the interview process. I always attempted to adapt the guide slightly prior to the

interview in order to reflect the individual's area of expertise, or the specific area of the LRMP process they were involved in.

#### **4.4 Analysis**

Upon completion of the interview process, each audio file was stored as an MP3 on my external hard drive. I personally undertook the process of transcribing the interviews verbatim, after all of the interviews were completed. When the transcription process was complete, I commenced the analysis process through coding in order to identify common threads running throughout my data. The coding process can be summarised by the process of beginning to make sense of our data, organising it in a way that is both interpretable and in a way that we can derive benefit from (Cope, 2008). Coding can also be understood as the reduction of data; qualitative research can often result in large quantities of relatively unorganised information and coding assists the researcher in sorting through data to ascertain what data will be useful and how to present this data in an impactful way (Cope, 2008). As is common with qualitative research, I will be utilising latent coding analysis in order to investigate underlying meaning from my interviews to craft a narrative in which my data will be presented within. Latent analysis focused on the contextualisation of concepts that emerge through data, and differs from manifest focusing in the sense that it doesn't focus on the quantification of key words or terms (Silverman & Patterson, 2015). I elected to code all data manually, rather than rely on costly coding software. Given the relatively small number of interviews I conducted, and the fact that manual coding results in the researcher being better acquainted with the data and is conducive to latent analysis, manual coding was the logical choice for this research endeavour.

Hsieh & Shannon (2005) discuss three types of analysis utilised to derive meaning from data: conventional content analysis, when existing literature on the topic is somewhat limited; directed content analysis, when the researcher's intention is to explore or confirm a specific theory; and a summative content analysis, when the researcher wants to ascertain the meaning of language used in the data. I am making use of the conventional content analysis approach, as my topic is relatively understudied in the literature. This method also allows the researcher to develop themes and categorises from the data itself, and not from preconceived notations, categories, or themes. Stemming from this approach, I utilised the constant comparative method in order to code my data, an approach typically utilised in the analysis of written qualitative data (Silverman & Patterson, 2015). This process

commenced with the aggregation of all the interview transcriptions into one document, separating Provincial and Indigenous participants. I first read over the entire document in order to elevate familiarity with my data, recording preliminary ideas of the important themes and concepts within my data while I read. These brainstormed terms served as the origins of my codes and are presented in Appendix 3. In order to get an understanding of the types of codes I should be pulling out of my data, I followed the model set out by Strauss & Corbin (1990), who discuss four themes that are helpful to consider when analysing qualitative information: conditions (context, external drivers); interactions (relationships, encounters, conflicts); strategies and tactics (how subjects relate to broader phenomenon, how actions are justified); and consequences.

Silverman & Patterson (2015) make use of the table shown in Table 6 to work to coding qualitative data derived from interviews or field observations. The open coding process consists of reading through all of the transcriptions and assigning discrete codes to sections of text, generating general ideas and themes throughout. The open coding process is followed by the second round of coding, which involves the development of focused codes. Focused codes are used to amalgamate related open codes under broader categories. Although there is no single way to present qualitative data, presentation generally focuses around the discussion of themes as the unit of analysis (Yin, 2003); the constant comparative method organises data into clear categories, compartmentalising it in a way that enables analysis. Focused codes typically become the basis for developing and discussing the theories that are derived from the research. Throughout this process, I based the development of the codes off of the initial list included in Appendix 3; this initial list, brainstormed through initial readings of interview transcriptions, represented a mix of both open and focused codes.

Open Codes	Interview Excerpt	Focused Codes

**Table 6:** Template of the Table Utilised to Code Data (based on Silverman & Patterson, 2015).

## Chapter 5

### Overview of the Sea to Sky Land and Resource Management Plan

This chapter will provide some relevant background context for the Sea to Sky Land and Resource Management Plan (S2S-LRMP) process to provide the reader with an understanding of the geographical context of the region and a history of the procession of the process.

#### 5.1 Introduction of Sea-to-Sky LRMP

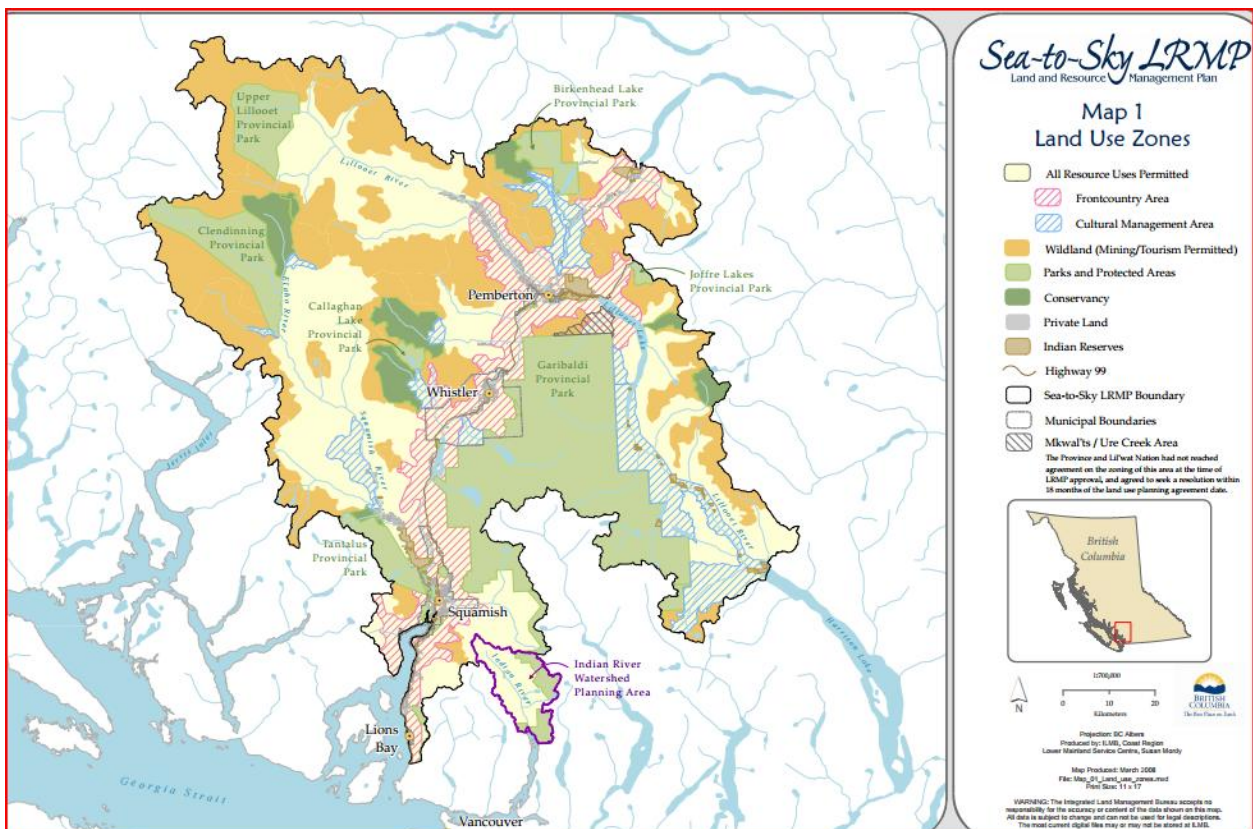
This section will provide some context to the Sea-to-Sky region, will introduce the Sea-to-Sky LRMP process and provide an overview of Indigenous participation.

##### 5.1.1 Characteristics of the Region

The S2S-LRMP is a sub-regional plan that spans 1,091,000 hectares, three medium-sized municipalities, seven First Nations, several Provincial Parks, numerous river systems and four watersheds. As seen in Figure 2, the region is north of the Greater Vancouver Area and is east of the Sunshine Coast. This area is often referred to as the “Corridor” or as the “Sea-to-Sky Corridor”, due to the Sea-to-Sky highway running through the spine of the area, linking the three major municipalities (Squamish, Whistler, and Pemberton) and several smaller communities near Vancouver. Seven First Nations hold traditional territory within the S2S-LRMP district: In-SHUCK-ch Nation, Lil’wat Nation, Musqueam Nation, Statímc Nation (includes N’Quatqua), Squamish Nation, Sto:lo Nation, and Tseil-Waututh Nation. The level of involvement and participation that these Nations had within the Plan will be discussed later in this section. Three of the seven bands formally participated through government-to-government negotiations and the development of land use plans, and one participated through a watershed plan.

This region is considered to be significantly sensitive and complex; a lot of cultural, economic and population pressures exist within this area. Concerns regarding population expansion radiating out of the Greater Vancouver Area to the south has been of key interest; much focus has been put on maintaining the integrity of the communities and ecosystems to the north. In 2006, the Plan area’s population was 34,000 – the region’s population is projected to increase by 2% a year to 52,000 by 2030. The Plan area is increasingly becoming famous for its diverse tourism and outdoor offerings, exemplifying the shift towards the service industry and away from production and extraction. Although the forestry-related industries were once both a prominent employer and economic driver, the industry

has only contributed around 10% of community income in recent years (Ministry of Lands, 2008). The municipality of Squamish, along with some nearby rural parcels of the Plan, are the only areas that still gain significance benefit from forestry. Interestingly, The S2S-LRMP is the only Plan where a significant amount of economic security comes from tourism and recreation-based industries; in fact, in 2008, 12% of the entire Province’s tourism-related income was generated within the boundaries of the S2S-LRMP (Ministry of Lands, 2008). It is anticipated that tourism will only expand in the coming years and decades, given the attention the region received due to the 2010 Vancouver Winter Olympics and Squamish’s placement on the New York Time’s list of 52 Places To Go in 2015 (New York Times, 2015). The region is simultaneously categorised by both its unique tourism and natural preservation opportunities, and intense residential development pressures and resource-extraction industries. It can be a considerable challenge to mediate these paradoxical expectations, driving the need for establishing a cohesive, functional and realistic land use planning direction.



**Figure Two:** Map of Sea to Sky Region, Including Land Use Designations (Government of British Columbia, 2008).

In addition to the human settlements, the area that supports the S2S-LRMP region also includes varied and breathtaking natural features – features which have catalysed a range of protective and conservation measures in the area. The area represents perfectly the highs-and-lows of British Columbia geography: steep mountains have prominence on the landscape alongside glaciers (such as the Pemberton Icefield), valleys and expansive watersheds (Indian River watershed, The Gates River System, The Squamish River System, and the Lillooet River System) (S2S-LRMP, 2008). From a forestry perspective, this region is of particulate interest; due to the geographic features of the region, the range of forestry is quite diverse. Along the Howe Sound coast, Coastal Western Hemlock are common but, as you travel the Sea-to-Sky highway up to the Lillooet River Watershed to the north, drier forests filled with Douglas fir can be found. The varied forest and ecosystem characteristics serve to host a variety of wildlife of provincial, and national, significance; these species include: grizzly bears, moose, bald eagles, and spotted owl.

The Sea to Sky area is a unique and sensitive region, with one adjacent LRMP. The Lillooet LRMP covers the plan area that buttresses the Sea to Sky plan to the north-east. The Chilliwack LRMP (intended for the Lower Main Land area) and the Sunshine Coast LRMP (intended for the land to the west of the Sea to Sky) were both proposed but were cancelled. In the case of the Sunshine Coast LRMP, it was speculated that the Provincial government backed away from the plan so as not to limit potentially-untapped geothermal energy opportunities within the area (MacLennan, 2009). This has led to a lot of unease within local communities, who thought that they would have an LRMP process to voice their concerns directly. Neighbouring Howe Sound (a region just south of the District of Squamish) was not included in the Sea to Sky LRMP, a decision that has been a sore spot for residents for years. The Future of Howe Sound Society was founded in 2011 by concerned residents, and their goal is to work towards the creation of a comprehensive management plan for the region to maintain the integrity of the region. Additionally, the Chilliwack LRMP also never came to fruition, and the area is currently protected under a watershed plan.

Although this research does not focus on the role of the municipalities in the plan area specifically, it is interesting to note the levels of engagement each town has demonstrated. In terms of municipal planning, both Whistler and Pemberton have official community plans – however, neither of them make any specific mention of the residing Indigenous populations and how the plan seeks to accommodate them (Resort Municipality of Whistler, 2007; Village of Pemberton, 2012). The Squamish



official community plan does make specific reference to the residing First Nations, and discusses several policy directives that indicate that the municipality is actively working to consider Indigenous communities a partner in city-building (District of Squamish, 2009).

### **5.1.2 Sea-to-Sky Process**

With these ecosystem characteristics and intense development pressures in mind, what was then known as the Ministry of Agriculture and Lands<sup>1</sup> commenced the LRMP process for the area alongside a multi-stakeholder and sectoral system in 2000. The S2S-LRMP was a “process undertaken to provide greater certainty for local economic development and the long-term sustainability of ecological values. The plan was developed with the aim of balancing the economic, environmental and social interests within the planning area in consideration of the wider regional and provincial setting” (S2S-LRMP, 2008, pg. 1). The S2S-LRMP was approved by Cabinet and published in 2008, after a seven year period of negotiation; two implementation reports have been released in 2009 and 2010, respectively (Ministry of Lands, 2009; Ministry of Lands, 2010). First and foremost, it is important to understand the role of the S2S-LRMP and to clarify the types of objectives that this type of process seeks to fulfil. The LRMP process is not legislation and does not serve as such; much like an official (community) plan, the LRMP guiding document serves as a “shared vision” of participants and impacted stakeholders. It provides an overall management direction for the region and allows for priorities to be set, to direct land-based decision making for the region (S2S-LRMP Group Site, 2008). Additionally, Plan recommendations are relevant to provincially-owned-and-administered lands/resources. Conversely, the Plan has no jurisdiction over private or federal lands, or on First Nation reserves or lands within municipal boundaries. The objectives of the S2S-LRMP can be summarised as: a) providing certainty for land and resource management, and conflict resolution mechanisms, and b) to ensure balance through the maintenance of areas of ecological and cultural significance and encouraging local economic development (S2S-LRMP Group Site, 2008). The Plan also serves as a platform for enabling operational plans, such as Forest Stewardship Plans or commercial/strategic plans.

The creation of the Plan spanned seven years and consisted of numerous consultation and negotiation actions. The initiation of the process commenced with open houses in March 2001, the first

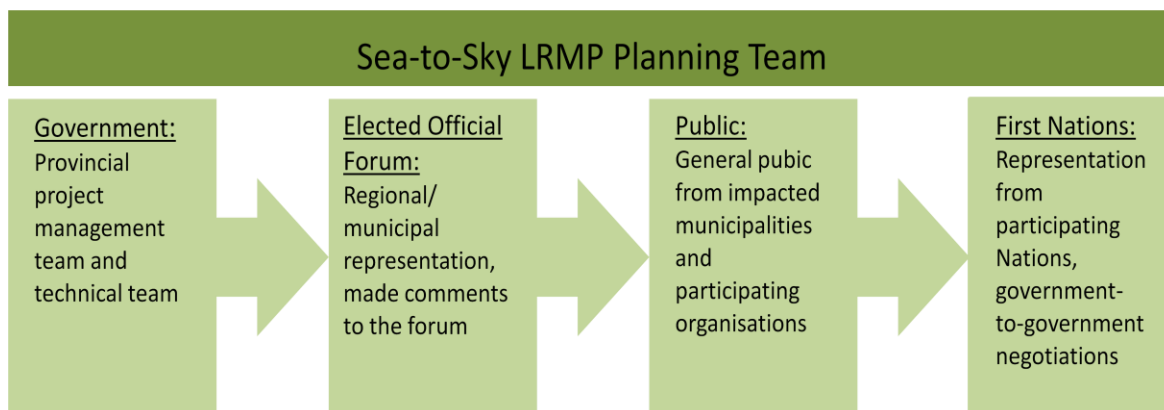
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<sup>1</sup> In a 2010 cabinet shuffle, the British Columbia government changed their department structure. They amalgamated their natural resource departments to create The Ministry of Forests, Lands, and Natural Operations, and the Ministry of Agriculture.

in a series of several; Table 7 outlines the open house opportunities that were made available to residents of several of the relevant communities throughout the process. The March 2001 open houses served to inform residents about the LRMP and instigate public consultation. In September of the following year, the Planning Forum was established to drive the Plan making process and engage the public adequately (LRMP Group Site, 2008). The Forum, summarised in Figure 3 was made up of numerous relevant sectors in order to represent the diversity that exists in the Sea-to-Sky region.

Year	Open House Summary
2001	(Pemberton, Whistler, Squamish, North Vancouver): 240 participants/70 organisations; LRMP process information session that allowed for public comments and the review of technical materials Key issues: forestry, tourism, First Nation support, and community infrastructure
2002	(Pemberton, Whistler, Squamish): planning team presented LRMP participatory model and preliminary findings, and sought out interested organisations
2007	Presentation of First Nation G2G discussions, land use designations, and identified cultural sites
2008	(Pemberton, Squamish, North Vancouver): viewing of Plan, Q+A on next steps

**Table 7:** Summary of Open House Opportunities (LRMP Group Site, n.d.)



**Figure 3:** Summary of S2S-LRMP Planning Team (based on LRMP Group Site, 2008)

In the first phase of the Plan process, the Forum worked to develop recommendations for the LRMP. In the 2002 open houses, preliminary Plan visions were presented for comment. By October 2004, all the recorded and produced recommendations were consolidated and were passed along to Provincial authorities. The Consultation Draft was released in April 2006 and was based on consolidated materials presented, researched and negotiated to that point. During the second phase, First Nations groups were formally engaged through government-to-government using the Consultation Draft as a jumping-off point to develop a draft plan constructed through First Nation consultation. As Table 7 demonstrates, more open houses were conducted in 2007 and 2008 to present the Plan and to check in with public opinion and determine if priorities have evolved. Each of the four Nations who opted to

participate in the S2S-LRMP process (In-SHUCK-ch, Lil'wat, Squamish and Tsleil-Waututh) signed land use agreements between 2007 and 2008.

### **5.1.3 Summary of First Nation Participation**

It is of vital importance to note that dynamic political and social constructs that influenced both the level of Indigenous participation and how the process has been able to engage and reflect Indigenous perspectives. Although they were invited to participate in the open house proceedings, First Nations were not formally engaged as Nations or governments until the second phase of the Plan process. In fact, First Nations groups left the Planning table in protest of the structure of the government consultation process; the fact that the government initially considered First Nations just another stakeholder resulted in a series of failed engagements. Although First Nations were able to comment on the Draft Plan and engage on a government-to-government level with the planning team, they did not participate in the setting of objectives or the prioritisation of initiatives. The second phase was crafted to reflect the *New Relationship* policy direction through actualising the vision of engaging Indigenous groups on a government-to-government level. In this phase, the S2S Plan process intended to account for the First Nation-developed land use plans of the participating Nations and to weave these plans together with the Consultation Draft that was developed by the Planning forum.

Of the seven First Nations that reside within the S2S-LRMP and call the Plan area their traditional homeland, four Nations decided to engage in the process; Squamish Nation, Lil'wat Nation, and In-SHUCK-ch Nation participated by signing land use agreements through government-to-government negotiations with the Government of British Columbia, while the Tsleil-Waututh opted to develop a watershed plan for the Indian River Watershed. For the purposes of my research, I am only focusing on the three Nations that fully participated in the LRMP.

### **5.1.4 Sea to Sky LRMP Outcome**

On April 1<sup>st</sup> 2008, the final Sea-to-Sky Land and Resource Management Plan was released. Two management directives are facilitated through the S2S-LRMP: general management directions and land use zones. Table 8 summaries the items included in each of these categories.

General Management Directions	Land Use Zones
<ul style="list-style-type: none"> <li>• Applies to broad land values in the Plan area: applies to land/resources and related activities</li> <li>• Includes consideration of existing legislation/policies, guidelines, and First Nation land use agreements/land use plans</li> <li>• Provides for 10 categories (which includes 17 provisions, intending to represent the regional characteristics and resident values: access; cultural heritage values; forests health; recreation; riparian and aquatic habitats; water; wildlife management; wildlife and biodiversity; wildlife (bald eagle, deer, moose, mountain goat, grizzly bear, marbled murrelet, spotted owl); and visual quality</li> </ul>	<ul style="list-style-type: none"> <li>• Pertain to area-specific land use direction, these areas include:</li> <li>• A) <u>All Resource Uses Permitted Zones</u> (47%): land use subject to existing legislation and land use agreements. Sub-areas include: Front country areas, or “gateway” regions, include transportation corridors and include many public/commercial recreational uses; and Cultural Management Areas that contain First Nation cultural protection provisions, meaning development must be consistent with First Nations land use agreements</li> <li>• B) <u>Wildland (Mining/Tourism Permitted) Zones</u> (27%): areas of identified First Nations or wildlife habitat significance that are open for some tourism and subsurface resource development (excludes commercial timber harvesting and power projects) and can be directed by individual Wildland or Cultural Zone management plans; one of four categories - cultural (First Nation cultural); recreation (public/non-commercial); tourism (adventure); and wildlife</li> <li>• C) <u>Protected Areas</u> (26%): <ul style="list-style-type: none"> <li>I. Existing parks (22%) were not discussed as part of the planning process</li> <li>II. Conservancies (8 areas - 4%): commercial logging/mining, hydro development, new roads not allowed; G2G agreements with FN to construct interim and long-term management direction and acceptable activities (on-going)</li> </ul> </li> </ul>

**Table 8:** Summary of S2S-LRMP Management Directives (Ministry of Lands, 2008; S2S-LRMP Group Site, 2008).

The Conservancy designation outlined in the Protected Area category of the LRMP was still under discussion when the Plan was approved in 2008. Both the naming process and discussions of activity permission in territories that fall in over-lapping territory shared by both Squamish Nation and Lil’wat Nation are considered on-going (Ministry of Lands, 2008). Table 9 summarises the eight conservancies; Upper Soo<sup>1</sup>, Upper Elaho<sup>2</sup>, and Callaghan<sup>3</sup> were temporarily named during the negotiation process. The Plan stated that these names may be altered based on the results of negotiations between First Nations and the Province.

<b>Name of Conservancy</b>	<b>Area in Hectares</b>
<b>Callaghan</b>	8,223
<b>Estétiwilh / Sigurd Creek</b>	1,082
<b>I7loqaw7 / 100 Lakes</b>	1,028
<b>K'zuzált / Twin Two</b>	2,127
<b>Qwalímak / Upper Birkenhead</b>	4,806
<b>Upper Elaho</b>	10,128
<b>Upper Rogers Kólii7</b>	3,898
<b>Upper Soo</b>	9,993
<b><u>Total</u></b>	<b><u>44,887</u></b>

**Table 9:** New Conservancies Negotiated Through the LRMP Process (Ministry of Lands, 2008).

## **5.2 Distinctive Characteristics of the Sea-to-Sky Process**

There are several distinctive characteristics that set the S2S-LRMP apart from all the other processes that were developed before. Firstly, the S2S-LRMP had unique external pressures put on it by the incoming 2010 Olympic Games held in Vancouver, as well as numerous surrounding locations such as Whistler. Although the amount of tourism that already took place in the S2S region already presented unique challenges, the promise of the World coming to BC heightened concerns over existing land uncertainties, and prompted the desire to ensure that resolutions were reached prior to the Olympics. Most of the concerns stemmed from the lack of resolutions for neighbouring First Nations. The second key difference relates to how First nations were engaged in the LRMP process. The S2S-LRMP had the significant benefit of being able to learn from the shortcomings of previous LRMPs. By utilising a government-to-government negotiation structure, as opposed to considering First Nations as a stakeholder, the Government was able to get more First Nations on-side. However, the S2S-LRMP was the only process where the First Nations were only consulted during the second-tier, after the first-tier stakeholder table had already taken place. The last unique characteristic that the S2S-LRMP had was the level of restrictions on the creation of new protected regions. British Columbia has an existing policy that states that 12% of its land base must be maintained as protected area; in the S2S-LRMP plan 22% of the land base was already designated as protected area. This resulted in the planning forum deciding to eliminate discussions of new protected areas due to the fact that the LRMP already exceeded the Provincial mandate. However, seeing as First Nations had no input into the designations of these

regions, during the second-tier negotiations they rightfully protested this. By the time the final plan was drafted, the S2S-LRMP boosted a 26% protected area designation due to cultural site designations negotiated through government-to-government discussions.

## Chapter 6

### Research Findings

This chapter will present the findings of my research study into First Nation involvement in the Sea to Sky LRMP process. This chapter will discuss the findings of my research thematically, and in a format that attempts to create a chronological narrative of Indigenous involvement in the Sea to Sky LRMP process. Emphasis expressed through interviews will be indicated by the use of italics; no emphasis has been added or inferred by the researcher.

#### 6.1 Origins and Foundation of the LRMP Process

The Sea to Sky LRMP was the most recent LRMP plan completed by the British Columbian government. Although it was completed during an epoch in which the Provincial government was winding down their focus on comprehensive land use planning processes, there were several unique pressures that existed in the Sea to Sky district that provided impetus for the LRMP process. These include the region's unique geographical context, the 2010 Vancouver Olympics, and the need to plan for protected areas.

##### 6.1.1 Geographical Context

The Sea to Sky planning area is in close proximity to densely-populated Vancouver, and “partly by its geography being so near to *everyone*, the use is so intensely focused all along the corridor, there was a real need to determine land use certainty for forestry, independent power, etc” (PP6). The Sea to Sky forest district's proximity to such a major urban centre presented unique challenges for the government, and was a key concern that prompted the necessity of the land use plan (PP1). Restrictions on the land base spurred on the need to re-evaluate how land use planning is done for the region and was also an impetus to “go forward with having deep meaningful conversations with First Nations” (PP1). As the First Nations in the region are, relative to other regions in the Province, higher-population Nations with a strong claim to land, “for us to carry on business on the land base, a plan like this, in an area like this, was probably a good idea in that now we have areas that are conserved, we have areas that we know are front country that are open to all uses” (PP1).

### 6.1.2 The 2010 Vancouver Olympics

Although the geographical context was mentioned by two participants, the more commonly cited impetus for the S2S-LRMP was the 2010 Vancouver Olympics. The S2S district hosted numerous Olympic venues (mostly located in Whistler), which necessitated a united front on land use planning. The impact of the notion that the “world is coming” was evidently a large motivator for the British Columbian government to channel funding and planning initiatives into the S2S-LRMP area. As will be illuminated in this sub-section, there are two key parallel motivators for having the LRMP in place in anticipation of the Vancouver Olympics: the desire to get First Nations on-side with Olympic-related development, and the necessity to incorporate tenets of sustainable development into the Olympic experience.

There was a clear desire to ensure that First Nations were involved to some extent in the decisions that were made during the lead-up to the Vancouver Olympics, and there was some concern around potential conflict over certain development projects. This was articulated by PP8, who said

“Developments such as the Sea to Sky highway and expansion of venues in Whistler were considered contentious issues for neighbouring First Nations. “There was a highway development: the First Nations hadn’t come to an agreement around that. There was a series of land negotiations and, (there was a) massive package that was highly coordinated to try and build partnerships on economics, in culture, there was re-naming signs up the corridor –it was a massive program. There were an enormous number of other government-to-government things going on that were very productive, groundbreaking, but you know we joked that Gibby Jacobs, who is of Squamish Nation, and whoever the Chief of the day was at Lil’wat had the Premier on speed dial because the Olympics were coming. This is all in the build up to 2010, and you know there was a government strategy, they wanted First Nations on as Four Host First Nations; they wanted partners in the Olympic movement.”

It was noted by several participants that the Olympics injected a spike in funding within the S2S region, funding that enabled the land use planning process to move forward. PP8 stated that “there is a policy dynamic behind the Sea to Sky that has to be transparent to everybody...this is all in the build up to 2010...there was a highway development –a billion dollar highway being built to Whistler.” This sentiment was echoed by PP1 who bluntly said “what also prompted the plan was the 2010 Olympics; after the bid was announced in 2003-04, that really spurred a lot of issues around ‘okay the world is coming to BC, they’re coming to this area’, and that really jump started a lot of planning and also helped the process move along and again, significant sums of money were involved in this process.” PP3 alludes to the importance of the Sea to Sky highway mega-project: “one driver for the LRMP was the Olympics.



You know the Sea to Sky highway that goes up to the Olympic venues –they (the Province) got a couple gillion dollars poured into it –that area is all covered by the LRMP” (PP3). The government had a strong desire to ensure that First Nations were involved in decision-making prior to the Olympics to alleviate potential concerns over development proposals. “We wanted the First Nations on-side as well; just because you’re hosting, you don’t want a part off-side or protesting, right? So there was an incentive for the Province to come up with an agreement around land use with the First Nations so that everything was hunky dory before the Olympics arrive” (PP5).

The second component of the government’s strategy that was discussed was the emphasis on creating an Olympics that had the illusion of sustainability – a necessary component of the modern Olympic experience. The LRMP was described by PP8 as “the environmental leg of the stool”. “The Olympics were coming to Whistler in 2010 in the Sea to Sky area, and one of the criteria for the Olympic committee was *sustainable* development, so having this land use plan in place was a way of demonstrating that” (PP5). The particularly hostile nature of Indigenous-government relations that existed in the early 2000s was of key concern in the lead up to the Olympics: “You want to deliver a sustainable Olympics? The greenest Olympics ever? How can you do that when your First Nations don’t agree with your land use and are blockading your offices over logging practices? To be blunt, that’s where we were in 2001, when protestors surrounded the Forest District Office in Squamish” (PP8).

Although the evidence points to the fact that the Olympics provided a key impetus to the development of the S2S-LRMP, there seemed to be hesitation in specifically discussing how significant the Olympic bid was in propelling the land use planning process. Although several participants alluded to the fact that the Olympics did stimulate the plan process, they emphasised the fact that it was only one of many drivers. PP7 said that “the Olympics was one of the drivers that applied more resource horsepower to getting these done before the Olympics occurred...in the absence of the Olympics I am not sure how much effort would have been put towards it.” When asked if the Olympics provided the main impetus to the plan process, PP5 and PP8 stated that

“I wouldn’t say it was the main one, but it was certainly a factor. There were a number of other things, a lot of growth in the Sea to Sky area at the time. Whistler is probably the biggest tourist draw in the Province and the Olympics coming certainly didn’t hurt, certainly provided some impetus for it. We just wanted to be able to say ‘look, let’s have land use planning completed in this area.’ It’s just another thing we can hold up about what a good job the Province is doing when the World was coming.”

“The Olympics provided I guess more impetus; I don’t think government would have moved as quickly on the protected areas as it did if it hadn’t been for the need to move on the Olympics, but I think it would have gotten there...sometimes you can ignore those things for 5 or 10 years before you get around to fixing it. I think this just accelerated the pace” (PP8).

As PP8 partially expressed, the Olympics provided some positive incentive to complete regional land use planning; planning that may not have occurred as efficiently if the Olympics had not been coming to British Columbia. PP7 was quite reluctant to just “characterise it as just trying to smooth things over, because it actually does have meaningful impact on crown land.” However, the participant noted the importance of having an “external driver” as being a positive component in “(being able to) leverage other things.”

### **6.1.3 Planning for Protected Areas**

The inclusion of protected areas was a polarising issue that resulted in much debate prior to the beginning of the plan. Several participants discussed concerns over protected areas, and how the issues needed to be resolved not just prior to guaranteeing participation of First Nations, but in order to even gain Indigenous support of the LRMP process. PP8 discussed the fact that issues regarding protected area expansion involved “big policy decisions that had to be surmounted in order to reach agreements so that the First Nations *would* participate and engage with us.”

The lead-up to this debate began in the 1990s with the Lower Mainland Protected Area Strategy, a park-focused land use planning process that established the Stawamus Chief and a number of other new parks. The common sentiment was that the Lower Mainland Protected Area Strategy well-represented the need for protected areas in the region; therefore, there was no need to re-open discussions regarding protected areas within the Sea to Sky LRMP. “The Province’s position for the land use plan that began with the public said ‘we’re doing everything *but* protected areas –we’re *done* protected areas, we did it in the 90s, we’re not going back from protective certainty, the policy is done and you want certainty.’” PP6 justified the decision the Province made in order to focus on planning for the rest of the crown land:

“When you looked at the Region in terms of park protection percentages it was really quite high. It certainly met and I think exceeded the protected area percentages that came out of the World Summit in Rio. So it was kind of thought ‘okay, we’re already done with Vancouver Lower Mainland area. We have all our parks in place.’ When there was still land use uncertainty in the Sea to Sky corridor, they said ‘okay we need to do an LRMP’, *but* the starting position was that there would *not* be discussions about additional parks and it would be about the rest of the

crown land... If you think of the rationale that we were already at, let's say it was 20% protected area already established, and then the Rio figure is 12% right? What we nationally strived for, and we were beyond that."

Although the percentage of protected areas on the land base was relatively high, the exclusion of discussions over the expansion of parks quickly became a contentious issue. "First Nations have their own areas that are important to them and, just like the non-Aboriginal community; there are some areas that are so special that they don't want to see development in them. The fact that the government had decreed that there would be any protected areas, that was a significant impediment to the First Nations becoming engaged in the process" (PP5). The lack of Indigenous participation was of key concern, but other stakeholders also took issue with the proposed format of the LRMP:

"Another key thing about the Sea to Sky is about the protected areas. That was a big deal because the one early challenge we had with the Sea to Sky process was that a lot the, let's call them environmentally-oriented stakeholder groups, weren't happen about not being able to make recommendations on new protected areas. So that created a bit of a kerfuffle that needed to be, like the terms of reference for the process, that was an issue that needed to be addressed and that's what we spent some time in the initial stakeholder meetings. Part of the challenge that was unique to the Sea to Sky was that, *unlike* pretty much every other planning area in the Province they had a unique process where they just dealt with protected areas, so that kind of took the whole recommendations about protected areas out of the table's hands. Some people had their nose out of joint about that, *understandably*" (PP5).

The "environmentally-oriented" stakeholders took issue with the initial exclusion of protected areas, but were able to leverage their disdain by turning to the First Nations:

"Part of the problem was that for instance they (the Nations) identified areas they wanted to see protected, that then afforded an opportunity for environmental groups to champion those being closed to development so kind of champion those on behalf of the First Nations...the whole protected area thing \*laughs\*. So that afforded them an opportunity to champion additional protected areas like 'look, the First Nations have pointed this out, we're being disrespectful of their views yadayaddayadda'" (PP5).

Although the "environmentally-oriented" stakeholders were not able to set the agenda regarding new protected areas, it was less contentious than the outright lack of Indigenous support. "The Nations kind of said 'we!!!!!! if there's no opportunity to talk about new areas that are going to be protected, we don't want to participate.' But the Nations said 'maybe you got your 12%, but those were your choices. We didn't ever have a strong influence what areas were protected.'" (PP6). The First Nations demonstrated somewhat of a seat change in terms of their desires to participate in land use planning. The vocal

reaction from the First Nations instigated a change of approach by the government of British Columbia, which adopted a more constructive method of involving First Nations:

“At the time, the First Nations had refused to participate and there are some interesting sort of dynamics in British Columbia around how First Nations have flipped from ‘we don’t want to participate because it prejudices treaty’ and frankly, I think that came from really bad legal advice in the 90s, to an evolution where ‘we want to do land use planning on a government-to-government basis.’ In particular Squamish because their land use plans was about protected areas, and stated only we will negotiate with you if you put protected areas on the table. That was a big policy decision from the Province because it wouldn’t normally have done that, reopened the land use plan for protected areas as we did. I had to go to cabinet and get a mandate that says ‘if you want to do this with First Nations, we need to re-open protected areas.’ So that was probably the number one issue” (PP8).

## **6.2 Plan Process – Format**

### **6.2.1 Two Planning Tables**

Once the consideration of protected areas was re-introduced into the LRMP processes in order to get First Nations onside (as discussed, three First Nations chose to fully participate in the process), the rest of the process could be designed. The key characteristic of the S2S-LRMP was the “two planning table format”: this format was represented by a primary stakeholder table which worked to create the draft LRMP, followed by a second round of planning negotiations with the participating Nations. Although public interest in the process started in the 1990s, the initial planning table began in 2001, “so there had been a few years of already full-on engagement with public stakeholders” which lead to the creation of the 2006 draft of the LRMP (PP6). The government-to-government negotiations started in 2005 and the draft LRMP served as the basis for these negotiations (PP7; PP5; PP6). PP5 speaks of the interesting constraints put on the process that came as a result of the Liberal’s landslide win in the election of 2001:

“(When the Liberals came in to power in 2001) they wanted them (planning tables) done in 18-24 months instead of you know, I was involved in one that took 5 years. They also wanted tables to, which it had been upwards of 25 or more representatives, be much smaller –when they did the planning tables for the Sea to Sky, there were maybe a dozen sectors. One of the other things is that some of the reasons the planning tables had previously been quite large, is many of the individual agencies, such as what was then the Ministry of Forest or Energy or Mines or whatever, they would actually have a seat at the table so to speak, whereas they didn’t post-2001. The way they participated was different.”

The decision to utilize two separate planning tables was discussed by participants in several different ways. Several participants discussed the decision to have two separate planning tables as a conscious decision by the government from the onset of the plan (PP4; PP8). PP8 reminisced that the First Nations were invited to participate in the stakeholder table; however, the First Nations did not participate in this table and the draft was developed prior to the government-to-government negotiations. “Rather than opening it up to the whole public, it was mainly interest groups or stakeholder groups that would represent an organisation. They had produced a document already, that document was kind of in a draft form and, as the First Nations agreements were being developed, we basically harmonised that information into the final LRMP. By the time the agreements were all signed off, the LRMP was complete and all together” (PP7).

Although several participants discuss that the separate tables worked well, a cluster of participant alluded to the fact that both the order the negotiations took place in and establishment of the divided tables was maybe not the initial intention. PP3 stated that “(the Nations) walked away (from the preliminary stakeholder table), and you know, for political and probably proper social reasons.” PP6 illuminated an interesting angle when they that:

“...things started out for a while: government negotiated, or started consultation, with the public and were working towards the LRMP, but it was very clearly in the absence of participation, and probably support of, the First Nations. At some point, the government said ‘okay this isn’t took great, this isn’t going to work too well.’ Then they agreed to meet with the Nations. We were starting to get our act together as a government in terms of government-to-government discussions. The Nations said ‘okay, we want to have government to a government kind of conversation.’”

The notion of forging onwards with the clear absence of First Nation engagement in the process was reflected in the sentiments of First Nations. FN1-1 made a note about how the document presents the way negotiations took place, and took issue with the fact that it presents only partial truths regarding the complexities involved in finally getting First Nations involved in the land use planning process:

“Starting from my point of view or what I understand of it: the government had produced what they thought was a finished LRMP and it got to the cabinet, cabinet pulled out and said ‘there’s nothing here on consultation, take it away.’ Now the document doesn’t really read that way, but that was the reality of it. In the agreement, it talked about how First Nations had been invited to that process, and for one reason or another had decided not to participate. But it really comes down to that jurisdictional challenge and a lack of meaningful involvement. So for one reason or another they went through several years of multi-stakeholder tables, multi-point of view analysis, and came up with the recommended Sea to Sky LRMP; it went to cabinet, cabinet said

‘where’s the point of view of First Nations and consultation?’ So that’s when the Province approached us and basically asked ‘how can we come to some kind of process and what can we do to address this need for consultation into this plan?’”

PP5 does discuss some of the complexities that existed in attempts to bring First Nations into the negotiation process. Some of what they discussed relates to issues faced when protected areas were not going to be discussed in negotiations; PP5 also discusses the fact that the draft plan went to cabinet before First Nations were brought into the negotiation phase:

“Squamish (Nation) had a land use plan that contained protected areas and that was the major stumbling block, they had identified Wild Spirit places and, because the terms of reference excluded that (the creation of new protected areas), that was just a no-go. Squamish Nation did invite the table to a meeting at one point and articulated that they wanted to engage but for reasons they were unable to. Lil’wat did the same thing, they had a land use plan but their plan did not get endorsed from their council, so there wasn’t a way to incorporate that or consider that. Efforts were made; there were understandable reasons why they weren’t able to participate, and once the stakeholder engagement phase had wrapped up, and they had cabinet meet and they made recommendations. Then a separate process where there was a government-to-government discussion to, to try to reconcile the First Nation land use decisions and the one that had been developed through the process.”

FN2 demonstrated that when the government approached them, they felt as if they were not in an effective position to engage in the LRMP process:

“When the Province was first initiating and provided an opportunity for government-to-government negotiations with all First Nations, they approached us in the consultation over the Sea to Sky LRMP, we responded saying ‘well, we can’t engage in consultation with you until we properly have the capacity to know what our interest are on the land.’ Because at that time, we didn’t have a land use plan or anything like that. So they actually funded us to do a 2 year process, pretty intensive community consultation, and we were able to develop our own land use plan. So that was really, that document remains as a really important policy direction for the Nation. So when we got that plan completed, we then pressed the Province that now we’re ready to talk to you, and that’s when we engaged in our land use planning agreement with the Province, and that’s how we came to the land use planning agreement” (FN2-1).

## **6.2.2 Advantages and Disadvantages of Two Planning Tables**

When participants were asked to discuss the advantages or disadvantages of negotiating a land use plan through the use of separate planning tables, no true consensus could be determined. Each participant had insights into strengths and weaknesses of the design of the LRMP process. One of the common themes that emerged is the fact that First Nations see themselves as an equal partner that should operate alongside government –making the stakeholder table an inappropriate place for First

Nations to attempt to negotiate their land use plans and advocate for their interests. FN1-1 explains that:

“For practical reasons, like resourcing and availability of people and theoretical reasons or aspirational reasons, you don’t go to those tables and feel like you’re given the respect that you should from your perceived point of view on title and land use management. If First Nations are just another stakeholder at the negotiation table, there’s not a lot of interest to participate.”

This sentiment was reflected by PP6 who said “honestly, I don’t think it could have happened any other way. For the Nations to have to come to the collective stakeholder table –I don’t see them being willing to do that and put their interest on the table and to be able to have the necessary dialogue about that when there’s so many stakeholders in the room.” Additionally, PP7 contributed that “First Nations weren’t really interested in participating in publically open groups; they wanted to have the foundation of government-to-government conversations.” Although PP4 expressed sympathy for both sides of the argument, they prefaced the argument by saying:

“It’s always better when you’ve got everyone at the same table so that you can understand each other’s issues and where they interrelate. But in terms of –and I can understand the First Nations interests and the approach they wanted to take because for them they considered themselves another level of government. Not just as a stakeholder that just has an interest. They have rights, and in some cases, they have title to certain areas, but the rights are described in law whereas if you’re recreation user you don’t have those rights described in law. So I can understand where they come from.”

The notion of Indigenous groups not being considered “just a stakeholder” was alluded to by numerous participants. Several participants referenced this phrase, as it relates directly to the decision to pursue separate government-to-government negotiations. PP4 purported that the government-to-government approach was a mutually-developed decision:

“There were of course meetings with First Nations and that as we were forming the approach, and they had indicated that they wanted government-to-government discussions, not just to be considered another stakeholder at the table. When the First Nations had developed their own land use plans through their community, they had come forward with a basis for which they were going to present to government in their discussions on where their interest where.”

PP3 framed the scenario slightly differently by saying that “the First Nations pulled out of the LRMP table. What they did is they said ‘you guys are treating us like a stakeholder, and we’re not; we’re government and we should be having these discussions government-to-government.’ So they said we will make a separate land use agreement with you know, Squamish, Lil’wat, and In-SHUCK-ch all did

that.” “PP5 explained the preference for the two table approach when they said that “First Nations, quite readily, see themselves as a level of government; in some respect they may not deal with stakeholders and they may feel that a different relationship, a bi-lateral discussion negotiation with the Province, is more appropriate to deal with their interests.” As First Nations view themselves as a partner of government, there does seem to be a mutual understanding of this sentiment – government appears to also generally recognise that First Nations have a somewhat elevated status over stakeholder or advocacy groups. PP5 continues to say “you can argue that the planning table, or the nature of the planning process, it may not be the appropriate forum to try to deal with some of their issues”. This was further reflected by PP7:

“It’s an interesting and kind of hypothetical question because that’s just the way it happened. I think in hindsight looking at it now, it probably worked better that way because First Nations we see more as a partner in a way, like government. So in that sense –and First Nations don’t like to be referred to as a stakeholder –so definitely we take direction from stakeholder groups, but they’re not really driving the process as much as the First Nations are because they have a vested interest in the land, and more and more legal interest too. But in that sense I think it worked fine. There was an on-going elected official forum that was also mainly engaged while we continued to work with First Nations to make sure we weren’t over stepping bounds or overruling any recommendations from stakeholder groups.”

Carrying this theme forward, PP5 described First Nations and governments as somewhat analogous in the types of responsibilities that they should be tasked with and their role in communicating land use planning concepts to their “constituencies”:

“If you kind of take the model to its logical extension, it’s kind of like the First Nations leaders, and non-Aboriginal community or government leaders, the stakeholder leaders, they all kind of represent their own constituencies. So say the Province and the First Nations negotiate a deal, and then it’s up to the First Nations to get their communities on side or support what is negotiated on their behalf. Similarly, it’s up to the Province to get all its stakeholders on side. I don’t think the division is that neat and tidy \*laughs\* because I also think there is some shared responsibility to bringing everyone along.”

Beyond the consideration of maintaining a respectful partnership between individual First Nations and the government, several participants thought the establishment of two planning tables ensured that all stakeholders were able to contribute effectively and allowed for more balance between the establishment of protected areas and permitting other activities (such as increased recreation or development) on available crown land. PP5 discussed that it was easier to “manage” ranges of interests separately and that First Nations “through no fault of their own, introduce a whole new level of



complexities to the process. PP5 mentioned that First Nations see themselves as more than just a stakeholder, and it is therefore easier to not deal with their unique issues alongside the other stakeholder needs. PP7 discussed how the plan was successful in ensuring a balance between protection and development of the land base. They thought that the stakeholder plan provided an adequate “baseline of information” and that it allowed the final plan to better represent the “full spectrum of interests out there”. PP7 discussed that the First Nation perspective added a necessary layer of information and values that was not previously included in the plan.

Although several participants advocated the benefits of the two planning table approach, numerous participants pointed out its deficiencies. Although “there may be some efficiencies to be gained in terms of resources and time by having First Nations directly involved (in one table)” (PP5), most of the sentiments discussed regarding the deficiencies of the two table system delved deeper into some important considerations that should have been made. Some preliminary concerns centred on the fact that the stakeholder table took place *prior* to any conversations with the Nations, and that the draft plan was used as the basis for those negotiations. When asked about the two table approach, PP3 said “I don’t think that was the right way to go. Again, this is me in 2015 right? I don’t know if that was the right decision or not. I think the right way to go is have conversations first with the First Nations, and this is post Tsilhqot’in, and go meet with the Nations to understand their interests and go forward.” PP6 mirrored that sentiment and said that “the disadvantage of course is that timing thing; the government had consulted with the public stakeholders and then it was after they started their consultation with First Nations. They had to double-back a bit and resolve what came out of the negotiations with the overarching decisions they had agreed to with stakeholders. I’m sure there were some pretty big walls they bumped into and had to find some way around” (PP6). FN1-1 felt strongly that the processes’ fatal flaw was the fact that the government-to-government negotiations followed the preliminary discussions with stakeholders:

“Well it depends on your point of view doesn’t it? I’d say if I were working for the government, I would say for sure because there was lots of ground work done and they had a multi-party agreement that could be taken to the table. From a First Nation point of view, I think that’s entirely backwards. As one of two parties with rights or title to land or claim to title of land, that should be a one-to-one relationship from the beginning; both parties feel that they have the sovereignty, that might not be the right word, but at least that title to land, that’s really where it should start before stakeholders with separate interests are involved.” (In section 6.2.3, I will further discuss the government-to-government dichotomy.)

Another key finding was that the fact that the division of the two planning tables resulted in somewhat of a missed opportunity to build relationships and partnership between all participants in the LRMP process:

“These shortcomings are first off, you miss out on the relationship building. So if you have let’s say leaders of stakeholder groups, you don’t have an opportunity to start building those networks or those relationships with the First Nations leaders in the area. That’s not to say that there’s actual no engagement, I’m sure there already is some, but you know it’s just another vehicle to enforce or build those relationships between various groups. It’s also a missed opportunity if you’d like to understand First Nation’s interests by those people who are participating in the planning process” (PP5).

Similarly, the separation of the planning tables exacerbated the division between First Nations and stakeholder groups, which relates to the negative sentiments that stakeholders felt about being excluded from discussions involving newly-established protected areas:

“After the draft LRMP decision, discussions with external stakeholders, the government, British Columbia government, took that back to the First Nations and jointly applied the land use planning decisions that they made with the First Nations over the LRMP decisions, then came up with the final product. So they never shot that back out to the public, you know the industry public guys thought they had got, they knew it would go back to the First Nations, but they thought they were somewhere and they ended up being in some cases a little disappointed with what ended up rolling out” (PP3).

Although PP4 initially expressed support for the Indigenous perspective of being considered a level of government, necessitating the government-to-government-style negotiations, they also underlying complexities that need to be considered. PP4 discussed the challenges around stakeholder and First Nation interactions, and mirrors the aforementioned insights about the necessity to build relationships amongst participants:

“(The challenges comes out in) some of the unresolved issues you try to tackle subsequent: for example where you have recreation where we’re trying to resolve issues involving multiple users in areas that First Nations have strong interest in, and they wouldn’t engage in that. How do we come to a solution? They would simply go ‘this is what we want’ and it’s difficult...well you can’t resolve the issue without participation. They (the Nations) decided that unless this issue was resolved with the Province first, there was no way to work with these other groups. So this is frustrating for people, and those issues still linger now. That’s one limitation when you don’t have everyone at the table. One example I think in my mind is always even if they have separate negotiations, separate participation, everyone builds relationships, builds communication, builds understanding, and I think that would have been a huge. Because when you have separation and negotiation and no opportunity for some of those other interest to participate in those negotiations, they’re left outside.”

Lastly, PP8 illuminated the extent of the challenges relating to separate planning tables. Although the negotiation process was framed as a two-table process, in reality there were numerous processes occurring within the second table process due to the fact that individual Nations had to be consulted with. PP8 explains the complexities relating to this reality:

“Well, I’ll tell you, it’s a pain in the butt. Trying to manage with the fact, as you’ve identified, there were two kinds of silos: one was the public process siloed from the government-to-government process; and the second, internally, the government-to-government process. We had overlap in traditional territory, so we had to do in some cases, triple-bilateral, with you on this territory, then I’m negotiating with them on this territory; and as much as they care about it, they want to see the bottom line, they want to see what it adds up to. So when you’re talking to a company on timber supply, they don’t care what the impact on agreement X, it’s X+Y+Z, right? Yet the First Nations aren’t willing to be in the same room and talk together. So we have to go to meetings with Lil’wat one week and say ‘well, we can agree to this’ but, only if we visit Squamish and make it feel like it was their idea. Then you have to go back to the community members and say ‘we think that the plan you sweated over for four years...we’re going to change it!’ How do you deal with that? They say ‘you’re not doing our carefully crafted plan’, so we then had to go keep them on-side so that the changes still met their fundamental interests. So it was complicated.”

## **6.3 Plan Process – Negotiations**

This section will discuss findings related to the process of negotiating the First Nations’ land use planning agreements.

### **6.3.1 Plan Negotiation**

#### **6.3.1.1 How Negotiations Occurred**

Once the process was decided upon, negotiations proceeded between the Province and the individual First Nations. “(The negotiations were about) making the decisions about how everything would be divided up and what was going to end up on the maps, including what areas would become parks or conservancies. To relate back to Parks, okay Squamish wanted to protect this area and through Parks those decisions were made, ‘how much of it, or don’t include that, or please include this’, you know that kind of stuff. Park designations were part of the overall land use agreements” (PP6). What it “mainly involved (was) the First Nations looking at sites for protection; basically look at the polygons and see if there are existing constraints, whether it’s private land or other tenures on the crown land. Just in terms of knowing what was legally possible; we didn’t want to infringe on existing tenure holders or private land use restrictions or areas within municipal boundaries” (PP7). In addition to visually

identifying desired protected areas on a map in an attempt to set up effective conservancies, or other ways of protecting the designated land, a major component was what FN1-1 described as the “harmonising approach”:

“In usual agree-to-disagree on title of rights sort of way, took a harmonising approach. I think harmonising is a really good word, we took the Sea to Sky, I don’t know how long, we were back and forth over quite a long time, roughly a year, and we basically harmonised the two plans, took pieces from each and made sure that each party had pieces needed. So that was drafted out after going back and forth. It has its difficulties, as most things do, but we have a land use plan that everyone’s happy with it” (FN1-1).

The opinions voiced regarding the overall experience of the LRMP negotiations were positive. One of the key outcomes was the expansion of the protected areas (which was viewed as a success for both First Nation interests and other stakeholders) and the creation of the new land use designation, conservancies:

“As a whole, people were very happy because, to go back to the concept that initially there weren’t going to be any new protected areas, now there were a *lot more areas* being protected because of the interest of First Nations. But you know, that was different than parks established in the past based on *our* interests or based on stakeholder interest. Conservancies were the part amended in 2006 to add this construct called a conservancy and mostly about acknowledging that these conservancies are being established based on the interests of First Nations as opposed to all the other things we protected and called parks” (PP6).

From the provincial perspective, the negotiations were largely productive and respectful; any conflicts were more based on personal relations between other Provincial agencies:

“When we did communicate with First Nations, they weren’t *unhappy*. They had generally got what they wanted for protected areas; saw their interests reflected in the plan. In terms of how the negotiations went, a lot of the time we were sitting around a table with the First Nations, First Nations lawyers. There was quite a focus on the position of...there was quite some difficulty with going through the agreements and the conflicts with the agreements were more on trying to find middle-ground in protecting their interests and then impacting, mainly forestry, interests. We had to try and consult with the district office here. At the time, I was at the regional office where everything was being led out of. Some of the conflicts may have been more personal conflicts –not necessarily between us and the First Nations, sometimes between us and other agencies who had very strong views about protecting whatever interests they had on the land” (PP7).

Most of the conflicts that surfaced pertained to the overlap (or shared territory) areas, and timing issues that related to negotiating these concerns (the challenges faced through negotiating shared territory disputes will be further discussed in section 6.5.7) (PP6). Both groups were focused on working towards

clear land use objectives, which led to relatively smooth negotiations. “More or less the meetings were pretty successful, and there wasn’t a lot of shouting \*laughs\*. (They were) pretty objective and laid the foundation for just moving ahead and implementing a lot of the stuff too” (PP7).

The Indigenous perspective echoed the sentiment that the negotiations were conducted respectfully and effectively. As was discussed in section 6.2.3, the objective nature of the discussions and by de-politicising the negotiations, negotiators could focus solely on the land base:

“Because of their largely technical level, it was a very productive, non-confrontational approach. Based on the personalities at the table no doubt, the government worked to hammer this out, they did a great job at bringing the tools in their tool kit that we could use to apply to get the results we wanted. Providing a lot of good advice, (saying) ‘we can meet this objective by applying this tool or that tool.’ We basically worked our way through technical issues without political sidetracking –and that’s unusual I think!” (FN1-1).

“You know, I think if you look back at the technical piece, we were in the right frame of mind to approach this; the discussions that happened between the two negotiators (First Nation and governmental) set the stage. I think it was a pretty easy process, even though there was a lot of back-and-forth with it, it was pretty seamless; there wasn’t any real hold ups or anything I mean, we understood where everything was coming from, what had happened in the past, and we were on board. We weren’t digging in on anything real specific; we just needed to know what tools were available to deal with the things we wanted to deal with” (FN1-2).

FN1 was clearly able to draw the line between perceived outcomes of the LRMP and the treaty they were actively pursuing. For them it was both a conscious choice and a practical tool to engage with the Province in a collaborative fashion and focus on learning what tools can be applied to protect their interests. “I think it was because we could separate the treaty table and what we were achieving with the LRMP. I understood what we needed to protect and they understood how to make those tools protect what I needed to protect” (FN1-2). “The negotiators stayed at home! At first I sounded a bit negative around the agree-to-disagree on land title of rights, but in this case it was a pretty practical tool to set that aside and get what needed to be done, done” (FN1-1).

#### 6.3.1.2 Impact of the Government-to-Government Relations

Although the term government-to-government negotiation was utilised several times during the interviews with participants, there does seem to be polarised understandings of the implications for this type of negotiation focus. PP8 explained how the government-to-government negotiations proceeded, and how they resulted in a customised approach for participating Nations:

“So the process negotiations, I can’t remember exactly how long we took but it was significant, that was one piece (after surmounting the major policy decisions regarding protected areas.) The first thing that we did is we produced or re-negotiated a series of process agreements and in the terms set out it was a government-to-government agreement. Essentially we had a term of reference that clarified that it would be a government-to-government negotiation, clarified that we would be seeking agreement around the land use zones, clarified some things that we needed in our tool kit, what was on the table, and what was off the table. Those agreements took place, and that’s actually when N’Quatqua (First Nation) refused to sign, so we didn’t engage with them further. First Nations, like Squamish in particular, said ‘the issue is our land use plan’, right? So we were able to say ‘we’re going to design the negotiation that fits your unique set of needs.’”

PP7 supports this argument by speaking about their meaningful participation in the government-to-government style negotiations; they provide additional support for the discussions in the previous section regarding the key differences between First nations and stakeholders:

“You have to give kudos to the First Nations; they’re quite sophisticated and when some of their own members are the lawyers, it lends some seriousness. Sometimes the meetings can get emotional but it doesn’t mean you lose that relationship. Whereas some public stakeholders, they don’t really care about the relationship and government’s not really being seen as a partner –they’re just an impediment to their interest. The respect needs to work both ways to get success”.

The perceived benefit of government-to-government negotiation is the emphasis on working with First Nations on a relationship and capacity building level. “One of the things in the government-to-government world is you have to be flexible on the process design: negotiate the process first. Government-to-government I’ll call it; I don’t like to use the term consultation because it really was consensus-based decision making and consensus-based engagement” (PP8).

It is interesting to note the key difference between the Provincial perspective and the Indigenous perspective, in terms of the categorisation of the government-to-government discussions. FN1-1 mentioned that “the Sea to Sky was a good exercise in exploring that dichotomy of views.” They went on to make a key distinction between the rather technical nature of the government-to-government discussions and the missing politicised element:

“I agree that at that technical level this was a really positive development; your question about improving relationships, I think at the technical level it was really good. I think it was separated enough from the political level, and the political point of view was small enough, that I don’t know if it would be recognised as a step in developing a government-to-government relationship. Maybe a little bit, but I don’t think...big picture it gets totally washed out by the big things” (FN1-1).

More findings relating to the evolving relationship between First Nations and the Province of British Columbia will be presented in 6.5.6 and 6.6.2. PP8 did illuminate one of the key concerns over creating meaningful government-to-government negotiations: issues surrounding capacity and financing.

Furthermore, the issue of duplicate bureaucracies is mentioned:

“One of the big elements is capacity –where are we going to get the *money* to participate. We had to come to an agreement around capacity – which was challenging, to be blunt. First Nations have significant process requirements to engage in the community, they’re suspicious of government technical processes and they want their own. Government doesn’t want to fund duplicate bureaucracies, they want to make it fast, and we didn’t have a desire to spend two years re-analysing, etc” (PP8).

## **6.4 Plan Implementation**

The first sub-section in this section will provide context regarding how the implementation process proceeded, and will conclude by illuminating the current state of plan implementation and how participating First Nations have reacted to the implementation process.

### **6.4.1 Implementation Process and Overall Progress**

Numerous participants discussed how the implementation process was organised: the responsibility for ensuring the implementation of the LRMP fell to district staff members, whereas the regional office was responsible for making sure that all necessary legal establishments were put in place (PP2; PP4; PP6). A large part of the initial implementation process involved a significant amount of legal work, mostly involving the establishment of various Land Act designations (PP4). “They looked at where the government could agree to protect additional areas and some of that was done through the Park Act and we established what we call conservancies. There were other kinds of Land Act steps that were put on other areas for wild land protection” (PP6). Regional office staff were trusted to respond to the issues that came up through negotiations, and were basing their actions on negotiated directions as opposed to developing their own ideas (PP6). PP2 described the process of establishing these Land Act designations in greater detail:

“In Lands we had a variety of implementation tasks relating to establishing legal designations that came from the LRMP through direct government-to-government. One of the outputs was a variety of designations on the land base to conserve land or represent a First Nation interest – whether it be heritage or economic or the big span of it. One of the primary tools to actually legislate those designations was through the Land Act...I was not actually working with First Nations, specifically because it was through First Nation engagement that these designations

came to be. So this is almost unique, because in every other time you would consider a decision on the land base you would involve the First Nation. In this case, I wasn't consulting with First Nations but it was a First Nation designation. The whole LRMP process was that consultation. Normally, if you receive an application under the Land Act, Land Officers go through a process of engaging stakeholders, consulting with First Nations, there's a public comment period, and then you make recommendations *on* that –we didn't do that for these particular designations because we considered the entire LRMP process as that process. That was the whole point of the designations" (PP2).

The overall perspective voiced through the interview process was that although the legal piece of the implementation process generally proceeded smoothly and resulted in successful outcomes, there were a few areas of concern. Firstly, the dearth of existing adequate legal tools to provide the desired protection created some roadblocks and slowed down the implementation process:

"(Conflict really) came out when we were talking about the final legal implementation of some of these objectives; some of the legislation that we have say for mining or for the Land Act –the Land Act just had its 150<sup>th</sup> anniversary, so something that's been around a long time \*laughs\*. *Nobody ever* conceived of these types of situations, where we would have to mitigate or reduce any kind of access to crown land, and mining pretty much had untrampled access, pretty much anywhere –and that's still more or less the case. There are not really a lot of tools we have in the legislation to say 'no, you can't go there,' other than parks – and parks (originally) really wasn't going to be part of the conversation or the process as the Province had already done the process of identifying more parks" (PP7).

The lack of effective legal tools may have resulted in slightly less robust outcomes for participating First Nations. Indigenous participants were supportive of the plan implementation initiatives overall, but did express that the full gamut of protection-related wishes could not be accommodated. Although full implementation did not occur, it was expressed that the increased land use certainty is beneficial:

"So that land use planning agreement with the Province didn't implement everything in our land use plan, but it at least did establish some measures that we were seeking; in particular we were able to secure new conservancy areas. So, out of that LUPA, the land use planning agreement, we established 6 new conservancies; and those conservancies, if you look at where the conservancies are and you look at our land use plan, the conservancies are all in zones in our land use plan that we identified as Nt'ákmen areas. Those are, Nt'ákmen areas are places that community members can go, these are our most important places for maintaining our traditional use and practices on the land. Again they are protected areas within Provincial legislation, I think under section 16 or 17 (of the Land Act), so if a proponent puts in an application to do work in the territory and it overlaps one of these areas, right away the Province is going to know the sign will go up saying Lil'wat has to consent to use in this area or this is a no-go zone because Lil'wat says it's too significant. So those are the very positive outcomes in what we've managed to ensure protection, not in all areas we wanted, but most" (FN2-1).



An additional challenge that was expressed by both a First Nation participant and a Provincial participant was the “regional versus district divide”. “These plans are done by departmental staff as opposed to regional operations staff; there’s a difference between what’s going on in the districts and what’s going on in the branch. I think those kinds of things are important” (FN1-1). The problematic nature of this divide is recognised in First Nations communities, and was illuminated further by PP7:

“If I were to do it again, I’d come out to the district more often. A lot of the work that was done was all GIS-based and office-based; if I was getting out of the office it would be to go out to another office for a meeting. A lot of what we’re doing here is identifying points on the *ground*, and I didn’t get a chance to see a lot of these areas until after I moved out to the district. You get a better appreciation – I think I already had that appreciation, so maybe for me it didn’t make much of a difference, but there may have been other people who may not have had the appreciation for the resources or for the nature. That may have been the reason why some things fell down”.

When asked about the current status of plan implementation, participants provided a range of responses – however, it is important to note that most of the relevant Land Act designations were indeed established for the plan:

“When I left, the majority of the land designations were established for the plan. They went out and made a plan, said ‘we want to conserve these areas, these areas are okay for some resource development.’ They create special orders in order to implement the plan, so there are a lot of tools being used, a suite of tools of government, to actually enact the First Nations negotiations. In terms of the land part, I recall that the majority of them did get implemented. There were a handful of tools under the Land Act so we’re able to basically prohibit further disposition of land, establish what we call a Land Act reserve, which is essentially just a polygon on a map, but a *legal* polygon on a map, which then prohibits any further applications from possibly encroaching on top of that area. So there are a number of these polygons, for example for when you go to the LRMP document and you look at Squamish First nation cultural sites, village sites, and some of the management guidance, says you know, no new disposition of crown land. You can think of it all as an area that is protected from further Land Act disposition and similar tools were used across agencies” (PP2).

Although the Land Act designations work to establish land use certainty and visually demonstrated Indigenous inclusion in the land use process, several deficiencies existed within the implementation process. “There are areas spatially identified (by the Nations) on maps, they were definitely a huge part in producing these agreements. It was a back and forth process, but a lot of these areas –I was actually talking about this (recently) –quite a few of these areas are (still) basically just round circles on a map. That works great for some things but for other things we’d like to know the exact boundary” (PP7). This

point relates to the much-discussed concern revolving around the lack of on-going conversations regarding both plan implementation and monitoring. When asked if there is on-going interest in ensuring plan implementation is being continuously monitored and enacted, participants voiced similar opinions:

“[The] short answer is no. Limited interest, so I shouldn’t say it’s a ‘no’, the plan is implanted. (But after the Olympics were over and) through that amalgamation departments were shuffled, and the planning people who were dedicated to this project, this Sea to Sky LRMP, were out off into other, other departments so to speak. So the people who were really working on this project, they’re not *working* on another LRMP, they’re doing other work. So the implementation has been, there’s not an assigned LRMP person sitting in an office somewhere, you probably thought that, so now it’s fallen to people like myself, other foresters, and other land officers to basically pick up the ball and keep it going. Some GIS technicians right, people in different offices have been picking up the ball and moving it forward with some ministerial orders putting it where it needs to happen” (PP1).

“Yeah it kind of died. Like yes, that was the idea: we had this implementation team, Land Implementation Team I think we called ourselves, so we sat around and went through those things, (someone from the region) would come up to Squamish once a quarter, and they would ask ‘how are we doing?’ Ticking off our bits. Sometimes there would be some good stories, sometimes there wouldn’t be. That team just sort of dried up and died. At the same time, I gotta say, I am quite proud of the fact that a lot of the key implementation items were done and all I don’t think there’s much outstanding right now” (PP3).

“So generally about is it still being monitored...the simple answer is no, not really being monitored. I’m sure things are still working their way through the system, flood management plans and some of that stuff” (PP6).

“We had just spent a whole pile of money going into the plan so there was not a lot of money available to do additional work thereafter. So some of the interest of the parties in continuing to do work, we weren’t really able to satisfy that. So a couple meetings, a couple reports, and then essentially government said that, and this was actually a Provincial decision, they disbanded all of the implementation committee across the Province, so we were only active for maybe a few years” (PP4).

PP8 introduced a unique perspective on the role of plan makers in the plan process by arguing that on-going implementation is not necessary when you have strong land base distinctions established.

The notion of “walking away” from a legal enforced plan is discussed:

“The goal of the plan was to – and there is probably a myth that a lot of people probably have about planning, that you have to have this monstrous machine to implement plans – but our goal was to get objectives so that you do them, you legalise them, and you *walk away*; because they’re now legally enforced on the land base and they drive day-to-day decision making in

various forms. You don't need on-going implementation. A lot of it was that we designated the protected areas, now they're done right? They will always be protected. That was the deal, and now a lot of these other sites that we negotiated have pretty clear management objectives. You're managing for Lil'wat berry places, or spiritual sites, and we got pretty clear designations. You are not allowed to sell crown land in fee simple along the shores of Lil'wat Lake. There are clear roles that are just driven into our statutory decision making – they're pretty easy, they're pretty black or white" (PP8).

However, concerns regarding this exact notion of "walking away" were expressed by First Nation participants. The apparent lack of inter-governmental dialogue has been noted by both participating Nations:

"I think the vision that was expressed by the people is well expressed in the agreement. The important half of that answer is that I don't know to what extent the plan is being utilised and taken forward as it was intended to or is it just another government process that, a different planning process later, and there's no real progress on the land base. That worries me. You probably have to go back to the agreement and make a case back to government and say 'what happened?' \*laughs\*. Let's get this implemented! Resource it better. You know, as planners you always hope that the work will come to fruition. In the meantime, the benefits that we're looking for are there on a piece of paper. We can agree in practice, even if it's dormant, it's not wasted because it lays a path" (FN1-1).

"The Province has been pretty good about getting their legal designations done and following up in their commitment here and there, because they have that capacity maybe a bit more than we do, but I don't, but not *fully* –like I know there are things that haven't been implemented. Sometimes you start to wonder, because obviously this is from 2008, so you start to wonder, is this going to fade away? Sure, we spent all this time, and everyone's excited, but what are they *really* amounting to and are what are they really *meaning* on the ground? That's probably the trickiest part" (FN2-1).

#### **6.4.2 Streamlining Development Applications**

Another finding is that there are different accounts of the ability of the S2S-LRMP to streamline development applications within the plan area. A tangible output of the process is the creation of maps that provide details on which areas are protected, open for development, etc:

"That was a big part of the implementation: setting it in legislation, that was the certainty on the land base that the LRMP and the land use agreement were intended to provide –so that licensees could conduct their business and not at every single application be told 'no, you can't do that here.' It doesn't mean that in areas where there is not a cultural site an area is open for business. (Any) agency has all the cultural sites in their mapping and it's also publically available – so a prospector can see that it doesn't make sense for them, they know there's a Land Act reserve and there's other legislation that says nothing else can happen. It's in their advantage to

avoid those locations; they know that the duty to get any further development is going to be very difficult” (PP7).

“So when we go now, this is the First Nation land use plan, so when we go now to do something on the ground out there and someone is trying to decide ‘can I log here, can I put in a clean energy project here’ there is guidance from the LRMP that we follow and, even more importantly, there is regulation, legal regulation saying ‘no you can’t do this’ (PP3).

However, even though the documentation of land use designations provides guidance to proponents, several participants expressed frustrations that the presence of the LRMP does not always guarantee that the plan will be fully understood. Although the province often has to inform proponents of the existence of the LRMP, they do maintain that its existence does alleviate a lot of the administrative burden due to the certainty it provides within provincial offices:

“If someone doesn’t know this plan exists, I have to apprise them of that, any proponent who is sending in an application to the government for a referral whether it’s recreation, independent power project; often they don’t know about this plan so we have to apprise people about it, *every day*. So now when a proponent comes along and decided ‘well, I want to set up a bungee jumping business here,’ but if it’s a Cultural Category A area you can forget about it because it wouldn’t be allowed. These types of things, they take away some of the guessing and a lot of the administration. I’m more familiar with the area, so I’ll call them (the First Nations) up. I had one just the other day: I could see some issues right away; they would have to go back to the proponent and ask them about things before we can even start consulting with First Nations. So it clears up a lot of the grey zones somewhat. All proponents and levels of government have structures to work with” (PP1).

The Province is, for the most part, adequately staffed in order to handle the referral process and is able to inform proponents of their rights involving developing within the S2S-LRMP area. However, First Nations often have under-staffed band offices in comparison to the number of referrals they get, decreasing their ability to adequately respond to them all. The referral process can get quite complex, and remains somewhat of a burden on First Nations, even post-LRMP:

“We have uncertain title and rights to full traditional territory; the Province, through government agencies, has legal duty to consult when it comes to permit or land use tenure on crown land. As a result, we get up to a hundred referrals a year, and when I started here we were getting these letters and we wouldn’t know what to do with them. Over the years through the consultation policies, we established a committee that gives us direction on how to respond to referrals, and then through these referrals we often get engaged in more long-term negotiations over land use decisions” (FN2-1).

### 6.4.3 First Nation Involvement in Implementation

Participants provided varying accounts on the involvement of First Nations in the implementation process. The implementation process can be described as: the creation, signing, and approval of the plan; the establishment of the implementation items at the department level; the division and assignment of implementation tasks to each ministerial team (PP3). After the division of labour, an implementation committee was convened and met two times in order to sit down together with all departments and share the progress of the implementation process (PP3). Following both meetings, the BC government produced a report summarising the implementation progress to date; one was published in 2009 and the next in 2010. Several participants noted that First Nations did participate in the implementation committee, and that it was in fact a condition to participate within the initial land use planning agreements. Even moving past the implementation committee itself, a few provincial participants expressed that they are actively in touch with First Nations as part of the completion of the plan and to alleviate conflict on the land base:

“We’re still in touch with the Nations in a number of places actually implementing. All the time actually, like you know, we have, I won’t call it a disagreement by there was a decision that has been held up in Lil’wat territory right now based on some comments from Lil’wat and the plan, it is an important part of all of our own decisions right now” (PP3).

“We do rely on the on-going consultation process and on-going engagement at that level between ourselves and the First Nations, sometimes there are interpretations. I know there have been some issues where we have had to circle back and say ‘we thought it meant this, you thought it meant that.’ There is a process to continue the engagement with First Nations on implementation. There have been some problem points for sure as you would expect, and I touch base with staff every year, but my understanding is that it’s going pretty well. It will be good to hear from the First Nations about how that’s working” (PP8).

Several participants discussed the limitations of the approach that was chosen to implement the LRMP. PP4 described the two implementation meetings as “a bit unwieldy” and that they were essentially “presenting information (in the implementation reports)” in an attempt to gauge their priorities. However, “no one went back to the First Nations and said ‘does this look good to you?’ It was more like we would go back to them annually and tell them how we’re getting along with implementation. We’d say ‘here are the implementation items we are working on, here is where we are at” (PP3). “First Nations participated but we never got an awful lot of anything to work from with that table; we weren’t really happy with how we were proceeding with the implementation and government

at that time was really starting to shut down in terms of budgets” (PP4). One participant was quite open with their sentiments regarding the implementation and expressed frustrations regarding governmental capacity to effectively act on the recommendations of the public participatory process:

“One of my greatest struggles is how much I wish I could do what this agreement *says* we will *do*; how frustrating, and how much it feels like my integrity is undermined when I’m not empowered or don’t have the ability to live up to this agreement. So it’ll be interesting what your discussions with the Nations are like because you know, I think government can say ‘yeah, we did a great job, we got this land use agreement that recognises a *whole lot* of what the stakeholders wanted’, and we were able to fulfil some of the things First Nations wanted – but we might find that the Nations feel like we fall short of them feeling like they have a meaningful voice in how the land in their territory is used” (PP6).

When First Nations participants were asked their opinion on their involvement in the implementation process, there was a clear and unified dissatisfaction with the approach the government took. FN1-2 acknowledged that “(even though) they got the plan, implementation is a challenge” and when the plan was signed in 2008, there was a lot more interest in finalising the plan and there was more money offered in order to move forward. When asked if Indigenous concerns have been fully addressed within the LRMP process, First Nation participants responded by saying:

“Well no, not that I know of, no. In the agreement there was a number of ‘this is that it will be like moving forward’; as far as I know, none of them have happened. In harmonising the consultation policies, implementation of the land use inventories – even the implementation committee hasn’t been struck, because we should have been at the table if it had been. I think the follow-up is bad, but I think that is typical of government planning initiatives. The Province falls into a bureaucratic state to get them done but they languish after that” (FN1-1).

“There are a number of things that are in the zonation for the land stewardship plan that was picked up and used in the Sea to Sky, so changes for new wild lands that were established. We brought some protection around (a mountain), recreation sites, there were a number of things like that that were quite important to us and the process, like I said, picked the right tools and put them on paper, so those are all great outcomes. But on the implementation side, no I don’t know if any of those recreation sites have been added or whatever the process is to make them zones. But I do think it’s having a meaningful impact on what’s happening on the ground. The whole thing is no development or new applications without (our) approval” (FN1-1).

It was noted that First Nations may be hesitant to act or push for more authority, especially if they are in the midst of treaty negotiations. There is almost a strategic element to how Nations decide to react to land use planning related concerns:

“I look at it from an administrator position and go ‘yeah, I want to go knocking on the door, but are we ready to be able to go knock on the door yet?’ Is it the appropriate time? Do we wait

until we get more jurisdiction and implement more based on what exactly we want, rather than something at this level? I don't know that right now" (FN1-2).

Not surprisingly, a lack of both monetary and human resources plays heavily on a Nation's ability to push forward with implementation or advocate for themselves against the government. Interestingly, Nations have sometimes been able to find nuanced strategies to filling this lack of resources and support:

"The most difficult thing with the Province that we continue to have is resourcing for implementation so we have all these great initiatives and ideas and commitments, but there are no resources to implement them. They just don't get passed. Like an example passed back in 2008, part of the Spirited Grounds areas, some of them were designated really important botanical areas, for botanical use, gathering-related values and one of the assessment requirements was to do a botanical resource strategy, but there is no money to do that. So we recently have been able to do it because we were able to hook up with a university student in forestry, see grad students are always great for cheap labour \*laughs\*! She has been great, doing interviews in the community for her degree and it totally meets our objectives. So that's been great and there are creative ways to get things done. But you know, that's just not...there's basically no funding for us to actually implement what we need to implement. We have to find it ourselves or be creative" (FN2-1).

Lastly, PP6 suggested that human resource constraints exacerbate concerns over adequate Indigenous representation in land use planning. The idea of over-worked staff who don't have the adequate time to devote to developing relationships with all First Nations is a concern – this, coupled with a lack of Indigenous representation in the provincial government, does hinder the government's ability to move forward effectively in some scenarios:

"A planner's role in theory is to develop management plans and management direction. But my role is also to participate in land use planning, strategic planning, and my role is also to be the lead expert on First Nation relations because we don't have any staff whose specific role is First Nations (relations). (Other departments have) whole teams of staff whose job it is to work with First Nations and develop relationships and do consultation on crown land. We don't have those positions so that falls to the planner. I think honestly, we fall short in some respects –in really being able to do more than just the required consultation because of a lack of resources; we just don't have enough staff, we don't have first Nations people who that's their job focus" (PP6).

#### **6.4.4 Plan Inconsistencies and Uncertainties**

Lastly, numerous participants discussed issues in interpreting the plan, as well as challenges relating to providing absolute certainty in the region. PP8 stated that "complexities are inevitable when you take on these theoretically interesting that looks really great (but when you) land it in the real world the unintended consequences are often over-looked and then they fail." One of these challenges relates directly to the complexities of negotiating the LRMP process:

“There were some challenges interpreting the LRMP; what’s in the LRMP isn’t always easily interpreted, there is stuff that is inconsistent, there is direction in one place that doesn’t jive well with direction in another place of the LRMP. At the end of the day, we passed a lot back and forth a number of times, but we ended up with the regulations. If right now we are trying to make a decision and we can’t decide how to interpret things, at the end of the day what matters most is having that legal bit. I know the Upper Lillooet River for example, there was two different ways to quantify whether or not there could be harvesting within the flood plain area: one part said to retain, I’m going to get this wrong because I’m going from memory, retain 70% of this, and another place it said to allow harvesting up to that. The numbers didn’t make sense together. We ended up having to put something into the regulation; it’s very limiting now” (PP3).

In some cases aspects of the LRMP did not include enough specific information; in other cases the LRMP contained terms that were too specific, binding First Nations from pursuing certain potential land uses. There are also situations where mechanisms intended to protect land or enable specific uses are not relevant or effective:

“On the point of being really specific, some parts of the plan were almost *too specific*, in terms of tying our hands for where the intent wasn’t *necessarily* to provide 100% protection. The direction for some of these is more to provide a little bit more flexibility. One example, there’s an area just north of Whistler where it was identified as a Land Act Reserve, so no new Land Act tenures, and that was on behalf of one of the First Nations. Now the other First Nation Lil’wat wanted to put a clean energy project, like a hydro project, and they *legally* weren’t able to do that because that potential use had not been identified. As a First Nation they may be able to work out an accommodation agreement” (PP7).

“Another example is for Squamish Nation, they also wanted to restrict mining development: the way it is right now, if a prospector wants to investigate more on a piece of land they get a permit from the agency and the range of activities that they can do on the land is quite wide. Usually it’s just hitting rocks with a hammer and checking the soil but in some cases they need a bulldozer in there. So Squamish Nation wanted to put a reserve on some areas to restrict staking claims so there is a provision for that in legislation; but it was intended for infrastructure *that already exists*. The possibility of you putting a mine under a hydro line is pretty slim, so they tried to use that tool for the cultural sites and we negotiated for two years and it didn’t end up happening. Unfortunately, it actually says that we would use that tool in the event where we have no ability to do that. We try to use that lesson in the future and not get too specific” (PP7).

It was also noted that land use uncertainties still exist within the LRMP’s administrative area, despite the fact that the LRMP process intended to alleviate such concerns. This mostly stems from the complexities of involving numerous departments, resulting in occasionally uncoordinated efforts:

“Other complexities with other agencies and legislation (existed); I mean ideally we would have had all that stuff worked out and it would have resulted in measurable protections that we



could be 100% certain about, ‘there’s no bulldozer running through this!’ \*laughs\* Now it’s kind of like ‘we’re pretty sure! The majority of the things 9 out of 10 will be pretty good.’ Some of the implementation items, yeah the devil is in the details. We have general understandings of what the interest is that we’re looking to protect –it’s not till we get down to the details that some of the issues or conflicts might be coming up, whether there is something that we haven’t consider” (PP7).

Although FN1 seemed relatively optimistic about their future land certainty (mostly stemming from their pursuit of a treaty), FN2 expressed more concern over the future of land use certainty within their traditional territory:

“At the end of the day, we have a land use plan and only a portion of that was actually agreed to in the land use planning agreement. So I guess you can say there is a lot of uncertainty around land designations that the community wants to *be*, that the Province wasn’t willing to recognise or implement. So those are areas where there are concerns about how these decisions are going to be made. At the end of the day, we *don’t* have the assertion of decision making authority; there is nothing in the LRMP agreement that gives us actual authority to have the final say over things. Now I guess, barring those small areas I was talking about, the Category A Spirited Grounds” (FN2-1).

## **6.5 Outcomes for Participating First Nations**

This section presents the findings that relate to Indigenous strategies to participate in the land use plan, as well as the wide range of ramifications that the Nations experienced through their participation.

### **6.5.1 The Treaty Process (Vs. Comprehensive Land Use Planning)**

An interesting conversation that came up during the interview process was the discussion around First Nations choice or strategy in engaging in the land use planning mechanism in the first place. Considering the development of the BC Treaty Commission and recent Supreme Court decisions, the Sea to Sky LRMP was being developed and negotiated at a unique time in British Columbia; PP8 noted that the 1990s-early 2000s was a dynamic time for First Nations relations and engagement in CC-LUP processes:

“At the time, the First Nations had refused to participate and there are some interesting sort of dynamics in British Columbia around how First Nations have flipped from ‘we don’t want to participate because it prejudices treaty’ – and frankly, I think that came from really bad legal advice in the 90s – to an evolution where ‘we want to do land use planning on a government-to-government basis.’” (PP8).

Participants discussed the rationale for First Nations to participate in the LRMP versus, or in addition to, the comprehensive treaty process. PP3 stated that they feel it ultimately comes down to what the individual Nations values moving forward; they additionally insinuate that there may be an opportunistic element to their choices as well: “In a pre-treaty world, some bands are moving pretty quickly to treaty, some bands have no interest. (Nations) may be officially in the treaty process, unofficially not paying much attention to it.” PP3 introduces a clear benefit of participating in the CC-LUP process by discussing a key tricky aspect of treaties: the negotiation of a treaty only includes the territory itself, leaving Nations with little control over adjacent and surrounding territorial regions. They also discuss the challenges and uncertainties that continue to exist with both modern and historic treaties:

“It depends on how they think and what’s going to be the best option. What happens with treaty is: there is a bit of closure with treaties right? It provides some certainty to British Columbia and the Nation. But it comes at a cost because the Nation *accepts* the treaty and all the things that come with it; at the same time they stop, *idle* to the rest of the territory and conditions. It’s a lost opportunity for them once the treaty is finished. We have a number of Nations where the treaty gets negotiated by their leadership, and then the people on the ground might have an eruption of anti-treaty sentiment, have a vote, and kill it. Nothing is easy. It’s been over 20 years since we have been making efforts towards modern treaties and there has been some success. But historic treaties you know, I think a lot of every other First Nation in the country that has a historic treaty wishes they didn’t” (PP3).

Continuing on this general theme, PP8 and PP7 both discussed the concept of the necessity for Nations to compromise with the Crown; they additionally expand on the idea that Nations are able to reach their immediate land use goals through the CC-LUP process. Both PP8 and PP7 clearly saw a CC-LUP as a meaningful component to a treaty negotiation, as it allows for clarification and certainty to be established on the land base. Additionally, PP7 discusses the unique role of the CC-LUP in alleviating concerns stemming from shared territory within the plan area:

“The treaty process is so fraught with other things. A lot of First Nations who chose to successfully engage (in the LRMP) – and that required of them to make compromises to start. As a precursor, they have to eventually be willing to compromise. But (the Nations) have seen their immediate issues, and some of their long-term issues, addressed *way* faster than anyone else through the treaty process. So there are some clear advantages, the theory of collaborative engagement has been one that falls along the, what used to be called the Incremental Interim Treaty Measures (Incremental Agreements and Treaty-related Measures or Interim Measures) when the treaty process was started. These are processes that lead you to a treaty, build capacity, smoothes the way, and in fact most of First Nations who participated would agree, ‘yeah, we don’t have to worry about that stuff now, it’s working, we got that out of the way – now let’s focus on the bigger issues’: governance and those generational kinds of things like who

is logging that cut block down the street, because you clearly need a treaty to figure that out. (But in the interim they have land use plans ready to go) absolutely!” (PP8).

“I’d say First Nations...I wouldn’t say they’re getting more bang for their buck, but I mean I see some of these treaties and there may be more money or land that changes hands, but in surrounding territory it’s business as usual. So treaty in the absence of (LRMPs) is probably not the right way. These set ground work for treaty in identifying the priority areas that might end up becoming fee simple or becoming transferred to treaty. The one thing that the treaty does not address is the shared territories. There’s *so much* shared territory out there...it kind of pits one First Nation against each other because they’re put in a position to have to *defend* the strength of claim to an area over their neighbour –where at a time prior to contact there were other protocols that dealt with that, it wasn’t as hard and fast as a treaty” (PP7).

Indigenous participants were able to provide interesting context to the question of participating in CC-LUPs and treaties. It is first important to consider the fact that one participating Nation is currently in the process of negotiating a comprehensive land use plan, and one Nation is not participating; in fact, the Nation that is not participating has consistently been staunchly opposed to the BC Treaty process. FN1 supports PP3 in the fact that they strategically decided to participate in both processes in order to help guarantee certainty on the land base, recognising that the treaty process is “fraught with uncertainty”:

“When you break it down to the simplest form, it just makes sense to protect and be part of a process even though we’re going through treaty. Some of the land, in the way it’s protected, also is to protect it in case we don’t have treaty. We needed to make sure that our territory and our communities had what was necessary and we always approach things: treaty is where we want to go but what happens if not? How do we still be a part of the process, as well as protect what’s important to us?” (FN1-2).

“We consistently take a very practical approach to these things. There isn’t one path to an end goal, and when you’re in the process like a treaty, so fraught with uncertainty, you’d be remiss if you didn’t follow other parallel opportunities – this agreement provided a lot in terms of goals for the territory. Once it was declared a higher-level plan, then all these things that we put in the stewardship plans thinking that they were in the jurisdictional-limbo became part of the mainstream requirements, right? The stuff we brought to the table is all there” (FN1-1).

By comparison, FN2 decided to participate in the LRMP as a strategy to gain certainty on the land base, based on their distrust of the treaty process. The finality of a treaty is cited as a major concern, as are the political ramifications of engaging in the process:

“We have never been in the treaty process and we have no interest. Very early on when the treaty process was starting, we had a lot of political concerns with the process and did not want to engage; that really remains the sentiment here. Treaty is a bad word, nobody wants a treaty.

Even if I try to call the LRMP negotiations *like* a treaty, I think that would be a bad thing –like you don't want to associate with treaty *at all*. So the strategy has always been to assert title and rights, and leverage that as you can. So, whatever opportunities may arise like that, I think these LRMP negotiations were part of that strategy, like that came up as the strategy. As we assert title, the Province having to recognise that title exists and they do have a duty to consult, and they could be in trouble if they don't. Then out of that we've been able to engage in those types of negotiations. So it's not really framed as an alternative to treaty, people don't really look at it like that, because treaty they...they don't want a treaty! Yeah it's interesting, because a treaty shouldn't have that association but it sort of does. That really comes from, there was such a focus on the *extinguishment* through the treaty, how you, you extinguish title in exchange for title. And most *really* aren't comfortable extinguishing title" (FN2-1).

General outcomes that resulted from participation in the CC-LUP were discussed by participants. Firstly, the Province is better able to comprehend the wishes of a Nation if they have decided to create a land use plan (either independently or through the LRMP process) (PP3). Even if the land use priorities are not overly specific, a certain level of reassurance is guaranteed by the creation of land use goals through the CC-LUP process. "One of the theories with the land use plan is...let's agree on the land use, and if you own it, we know what's going to happen, and if we own it, you know what's going to happen" (PP8). FN1-2 echoed this sentiment when they discussed the importance of setting protective mechanisms on the land by utilising the mechanisms available, even if it means negotiating the specifics at a later date:

"[I]t goes back to we still want to protect the land base, we still find some things important, we want to be part of that process. Not only the development, but actually the implementation of it, and we can't guarantee treaty –no matter what, even if we have the best treaty in the world, that doesn't mean the membership will note 'yes.' That's just an unknown until we know. So we do what we can within the processes that are available to us. We also think of when we do those, how are they going to impact *if* we have treaty; it's not just a what if not, you have to think of what you do here, you don't want to just kill it, you want it to roll into what you will be doing in the future. Otherwise, why bother?" (FN1-2).

PP6 noted the effectiveness of the LRMP process in ensuring certainty for First Nations in a timely and cost-effective manner. Although they clarify that they are not comparable in terms of guaranteed monetary benefits, they are comparable in their ability to create tangible land certainty. "(The LRMP process) is a serious undertaking but not on the same scale as a treaty. Now I mean, they also don't get the same kinds of things out of it, you know they get recognition of some of their interests but a treaty comes with a whole bunch of money and it's *their* land so it depends on their objectives" (PP6). PP6

concludes by reflecting on the success of the participating Nations in gaining conservancies that reflect their interests:

“I guess one way of looking at it: neither Squamish nor Lil’wat are pursuing treaties, and yet they have been more successful versus a lot of First Nations in getting what they want. When two First Nations that I have the most experience with having worked with the closest with have conservancies that are based on their interests, and neither of those Nations are treaty Nations? That probably speaks volumes. Not to say that other Nations can’t be effective through treaties, but there is definitely two ways to go about it” (PP6).

Lastly, the March 2015 decision to not appoint George Abbott to the BC Treaty Commission (and the consequential backlash) came up during conversations with First Nations. Although the challenges of dealing with the inherent uncertainties of the situation were acknowledged, it was clear that the Nations are not letting these events deter them from actively pursuing their land use objectives:

“Always with the treaty, it’s important to be a Nation so it’s all about getting the power projects going as a revenue generator and being prepared for development on the land, and how to take that development in a meaningful way that benefits the community. Typical land use planning problem, the negotiation of different visions for the land” (FN1-1). “As I’ve known with the Province and the Feds, lots of things can happen; but we are at that point where we won’t be delayed another year or two...so all the stuff that’s happened with the BC Treaty Commission, all that aside, we’re still focused on achieving what we’re achieving” (FN1-2). Lastly, when asked if the events at the BC Treaty Commission have helped to justify participation in the LRMP, FN1-1 responded by saying: “I think you’re right, it relates directly to using the tools available to us. I think that flexibility to move the process forward, depending more on processes like this, maybe so.”

### **6.5.2 Alternative Forestry Practices**

Although participants indicated that involvement in the LRMP process has been instrumental in encouraging nuanced forestry practices to take place within the Sea to Sky planning area, a few concurrent legislative and political decisions facilitated this evolution as well. An amendment in the 2003 Forest Revitalisation Act better included Indigenous groups in the BC forestry business; this policy directive coincided with the negotiation of the S2S-LRMP, and both allowed First Nations to “finally get into the wood business” (PP1). PP1 noted that “British Columbia is quite bad” in the sense that their forestry industry is characterised by large, often international, companies holding the vast number of

licences making it difficult for first Nations to gain access into the industry. Changes in the legislation have better ensured First Nations access to timber markets by earmarking licences for First Nations.

Around the same time, the Ministry of Forests, Lands, and Natural Resource Operations made commitments to create community forests in the three main Sea to Sky communities (Pemberton, Squamish, and Whistler); the community forests were intended to represent an area-based tenure in order to better manage the resource and capture long-term value from the forest (PP3).<sup>2</sup> The only one that has been established (as of 2015) is the Cheakamus Community Forest and represents a long-negotiated joint-partnership between Whistler, Squamish Nation, and Lil'wat Nation. PP3 discusses that, although the decision to create community forests was made prior to the finalisation of the LRMP, the LRMP helped facilitate discussions about establishing forest land for First Nations and is an essential part of "trying to figure out land use post-LRMP." One of the key discussions during the LRMP negotiations centered around the establishment of forest management directives in order to "fulfil the basket of First Nations interest that are not directly related (to land use planning) but help them round out the final agreement" (PP8). Opportunities to partake in revenue-sharing negotiations enabled Nations to become players in the timber industry, creating a "really different dynamic when you're talking about managing forestry impacts in the Squamish Valley" (PP8). PP8 emphasises the importance and benefit of having the First Nation and the forest company being "one in the same"; they continue to say that this was a "strategic move that they made which we hadn't even thought about." When the Nations are the tenure holder on a tract of land, the negotiation process between them and the Province is more effective and simpler.

Part of this negotiation is mediating the varying, and often conflicting, interests that relate to forestry. PP3 suggests the typical resident of Whistler wants logging to stop, without fully appreciating the value in having a robust forest industry in the region. Squamish and Lil'wat Nation both have active interests in getting involved in the forest industry; further, they want to move away from "the old-style of forest management to maximise the volume output of the community forest. Rather they want to manage in a more holistic way" (PP3). Despite the interest that exists within communities, PP3 discussed the difficulties of establishing new community forests due to the over-allocation of forest land and the fact that there are more licensees than there is timber volume. The final LRMP document will help shape

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<sup>2</sup> Forest tenure is either granted on a volume-basis or an area-basis. A volume-based tenure sees that you are able to log within a general area up to a specific volume, whereas an area-based tenure provides the licence holder with a specific area to harvest (PP3).

the conversation around establishing additional community forests, namely within the Municipality of Squamish.

### **6.5.3 First Nation Land Rights and Tenure & Aboriginal Rights and Interests**

This sub-section presents findings related to how First Nation land title and tenure is defined and discussed by participants. This covers a relatively broad range of issues, including the establishment of conservancies, land tenure and jurisdictional concerns, and the slightly contentious definition of what constitutes an “Aboriginal interests”.

Not surprisingly, land tenure concerns fuelled the need for the LRMP and, to some extent, remain in its aftermath. PP4 discussed the fact that “for First Nations I saw that (the separation of planning tables) were minor things compared to the major interests which revolve around protection of cultural sites and certainly the establishment of protected areas.”

“From a First Nations perspective, it really comes down to jurisdiction. There is really a gap between perceived jurisdiction, rights, and title in the community, and the reality of crown land and the point of view and world view that that comes from. The Sea to Sky was a good exercise in exploring that dichotomy of views. Back to the point on general land use in the area, it’s maybe not too much different from elsewhere: some planning gets done, probably less than should get done. Then there’s the issue of resources that are of interest for economic users and a lack of representation in the planning process, resources that can’t really be monetised right? But you know, none of that is unique to the area” (FN1-1).

The notion of “exploring that dichotomy of views” extends into the issue of establishing not only jurisdiction but the establishment of boundaries and regions. For example, one of the significant issues that FN1 had to work through was the fact that the entirety of their traditional territory was not captured in the S2S-LRMP (approximately 1/3 was excluded) (FN1-1; FN1-2). Although their entire territory was eventually considered under the privy of the S2S-LRMP, the issue of boundary-setting and drawing “hard-and-fast” territories was discussed. FN1 discussed that relying on arbitrary political boundaries can be an ineffective way of managing natural systems and functions:

“In my mind I just go back to again, and it’s just that we look at our traditional territory –the *whole* area that we find important, and the lines that make up the Sea to Sky don’t allow for that. Whereas Chilliwack, I don’t know what the Lower Mainland one is...they never did one \*laughs\*! Well, there exactly! So we got ourselves included in but, it’s not fully included in the lower area. So what does that mean? Don’t know” (FN1-2).

“Part of the overall framework would be a re-design of boundaries and the one thing that can’t be questioned is, for example, the way the Nation looks at the land, the treatment of the watershed. The

use of artificial boundaries –re-define that way and a lot of the jurisdictional issues will go away. What they would do is pick up political boundaries –and this is an aside, no Province in this country has as many different political boundaries as British Columbia. Forestry is sort of the same, it was really the Chilliwack forest district VS the other forest district, that’s how that line got there. Sort of like the boundary between the two regional districts, which falls within the Sea to Sky; I mean Squamish, Lillooet and Fraser Valley, the line is east-west, and that means nothing and severs the communities from the natural area” (FN1-1).

One of the beneficial and unique results of the S2S-LRMP was the establishment of conservancies, as they presented a positive opportunity for First Nations to be able to exercise control over tracts of lands (defined in Table 8). Although PP4 described the conservancies as representing a “huge cost to government and huge benefit to First Nations,” a relatively low amount of land ended up being put aside for Indigenous use. “The Sea to Sky is quite detailed and had 44,000 hectares that were put aside for First nations conservancies – which is pretty considerable. It’s not overall a lot of land, but in this area it is considering the close proximity to a large centre like Vancouver” (PP1). The S2S-LRMP introduced the idea of establishing conservancies, in addition to parks, in order to ensure a range of land uses and values are protected through the CC-LUP. Conservancies are specifically established in order to address a unique Indigenous land use or value:

“Conservancies are being established based on the interests of First Nations as opposed to all the other things that we protected and called parks. There are some legislative nuances in that there’s some things that are allowed in the conservancies that would not be allowed in parks: so one example is that in a park you could not permit any hydroelectric activity and, for the most part, you can’t do that in a conservancy either, unless it’s providing power to somewhere not on the grid or something like that. It offers a bit more flexibility. It’s more to do with the cultural values the First Nations place on an area. The public had to understand what it meant for these new areas to be protected, but under the terms that came along with First Nations after they identified them” (PP6).

Indigenous participants expressed that the LRMP did not include everything in their initial land use plans – however, they did express that the establishment of the conservancies were of benefit to the Nation:

“The really positive outcome of that whole process was getting these conservancies in place and with that a commitment to collaborative management over the conservancies, and further to that we were able to negotiate three conservancy management plans in collaboration with the Province. Those plans really reflect our unique values in the conservancies and how we want them protected. So that’s really positive. The other thing that it did was establish what we call Spirited Grounds or Cultural Grounds, and the other First Nations have these too; again they are



protected areas within Provincial legislation, I think under section 16 or 17 (of the Land Act), so if a proponent puts in an application to do work in the territory and it overlaps one of these areas, right away the Province is going to know the sign will go up saying we have to consent to use in this area or this is a no-go zone because we say it's too significant. So those are the very positive outcomes in what we've managed to ensure protection – not in all areas we wanted, but most" (FN2-1).

The introduction of conservancies on the land base helped raise discussions about what Indigenous groups can do on their land and what constitutes as an "Aboriginal right or interest" on the land base. The development of the S2S-LRMP represents a shift in discussing and validating a more broadly-interpreted range of rights. PP5 discussed the strategy that many environmental groups adopt: get on-side with Indigenous groups so that their interests can be better supported through constitutionally-protected Indigenous rights. However, this assumption that First Nations only want to protect the land base is simplistic; effective management regimes and nuances resource extraction methods are often the end goal for First Nations:

"Sometimes there are mutually beneficial interests (shared) between environmental (groups) and First Nations around stopping development in certain areas –but from the First Nations there might differ over the long term about what actually *happens* in that area. So it could be the short term goal for both of them is to stop development, say for environmental interests they may want to see this area have no development happen in the future, whereas the First Nation might be open to some development happening at a much lower scale than traditionally happened. So their interest might diverge. I recall hearing in previous instances, like Clayoquot Sound was one of the big first major flash points, what was then referred to as the War of the Woods between industrial development VS protected areas. First Nations were often on-side because they wanted just to stop things and get a management regime in place that could better look after and better reflect their interest in the land. Particularly here, First Nations are a unique group just in terms of how their interests are taken into account on the land; if you're an environmentalist you could see some value in trying to get the First Nations on-side with your perspective because it adds weight to it because they have different legal standing then you do. Look at the current debate on pipelines, there are a bunch of people, non-Aboriginals, upset about pipelines –yeah okay, *but* it's a whole different kettle of fish if it's First Nations because they have a different understanding and a different standing under the Canadian charter" (PP5).

Through the creation of conservancies that offer a more flexible approach to land use, the Province is demonstrating that they are trying to go beyond simply constitutionally-enshrined land use contexts that fall short of offering anything further than "traditional" subsistence activities. PP6 discussed that "these agreements are almost more about the desire for a meaningful relationship, ideally creating more opportunities for First Nations to be able to do things beyond just their 'Aboriginal right' to

continue to practice things that they're allowed to do constitutionally." Although this goal is considered, there are some noted deficiencies. FN1 discussed their concerns regarding the lack of effective watershed plans: "there are watershed plans for each of the major watersheds throughout the territory that the Province did –they're dated, and frankly reprehensible in their datedness. They don't reflect our modern situation at all. The one that covers Rogers Creek talks about how it is an uninhabited landscape, because apparently First Nation people don't count" (FN1-1). The evolving "government-to-government" relationship between First Nations and the province of British Columbia will be discussed further in 6.6.2.

#### **6.5.4 Duty to Consult and Capacity**

Several times throughout the interview process, concerns relating to individual First Nation's capacity to effectively respond to external land use planning requests, or even referrals, were raised as being problematic. Even if the LRMP was not in place, the duty to consult with First Nations applies to any major land use decision in the area; the amount of required consultations can be significant and often requires individual attention (PP1). Although the legal duty ultimately rests with the Crown, the Province encourages individual companies to reach agreements directly with impacted Nations – otherwise, the Province will deny a development permit (FN2-1). The de facto protocol sees Nations being relatively unassisted with their negotiations by the Province; the ability for individual Nations to participate effectively in these consultations often depends on their individual capacity to do so. One participant discusses the resource and capacity disparities that can exist between First Nations, despite being close in proximity:

"N'quatqua, partially part of their territory is included, they're a really small reserve, have a small population, they don't have the benefits that Squamish and In-SHUCK-ch do in revenue coming off of their commercial interests. Sending requests to them you know at the time we were consulting on some of these, on the agreements, we got virtually zero response and that's just a reflection, not of their interest, but the lack of resources they have" (PP7).

Even though this has been noticed by the Province, First Nations (even participating Nations) have faced struggles relating to capacity, often having to be strategic about the projects or initiatives in which they invest time. FN2-1 discussed that their Nation really has to pick what initiatives they pursue due to a lack of resources. The "function of (the) band office" has been noted as playing a large role in determining capacity (PP7). When asked about the largest limitation faced by the Nation, FN2-1

responded by explaining that: “It really does come back to the funding, because the funding really impacts staffing and resources...it really could be a full time job to hire someone and say ‘this is our land use plan: implement it. All these things that the Province has committed to, let’s make sure they’re happening.’”

A Nation’s capacity also impacts their ability to respond to elements of the plan that are passed on to their administration. PP7 discussed the “requirement” of an Archaeological Impact Assessment and/or an Aboriginal Interest and Use Study. They suggested that these types of studies often include the assessment of things such as culturally-modified trees, berry patches, and mushroom collection areas that would be protected with mitigation strategies; they can also include the establishment of larger and legally-enforced protection strategies to preserve village or burial sites. However, “a lot of the time it goes back to the First Nation” to undertake the assessment; it was also unclear how such studies would be concluded or enforced. As FN2-1 discussed in section 6.4.3., the Nation often has to be creative in order to implement or follow through with some of these “mandated” land use studies and initiatives. In the case of FN2, they hired a graduate student in order to undertake some of the land use studies that were supposed to be guaranteed through the LRMP process.

### **6.5.5 Relationship Building**

FN1 felt strongly that, despite the fact that not all of their land use desires were implemented on the ground, participating in the LRMP process was beneficial in the sense that it afforded them an opportunity to build a communicative relationship with the provincial government. However, when making reference to the government-to-government nature of the LRMP process, First Nations participants were hesitant to recognise it as such; that being said, they did characterise the LRMP as a partnership building and relationship solidifying exercise:

“When you asked the question about how it impacted the governance or government relationships (Government-to-government), it doesn’t really deal with it at *that* level, but I think the level that we understand it and can communicate it to our principles, that’s where I think that helps; you know, have these discussions, build these relationships, because we’re the ones that have been on the ground understanding it, where our leaders our leading from a whole other perspective. But it is capacity building all the way around, that’s how I look at it” (FN1-2).

First Nations were able to strategically participate in the LRMP process in order to build relationships that will assist them in obtaining a treaty. Both participating Nations expressed that they felt that they

were better able to reach out to bureaucrats in the aftermath of the LRMP process and converse about their land use needs. FN2 expressed that they feel reassured by the shared vision represented in the LRMP document, and have felt well-supported through their objective of creating protected areas for harvesting:

"I don't know (if it's) at the government-to-government level, but like I said it was capacity building. I already sat down at the negotiation table with the Province and the Feds, but this is another layer of understanding, building relationships, understanding how different ministries work. Understanding how you can impacts things on the ground, and how parts of this agreement can also be taken and put into parts of the final agreement of the treaty. We still keep using the pieces that we have and making them more real within the jurisdictions of British Columbia and Canada until we gain *our own* jurisdictions. So it's capacity building all the way around and understanding. Like, I don't know where *our* land is now, but I've heard PP8 is somewhere and we run into these people all over the place, and I think those relationships that we build are really going to help us in the future when we do have our own jurisdiction, because they're probably going to be somewhere where we need to work with them" (FN1-2).

"I'm pretty positive about it because of the experience that I had with it, as opposed to maybe some of the other First Nations would say because we weren't apart of the first process or whatever, everything I say in regards to First Nations being in the treaty process, working with the Province or the Feds, working towards some sort of goals. It's a huge opportunity for building a capacity and understanding, and relationships that I think are going to take us further into the future as opposed to being oppositional and just you know, hanging on to things. We all have our stances on who owns the land and what have you but, at the end of the day, nobody is going anywhere – at some point we are going to have to work together. I find that working together on projects like this, it's easy to build those relationships. When you take on bigger things like treaty negotiations and ownership and stuff like that, it starts to get a lot more difficult because you're drawing a line in the sand where, again, this process really helped me understand the subtleties as opposed to all or nothing. I mean, it helps me understand that and to be able to communicate it to others" (FN1-2).

"I mean, the nice thing about the outcome I think, I've been finding anyways, is that now I can contact bureaucrats who are just doing what they're being told to do, and they're doing what the land use plan is telling them to do, and that land use plan is something that we had input on and consented to. So that, we've kind of got this policy that we are both working under, that we both share, and that we both consented to. So it's really great; for example I'll have contacts with the Province who think it's great that we have these measures and avenues to establish old growth management areas for example, and then a contact where we worked quite closely to establish this old growth management area in a place where we use for mushroom gathering. There's more operational work required to get it done, but as far as policy, the policy was in place that provided the avenue to do, and we were able to do it. It really has enhanced the relationship" (FN2-1).

Lastly, PP8 discusses the differing perspectives that Nations can adopt in order to arrive at their desired goal. While some Nations adopt a litigious approach that seeks to reject government authority on their land, other Nations decide it is best to try and work with their provincial counterparts in order to build a mutually-beneficial relationship. This relates directly back to the notion of seeking to build relationships at every available opportunity:

“It comes back to a worldview on Aboriginal rights as to whether or not you’re better to work with government, or better off to go fight the power and gain authority. That was certainly where, the one Darcy, St’at’imc have always had an extremely litigious approach that says ‘you have *no* authority to a land use plan, so give us the authority and walk away please.’ And we’re going ‘government is not going to *admit* they don’t have the authority, it’s a non-starter.’ That becomes a legal position there, we had a lawyer trying to convince them that they were missing an opportunity, but the Chief and council said ‘no, they have no authority, we’re going to deny the plan, and we’re going to fight them all the way.” Whereas Lil’wat, Squamish, In-SHUCH-ch, was clear; they wanted to engage but they were going to come to the table with *a lot* of authority, and they were prepared to negotiate. They got that government’s not going away, so we’re going to give you a hard time and negotiate and play hardball! Like okay! And Lil’wat was a little bit on the fence, but they were moving towards a more modern engagement with government approach. It was part of a seat change, you almost get in British Columbia there are two camps: there’s the Union of the British Columbian Indian Chiefs and there’s the First Nation Summit; the Summit represents the negotiators and the Union represents the protestors. It’s a pretty big split between, not quite half and half, but you get this ebb and flow of First Nations between one camp and the other” (PP8).

### **6.5.6 Shared Territory**

As discussed earlier, the issue of potential and tangible areas of shared territory (or overlap areas) came up during the interview process. It also was discussed that, even though significant issues remain, the LRMP process was better able to handle concerns over shared territory than treaties. This is mainly due to the fact that since the LRMP covers a larger area, land can be viewed in a more holistic fashion, and numerous uses can be identified and mediated. One major issue relating to shared territory was the order in which plans were negotiated and applied. As PP6 discusses, the challenges relating to Squamish Nation being “ahead” of other Nations (in terms of determining their land use plan desires and crafting their land use plan), and the ramifications in the broader context:

“Squamish was really ahead of well, *all* the other Nations, in terms of having their vision and having articulated it in a land use agreement; they were ready to go and to start negotiating what was going to happen in their territory. When the territory started to overlap with Lil’wat territory for example, Lil’wat wasn’t ready to say what they wanted and government had to consider both Nation’s interests. The timing was off-set and so that led to challenges where Squamish was putting things on the table wanting to make decisions, and government was

wanting to finalise the agreement with Squamish, but we didn't have all the information on Lil'wat's interest –Lil'wat's interests were in the overlap area. That was the first significant challenge" (PP6).

Aside from the larger shared areas, there were several other instances of shared interests. PP7 described how, in some cases, First Nations were able to come to an accommodation around these areas:

"Who's ever is closest to the particular interest will champion it. It also depends on what the development is and whether that development may be can be leveraged for accommodation – in that case maybe you'll see other people speaking up when they maybe wouldn't have with something less significant" (PP7).

Although the LRMP process offered an opportunity to mediate concerns over shared territory, there were concerns over the government's approach to dealing with the issue. Some situations are not easily mediated between individual Nations, and there appears to be a divide in how the government wanted to proceed with such matters and the government approach preferred by First Nations. In general, the areas that remain under contention have simply been shuffled down to the bottom of the government's priority list, in order to be dealt with down the line (PP6; PP8). The areas are protected, but the extent to which they are managed, and the type of management, remains uncertain:

"To be very honest, today there continues to be conflict between Squamish Nation and Lil'wat Nation about how those areas should be managed. They probably want something very similar, like it's kind of about who is in charge of saying how it's going to be managed. That is a real problem for Parks, because we want to develop land use plans for some of these conservancies that were established in overlap territory, shared territory as we call it, but the Nations are still in conflict about who should sit at the table. We have prioritised developing management plans for areas that there is no shared territory. The ones that are went to the bottom of the priority list and we have not dealt with those yet" (PP6).

In the meantime, it appears that the government is waiting for First Nations to come to some sort of agreement independently before conflict areas will be approached, or management plans will be completed. PP7 and PP6 both speak about the unpopular notion of relying on a "strength of claim" approach<sup>3</sup> to determining who will take the lead in specific regions:

"We have seven First Nations that have some territory (in the plan area) but when it comes down to resource use on crown land, we don't point to strength of claim but the First Nations –

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<sup>3</sup> A strength of claim approach is commonly utilised to determine a First Nations "claim" to their traditional territory. This is typically done through extensive consultation, and by asking First Nations to provide physical or oral evidence to speak to their claim off the land (Meyers Norris Penny, 2009).

we leave them to work out who is going to want to speak on behalf of First Nations. So the one with the strongest strength of claim, they'll take responsibility of speaking to their interests and the other First Nations, and I'm really just speculating on what happens on the other side, they focus on their central areas" (PP7).

"At the time when this was all newer and fresher, government made a significant effort. We hired the mediator to help the Nations come to an agreement, and there was some proposals put on the table about coming at it from a bit of a 'strength of claim' approach. Say 'well, what is Squamish took the lead on this one, and Lil'wat took the lead on this one, and you know maybe for this we need a joint planning table' – they didn't agree to that. Mediators didn't really make any progress and so I think that at that point we said 'we will move on and deal with the other things, we can come back to this some other day.' The areas are protected; they don't have management plans, but we know as long as we don't do anything drastic in those areas they can wait till later" (PP6).

FN2, which has several instances of shared territory, takes issue with this hands-off approach to dealing with areas of potential or tangible overlap. They speak of the reality that the government will always be an active partner in all of their land use endeavours, making it inappropriate for them to leave it to First Nations to figure it out on their own. FN2-1 expresses unease over the government's lack of oversight in simply "accepting" when a Nation wants to change their territorial boundaries:

"There's a place in overlap territory, government keeps telling us our title is weaker and we don't know what a court would say about that. The courts would say exclusivity is a criterion for aboriginal title. The frustrating part about the overlap issue is that the government just seems to *accept* a First Nation territory boundary without question. So for example, we overlap with the N'Quatqua, and they recently changed their boundary – there was no process that we were aware of for them to show evidence or actually establish some proof of their boundaries being down there, the government just takes it. But the legal implications are *huge* because in the areas of overlap, the government is going to say 'well your strength of claim has been weakened because there is overlap' and try to play that card a bit. They always say (that the Nations should just work it out themselves) but the problem with that is there is a level of responsibility that *they* have right, that government has, that they just can't walk away. I mean, if the government weren't a part to the decision sure, we would work it out and that would be fine, but they *are* so it's causing a lot of challenges" (FN2-1).

### **6.5.7 First Nation Developed Land Use Planning and Strategy**

Although the LRMP document reads as if it was solely based on the government-to-government negotiations, the basis of the negotiations was largely the pre-existing land use plans that were

developed by the First Nations.<sup>4</sup> Thus it is also important to understand the order in which plans were created, and the individual pressures that Nations felt to produce plans. Some “First Nations were starting develop their own vision for land use in their territory. Squamish was the forerunner in that respect and they developed their land use plan and said ‘here is what we think our territory should look like’ and they identified Wild Spirit places” (PP6). “Squamish (Nation) already had an existing land use plan when the LRMP started so they identified their own areas. They basically had their own zoning that ran the gamut from what they were comfortable, areas they felt were comfortable being developed, through to the areas they would like to see protected” (PP5). This being said, some First Nations were not previously engaged in producing their own documents, resulting in them having to “react” to the Provincial land use planning process relatively quickly. FN2 did not previously have a plan, but was able to create one when approached through government funding:

“So when they approached us in the consultation over the Sea to Sky LRMP, we responded saying ‘well, we can’t engage in consultation with you until we properly have the capacity to know what our interests are on the land.’ Because at that time, we didn’t have a land use plan or anything like that. So they actually funded us to do a 2 year process, pretty intensive community consultation, and we were able to develop our own land use plan. So that was really, that document remains as a really important policy direction for the Nation” (FN2-1).

Although FN1 felt that they were not reacting to the LRMP process, they suggested that the timelines resulted in their land stewardship plan being developed *prior* to their land use plan, something they expressed as being less than ideal:

“I don’t think (our land use plan) was a reaction to anything, but it was re-developed. It was a little bit backwards because the land stewardship plan did come before the land use plan, but that’s just sort of the way is happened; from a planning hierarchy sort of perspective, you’d kind of hope it would have happened the other way” (FN1-1).

The government utilised the Indigenous land use plans as a means of understanding their views, as a way to harmonise these plans with the stakeholder plan, and as a way to establish land use agreements with individual First Nations (PP6). Provincial participants found the land use plans to be an appropriate way to understand the wishes and land use desires of First Nations. Their utility as a working tool to come to agreement over time around land use was noted by several participants:

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<sup>4</sup> Hence the term “harmonisation” that has appeared several times throughout my finding; the LRMP negotiation process represented the harmonisation of the draft LRMP put forward by the initial stakeholder table and the previously-developed Indigenous land use plans



“So from the Province’s perspective, one of the challenges is typically getting First Nations that actually specifically identified things on a map so to speak in terms of what represents their interests. The fact they had land use plans that you could then use, that even though the First Nations were participating officially, you could if you were so inclined look at what they had identified in their land use plan and consider that in how the development of non-Aboriginal division of the plan area should be managed” (PP5).

“There was the land use agreements at a higher-level, the overarching agreement of what the Province and the First Nation agreed to, and the land use agreements kind of covered off all the different kinds of things that were done, the cultural areas, the wildlands, and they identified what conservancies would be established etc. Then in that agreement said *and* there should be a collaborative agreement about how those conservancies should be managed, but that was delegated to Parks. So we were successful in negotiating an agreement with Squamish and we had significant discussions with Lil’wat, but we never came to an agreement. We basically agreed to disagree about some final details on things that they wanted that the government was not willing to write into the agreement. The main thing, Lil’wat determined the agreement should identify resourcing to enable us to do things under the agreement; whereas government just doesn’t do that. In the end we said ‘you know what, let’s just work collaboratively and not worry about the agreement.’ To say which is better...” (PP6).

There was strategy involved in making the decision to engage in the development and negotiation of a land use plan. PP8 discussed that part of the strategy to participate stemmed from the Sea to Sky’s proximity to the Lower Main Land: “Squamish had Chief Ian Campbell, a really brilliant leader, who said ‘we don’t like it, but there are 3 million people in Vancouver.’ This is life, that’s us. What are we going to do?” (PP8). FN1-1 echoes this sentiment, but takes it further by getting at the root motivator for participating in any mechanism that will possibly lead them closer to land right certainty: “until we get to the point where jurisdictional issues are settled and the Nation had its own structures in place, we will continue along with the colonial dependency model that exists right now” (FN1-1). PP8 continued to praise the strategic moves of several First Nations, as well as the ability of the land use plans to accelerate the process: “(the Nations) had made a pretty strategic move with their land use plans, and we were thinking we’re eventually going to cross these issues with what to do with the upper level. We weren’t going to go back in and log it, but sometimes you can ignore those things for 5 or 10 years before you get around to fixing it.” (PP8). Lastly, FN2-1 discusses their ability to negotiate the conservancies in order to align with their land use objectives and to “make gains through power of consent” in specific part of their territory:

“Yes, for some areas (we would be able to make a decision based on the application). Not all, like with the places that became conservancies, those fell under the protected areas legislation,

so regardless of what we say, if we said “oh we want logging to happen’ they’d be like ‘well, no this is a conservancy’, right? So we are constrained by that, but we consented to that, we wanted those areas protected. That type legal designation was our arrangement. With the categories, like with the Spirited Ground areas there are different categorises of them, and so designated Category A are places where there was no conflicting tenures already, so crown land that didn’t already have any other conflicts on the land, and those areas that we do have consent. So if a company wanted to do say logging in a Category A, which is crown, they wouldn’t be permitted to do it unless they had formal approval from us. So in those cases, we make gains through power of consent –but that’s pretty much just in those areas” (FN2-1).

## **6.6 Outcomes for the Broader Context**

### **6.6.1 Political Interest and Cycles**

Numerous participants discussed the challenges associated with having to constantly rely on revolving interests and priorities tied to election-based political cycles. Often the implications of political cycles go far beyond simply issues regarding funding streams – the general attitudes that governments hold towards negotiating, or reconciling, with First Nations appears to have a much larger bearing on how relationships are developed (as discussed in section 6.2). PP1 describes the necessity for government to have the “appetite to embark on a process” in order to move the plan forward. Most of the LRMPs were developed under an NDP government; it was cited in the interviews that there were some challenges associated with the 2001 election of the Liberals as it resulted in a shift in land use planning (PP5). Although the Liberals “weren’t big fans of land use planning”, the S2S-LRMP (obviously) was still completed – although it was developed under noticeably different policy directives than the previous administration (PP5). As one participant noted, the government’s initiative and desire to implement land use planning mechanisms needs to be echoed and supported by those that will be impacted. As was noted in the interview, the S2S-LRMP process was able to benefit both from the government interest in pursuing its completion and the Indigenous groups that desired land use certainty:

“There are two different directions where these plans can originate from: they need to have the top-down support otherwise they’ll never get implemented, but they need the bottom-up interest building. Just identifying all the information, you can’t dictate it, it has to come from both levels and to do one without the other –you’re kind of wasting your time or setting yourself up for failure. In that sense, I can appreciate the fact that it is seen as a success” (PP7).

Echoing discussions of the significance of the 2010 Vancouver Olympics (section 5.1), participants emphasised the importance of external influences on the actions of government. Numerous

participants discussed the importance of the Olympics in motivating the relatively efficient completion of the S2S-LRMP; however, several participants also discussed the significance of events that followed the Olympics. As PP1 describes, “big shows like that get a lot of money and a lot of attention, and as soon as it’s over the balloon is popped and it’s back to basics.” In the weeks following the Olympics, the Province went through a downsizing that resulted in numerous job losses. As PP1 describes, this was done through the amalgamation of both the Ministry of Lands and Ministries of Forests:

“British Columbia had an amalgamation of different ministries –so I think Ontario if you recall, it is the Natural Resource Ministry. So we are now somewhat following the Ontario Model –which *apparently* we were told wasn’t going to happen but here we are now called that right? So after, right after, the Olympics big changes came in and our Lands and Forest Ministries were amalgamated and called Forest Land and Natural resources” (PP1).

Although PP3 does not describe the job losses as “post-Olympic retreat”, they do discuss the changes that occurred in the post-Olympic period:

“There were a lot of changes in government, particularly late-2010 all the natural resource ministries in British Columbia kind of got rolled together, something like MNR. I don’t think there was any kind of post-Olympic retreat of government commitment; I think it was more about the decision around ‘MNR-ing’ of British Columbia that made all the difference. Everyone’s job changed. People, a lot of people you know –well they said nobody’s job was impacted or redundant, in fact a lot of people just prior got letters of redundancy and stuff like that. There was a lot of change in government in those years between 2009-10-11. So in that, at the time, there was significant impact to a number of different agencies, people’s jobs changed, it just sort of stopped” (PP3).

It was discussed that in the modern political context of British Columbia, there is not a lot of interest in undertaking approaches similar to the S2S-LRMP land use planning process (PP1, PP3, PP5, PP6, PP7, PP8). One participant discusses that the policy impetus to not pursue additional LRMPs goes further than the fact that the majority of the land base is covered in LRMPs already. The “small ‘c’ conservative’ nature of the current Liberal administration represents a government that “doesn’t philosophically believe in planning, (colouring) what the kinds of tools people can reach for (PP8).” They go on to say that it is overall “coloured by the political belief that government is not a planning-oriented government (PP8).” There are additional concerns regarding funding, budgetary reductions, and the expensive nature of large-scale land use planning processes. One participant discusses that when the plan was being developed, the government had committed specific funds in order to enable various aspects of the LRMP; however, that money is now gone, despite the fact that not everything has been

implemented (PP6). It was cited that the largest concern relating to the limited funding is the inability for government to help to support any potential First Nation initiatives that may arise. PP6 discusses the frustrations experienced by the lack of capacity in not being able to provide financial assistance to develop things such as commercial ventures on the land base. Indigenous participants echoed this dissatisfaction with the existing system and further expressed that they were somewhat uneasy about the uncertainties created by relying on governmental cycles to react to their needs. That being said, they recognise that the uncertainties that exist within their region are far from unique to them; in this same regard, FN1-1 alludes to the importance of diversifying local economies:

“Every four years there’s that question about how poorly the federal government will engage \*laughs\*. Another uncertainty is the uncertainty that everyone has: when you have an economy based on certain resources, will it be there for you when you need it? The dangers of the economy going up and down; there’s nothing unique about that in this place and for these people” (FN1-1).

## **6.6.2 Evolution of Government and First Nations Relations**

Alongside the changing political cycles, the relationship between the BC government and First Nations is evolving tangentially. Participants discussed the changing relationship and how it has resulted in substantial progress in terms of validating of Indigenous land rights. The lack of historical treaties in British Columbia had allowed the Province to move towards meaningful reconciliation with First Nations, which has resulted in numerous attempts to do so.

Numerous participants supported the notion that the S2S-LRMP represented an important shift in how land use planning consultations are conducted in British Columbia. When discussing the role the NDP government played in developing CC-LUPs in the region, PP6 described the evolution of Indigenous engagement in the province. PP6 described NDP ex-Premier Mike Harcourt’s support for expanding the parks system and his continued support for mandating stakeholder planning tables; however, PP6 also suggested that early LRMPs were lacking in Indigenous support or involvement. PP6 explained that it was in fact (past Premier) Gordon Campbell who made the “real commitment to doing the better job at consultation. He was the one who said ‘we want to reconcile out differences with First Nations’, to makeup to some extent for past wrongs (PP6).” PP4 described the current situation regarding First Nations in British Columbia as “dynamic”, and emphasises that the key difference between the early days of the LRMP and the more current processes was the level of Indigenous involvement. PP2 supported the notion that the S2S-LRMP was one of the more successful plans in terms of engaging First

Nations – in fact, PP2 went on to strongly make the case against portraying the S2S-LRMP as an instance of engagement:

“I can say that if you’re interested in First Nation engagement in strategic land use planning, then you’ve picked a good plan \*laughs\*. British Columbia has done many years of strategic land use plans in the form of LRMPs, and the latter ones – which were the Sea to Sky and the Coastal LRMPs – were more fully conducted on a government-to-government level. So you’ll see, in my opinion, a much higher level of First Nation’s engagement. I wouldn’t characterise it as First Nation engagement, I would characterize it (as) *government-to-government* discussions on the LRMP and a different approach.”

PP6 further elaborates on the key difference between the two administrations that oversaw the creation of various LRMPs:

“The Harcourt days were when they really worked to expand the parks system, there were LRMPs or land use plans back in the 1990s; they did definitively work to deal with the War of the Woods issue we had here. As sort of valley-by-valley, as the logging trucks were getting ready to go, protestors would come out. The government said ‘look, we really need to do something more strategic.’ So that’s true of the Harcourt phase, but those days we were not being collaborative with the First Nations. It was more in the later processes where the Nations had a real say in the agreements” (PP6).

Numerous participants reference the significance of the New Direction document (released in 2006) in symbolising the evolution in thinking about how Indigenous and provincial governments negotiate. This particular document was enacted under Gordon Campbell’s administration and articulated how to better consult with First Nations. PP6 describes that the government pushed to “put everything on the table (in order) to do better”. As PP8 describes, the New Direction was “part of an evolution at the time (around) thinking on government-to-government negotiations as a whole.” They go on to say that as the years went on, the government was increasingly willing to explore more tools to enable government-to-government negotiations. PP8 also notes that the S2S-LRMP was being simultaneously negotiated alongside the Great Bear Rainforest Agreement, further illustrating that success was part of a larger evolution of government approach. PP1 echoes other participants and supports the idea that “the New Relationship is new government speak for one thing...to promote communication and relationship building with First Nations.” PP1 added that they had seen major changes within the decade they worked for the Provincial government involving how the government consults with First Nations.

Several participants discussed that the New Direction was the first document that signalled that the government was, for the first time, looking towards negotiating and consulting with First Nations,

and that planning in a “post-constitutional” context has more often been shaped by Supreme Court decisions than innovative political initiatives (PP6; PP7). PP6 notes the existence of the ambiguous duty to consult, and that there has been a “gradual awakening to what that means...and how we improve the means through which we consider First Nation interests and rights in any crown decision we make.” PP7 describes it as a transition towards the “recognition of (First Nations’) quasi-government status.” They describe that, in the past, if First Nations did not respond to attempts at consultation or expressed disagreement, the government would typically push forward with a development. They continued to say that it was “mainly through Supreme Court decisions that gave us direction to arrive at a new relationship – it just became harder and harder to justify continuing down the road of ignoring what those interests were, considering what the Supreme Court has said. It’s been pretty positive and it seems to be still evolving with the recent Tsilhqot’in decision, we’re still trying to figure out that one \*laughs\*.” PP6 adds that the conscious choice of the term “reconciliation” was adopted by Campbell to recognise the desire to move towards a more meaningful relationship. Echoing PP6’s comments regarding the absence of a tangible definition of that “consultation” should or does include, PP8 considers what constitutionally-mandated consultation means for provincial governments and the opportunity that British Columbia has to supersede the requirements:

“The legal construct of consultation in a pre-title environment, is that consent is not required. Consultation is *always* at the deep end of trying to address the interests and so on, but it’s pretty clear we’re not in the room of necessarily trying to reach agreement; you’re in the room of trying to mitigate, address the interests, but that’s not requiring anything – agreement is just a bonus. When we cross a line, and we’re always very careful in the Province to say ‘the legal stuff is the legal stuff’, we play by the rules legally and that has good stuff and it has some bad stuff, but those are the legal rules. We can choose voluntarily to go *beyond* those legal rules. That’s the agreement building world, that’s done on a policy construct, that’s done on a government-to-government basis, not because we *have* to, because it’s in section 35, not because we *have* to because of the Supreme Court and Haida and so on; it’s not a *duty*, it’s an opportunity. So that’s the key construct, that the government can choose that opportunity on a policy basis to say ‘we will go further than the law requires towards the agreement’ (PP8).

It remains unclear what the term “consultation” truly means for First Nations. FN2-1 discusses the claim that in the conservancies and cultural management areas there will be a requirement for “deeper consultation.” This being said, they expressed that they remain unclear as to how “deep” regular consultation is required to go, making the call for “*deeper*” consultation even vaguer (FN2-1).

PP7 emphasises that government does not remain at a stand-still in reaction to Supreme Court decisions or other external factors, but instead is actively working towards creating reconciliation. “But I think we’re on pretty solid ground in terms of making sure that we’re checking in on a regular basis, trying to involve First Nations not at the end of the process but at the beginning” (PP7). PP3 discussed that the Province has moved away from the idea of undertaking large-scale planning processes: “land use planning has changed a lot in British Columbia...At one level you can say we’re not good at it anymore –which is kind of true, at least not in the big LRMP sense.” Although this is problematic in some areas (for example, PP3 discussed the concerns faced in adjacent Howe Sound over the lack of an LRMP), there are alternative tools in order other than the previously used framework to reach success. When PP6 discussed that a few of the Nations did not have fully-developed management plans, they indicated that since consultation procedures have advanced so much, the necessity to have set-in-stone plans and directives has decreased in favour of more adaptive plans. PP4 also discussed the utility of this approach in planning:

“I think what’s pretty common now, and I think in terms of how its preceding now is that there are numerous agreements being pursued with First Nations at different levels, that’s where it’s evolved to. The Province is not in support of the LRMP process anymore, they’re not really going the direction of these comprehensive land plans anymore and these planning processes aren’t likely to come forward again. There are a lot of economic agreements, negotiation agreements, engagement agreements; how can we improve just how we interact, memorandums of understandings on different issues, those kinds of things. I think there’s obviously the Tsilhqot’in decision, right? There are some real shifts in approach, it’s all still unfolding” (PP4).

PP8 describes this process as engaging directly with Nation through the “(evolution of the) government-to-government component of it, without the public land use planning.” PP8 describes that the government now prefers to directly work with the Nation on special management plans for specific regions – by-passing the public stakeholder tables and focusing on individualised plots of land.

Although overall both provincial participants and Indigenous participants framed the LRMP process in a positive light, several participants were hesitant to classify the LRMP process an outright success, and First Nation engagement as a whole. For starters, FN1-2 noted that there was a notable decrease in attention directed from the government in the years since 2008, discrediting some of the positive statements regarding the ever-increasing use of new consultation methods. PP6 also voices frustrations about the lack of resources devoted to effectively negotiating with Nations, and makes the

distinction that the government is still operating on an engagement basis, as opposed to representing more of a collaborative effort:

“We don’t have money to offer the Nations, to spend the time that it takes to come to the table and develop management plans for example. We do our fiduciary duty to consult with them when we develop, but we don’t do a very good job at being collaborative as all the agreements intended. So in a way that contradicts what I was saying earlier because consultation practices have improved so we do a better job at consulting, but we still aren’t as inclusive, as collaborative, as protective, and all those things than if we had the capacity to do it” (PP6).

This sentiment has been previously illuminated in several other sections, and will be last emphasised by FN2-1’s portrayal of the renewal process. When asked if they thought we were in somewhat of a changing phase of government in terms of being more collaborative, FN2-1 concluded that:

“Well, not really. I haven’t felt any change, except that things are slowing down a bit. Like, it used to be if I would respond with a letter saying ‘we oppose this activity’ they would respond back and say ‘well we determine that your Aboriginal interest won’t be impacted, so we’re proceeding anyway.’ I haven’t had that kind of response lately; I think they’re a little bit more nervous to do that now, because they’re realising we might have a little bit more leverage to do things, and call them on that. For example, we had a referral for a forestry licence renewal, and this is a company that renews like every three years, it’s just the kind of licence they have, and it’s always been one of these referrals that just happens, it gets renewed *all* the time. So last time we got it, we put up a pretty firm opposition and it delayed the renewal for over a year now. They’re very reluctant to approve knowing we expressed this opposition. So maybe things are changing a bit” (FN2-1).

Even in the face of recent Supreme Court decisions (such as Tsilhqot’in), there are aspects of the Indigenous-Provincial relationship that have remained unaltered. As PP3 illuminates, although Nations are more likely to be forging on with developing their own land use plans, they command little authority as the Province has no requirement to apply or legislate them. Additionally, concerns regarding the varying capacities that exist between Nations are also discussed, as they relate to land use planning:

“Tsilhqot’in is challenging, implementing Tsilhqot’in is tricky, but we have Nations that are doing their own land use plan, they are saying ‘BC, you’re losers, we’re not waiting for you. Here’s our land use plan, here’s our conservation areas, here’s our mixed use areas, here’s our stewardship areas, here’s where we want you guys to stay out, here’s cultural areas’, they put it all on a map for us, ‘here’s how we want it implemented on the ground.’ And we say ‘thanks we will look at that while we make our decisions’ \*laughs\*. We have no regulation yet to *apply* that in provisions. So you know we have this evolving relationship with a number of First Nations of course, there is a real mix of engagement levels at the band levels: out of 95 there are probably 20 or 30 that are big and organised, politically astute and powerful; 60 others that are getting there; and there are a bunch that maybe every other day there is someone in the office answering the phone and that’s about it. So there’s a real mix” (PP3).



FN1-1 emphasises that the progress that is represented in government talk is often washed away by the “big things.” They discuss the recent drama that has occurred surrounding the BC Treaty Commission as indicating a negative shift away from supporting First Nations across the province. FN1-1 discusses that “political government-to-government talks aside, things like George Abbot not being appointed to the Treaty Commission –those are things that could either be a step forward or backwards in the relationship, it can get lost in those big ones” (FN1-1).

Lastly, it is interesting to note that several participants referenced the 2014 Tsilhqot’in decision, and often used it to frame their perception and reflections on the S2S-LRMP process, as well as how they view the future of the government-to-government process. For example, although PP3 discussed that they were proud of what was accomplished through the LRMP (“a lot of people in government thought [that they were] giving away the farm), they felt that it probably still falls short of what the plan should have represented when considering the aftermath and implications of Tsilhqot’in. As mentioned before, PP7 discussed that “the duty to consult is higher than it was” during the time the S2S-LRMP was being negotiated. What was interesting to note was the evident sensitivity that provincial participants expressed when discussing issues surrounding Tsilhqot’in; considering the recentness of the decision, it is clear that government workers are still treading lightly on these types of issues due to the uncertainties that now exist within the realm of consultation. This was also reflected in the First Nation response to the characterisation of the process being “more than engagement”:

“Wow that’s the first time I have heard that! Yeah, I wonder if that’s sort of their reaction to the whole Tsilhqot’in decision and they’re getting a little worried about their liability. Because now the Tsilhqot’in case has created a bit of liability if they don’t properly consult. That’s *never*, like every letter I get, or any sort of engagement with the Province is all about, it’s all about the *consultation*. That’s the word they use. Even as narrow as, tell us your, I guess it’s getting a bit better since Tsilhqot’in, but you know ‘tell us your site of Aboriginal interest, so we can determine what needs to get done’, like it’s not about coming together on a government-to-government level and making joint decisions about what we want to see on the land. It’s about telling them, and it has to be ‘Aboriginal’ type of engagement, which is a very narrow way of looked at it, certainly not opening up consultation towards consensus-building around what we want this development to look like. I am very interested in that” (FN2-1).

When considering the post-Tsilhqot’in conversation around consultation, and considering that provincial participants discussed the need to emphasise the government-to-government type of relationship, FN2-1’s discussion about the government’s approach to changing consultation protocol was telling. They

discussed the top-down nature of these conversations, and alluded to the problematic nature of this approach:

“I do know since Tsilhqot’in they have had a whole bunch of re-evaluation of their consultation policy and those kinds of processes. But that’s been a bit weird too, because their engagement with First Nations over policy reform has been at a very high level, like more with the (First Nations) Summit, or bigger organisations, and at the community level we have seen *nothing*, there has been no engagement with us to say ‘how can we provide some consultation, what would be more moving towards consensus-based.’ I’ve never ever had the opportunity to have that kind of discussion” (FN2-1).

## **Chapter 7**

### **Discussion**

This chapter serves to draw conclusions from the key findings presented in the previous chapter. This chapter presents an analysis of the findings in relation to what has been documented in the literature, and how the data relates back to my primary research objectives. This chapter concludes with a brief discussion of unanticipated findings that, while not directly related to the research questions, provide meaningful context for the findings as a whole.

#### **7.1 Summary of Key Findings**

This section will provide a summary of the key findings that will be particularly relevant to consider when discussing the analysis. Although chapter 6 provided a range of findings, this section will synthesise some of the over-arching findings and those that were most significant to the analysis of the research.

##### **7.1.1 Impact of External Factors in Land Use Planning**

Numerous participants discussed the forces that compounded to enable the LRMP process. The most cited factor was the 2010 Vancouver Olympics; numerous participants made specific note of the significant role the Olympics played in motivating this plan – an interesting finding considering that this was not referenced in the final LRMP document. In each instance the Olympic Games were mentioned in the finalised LRMP, it was discussed in the context of potential-increases in tourism within the region (Ministry of Lands, 2008). As several provincial participants noted, the LRMP may not have been as high of a priority in the absence of the Olympics.

An additional factor was the polarising discussion around the expansion of protected parks areas. Although the plan committee had concluded that the discussion on parks was closed (due to the fact the plan area already contained the recommended percentage of park land, as determined at the 1992 Rio World Summit), the First Nations fought to have a say in determining more conservancies that are based on their specific interests.

Lastly, the extent to which provincial employees and First Nations are dependent on political interest cycles and targeted financial investments was a finding. Participants expressed frustrations regarding the uncertainties that exist around their actions being so closely tied to higher-level priorities;

the lack of committed funding for projects and management plans, as well as effective negotiations, was discussed as a key issue in actualising policies.

### **7.1.2 Implementation Concerns**

The findings surrounding the success and short-comings of the implementation process demonstrated that there was a notable gap apparent between the provincial perspective and the Indigenous perspective. Land use designations have been implemented on the land base; however, some additional measures introduced in the plan have not been incorporated in the implementation plan. Several participants expressed frustration about how both groups were not able to effectively implement all of the components of the plan, some of which could have been beneficial for the participating Nations. It was also noted that all of the individuals who participated in the plan-making process have since moved on to other positions and are operating in different capacities. Although it is evident that the plan still holds bearing in the work they do, there are no longer any individuals consciously ensuring that the plan is being implemented on the ground (PP1; PP3).

Additionally, it was demonstrated that there are conflicting viewpoints about the role of First Nations within the implementation team. One Indigenous participant expressed that they were not even aware that there *was* an implementation table, thus assuming that implementation has not occurred. Even if all aspects of the plan were effectively implemented, this is a problematic notion because it insinuates that effective communication is lacking between the Province and First Nations. Nations expressed that land use uncertainties exist in the aftermath of the LRMP. Although they express that they intend to move forward with their objectives for the land base, there are concerns regarding decision-making authority and the government-to-government relationship as a whole.

### **7.1.3 Range of Motivations to Participate and Benefits of Participation**

It is evident that there were numerous contributing factors that influenced a Nation's ability to effectively engage in the LRMP process; additionally, there is also a range of land use-related implications that have reinforced the Nations' decisions to engage. One of the key discussions centred on the decision to participate in the LRMP, in light of the recent happenings with the BC Treaty Commission. It was revealed that there are strategic choices to be made when deciding in what processes to engage, and participants suggested that it was often determined by the key objectives and long-held attitudes of the Nation. Numerous participants supported the notion that in light of

uncertainties that exist within the BC Treaty Commission, there seems to be a renewed relevance of the LRMP document, as it has allowed for land base protection in absence of a completed treaty.

When assessing the benefits of participating, First Nations mentioned that relationship building was an integral aspect of the process. Some participants noted that the process was seen as a key opportunity to forge relationships with Government employees with whom they would work closely with in the future. There was a telling amount of strategy involved in determining if the Nation should participate in the plan process.

#### **7.1.4 The Ebb and Flow of the Relationship between First Nations and Government**

Although I previously referred to the evolving relationship between First Nations and the Provincial Government, it can also be argued that the changing relationship also represents an ebb and flow which depends on the political administration and their policy priorities. Provincial participants explained that the work they do –and the work they can do –is often dictated by the political priorities of the day. A distinction was made between the change from the NDP Government in the 1990s to the Liberal Government in the 2000s, and helps separate the objectives of the Simon Fraser LRMP evaluations and this thesis. Although the NDP Government was celebrated for its unprecedented emphasis on CC-LUP and multi-stakeholder approaches to land use decision-making, it was comparatively less effective in its ability to effectively engage First Nations. It was noted that the Liberal Government was less keen to focus on large-scale land use planning –however, they were more concerned with developing a reconciliatory relationship with First Nations. Further, it was noted that the current administration is more focused on the idea of reaching agreements with Nations *in absence of* the multi-stakeholder public table. This approach is interesting and, obviously, it remains to be seen what the implications of this approach will be.

#### **7.2 Addressing Research Objectives**

This section outlines my initial research questions and attempts to situate the findings within the broader literature.

## **7.2.1 What has been the level of Indigenous inclusion within the CC-LUP and what have been the determinants of their experiences within the process?**

As Sandercock (2004) advised, it is important to pursue research that revolves around how Indigenous groups interact with, and are impacted by, engaging in conventionally-structured land use planning exercises. She notes that is of specific value to look at processes that involve diverse and non-Indigenous stakeholders. This was the central objective of this thesis. My findings demonstrate that there was an acceptable level of participation and involvement within the initiation of the plan for Nations that elected to engage within the process. Despite the successes of the plan in some areas, challenges arose around the infancy of the government-to-government relationship and the limitations that currently exist in terms of meaningfully incorporating elements of Indigenous planning.

### **7.2.1.1 Inclusion and Validation of Indigenous Protected Areas**

By working to harmonise the Indigenous-developed land use plans with the draft LRMP, the Government did indicate that they were working with the First Nations to create the final plan. Booth & Halseth (2011) suggest that this vastly improves the ability for First Nations to take ownership in the plan-making process. Referring to the process as harmonisation indicates that measures were taken in order to come to a mutually-beneficial conclusion that strives to bridge both of the developed land use plans. Although the Nations expressed that they had an adequate number of their initiatives included in the implementation phase of the LRMP, the plan fell short in effectively including the Nations in a meaningful role as part of the implementation process, negatively impacting the relationship-building element of the LRMP exercise. Although the plan process was far from perfect –there were several noted occasions where the plan did not reflect a relationship-building endeavour –there were instances in which the Government attended to cultural values and made conscious decisions in order to effectively consider Indigenous values and perspectives on multi-faceted issues. These nuances will be further discussed and analysed in this sub-section.

During the plan initiation, the Government's decision to initially forgo the conversation on establishing new protected areas was a major point of contention for participating Nations. When the First Nations expressed the fact that, although the region met and exceeded the suggested acreage of protected area, none of the existing protected areas reflected the values or sacred sites that First Nations felt should be protected. The absence of the Indigenous voice within the conversations during

the Lower Mainland Protected Area Strategy (LMPAS) had the potential to negatively the LRMP process. This speaks to the need to protect traditional lands and preserve culturally- and environmentally-sensitive regions – these concerns were noted as essential to consider in the 1996 Royal Commission on Aboriginal Peoples, which coincided with the LMPAS (Dussault & Erasmus, 1996). In light of a new opportunity to make negotiations on the land base, the Nations were adamant that the Government re-open the discussion around new parks. If the Province remained unwilling to open these discussions with the Nations, participants in this study indicated that the LRMP would have been created in the absence of their perspectives and participation. When the Nations insisted that the parks debate be re-opened due to the fact that the existing protected area landscape represented western values and not Indigenous values, they were invoking a concept discussed through Indigenous planning literature –the notion of having to conform to settler values and land use priorities (Alfred & Corntassel, 2005). In this case, the Province acted to support and respect the values upheld by the Nations. The Province supported Natcher’s (2001) views on the importance of addressing past conflicts relating to the land use planning process, as well as the need to adequately involve individuals ultimately impacted by land use planning initiatives. As Chabot & Duhaime (1998), Coombes, Johnson & Howitt (2011), and Porter (2010) have all noted, exclusion from land use planning can exacerbate negative power relations – the Province’s decision to re-open protected area negotiations helped to avoid perpetuating the disparity that exists between First Nations and the rest of British Columbia. The Province’s conscious directive to re-open the discussion on protected areas shifted discussion around the LRMP process to allow for First Nations to engage in the debate in a culturally appropriate manner. An additional component of the decision to include protected areas that should be emphasised was the Province’s continued support and inclusion of the concept of conservancies. Conservancies were established around providing progressive protected area structures for First Nations to not only protect traditionally-defined interest, but expands this definition to allow certain low-impact economic ventures. This nuanced conceptualisation of what constitutes an “Aboriginal right” is supported through literature that is evolving to question a stagnant and fixed interpretation of what First Nations can and should do on their land base. The creation of conservancies validated cultural values and granted First Nations (in some cases) additional authority to make decisions on the land – in fact, conservancies were created for that *exact* purpose.

### 7.2.1.2 “Not Just a Stakeholder” and Challenges around Government-to-Government Negotiations

Government employees entrusted with designing the land use process were conscious not to consider First Nations as “just another stakeholder” that needs to be consulted in the creation of the land use plan. This finding is supported by Frame, Gunton, & Day (2004), Gunton, Williams & Day (2003), Karjala & Dewhurst (2003), Morton, Gunton & Day, (2012; these scholars also discuss the problematic implications of continuing to apply this narrow definition of First Nations’ rights. The decision to frame the LRMP as a two-table government-to-government negotiation was made at the initiation of the process, providing an opportunity to build constructive relationships. However, there is a discrepancy between the levels of success with this model as reported by provincial participants as compared to their Indigenous counterparts. Although the New Relationship Trust represented positive change and the subsequent idea of using a government-to-government negotiation model embodies a progressive way of looking at Indigenous relations, application in this context falls short of its full intentions according to both participating Nations, British Columbia First Nations in general, and policy analysts (Wood & Rossiet, 2011). In light of recent Supreme Court decisions, Chetkiewicz & Lintner (2014) suggest it is damaging to not actively work towards establishing government-to-government negotiations between First Nations and Government. Although the First Nations that participated in this research are actively working to achieve their land use planning and resource management goals, they did express disappointment in the deficiencies of the government-to-government model and wondered to what extent future Government structures will determine their land use choices (FN1-1; FN2-1).

### 7.2.1.3 Defining Plan Boundaries

FN1 discusses that the entirety of their traditional territory was not included in the originally-drafted plan, resulting in initial challenges in conceptualising the protection or management of the full spectrum of their interests. In the end, the Nation was able to negotiate an amendment that expanded the scope of the plan in order to contain the entire territory. As discussed in the literature, the western concept of creating somewhat-arbitrary administrative boundaries is often in direct contention with the Indigenous ideal of a more holistic consideration of the land base – this concept is also relevant when considering environmental or species-based management (Armitage, 2005; Cornell, 2005; Slocombe, 1993). FN1 and the Province was able to negotiate a plan that ultimately appeased both sides –



however, it would have been of benefit to pre-consult with the Nation in order to determine what regions they felt should have been considered within the LRMP. The necessity of this comes from most of the fact that some adjacent regions are not covered by an LRMP – therefore potentially leaving swaths of Indigenous territory increasingly vulnerable to unchecked development.

#### 7.2.1.4 Shifting Government Priorities

One of the key determinants to the Indigenous experience within the LRMP process has been the response from Government and the shifting priorities that are exhibited across time within British Columbia. Although the LRMP process was initially praised for its ability to effectively expand parks and protect areas in the Province (Frame, 2002; Thielmann & Tollesfson, 2009; Wilson, 1998), it was evident that proper engagement of First Nations was not a priority in the plan process. Provincial participants emphasised the importance of the New Relationship Trust, and Gordon Campbell’s emphasis on government-to-government style negotiations guided the Province into an era of more effective deliberations. However, due to the fact that Indigenous participants have expressed a decrease in attention from the Government in recent years (FN2-1), it is clear that the ebb and flow of political interest is an inhibitor of success. Wood & Rossiter (2011) tracked provincial approaches and opinions regarding First Nation-related policy expressed during the 2000s, and found that there were not only a lot of changes in the Government’s position on Indigenous policy but that unpredictable policy directives had increasingly negative impacts on First Nations. Wood & Rossiter (2011) refer to the 2009 collapse of British Columbia’s Recognition and Reconciliation Act as an “exposure of a post-colonial sinkhole” (pg 409), alluding to the fact the Province often finds themselves in a jurisdictional bind which limits their ability to effectively validate Indigenous title. In addition, several provincial participants expressed frustration as to the limits often placed upon them, preventing them from doing all they can to empower First Nations within their territory. This issue is another direct consequence of public servants being subjected to shifting political priorities –and it is evident that this concern is more significant than the potential for job loss. The persistence of stress relating to a limited authority to act on behalf of First Nations should be a considered a barrier to reaching meaningful government-to-government relationships. These scenarios are largely the result of the inherent challenges relating to the consideration of localised or regional planning initiatives which are ultimately embedded within the larger political context –at times, these two policy spheres are divergent, resulting in ineffective policy directives (Nadasdy, 2003; Staples et al., 2013; Wood & Rossiter, 2011).

## **7.2.2 What are the determinants of First Nations participation in land use planning? What are the prospects of “alternatives” to treaties?**

### **7.2.2.1 Strategy to Engage in the LRMP**

The research findings demonstrate that there are numerous factors that contribute to a First Nation’s decision to engage in the LRMP process, just as there are numerous potential benefits or opportunities to engaging in collaborative planning. Bark, Garrick, Robinson, & Jackson (2012), Stringer, Dougill, Fraser, Hubacek, Prell, & Reed (2006), and Spellegacy (2009) all discuss that despite their successes in some instances, collaborative structures do not provide opportunities to strengthen the potential for nationhood or self-determination for Indigenous groups provided by comprehensive land use plans. However, FN1 noted that they viewed participation in the LRMP as an opportunity to build upon their relationship with the Government of British Columbia. They believed that a role in the development of a land use plan would only work to strengthen the treaty they hope to have in the future. Further, this perspective helps to refute the idea that First Nations do not participate in land use planning for fear of prejudicing a treaty – in fact, the opposite could be true. It has been noted that the pursuit of a treaty comes with guaranteed funding and unique land use rights – however, this needs to be balanced with the unique opportunities that can be leveraged through a LRMP process. In light of thinking of Indigenous planning, there is a clear strategy that is involved with deciding to engage with the Province; relying on the types of Indigenous planning perspectives discussed in Chapter 3 may not be an appropriate approach. In this way, Indigenous groups must conform to colonised planning mandates in order to actualise their goals. This could be considered a failure of contemporary planning systems and mechanisms. On the other hand, considering the conception of land use plans developed by Nations, finalised LRMPs reflecting First Nations’ ideals are more likely to be developed through the plan harmonisation process. The findings support that there is a level of strategy involved in deciding to participate in the LRMP for First Nations.

### **7.2.2.2 Treaty vs. LRMPs in Practice**

First Nations 1 and 2 provided two different reasons Indigenous groups typically engage in the LRMP process. –One Nation is pursuing a treaty and the other sees treaty as a “dirty word”; as such, these two groups provide a unique perspective on the divergent strategies that First Nations consider. FN1 decided that they wanted to simultaneously pursue both the LRMP and a treaty in order to leverage

all potential benefits and create meaningful relationships with provincial employees that may assist them when a treaty is in place. FN1 approached the LRMP process as a complementary aspect of the treaty process, whereas FN2 saw the LRMP as an opportunity to pursue land rights certainty without having to engage in a costly treaty process involving the ceding of land. These two First Nations, when faced with the same problem, not only chose to tackle land use uncertainty in two different ways but have historically framed the problem in two unique ways as well. This finding supports the investigation of diverse techniques of empowering First Nations to participate in land use planning and resource management (Staples et al., 2013).

One clear advantage that comprehensive processes have by comparison to treaties that was discussed in both the literature and by participants is the ability of First Nations to exert decision-making authority on lands that surround their traditional territory. This is supported by Campbell (1996) who warned that the inability for First Nations to adequately participate in planning for land adjacent to or near their traditional territory will be increasingly problematic in the future, especially in terms of resource extraction proposals. Matunga (2013) emphasises that Indigenous individuals are active in their own form of planning, and are by no means bystanders; Indigenous groups in the Sea to Sky region are leveraging opportunities to exhibit control over their lands, proving that they are willing to be innovative in the planning process. This is reflected in the view that the LRMPs may have an elevated significance in the aftermath of the dramatics surrounding the BC Treaty Commission: participating Nations now have a stake in land use planning, even in the absence of a treaty.

### 7.2.2.3 Expansion of Alternative Forestry Practices

British Columbia's forest and land use policies have evolved to better reflect the desires and rights of the Indigenous groups that live within the Province, and also to better include the needs of the vast majority of First Nations who have not signed a treaty (Hamilton, 2012). Although it has not been without its deficiencies, the LRMP process has enabled unprecedented opportunities for First Nations in forestry and has facilitated an increase in alternative tenure structures within the plan area. Generally, the LRMP process has facilitated conversations around alternative forestry within BC. O'Flaherty et al. (2008) and Usher et al. (1992) both discuss the importance of meaningful Indigenous inclusion within the local forestry industry; this is of vital importance to allow First Nations to continue their role as stewards of the land. An integral aspect of the conversation around Indigenous intervention in the forestry industry is the notion that practices must *adapt* in order to accommodate for the Indigenous

worldview. This has been supported through the LRMP process, and partially supports Marchak's (1995) thesis that First Nations can revolutionise the forestry business. However, the current over-allocation of forest land within the Sea to Sky LRMP area is an evident barrier –this indicates that this transition towards a more participatory and sustainable industry will evolve over the years to come.

### **7.2.3 What is the current state of Indigenous engagement and participation in CC-LUP processes? What will CC-LUP look like moving forward?**

#### **7.2.3.1 The Capacity Issue**

In the lead-up to the LRMP process, some First Nations had already created their own land use plans –other First Nations had not done so, leading them to create land use plans in reaction to the LRMP. Although funding was provided so that First Nations without an existing land use plan could develop one, the onus was placed upon the Nation itself to undertake the work required to complete the plan. Therefore, if a Nation could not react to this request, participation would be limited; subsequent research might investigate if capacity concerns contributed to the non-participation decisions of these Nations. It can be hypothesised that having the adequate capacity to respond to the LRMP is essential to meaningfully participate within the process; I would also postulate that the Nations that developed a plan on their own accord were able to create a more successful and meaningful land use plan. This concept can also be taken to its next logical extension by considering that the LRMP process, or even the treaty process, prejudices First Nations who have the power to choose and capitalise on alternative strategies of arriving at the land use authority they desire. First Nations who already had the ability to create a land use plan were able to commence the negotiation process right away; this proved to be of benefit considering the concerns that eventually surfaced around shared territory.

Barry & Halseth (2011) and Chabot & Duhaime (1998) both cautioned that First Nations are too often on the offensive in terms of reacting to development proposals, expending significant resources in order to deal adequately with referrals that come through the band office. Even though the LRMP process intended to provide land use certainty, First Nations are still often overwhelmed by the volume of referrals they receive from development companies. Indigenous participants in this study discussed concerns over the disparities between the Province's capacity and individual First Nation's capacity to respond to development proposals. Although the duty to consult ultimately rests with the crown, this

responsibility is often downloaded onto industrial or development proponents (Government of British Columbia, n.d.); this practice has proved problematic in practice largely due to the capacity gap that often exists between the Province and First Nations. When First Nations are inundated with referrals and they are investing many resources into responding to them, the consequences are often negative; First Nations are far less likely to be able to devote the necessary resources to forge through with their own land use priorities or land use planning mechanisms (Barry & Halseth, 2011; Matunga, 2013).

### 7.2.3.2 The Unforeseen (Potential) Impacts of Tsilhqot'in

The findings illuminate how recent events have coloured the perception of land use planning and First Nation relations in British Columbia – it was evident that provincial participants were both sensitive about the implications of the finding and attempting to understand how the Tsilhqot'in decision will impact the decision-making process. An example of this was FN2's reaction to the characterisation of land use planning as a shared decision-making process. They expressed that provincial workers have exhibited heightened caution in the aftermath of the Tsilhqot'in decision due to the legal ramifications of inadequate consultation. It was evident that the provincial participants spoke of the LRMP while considering the potential ramifications of the Tsilhqot'in decision; had the interviews taken place prior to the decision, the participants might have spoken to issues surrounding Indigenous title in a less progressive light. This finding provides further support for the notion that provincial and Indigenous perspectives often diverge, and are coloured both by historical experiences and by current conditions and external factors.

Participants support the arguments discussed by Isaac & Knox (2004) and Natcher (2001) when they speak of the vagueness of the duty to consult mandate and the issues it has created for First Nations, the participants illuminate that this very notion continues to be problematic on the ground. The continued “vagueness” of the duty to consult, or the exacerbated vagueness of the “deeper” consultation that FN2-1 discusses, points to a clear issue that modern land use and resource management arrangements have not adequately grappled with. Although it has yet to be seen, the Tsilhqot'in decision will result in an increased need to come to some legal clarity around the responsibility of this duty and to develop a concrete definition of this much-talked-about mandate.

### 7.2.3.3 The Environmentalist vs. Indigenous Divide

There is a classically-held assumption that First Nations and environmentalists hold the same values and ideals' regarding what occurs with natural landscapes and resources (Raulston Saul, 2008; Wilson, 1998). In the typical modern landscape, this is represented by development protests that have been populated by environmental groups and First Nations that seem to present an allied front. Although to some extent these two groups have been able to find significant common ground in their concerns over the business-as-usual approach to resource extraction, there is a risk of oversimplifying the association of environmentalists and First Nations (Wilson, 1998). Raulston Saul (2008) emphasised this point when he said "to link the environment with Aboriginal culture is to risk being taken for a romantic...But there is nothing romantic about the Indigenous idea of nature. It is a philosophy in which humans are a part of nature, not a species chosen to master it" (pg.81). Participants discussed this point through the consideration of the initial "War of the Woods" battle in which Indigenous and environmental groups partnered in order to stop development – however, where most environmentalists wanted outright protection, the impacted Nations wanted to temporarily stop development so that an effective protection strategy could be developed for the area (Wilson, 1998).

Portrayals of TEK in the literature often centre on the importance of not viewing Indigenous culture and practice in idealised or stagnant ways, as this ignores the evolving and adaptive nature of First Nations communities (Berkes, Colding, & Folke, 2000; Marglin, 1990; Robson et al., 2009; Sen, 2004; Willems-Braun, 1996). Some provincial participants discussed a more progressive interpretation of Aboriginal rights, demonstrating that there has been an evolution in the definition's consideration. This was represented by the creation of conservancies, which were established to allow First Nations to preserve traditional territory and expand the definition of what it means to protect Aboriginal rights. This was further supported by the nuanced consideration of community forests in the region – participants even discuss how many Whistler residents continue to express opposition to increased forestry, whereas neighbouring Indigenous groups advocate for their increased participation in a newly-created and progressive forestry industry. This notion provides additional support to Marchak's (1995) thesis regarding the expansion of community-based forestry in the 21<sup>st</sup> century; she highlights the need to take a broader view of Indigenous culture and embrace the potential for First Nations to improve their communities through gaining access to forestry licences and shifting development to a more sustainable approach.

### 7.3 Reflections on Unanticipated Findings

This section discusses findings that, although not rooted in my literature review, have merit in providing context for the research. The first unanticipated finding was the impact the Olympics had on the initiation of the LRMP, considering how this impetus was not explicitly referenced or discussed in the plan process itself. Although participants emphasised the importance of the Olympics in quickening the pace of the LRMP development, when pressed they were often quick to iterate that the Olympics were not the only impetus to the plan process. This finding calls into question the intention of the plan: it was discussed by PP8 that the Province was concerned about First Nations protests during the Olympics (especially considering the shut-down of a Land office and uncertainties around the Sea to Sky highway project). The literature describes this phenomenon as “legacy planning”, which describes the linked objectives of hosting a large-scale event and fulfilling the socioeconomic needs of the host country (Black, 2007; Dansero & Puttilli, 2010). An additional element of priority to seek Indigenous participation is the cautious desire to portray positive relations between Indigenous and settler groups when a nation is being presented on the world stage. Additionally, there is a growing body of literature that outlines the impact that Olympic imagery can have on enforcing and exacerbating locally-entrenched stereotypes (Silver, Meletis, & Vadi, 2012). These findings demonstrate that the Olympics provided impetus for the plan process, and the Tsilhqot’in decision has facilitated a nuanced framing of the Province’s relationship with First Nations.

The second unanticipated finding was the lack of findings that related to TEK. I purposefully avoided asking direct questions about the acknowledgment of TEK in practice due to the complexity in defining TEK and the fact that its definition differs from context-to-context. Although TEK was framed as a significant element to consider when discussing Indigenous issues, TEK did not surface in the conversations I had with participants. Although I did not pose questions around the use of TEK, I anticipated that the concept would be mentioned throughout the conversations. Instead of discussing TEK, my interviewees focused more on the narrow definition of an “Aboriginal interest” as a major hurdle to be surmounted. Even though the reality of expanding the concept of an Aboriginal interest does relate to the re-imagining the potential for TEK to be applied in land use planning and resource management, it is interesting to note the lexicon choice.

The last unanticipated finding is the implementation gap that existed in the LRMP planning process. The findings indicate that, although the land use designations were mostly implemented on the

land base, numerous components of the plan were not fully implemented. More importantly, since there is currently no one responsible for monitoring the implementation process, it will be a challenge to identify what has been implemented successfully and what requires more work. However, the differing perspectives on the implementation process held by the provincial participants and First Nation participants were also telling. Although the Government reported that they had fulfilled their duty to implement adequately, the Indigenous perspective was coloured by their inadequate inclusion within the implementation process: for instance, FN1 assumed implementation committee had not even been struck due to the fact that they didn't have an opportunity to attend. Indigenous participants discussed that there were land use uncertainties that remained after the LRMP was established, and the interviews illuminated an underlying lack of meaningful communication between the groups that has led to disjointed perspectives on the outcomes of the plan.

## **7.4 Summary**

This discussion attempted to provide the reader with a holistic account of the Indigenous experience within the Sea to Sky LRMP process as illuminated by my interviews, from the impetus of the plan to the necessity of mediating post-LRMP land use planning decisions. Considered together, the findings indicate that the overall LRMP process was successful in initiating participation in certain First Nation communities. However, although the discussions were framed as government-to-government negotiations, the participating Nations felt that the process fell short in its ability to engage them as a Nation. Opinions also diverged when the implementation process was considered. This study suggests that there are a range of factors that contribute to a Nation's decision to engage within an LRMP; to some extent, the recent uncertainties that exist within the BC Treaty Commission provide additional support for the LRMP process. Participants expressed that there are a range of benefits that are associated with making the decision to engage in comprehensive and collaborative land use planning processes. Lastly, this research demonstrated that it is important to consider the potential impacts that external factors and political cycles exert on Government and Indigenous relations. The Tsilhqot'in decision may prove to shift Government priorities and actions in the future, as they relate to land use planning and resource management.



## **Chapter 8**

### **Recommendations and Conclusions**

#### **8.1 Thesis Conclusions**

The research included within this thesis aims to provide the reader with a snapshot of how land use planning has impacted several First Nations in British Columbia, and what the determinants of their experiences have been. Through the literature review, I provide an account of the evolution of land use planning in Canada and British Columbia; I paralleled the progression of communicative planning practice with the theories embodied through Indigenous planning, and point to the deficiencies that exist within Canadian planning practice. A discussion of innovative land use and resource management practice mechanisms provides additional context for the Land and Resource Management Process in British Columbia and the shift towards a provincial approach to CC-LUP. Through the process of interviewing individuals who participated in the creation of the Sea to Sky LRMP, I set out to understand the Indigenous experience in the land use planning process, and to understand the determinants of these experiences.

This research demonstrates that Canada is in a dynamic time in terms of resource extraction and development, as well as the need to reconsidering the type of processes we adopt to empower First Nations. The findings shed some light on the inner-workings of the LRMP process, and illustrate that the processes is much more complicated than it is depicted within land use planning documents. The findings also illuminate several fundamental differences expressed by provincial participants and Indigenous participants; this alludes to a lack of on-going communication and feedback provision in the aftermath of the LRMP negotiations. This further supports the notion that the government has significant work to do in order to arrive at true government-to-government negotiations. The findings also demonstrate that First Nations are largely subjected to political electoral cycles and other external factors that can inhibit, or increase, their participation within the realm of planning and resource management.

This research contributes to the field of planning by illuminating the fact that progressive collaborative and comprehensive planning mechanisms may still fall short in terms of adequately empowering First Nations to engage in the planning process in a culturally relevant way. This helps signal to planners that processes can be adapted or expanded to include more marginalised voices in

planning initiatives. Planners should be seeking ways to always evolve in order to increase the success of the programs and mechanisms they develop and, by meaningfully including some of the most historically marginalised voices, CC-LUP processes can be increasingly more progressive and successful. Some lessons that can be gleaned from my research are briefly discussed in section 8.2. These recommendations are practical in nature, but their application necessitates a broader and deeper understanding of land use planning in Canada and the impacts on Indigenous communities. Although this field has been expanding greatly in the past decades, I would recommend that Indigenous planning practice be adopted within planning schools and in university education more broadly. If more individuals had a foundational knowledge of the issues faced by Indigenous groups, we may be able to work towards successful conclusions in a timely manner. Although the 2015 release of the Truth and Reconciliation Report thrust issues relating to injustices perpetuated by church and state into the spotlight, misconceptions and assumptions regarding culture and land remain. Through education and learning from one-another, Canada can truly reconcile with Nations and we can work through our troubled record on Indigenous rights.

## **8.2 Recommendations**

One goal of this research is to look forward into the future of land use planning and consider some recommendations that can be postulated from the research findings. The intent is that this research will be, in some way, of use for practitioners and theorists who work within the field of Indigenous planning, collaborative planning, and land use planning in general. This case study intends to serve the purpose of facilitating discussions of some of the nuances that exist when planning for Indigenous groups, as well as the potential challenges and opportunities to forging through with innovative land use planning mechanisms. These recommendations were developed from analysing the insight that was provided from my participants –they have experienced the plan first hand, and are a valuable resource to tap in order to develop these recommendations.

### **8.2.1 Alleviating Stressors Relating to Capacity**

My first recommendation centres on addressing capacity issues within First Nations communities, and within the Provincial agencies that work with First Nations. The capacity issues I noted in my findings related to both financial constraints, and to a lack of time and personnel needed to respond to land use opportunities. The latter aspect is, arguably, more complex and challenging than

even financial constraints, because these capacity challenges can work to further oppress First Nations. If First Nations are always “on the offence”, they are less likely to be able to seek opportunities to better themselves or to plan in a culturally-appropriate way. *My first recommendation is to work towards alleviating stressors relating to capacity issues in First Nations communities, with the intent of allowing Indigenous communities to be able to make real choices relating to land use planning.*

One of the major challenges faced by Canadian Indigenous communities is their lack of choice and self-actualising abilities; this is largely due to paternalistic and colonial-based policies (Hedican, 2013). Participants expressed concerns over the limiting nature of capacity, forcing them to make-do with what they have. Some communities are better off, creating both a schism in participation rates and a positive feed-back loop for successful Nations. This model sees less-stable Nations being left behind. These dynamics need to be further explored. I recommend that both the federal and provincial governments work towards understanding the nuanced desires within and between Indigenous communities; further, this will include understanding the divergent views that exist when considering the best way to actualise land use autonomy.

To an extent, the government is already beginning to do this, by emphasising a form of adaptive management in order to customise the land use planning experience to the needs of individual Nations (PP4; PP6; PP8). Formally, large-scale land use planning is not currently occurring in British Columbia – however, taking advantage of meaningful individual negotiations, agreements and memorandums of understandings, the government can tailor approaches to limited budgets and limited timeframes. An example of this was seen on the peripheries of the LRMP process itself: Tsleil Waututh did not participate in the full government-to-government process, but wanted to develop a watershed plan. Although the plan is not yet finalised, this exhibits the government’s willingness to work within the Nation’s capacity and only focus on what they find relevant to them (PP4). Further, the broader acceptance of an adaptive management approach may be advantageous in order to avoid setting policy and practice in stone and evolving as situation change (PP6). The acceptance of adaptive management prevents participants from potentially binding future decisions, or being too restrictive on the land base. It allows for some flexibility in order to accommodate for development or to provide adequate protection for sacred or environmentally vulnerable sites. However, the LRMP process was developed with intention of providing assistance in the development of adaptive land use management plans for each of the established Conservancies (PP6); I would recommend that the government follows through

with this promise in order to signal to the Nations that they are still looked-upon as partners in land use planning. An increased dissemination of knowledge relating to the discrepancies between the Canadian planning model and Indigenous planning is additionally encouraged amongst practitioners.

*My second recommendation relates to capacity for the Province to have a larger role in negotiating the development referrals that are faced by First Nations.* The Province has often shifted their responsibility to fulfil the duty to consult to the proponent and, as a result, removing themselves from the conversation. Again, this creates a scenario that exacerbates issues in less financially-secure Nations and can benefit Nations with the capacity to respond to referrals. FN2 discussed that they have often been overwhelmed by referrals, and as recently as several years ago the Nation did not know how to respond to the development proposals. It is not unreasonable to assume that this knowledge-gap may be present in other communities. FN2 discussed that they established their own committee in order to understand the referral process. This model may be advantageous to some Nations, but other Nations may not have the capacity to do so. Although it may not be efficient for the Provincial government to be fully involved in all aspects of the referral process, I would recommend that the government works towards streamlining the referral process and provides appropriate training for Nations interested in being able to respond to proposals on their own.

In addition to the capacity issues that exist within Indigenous communities, there are also concerns regarding capacity within the government. Government departments are held at the mercy of changing Provincial directives, often resulting in funding shifts that are challenging to predict. The success of negotiations should not be tied to the political flavour of the week, and to have processes dependant on the philosophical ideals of the party in power is troubling. More stability in funding streams needs to be guaranteed, so that the tools available are not coloured by the party in charge (PP6; PP8). Additionally, the departments that contend with Indigenous land use concerns must be better supported in order to allow for the department to work within their capacity to better support and fund Nation-developed initiatives. Departments can help facilitate initiatives, but cannot finance or continually support creative initiatives (PP6). Through the creation of committed and predictable funding, some of these concerns could be alleviated. In the current system, it is a challenge to do anything beyond the fiduciary duty to consult due to the lack of capacity to be innovative (PP6; PP8). In order to actualise lofty goals of reconciliation, adequate funding structures need to be put in place.

Lastly, the government needs to utilise resources in logical and action-oriented ways, as opposed to focusing on “massively complex, intellectually appealing machines” such as some components of the LRMP (PP8). These processes require a massive amount of human intellect to enable them in practice so, if the financial and labour support is not there, they inevitably fail in the real world. Adaptive management and action-oriented processes that increase involvement of First Nations could alleviate budgetary-tensions and give Nations more ownership of the process.

### **8.2.2 Land Use Allocation and Boundary Setting**

Given the current jurisdictional divisions relating to Aboriginal “control”, and the current forestry tenure structure in British Columbia – mostly the fact that the forest is considered to be fully and, in some cases, over-allocated – guaranteeing Indigenous title is an increasingly complex enigma. Although British Columbia is increasingly recognising traditional territory, it is unable to acknowledge and validate Indigenous title –this is left to the federal government. *My second key recommendation would be for governments at all levels to evolve their land management structures in order to allow for more nuanced mechanisms to address resource issues.* I believe that the provinces and the federal government should work alongside Indigenous leaders to come to consensus on how better to grant title. For example, part of this process should include the consultation of individual Nations in how to restructure consultative policies in the aftermath of Tsilhqot’in. The participating Nations discussed that they are aware that higher-level First Nation organisations are being included in negotiations, but individual Nations have not yet been included in this process. Although this could be a lengthily and cumbersome process, the current state of affairs is potentially no less financially draining. Nations are largely only gaining traction through costly Supreme Court decisions and, although the Supreme Court has enabled and validated change, continuing to rely on this route is not a desirable option. The constant backlash from Indigenous communities should stand a strong signal that the current model is not working and that we should push forward with a progressive and effective way to validate title. The Tsilhqot’in decision may force some of these integral changes moving forward into the future, so it will certainly be interesting to see what results in that.

In the meanwhile, I would recommend an expansion of the “Conservancies” model established through the Sea to Sky LRMP process in order to validate Indigenous rights and allow for a nuanced definition of Aboriginal title. Despite discontent with the implementation of the plan, Indigenous participants did discuss the success of the conservancies, and the ability of this land designation to

increase opportunities for the individual Nation. The conservancy model could be more easily applied within provincial, or even municipal, jurisdictions. The roll-out of this model should be paired with the expansion of education around the concept of Aboriginal rights and how they should contain more than just traditionally-conceptualised rights (PP6; FN2-1). This model advocates for the practice to transcend the stagnant definition of an “Aboriginal right” and validate with First Nations what they want to see in their communities.

*Another recommendation that relates to concerns over land allocation concerns would be to advocate that the Government re-examine their strategy in handling issues relating to shared territory.* FN2 expressed frustration regarding the government’s decision to stay out of the negotiation process that relates to shared territory. Unfortunately, they ultimately take a Nations statement of claim without any process of vetting the claim. I would recommend that **the Province** create a format for establishing proof of claim, and have the government consider that issues regarding shared territory can have problematic implications for the Nation in the future.

*The last recommendation relating to land allocation is the necessity to define plan boundaries with an Indigenous lens.* FN1-2 advocated that the use of artificially-defined political boundaries often proves problematic in a real world context. They support the notion that if First Nations are better able to express their concerns over how lines are drawn, a lot of jurisdictional issues will be alleviated. Arbitrary boundaries can often sever communities and ecological features, and I would recommend that the process of establishing boundaries be altered to represent a more holistic approach. In the future, I would advocate that this essential process should be undertaken *prior* to any negotiation about use on the land base. Boundary setting can have significant ramifications for First Nations and local communities alike.

### **8.2.3 Building the Relationship**

*My final recommendation is to advocate for Governments and First Nations to constantly work towards improving working and even personal relationships in order to reach a mutually beneficial land use planning scheme.* PP8 discussed the rarely acknowledged level of behind-the-scenes conversations that worked to build up relationships between Government and Nations, and just how important it is to strive to develop essential connections. Interestingly, FN1 discussed the value of the LRMP process not for its land use planning value, but for the ability of the process to allow for an opportunity to build relationships. The more intangible and emotive benefits that can result from land use planning should

be emphasised and further understood in practice. In order to expand the relationship-building opportunities between Nations and the Government, PP8 advocated for the development of more direct partnerships with First Nations around areas that they have determined to be a great significance. Although there is a lot of value in this course of action, it has also been argued that this tactic creates an artificial separation between First Nations and other stakeholders (such as local community groups, industry, tourism operators, etc). PP5 argued that the two table planning process led to a lack of meaningful relations and engagement between First Nations and relevant stakeholder groups. This lack of formalised engagement can result in a potential missed opportunity to understand divergent viewpoints. Therefore, I recommend that the Province encourage collaboration and partnerships with stakeholders, as there is not one format that is going to guarantee success. If the Province actively seeks opportunities to engage with Nations and build relationships, mutually-understandings can be developed that will ease negotiation processes in the future.

An important component of the relationship-building piece is the necessity to not underestimate the needed human resource capacity, and to increasingly designate civil servants who work directly with First Nations in order to build inter-governmental relationships. Increasing the capacity to become diplomats will help alleviate the often tokenistic feel of current negotiation practices. Departments are at an advantage if they have designated, and passionate, people who can work to build integral relationships and to search for “policy windows” that can allow for increased advocacy of Indigenous land rights (PP6). This perspective encourages a constant stream of conversations at a government-to-government level. An integral aspect of this recommendation should include the government actively seeking to understand why past issues relating to land use processes surfaced, and to understand any potential criticisms that are put forth by First Nations. The necessity for on-going communication is pivotal, and part of this communication necessitates getting out of district and regional offices in order to experience the people and the land base that is under question in order to gain an appreciation of the why the plan is being created in the first place. This shift will help better connect people to people, and will help to alleviate the residual sentiment that the government should just work autonomously to make decisions “for” the people (PP7). I recommend practices that help civil servants find a deeper appreciation for relationship building opportunities and what can result from these interactions.

*Another recommendation relating to the relationship-building piece is the necessity for flexibility in the plan process in order to meet individual First Nation needs.* One of the examples of this was the decision to include protected areas, despite the fact that the Province had originally decided that the debate over parks had been included (PP8). The Province was willing to be flexible on the process, therefore enabling the participation of First Nations. This approach emphasises the importance of on-going communication and understanding individualised needs, as well as understanding that there is a great amount of diversity between Nations. Additionally, I would recommend that the Provincial government makes attempt to promote the concept that participating in progressive CC-LUP processes does not prejudice any potential treaties; PP8 cited this common misconception, and it should be discussed that CC-LUP mechanisms can serve to support the treaty process.

Although the participating First Nations expressed that the government-to-government negotiations fell short of their initial expectations, they did argue that de-politicising the process helped to arrive at a conclusion in a timely and civil manner. However, the relationship gains that were made during the process were easily over-shadowed by the “big things”, such as George Abbot not being appointed to the BC Treaty Commission (FN1-1). I would strongly recommend that the Government be aware of the messaging their actions send out, and the unintended consequences that can result in the aftermath. For example, FN2-1 expressed that they know that there is consultation relating to improved consultation protocols; however, the discussions are being concentrated at higher level First Nation organisations such as the Union of BC Indian Chiefs. By not opening up the process so that a broader range of First Nations are included, the deficiencies of the consultation process are continued to be perpetuated. Making efforts to decrease Indigenous susceptibility to fluctuating government priorities will greatly improve any initiatives put forward by the Government.

### **8.3 Areas of Further Research**

Planning literature lacks an overall focus on the Indigenous experience within planning mechanisms. Actively working towards developing planning mechanisms both with First Nations and with First Nations in mind, will alleviate a lot of stressors in communities and will help to improve inter-governmental relationships. Within the context of the findings of this research, I would suggest increasing research around the concept of conducting government-to-government negotiations, as well as understanding what structural concerns need to be addressed to actualise government-to-



government structures. The government-to-government negotiation structures are, in theory, a progressive idea and improvements could be made to ensure that the practice truly embodies a positive interaction. In addition, increasing research around the utility and application of alternative tenure structures will be of benefit, especially in British Columbia where timber licences are notoriously controlled by large multi-national companies.

The focus of my research is on the First Nations who participated within the LRMP process. Future research should expand to also focus on the First Nations who *did not* participate in the LRMP, in order to provide additional context into both the potential barriers of participating in land use planning and the rationale for First Nations to abstain from participating. A deeper examination of the strategies that are adopted by First Nations who face land use challenges would be beneficial in tailoring mechanisms to adequately assist individual communities. This research trajectory would be interesting to apply in the context of the Far North Act in order to further understand some of the opposition around the legislation and the potential opportunities that can result in leveraging its benefits.

In a broader context, the practice of exploring the impact of land use planning mechanisms from the perspective of individual stakeholder groups or populations is a valuable exercise, especially considering the recent embrace of nuanced planning mechanisms. The LRMP evaluations conducted by Simon Fraser University represented the perspectives of all participating “stakeholder” groups. Disaggregating the individual groups aids understanding that they may be impacted differently and that they may interact with land use management processes in divergent ways. This will be of benefit to improving planning practice for historically marginalised groups and understanding the multi-faceted nature of collaborative planning practice.

## **8.4 Concluding Thoughts**

The 2014 Tsilhqot’in decision signalled to provincial and federal governments that the business-as-usual approach to approaching issues regarding Indigenous title is simply inadequate. Although the full impact is yet to be seen, there is little question that this landmark verdict will shift the conversations that result from any resource or land use decisions that will impact Canadian Indigenous peoples. Provincial and regional approaches to validating land rights have proved their relevance in moving towards a more reconciliatory approach to land use planning with First Nations. However, in the absence of clear leadership from the federal government (with ultimate “authority” on Indigenous land

title) and adequate investment from the provinces, these progressive initiatives may flounder in the future. As FN1-1 expressed, as long as we “continue along with the colonial dependency model that exists right now”, First Nations will continually be relying on external factors in order to either instigate progressive interventions or to maintain the status-quo that inhibits Indigenous peoples from actualising their land use potential. To move towards a system where First Nations are empowered to act independently and benefit from the land that they are stewards for would be of great benefit not only to them but to Canada as a whole. Despite the evolution of progressive land use planning mechanisms, Canada still has a ways to go in validating Indigenous communities and actualising the potential they offer within their capacity as stewards of the land.

## References

- AAND. (2010). *About British Columbian First Nations*. Retrieved from: <https://www.aadnc-aandc.gc.ca/eng/1100100021009/1314809450456>
- AAND. (2014). *Comprehensive Claims*. Retrieved from: <https://www.aadnc-aandc.gc.ca/eng/1100100030577/1100100030578>
- Alexander, E. (2009). Dilemmas in Evaluating Planning, or Back to Basics: What is Planning For? *Planning Theory & Practice*, 10(2): 233–244.
- Alfred, T. 2007. "Pathways to an Ethic of Struggle." *Canadian Dimension*, 41(1): 35–39.
- Alfred, T., & Corntassel, J. (2005). Being Indigenous: Resurgences against Contemporary Colonialism. *Government and Opposition*, 40(4): 597–614.
- Allen, M., Culhane-Pera, K., Call, S., & Thiede, K. (2011). A Capacity Building Program to Promote CBPR Partnerships Between Academic Researchers and Community Members. *Clinical and Translational Science*, 4(6): 428-433.
- Altshuler, A. (1965). The goals of comprehensive planning. *Journal of the American Institute of Planners*, 31(3): 186-195.
- Anderson, R.B., Dana, L.P., & Dana, T.E. (2006). Indigenous land rights, entrepreneurship, and economic development in Canada: "Opting-in" to the global economy *Journal of World Business*, 41(1): 45-55.
- Armitage, D.R. (2005). Community-Based Narwhal Management in Nunavut, Canada: Change, Uncertainty, and Adaptation. *Society and Natural Resources* 18: 715-731.
- Bark, R. H., Garrick, D. E., Robinson, C. J., & Jackson, S. (2012). Adaptive basin governance and the prospects for meeting Indigenous water claims. *Environmental Science & Policy*, 19: 169-177.
- Barry, J., & Porter, L. (2011). Indigenous recognition in state-based planning systems: Understanding textual mediation in the contact zone. *Planning Theory*, 11(2): 170–187.
- Bartlett, R. H. (1991). *Resource Development and Aboriginal Land Rights*. Calgary: Canadian Institute of Resources Law, University of Calgary.
- Battiste, M. (2001). Decolonizing the University: Ethical guidelines for research involving Indigenous populations. In L. Findlay & P. Bidwell (Eds.) *Pursuing academic freedom: Free and fearless*, (190-203). Saskatoon, Saskatchewan: Purich

- Baxter, P., & Jack, S. (2008). Qualitative case study methodology: Study design and implementation for novice researchers. *The qualitative report*, 13(4): 544-559.
- Berkes, F. (2008). *Sacred Ecology*. New York, New York: Routledge.
- Berkes, F., Colding, J., & Folke, C. (2000). Rediscovering Traditional Ecological Knowledge and Adaptive Management. *Ecological Applications*, 10(5): 1251-1262.
- Berke, P., & Godschalk, D. (2009). Searching for the Good Plan A Meta-Analysis of Plan Quality Studies. *Journal of Planning Literature* 23,(3): 227-240.
- Black, D.R. (2007). The symbolic politics of sport mega-events: 2010 in comparative perspective. *Politikon: South African Journal of Political Studies*, 34(3): 261–276.
- Booth, A., & Halseth, G. (2011). Why the public thinks natural resources public participation processes fail: A case study of British Columbia communities. *Land Use Policy*, 28(4): 898–906.
- Booth, A., & Muir, B. R. (2011). Environmental and Land-Use Planning Approaches of Indigenous Groups in Canada: An Overview. *Journal of Environmental Policy & Planning*, 13(4): 421–442.
- Borrini-Feyerabend, G., Kothari, A., Oviedo, G., & Phillips, A. (2004). Indigenous and Local Communities and Protected Areas: Towards Equity and Enhanced Conservation. *World Commission on Protected Areas*. Retrieved from: [http://cmsdata.iucn.org/downloads/pag\\_011.pdf](http://cmsdata.iucn.org/downloads/pag_011.pdf)
- Borrows, J. (1997). Living between Water and Rocks: First Nations, Environmental Planning and Democracy. *The University of Toronto Law Journal*, 47(4): 417-468.
- Boyd, D.R., & Williams-Davidson, T., 2000. Forest people: First Nations lead the way toward a sustainable future. In: D. Salazar, D. Alper (Eds.), *Sustaining the Forests of the Pacific Coast: Forging Truces in the War in the Woods*, (pg. 123-147). Vancouver, British Columbia: UBC Press.
- Bradshaw, M., & Stratford, E. (2008). Qualitative Research and Design Rigour. In I. Hay (Eds.), *Qualitative Methods in Human Geography* (pg 67-76). South Melbourne, Australia: Oxford University Press.
- Ministry of Native Affairs. (1989). Native People and the Land. *Government of British Columbia*. Victoria: British Columbia Ministry of Native Affairs.
- British Columbia Treaty Commission. (1999). A Lay Person's Guide to Delgamuukw. Retrieved from: [http://www.bctreaty.net/files/pdf\\_documents/delgamuukw.pdf](http://www.bctreaty.net/files/pdf_documents/delgamuukw.pdf)
- British Columbia Treaty Commission. (2009). Negotiation Update. Retrieved from: <http://www.bctreaty.net/files/updates.php>

- British Columbia Treaty Commission. (2009). *Six Stages: Policies and Procedures*. Retrieved from: <http://www.bctreaty.net/files/sixstages.php>
- Brown, D.W. (1996). Strategic Land Use Planning Source Book. *Commission on Resources and Environment (CORE)*. Victoria, British Columbia.
- Bunting, T., & Filion, P. (2010). Epochs of Canadian Urban Design. In T. Bunting, P. Filion, and R. Walker (Eds). *Canadian Cities in Transition: New Directions in the Twenty-first Century, Fourth Edition* (19-38). Toronto, Ontario: Oxford University Press.
- Campbell, H. (2012). "Planning ethics" and rediscovering the idea of planning. *Planning Theory*, 11(4): 379–399.
- Campbell, T. (1996). Co-Management of Aboriginal Resources. *Information North*, 22,(1).
- Canadian Charter of Rights and Freedoms, s 2, Part 1 of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c 11.
- CBC News. (2014). Tsilhqot'in First Nation granted B.C. title claim in Supreme Court ruling. *CBC News*. Retrieved from: <http://www.cbc.ca/news/politics/tsilhqot-in-first-nation-granted-b-c-title-claim-in-supreme-court-ruling-1.2688332>
- Chabot, M., & Duhaime, G. (1998). Land-Use Planning and Participation: The Case of Inuit Public Housing (Nunavik, Canada). *Habitat International*, 22(4): 429–447.
- Chess, C., & Purcell, K., 1999. Public participation and the environment: do we know what works. *Environmental Science and Technology*, 33 (16): 2685–2692.
- Chetkiewicz, C., & Lintner, A.M. (2014). Getting it Right in Canada's Far North: The Need for a Regional Strategic Environmental Assessment in the Ring of Fire [Wawangajing]. *Ecotrust Canada*. Retrieved online: [http://wcscanada.org/Portals/96/Documents/RSEA\\_Report\\_WCSCanada\\_Ecojustice\\_FINAL.pdf](http://wcscanada.org/Portals/96/Documents/RSEA_Report_WCSCanada_Ecojustice_FINAL.pdf)
- Christensen, K. S. (1985). Coping with Uncertainty in Planning. *Journal of the American Planning Association*, 51(1): 63–73.
- Christie, G. (2006). Developing case law: The future of consultation and accommodation. *UBC Law Review*, 39(1): 139–184.
- Coombes, B., Johnson, J. T., & Howitt, R. (2011). Indigenous geographies I: Mere resource conflicts? The complexities in Indigenous land and environmental claims. *Progress in Human Geography*, 36(6): 810–821.

- Conglose, J. B. (2015). *Comprehensive Planning. University of Illinois: Local community extension*. Retrieved from: <http://extension.illinois.edu/lcr/comprehensiveplanning.cfm>
- Cope, M. (2008). Coding Qualitative Data. In I. Hay (Eds.) *Qualitative Research Methods in Human Geography* (223-233). South Melbourne, Australia: Oxford University Press.
- Copet, W. (1992). An approach to community planning in aboriginal settlements. *Canadian Journal of Native Stud*, 12(1): 37-50.
- Cornell, S. (2013). Reconstitution Native Nations: Colonial Boundaries and Institutional Innovation in Canada, Australia, and the United States. In R. Walker, T. Jojola, & D. Natcher (Eds.), *Reclaiming Indigenous Planning* (pg. 35-59). Montreal, Quebec and Kingston, Ontario: McGill-Queen's University Press.
- Cunningham, J. V. (1972). Citizen participation in public affairs. *Public Administration Review*, 32: 589-602.
- Dacks, G. (2002). British Columbia After the Delgamuukw Decision: Land Claims and other processes. *Canadian Public Policy*, 27(2): 339-355.
- Dansero, E., & Puttilli, M. (2010). Mega-events tourism legacies: The case of the Torino 2006 winter Olympic Games – a territorialisation approach. *Leisure Studies*, 29(3): 321–341.
- Davidson-Hunt, I.J., & O'Flaherty, R.M. (2007). Indigenous peoples researchers and place-based learning communities. *Society and Natural Resources* 20 : 291-305.
- Day, J. C., Gunton, T. I., & Williams, P. W. (2003). Evaluating collaborative planning: the British Columbia experience. *Environments*, 31(3): 1-11.
- Delgamuukw v British Columbia*, [1997] 3 SCR 1010, 1997 Carswell BC 2358. Retrieved from: <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1569/index.do>
- District of Squamish. (2012). Official Community Plan. Retrieved from: <https://squamish.civicweb.net/Documents/DocumentList.aspx?ID=52352>
- Dorries, H. J. (2012). *Rejecting the "False Choice": Foregrounding Indigenous Sovereignty in Planning Theory and Practice* (Doctoral dissertation, University of Toronto: Toronto, Ontario).
- Dunn, K. (2008). Interviewing. In I. Hay (Eds.) *Qualitative Research Methods in Human Geography* (79-105). South Melbourne, Australia: Oxford University Press.
- Dussault, R., & Erasmus, G. (1996). *Report on the Royal Commission on Aboriginal Peoples: Looking forward, looking back*. Indian and Northern Affairs: Government of Canada.

- Executive Council Office, Yukon Government. (2012). The Umbrella Final Agreement, First Nation Final Agreements and Treaty Rights. Executive Council Office. Retrieved from: <http://www.eco.gov.yk.ca/landclaims/about.html>
- Flyvbjerg, B. (2006). Five misunderstandings about case-study research. *Qualitative inquiry*, 12(2): 219-245.
- Frame, T. M. (2002). *Shared Decision Making and Sustainability: An Evaluation of Land and Resource Management Planning in British Columbia* (Doctoral dissertation, Simon Fraser University: Burnaby, British Columbia).
- Frame, T.M., Gunton, T., and Day, J.C. (2004). The Role of Collaboration in Environmental Management: An Evaluation of Land and Resource Planning in British Columbia. *Journal of Environmental Planning and Management*, 47 (1): 59-82.
- Gardner, H. L., McCarthy, D. D., & Whitelaw, G. S. (2012). The Far North Act (2010) Consultative Process : A New Beginning or the Reinforcement of an Unacceptable Relationship in Northern Ontario, Canada? *The International Indigenous Policy Journal*, 3(2): 1–23.
- Castleden, H., & Garvin, T. (2008). Modifying Photovoice for community-based participatory Indigenous research. *Social Science & Medicine*, 66(6): 1393-1405.
- Godlewska, C., & Webber, J. (2007). The Calder Decision, Aboriginal Title, Treaties, and the Nisga'a. In H. Foster, H. Raven & J. Webber (Eds.) *Let Right Be Done: Aboriginal Title, the Calder Case, and the Future of Indigenous Rights* (p.1-36). Vancouver, British Columbia: UBC Press.
- Government of British Columbia. (2006). *A New Direction for Strategic Land Use Planning in BC i*. (pg. 1–15).
- Government of British Columbia. (n.d.). Building Relationships with First Nations. Retrieved from: <http://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/consulting-with-first-nations>
- Government of British Columbia. (2008). Map 1 - Land Use Zones. Retrieved from: [https://www.for.gov.bc.ca/tasb/slrp/lrmp/surrey/s2s/docs/S2S\\_LRMP\\_Final/S2SLRMP\\_Maps\\_Final/S2SLRMP\\_Map\\_01\\_Land\\_Use\\_Zones.pdf](https://www.for.gov.bc.ca/tasb/slrp/lrmp/surrey/s2s/docs/S2S_LRMP_Final/S2SLRMP_Maps_Final/S2SLRMP_Map_01_Land_Use_Zones.pdf)
- Grabow, S., & Heskin, A. (2007). Foundations for a Radical Concept of Planning. *Journal of the American Institute of Planners*, 39(2): 106–114.
- Gunton, T. I., Williams, P. W., & Day, J. C. (2003). Towards Environmental Sustainability in British Columbia: The Role of Collaborative Planning. *Environments*, 31(2).
- Habermas, J. (1984). *The Theory of Communicative Action*, (Vol. I). Boston: Beacon.

- Hamilton, E. (2012). Non-timber forest products in British Columbia: Policies, practices, opportunities, and recommendations. *Journal of Ecosystems and Management*, 13(2):1–24.
- Harcourt, M. (1990). Sustainable Development: BC's Growing Future. *New Democratic Caucus of British Columbia*. Retrieved from:  
[https://www.poltext.org/sites/poltext.org/files/plateformes/bc1989ndp\\_plt.\\_12062009\\_161801.pdf](https://www.poltext.org/sites/poltext.org/files/plateformes/bc1989ndp_plt._12062009_161801.pdf)
- Harris, C. (1997). Social power and cultural change in pre-colonial British Columbia. *BC Studies*, 115(6): 45–82.
- Hayter, R. (2003). 'The War in the Woods': Post-Fordist Restructuring, Globalisation, and the Contested Remapping of British Columbia's Forest Economy. *Annals of the Association of American Geographers*, 93(3): 706-729.
- Healey, P. (2008). The Pragmatic Tradition in Planning Thought. *Journal of Planning Education and Research*, 28(3): 277–292.
- Hedican, E.J. (2013). *Ipperwash: The Tragic Failure of Canada's Aboriginal Policy*. Toronto, Ontario: University of Toronto Press.
- Hibbard, M., & Lane, M. B. (2004). By the Seat of Your Pants: Indigenous Action and State Response. *Planning Theory & Practice*, 5(1): 97–104.
- Hibbard, M., Lane, M.B., & Rasmussen, K. (2008). The Split Personality of Planning Indigenous Peoples and Planning for Land and Resource Management. *Journal of Planning Literature*, 23(2): 136-151.
- Hodge, G., & Gordon, D. (2008). *Planning Canadian Communities (5<sup>th</sup> edition)*. Toronto, Ontario: Thomson-Nelson.
- Horne, M. C. (2010). "Yukon's Self Governing First Nations." *Canadian Parliament Review*, 33(2).
- Howitt, R. & Stevens, S. (2008). Cross-Cultural Research: Ethics, Methods, and Relationships. In I. Hay (Eds.) *Qualitative Research Methods in Geography* (pg 30-50). South Melbourne, Australia: Oxford Publishers.
- Hsieh, H. F., & Shannon, S. E. (2005). Three approaches to qualitative content analysis. *Qualitative health research*, 15(9): 1277-1288.
- Hunter, J. (2015). *BC Treaty process in limbo after province pulls chief commissioner*. Globe and Mail  
<http://www.theglobeandmail.com/news/british-columbia/bc-treaty-process-in-limbo-after-province-pulls-chief-commissioner/article236>



- Hutchinson, B. (2014). Supreme Court B.C. land claim ruling has staggering implications for Canadian resource projects. *National Post*. Retrieved from: <http://news.nationalpost.com/news/canada/supreme-court-b-c-land-claim-ruling-has-staggering-implications-for-canadian-energy-projects>
- Huxley, M. (2000). The Limits to Communicative Planning. *Journal of Planning Education and Research*, 19: 369–377.
- Innes, J. (1998). Information in Communicative Planning. *Journal of the American Planning Association* 64: 52-63.
- Isaac, T., & Knox, A. (2005). Canadian Aboriginal Law: Creating Certainty in Resource Development. *Journal of Energy and Natural Resource Development*, 23: 427-464.
- Jackson, T., & Curry, J. (2002). Regional Development and Land Use Planning in Rural British Columbia: Peace in the Woods? *Regional Studies*, 36(4): 439–443.
- Jojola, T. (2013). Indigenous Planning Today: Towards a Seven Generational Model. In R. Walker, T. Jojola, & D. Natcher (Eds.), *Reclaiming Indigenous Planning* (pg. 457-472). Montreal, Quebec and Kingston, Ontario: McGill-Queen's University Press.
- Karjala, M. K., & Dewhurst, S. M. (2003). Including aboriginal issues in forest planning: a case study in central interior British Columbia, Canada. *Landscape and Urban Planning*, 64(1-2): 1–17.
- Kelly, K., & Van Vlaenderen, H. (1995). Evaluating participation processes in community development. *Evaluation and Program Planning*, 18(4): 371-383.
- Kennedy, A. (2012). *Evaluating Collaborative Planning: A Case Study of the Sea to Sky Land and Resource Management Plan*. (Masters thesis, Simon Fraser University: Burnaby, British Columbia).
- Krishnaswamy, A. K. (2000). *Large Area Land Use Planning for Manitoba*. Winnipeg, Manitoba. Retrieved from: [http://manitobawildlands.org/pdfs/LALUP\\_FullText.pdf](http://manitobawildlands.org/pdfs/LALUP_FullText.pdf)
- Lane, M. B., & Hibbard, M. (2005). Doing It for Themselves: Transformative Planning by Indigenous Peoples. *Journal of Planning Education and Research*, 25(2): 172–184.
- Lane, M. B., & McDonald, G. (2005). Community-based Environmental Planning: Operational Dilemmas, Planning Principles and Possible Remedies. *Journal of Environmental Planning and Management*, 48(5): 709-731.
- Leung, H. (2004). *Land Use Planning Made Plain* (Vol. 2). Toronto, Ontario: University of Toronto Press.
- LRMP Group Site. (n.d.) Summary of the Sea to Sky LRMP. Retrieved from: <https://sites.google.com/site/s2sgroups/site/summary-of-key-lrmp-recommendations>

- Maaka, R., & Fleras, A. (2005). *The Politics of Indigeneity: Challenging the state in Canada and Aotearoa New Zealand*. Dunedin, New Zealand: Otago University Press.
- MacLennan, D. (2009). No land, resource management plan for Bute. *Friends of Bute*. Retrieved from: <http://www.buteinlet.net/node/104>
- Marchak, P.M. (1995). *Logging the globe*. Kingston & Montreal: McGill-Queens University Press.
- Marglin, S. (1990). *Toward the decolonization of the mind*. In: F. Marglin, & S. Marglin (Eds). *Dominating Knowledge: Development, Culture, and Resistance* (pg. 1-28). Oxford, United Kingdom: Oxford, Clarendon Press.
- Matunga, H. (2013). Theorizing Indigenous Planning. In R. Walker, T. Jojola, & D. Natcher (Eds.), *Reclaiming Indigenous Planning* (pg. 3-34). Montreal, Quebec and Kingston, Ontario: McGill-Queen's University Press.
- Mannell, L., Palermo, F., & Smith, C. (2013). Community-Based and Comprehensive: Reflections on Planning and Action in First Nations. In R. Walker, T. Jojola, & D. Natcher (Eds.), *Reclaiming Indigenous Planning*. (pg. 113-140). Montreal, Quebec and Kingston, Ontario: McGill-Queen's University Press.
- McCarthy, D. P., Whitelaw, G. S., Anderson, S., Cowan, D., McGarry, F., Robins, A., Gardner, H. L., Barbeau, C. D., Charania, N. A., General, Z., Liedtke, J., Sutherland, C., Alencar, P., & Tsuji, L. J. S. (2012). Collaborative geomatics and the Mushkegowuk Cree First Nations: Fostering adaptive capacity for community-based sub-arctic natural resource management. *Geoforum*, 43(2): 305-314.
- McCue, D. (2014). Tsilhqot'in land ruling was a game changer for B.C. *CBC News*. Retrieved from: <http://www.cbc.ca/news/aboriginal/tsilhqot-in-land-ruling-was-a-game-changer-for-b-c-1.2875262>
- McGurik, P. (2001). Situating communicative planning theory: context, power, and knowledge. *Environment and Planning*, 33 (2): 195-217.
- McLeod, F. (2014). *Finding Common Ground: Building Equitable Planning Futures with First Nations in Ontario, Canada*. (Masters thesis, Queens University: Kingston, Ontario).
- McLeod, F. , Viswanathan, L. , Whitelaw, G. S. , Macbeth, J. , King, C. , McCarthy, D. D. , Alexiuk, E. (2015). Finding Common Ground: A Critical Review of Land Use and Resource Management Policies in Ontario, Canada and their Intersection with First Nations. *The International Indigenous Policy Journal*, 6(1): 1-23.

- McNeil, K. (2000). The Post-Delgamuukw Nature and Content of Aboriginal Title. *Osgoode Hall Law School*. Retrieved from: [http://fngovernance.org/ncfng\\_research/content.pdf](http://fngovernance.org/ncfng_research/content.pdf)
- McNeil, K. (2004). The Vulnerability of Indigenous Land Rights in Australia and Canada. *Osgoode Hall Law Journal*, 42: 271-300.
- Meyers Norris Penny. (2009). Best Practices for Consultation and Accommodation. *New Relationship Trust*. Retrieved from: <http://www.newrelationshiptrust.ca/downloads/consultation-and-accomodation-report.pdf>
- Ministry of Lands and Parks. (1991). B.C. Park's Policy: Striking the Balance. *Government of British Columbia*. Retrieved from: [http://www.env.gov.bc.ca/bcparks/publications/striking\\_the\\_balance\\_2001.pdf](http://www.env.gov.bc.ca/bcparks/publications/striking_the_balance_2001.pdf)
- Ministry of the Environment. (n.d.). Biodiversity in B.C. *Government of British Columbia*. Retrieved from: <http://www.env.gov.bc.ca/wld/bio.htm>
- Ministry of Lands. (2008). Sea to Sky Land and Resource Management Plan. *Government of British Columbia*. Retrieved from: [https://www.for.gov.bc.ca/tasb/slrp/lrmp/surrey/s2s/docs/S2S\\_LRMP\\_Final/S2SLRMP\\_Final\\_April2008.pdf](https://www.for.gov.bc.ca/tasb/slrp/lrmp/surrey/s2s/docs/S2S_LRMP_Final/S2SLRMP_Final_April2008.pdf)
- Ministry of Lands. (2009). Sea to Sky Land and Resource Management Plan Implementation Progress Report (I). *Government of British Columbia*. Retrieved from: [https://www.for.gov.bc.ca/tasb/slrp/lrmp/surrey/s2s/docs/S2S\\_LRMP\\_Implementation\\_Progress\\_Report\\_2009.pdf](https://www.for.gov.bc.ca/tasb/slrp/lrmp/surrey/s2s/docs/S2S_LRMP_Implementation_Progress_Report_2009.pdf)
- Ministry of Lands. (2010). Sea to Sky Land and Resource Management Plan Implementation Progress Report (II). *Government of British Columbia*. Retrieved from: [https://www.for.gov.bc.ca/tasb/slrp/pdf/LRMP/implementation\\_progress\\_report\\_II.pdf](https://www.for.gov.bc.ca/tasb/slrp/pdf/LRMP/implementation_progress_report_II.pdf)
- Morin, P. (2014). Peel watershed: Yukon court strikes down government land use plan. *CBC News*. Retrieved online: <http://www.cbc.ca/news/canada/north/peel-watershed-yukon-court-strikes-down-government-land-use-plan-1.2856884>
- Morton, C., Gunton, T. I., & Day, J. C. (2012). Engaging aboriginal populations in collaborative planning: an evaluation of a two-tiered collaborative planning model for land and resource management. *Journal of Environmental Planning and Management*, 55(4): 507–523.
- Murphy, B., Chrétien, A., Brown, L. (2009). How Do We Come to Know? Exploring maple syrup production and climate change in near north Ontario. *Environments*, 37 (1): 1-33.

- Murray, D. (2005). A Critical Analysis of Communicative Rationality as a Theoretical Underpinning for Collaborative Approaches to Integrated Resource and Environmental Management. *Environments Journal*, 33(2): 17–34.
- Natcher, D. C. (2001). Land use research and the duty to consult: a misrepresentation of the aboriginal landscape. *Land Use Policy*, 18(2): 113–122.
- Nelles, J., & Alcantara, C. (2011). Strengthening the ties that bind? An analysis of aboriginal–municipal inter-governmental agreements in British Columbia. *Canadian Public Administration*, 54(3): 315–334.
- New Relationship Trust. (2015a). Frequently Asked Questions. Retrieved from: <http://www.newrelationshiptrust.ca/about/faq>
- New Relationship Trust. (2015b). Investing in First Nations in British Columbia NRT Strategic Plan 2015–2018. Retrieved from: <http://www.newrelationshiptrust.ca/downloads/2015-strategic-plan.pdf>
- New York Times. (2015). 52 Places to Go in 2015. Retrieved from: <http://www.nytimes.com/interactive/2015/01/11/travel/52-places-to-go-in-2015.html>
- Nguyen, M. T. (2014). Consulting Whom? Lessons from the Toronto Urban Aboriginal Strategy. *The International Indigenous Policy Journal*, 5(1): 1–27.
- Nolon, J. R. (1993). Comprehensive Land Use Planning : Learning How and Where to Grow. *Pace Law Faculty Publications*, 13.
- Northern Boreal Initiative. (2002). Community-Based Land Use Planning. *Northern Boreal Initiative: Thunder Bay, Ontario*. Retrieved from: <http://www.web2.mnr.gov.on.ca/mnr/ebr/cat-slate/C-LUP.pdf>
- O’ Flaherty, R. M., Davidson-Hunt, I. J., & Manseau, M. (2008). Indigenous Knowledge and Values in Planning for Sustainable Forestry : Pikangikum First Nation and the Whitefeather Forest Initiative. *Ecology and Society*, 13(1): 6-16.
- Olive, C., & Carruthers, D. (2005). Putting TEK into Action: Mapping the Transition. *Ecotrust: Canadian Mapping Office*. Retrieved from: <http://www.nativemaps.org/node/1253>
- Patton, M.Q. (1988). How to Use Qualitative Methods in Evaluation. Newbury Park, California: Sage Publications Ltd.
- Pikangikum First Nation. (2006). *Keeping the Land*. Retrieved from: <https://whitefeatherforest.ca/wp-content/uploads/2008/08/land-use-strategy.pdf>

- Porter, L. (2010). *Unlearning the Colonial Culture of Planning*. Surrey, United Kingdom: Ashgate Publishing, Ltd. Retrieved from: <http://periferiessurbanes.org/wp-content/uploads/Raulston>
- Saul, J. (2008). *A Fair Country: Telling Truths About Canada*. Toronto, Ontario: Viking Canada.
- Resort Municipality of Whistler. (2007). Whistler2020. Retrieved from: [https://www.whistler.ca/sites/default/files/related/2007-06-whistler\\_2020\\_plan-second\\_edition.pdf](https://www.whistler.ca/sites/default/files/related/2007-06-whistler_2020_plan-second_edition.pdf)
- 2013/12/Libby\_Porter\_Unlearning\_the\_Colonial\_Cultures\_ofBookFi.org\_1.pdf
- Rittel, H., & Webber, M. (1973). Dilemmas in a General Theory of Planning. *Policy Sciences*, 4: 155–169.
- Roberts, N. (2004). Public Deliberation in an Age of Direct Citizen Participation. *The American Review of Public Administration*, 34(4): 315–353.
- Robson, J.P., Miller, A.M., Idrobo, C.J., Burlando, C., Deutsch, N., Kocho-Schellenberg, J., Pengelly, R.D., & Turner, K.L. (2009). Building communities of learning: indigenous ways of knowing in contemporary natural resources and environmental management. *Journal of the Royal Society of New Zealand*, 39(4): 173-177.
- Saarikoski, H., Raitio, K., & Barry, J. (2013). Understanding ‘successful’ conflict resolution: Policy regime changes and new interactive arenas in the Great Bear Rainforest. *Land Use Policy*, 32: 271-280.
- Sandercock, L. (2004). Commentary: indigenous planning and the burden of colonialism. *Planning Theory and Practice*, 5(1): 118-124.
- Sapir, E. (1958). The status of linguistics as a science. (pages 160-166) In D.G. Mandelbaum (Ed). *Culture Language and Personality* (pg 160-166). Berkely, California: University of California Press.
- Schrijvers, J. (1991). Dialectics of a dialogical ideal: studying down, studying sideways and studying up. In L. Nencel & P. Pels (Eds.) *Constructing Knowledge: Authority and Critique in Social Science* (pg. 162-179). London, United Kingdom: Sage Publications.
- Sebele, L.S. (2010). Community-based tourism ventures, benefits and challenges: Khama Rhino Sanctuary Trust, Central District, Botswana. *Tourism Management* 31: 136-146.
- Sen, A. (2004). How does culture matter? In V. Rao & M. Walton (Eds). *Culture and Public Action* (pg. 37-58). Stanford, California: Stanford University Press.
- Shiple, R., & Utz, S. (2012). Making it Count: A Review of the Value and Techniques for Public Consultation. *Journal of Planning Literature*, 27(1): 22-42.
- Silver, J.J., Meletis, Z.A., & Vadi, P. (2012). Complex context: Aboriginal participation in hosting the Vancouver 2010 Winter Olympic and Paralympic Games. *Leisure Studies*, 31(3): 291-308.

- Silverman, R.M., & Patterson, K.L. (2015). *Qualitative Research Methods for Community Development*. Routledge: New York, New York.
- Slocombe, D. S. (1993). Implementing ecosystem-based management. *BioScience*, 43(9): 612-622.
- Smallacombe, S., Davis, M., & Quiggin, R. (2006). *Scoping Project on Aboriginal Traditional Knowledge*. Desert Knowledge Cooperative Research Centre: Alice Springs, Australia. Retrieved online: <http://www.nintione.com.au/resource/DKCRC-Report-22-Traditional-Knowledge.pdf>
- Smith, L.T. (2002). *Decolonising Methodologies: Research and Indigenous Peoples*. Dunedin, New Zealand: University of Otago Press.
- Smith, M.A. (2013). Natural Resource Co-management with Aboriginal Peoples in Canada: Coexistence or Assimilation. In D.B. Tindall, R.L. Trosper & P. Perreault (Eds). *Aboriginal Peoples and Forest Lands in Canada* (pg. 89-113). Vancouver, British Columbia: UBC Press.
- Spelleccy, R. (2009). Water resource planning for the agricultural community in Washington State. *Environmental Practice*, 11(2) 95-104.
- Staples, K., Chavez-Ortiz, M., Barrett, M.J., & Clark D.A. (2013). Fixing Land Use Planning in the Yukon Before it Really Breaks: A Case Study of the Peel Watershed. *Northern Review*, 37.
- Statistics Canada. (2010). Aboriginal Statistics at a Glance. *Government of Canada*. Retrieved from: <http://www.statcan.gc.ca/pub/89-645-x/89-645-x2010001-eng.htm?fpv=10000>
- Strauss, A., & J. Corbin. (1990). *Basics of qualitative research: grounded theory procedures and techniques*. Thousand Oaks, California: Sage Publications.
- Stringer, L. C., Dougill, A. J., Fraser, E., Hubacek, K., Prell, C., & Reed, M. S. (2006). Unpacking “participation” in the adaptive management of social–ecological systems: a critical review. *Ecology and Society*, 11(2), 39.
- Supreme Court of Canada, R. v. Sparrow, [1990] 1 S.C.R. 1075. Retrieved from: <http://scc.lexum.org/en/1990/1990scr1-1075/1990scr1-1075.html>
- Swatuk, L. A. (2005). From project to context: community-based natural resources management in Botswana. *Global Environmental Politics*, 5(3): 95–124.
- Tennant, P. (1990). *Aboriginal peoples and politics: The Indian land question in British Columbia, 1849–1989*. Vancouver, British Columbia: University of British Columbia Press.
- The Far North Act, 2010. Bill 191: An Act With Respect to Land Use Planning in Ontario’s Far North. Legislative Assembly of Ontario, 39 Seating, 2nd Session, Toronto, Ontario.

- Thielmann, T., & Tollefson, C. (2009). Tears from an onion: Layering, exhaustion and conversion in British Columbia land use planning policy. *Policy and Society*, 28 (2): 111-124.
- Tsilhqot'in Nation. (2014). Summary of the Tsilhqot'in Aboriginal Title Case Decision. *Tsilhqot'in National Government*. Retrieved from:  
[http://www.tsilhqotin.ca/PDFs/2014\\_07\\_03\\_Summary\\_SCC\\_Decision.pdf](http://www.tsilhqotin.ca/PDFs/2014_07_03_Summary_SCC_Decision.pdf)
- Turner, N., Boelscher-Ignace, M., & Ignace, R. (2000). Traditional Ecological Knowledge and Wisdom of Aboriginal Peoples in British Columbia. *Ecological Applications*, 10(5): 1275-1287.
- Usher, P. J., Tough, F. J., & Galois, R. M. (1992). Reclaiming the land: aboriginal title, treaty rights and land claims in Canada. *Applied Geography*, 12(2): 109–132.
- Village of Pemberton. (2012). Village of Pemberton Community Plan. Retrieved from:  
[http://www.pemberton.ca/media/135554/OCP%20Document\\_Maps2012\\_web.pdf](http://www.pemberton.ca/media/135554/OCP%20Document_Maps2012_web.pdf)
- Whitelaw, G. S., McCarthy, D. D., & Tsuji, L. J. S. (2009). The Victor Diamond Mine environmental assessment process: a critical First Nation perspective. *Impact Assessment and Project Appraisal*, 27(3): 205–215.
- Willems-Braun, B. (1996). Colonial vestiges: Representing forest landscapes on Canada's west coast. *BC Studies: The British Columbian Quarterly*, 112: 5-39.
- Wilson, J. (1998). *Talk and Log: Wilderness Politics in British Columbia, 1965-96*. Vancouver, British Columbia: University of British Columbia Press.
- Wilson, W. (1981). "J. Horace McFarland and the city beautiful movement." *Journal of Urban History*, 7 (3): 315-334.
- Wood, P. B., & Rossiter, D. A. (2011). Unstable properties: British Columbia, aboriginal title, and the "new relationship". *The Canadian Geographer*, 55(4): 407-425.
- United Nations. (2008). UN Declaration of the Rights of Indigenous Peoples. Retrieved from:  
[http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)
- Yin, R.K. (2003). *Case Study Research: Design and Methods*. 3<sup>rd</sup> ed. Thousand Oaks: Sage Publications Ltd.
- Zaferatos, N. C. (2004). Tribal Nations, Local Governments, and Regional Pluralism in Washington State. *Journal of the American Planning Association*, 70(1): 81–96.

## Appendix A

### Interview Guide for Provincial Participants:

- 1) Can you start by describing your current role with the Government and then describing what role you played in the development of the LRMP process?
- 2) Can you describe the First Nation consultation process...that you undertook with the participating First Nations?
- 3) In your opinion, were the consultations under taken through the LRMP process generally well received?
- 4) Can you speak to any points of conflict that have come up during negotiations? How were they resolved?
- 5) Have Government-First Nation negotiation practices changed or evolved over time?
- 6) To avoid being considered “just another stakeholder”, First Nations were engaged after the preliminary planning tables through government-to-government negotiations. Were there any specific advantages or disadvantages to that decision?
- 7) Do you feel that existing planning frameworks have successfully captured the needs of participating Nations?
- 8) Are you able to speak to the level of input First Nations were able to offer during the implementation process?
- 9) Are you able to speak to if implementation of the LRMP process is still being monitored?
- 10) (Considering the recent uncertainties relating to the BC Treaty Commission), Do you see any specific advantages for First Nations to pursue Provincially-driven comprehensive land use planning frameworks (vs negotiating a treaty)?
- 11) Can you provide any insight into why some Indigenous communities decided to participate in the LRMP when some did not?
- 12) Are there any recommendations you could provide for improving representation of First Nations in the consultation process?



## Appendix B

### Interview Guide for Indigenous Participants:

- 1) Would you be able to start off by sharing with me your personal history of the land, or sharing some significant places within your traditional territory?
- 2) What types of land use changes have you witnessed over the last few years or decades?
- 3) How would you define your role in the LRMP process?
- 4) Can you start off by describing your overall experience or level of engaging in the LRMP process?
- 5) Which organisation did you work with to negotiate the land use plan? How were these negotiations conducted?
- 6) Were negotiations conducted in a way that you found satisfactory?
- 7) So through this process, you were engaged by “government-to-government” negotiations and were not part of the first round of planning tables. Could you discuss the advantages or the disadvantages of this participatory structure?
- 8) Where there any barriers that you faced through engaging in the LRMP process? What types of mechanisms were used to overcome these conflicts?
- 9) Did you feel as though engaging in the LRMP process was the best option to achieve land use planning-related goals?
- 10) Do you feel engagement in the LRMP process served to foster better relationships between Nations?
- 11) What was your overall impression of the LRMP process? Do you think your Nation’s interests have been adequately represented? Do they continue to be represented?
- 12) If this process was to be repeated, are there any recommendations you would make to alter the structure? Would you participate again?
- 13) Now, the focus of my research is around land use planning, but the act of treaty negotiations very much plays into and supports planning. Considering the recent updates regarding the Provincial Government’s address of the BC Treaty Commission, do you see any renewed value in engaging in collaborative land use planning mechanisms?
- 14) Do any uncertainties exist moving forward with your Nations assertion of land rights?

## Appendix C

Initial codes developed through brainstorming and initial data analysis:

- Geographical context
- Government interest/cycles/down sizing
- The Olympics
- Impetus to plan initiation
- Streamlining development applications
- Government-to-government
- Tsilhqot'in
- Two (separate) planning tables
- Inconsistencies in the plan
- Treaties (vs. CC-LUP)
- Traditionally-defined "Aboriginal Rights"
- Different mechanisms of land control
- Forestry and new forestry practices
- Rationale for participation
- Protecting Vs. Preserving
- Relationship building
- Plan harmonisation
- Negotiation and duty to consult
- Monitoring