

“What we do to the land, we do to ourselves”

TRADITIONAL TERRITORY LAND AND RESOURCES STRATEGY

Kanaka Bar Indian Band
March 31, 2017





“WHAT WE DO TO THE LAND, WE DO TO OURSELVES”

For more than 7000 years, Kanaka Bar’s Traditional Territory sustained our people. It has always been, and always will be Kanaka Bar’s duty to manage, protect and regulate the Traditional Territory.

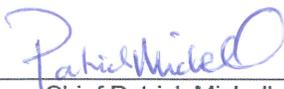
The Kanaka Bar *Traditional Territory Lands and Resources Strategy* represents a foundational community resource to facilitate land and resource governance and decision-making processes throughout Kanaka Bar’s Traditional Territory. It outlines the importance of protecting Kanaka Bar’s Title and Rights throughout the Territory, and speaks to the importance of advancing the community’s interests and priorities.

The *Traditional Territory Lands and Resources Strategy* states Kanaka Bar’s expectations regarding development practices in the Territory to ensure activities led by third-parties, and Kanaka Bar’s own economic development entities:

- Protect the safety of the community and general public
- Meet all legal and regulatory requirements
- Support long-term environmental sustainability of the Territory and beyond
- Strive to leave a lasting benefit to the community of Kanaka Bar

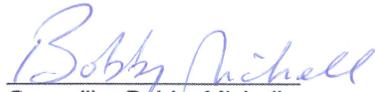


The *Traditional Territory Lands and Resources Strategy* also speaks to the importance of engaging Kanaka Bar membership in territorial land and resources governance processes, and efforts that will be made by Chief and Council, and staff: to ensure membership have the opportunity to participate, learn and influence land and resource proposals and operations. We strongly encourage all government stakeholders and third-parties to review this strategy (and the community’s website) prior to engaging Kanaka Bar in land and resource related discussions. Doing so will lead to more productive and collaborative discussions that support the “quadruple win”.


Chief Patrick Michell


Councillor Donna E. Hance


Councillor Pauline Michell


Councillor Bobby Michell


Councillor Daniel Hance Jr.

ACKNOWLEDGEMENTS

Codifying 7000 years of oral history and responsibility has been a significant community undertaking. Much of the community's knowledge about the Traditional Territory has been misplaced over the past 150 years. In short, the implementation of the Indian Act and the reserve system fundamentally challenged the community's relationship with, and governance of the Traditional Territory.

It is important to note, that "...we never accepted these reservations as settlement for anything, nor did we sign any papers or make any treaties about same. They thought we would be satisfied with this, but we never have been satisfied and never will be until we get our rights." (Memorial to Sir Wilfred Laurier, 1910).

Thankfully, community knowledge keepers have been able to sustain a strong understanding of how Kanaka Bar traditionally governed community caretaker lands and resources. This knowledge is further captured and reflected within many historical documents within the Kanaka Bar library.

Through the development of the *Traditional Territory Lands and Resources Strategy*, we are actively writing down and sharing the community's role and contributions as caretakers of the land. Doing so, we hope to inform and empower members and future generations about how the land influences community and personal well-being.

We thank many for supporting us in the development of this document.

- Kanaka Bar membership
 - Zain Nayani
 - John Kenney, Urban Systems
 - Miller Titerle + Company
 - Staff and Council
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1 INTRODUCTION



For over 7000 years, Kanaka Bar’s ancestors used the Nation lands and Traditional Territory to live sustainably. Kanaka Bar’s present and future generations have the same right, responsibility and ability to achieve self-sufficiency through access to: meaningful employment opportunities, a secure and healthy supply of food, healthy homes, a strong and united community, and a diverse sustainable economy. This is reflected in Kanaka Bar’s community vision, which is as follows:

Kanaka Bar is committed to using its lands and resources to maintain a self-sufficient, sustainable and vibrant community.

Located in British Columbia’s Fraser Canyon – approximately 14 kilometers south of Lytton – Kanaka Bar has a unique relationship with the Traditional Territory. Since time immemorial, Kanaka Bar has occupied, and used lands for food, shelter, spiritual well-being and sustainable community development. However, with the onset of colonization, Kanaka Bar – like many other Indigenous communities – has been subjected to the constraints and impacts brought upon by confederation, the Indian Act and the subsequent Indian Reserve system. Regardless, Kanaka Bar has never ceded its Rights and Title to the Traditional Territory, nor accepted the imposed land and resource system that has a deep history of unilateral decision making without input from Kanaka Bar and other indigenous communities. Kanaka Bar has and continues to maintain that the community is the caretaker of the Traditional Territory, and actively supports the stewardship of the Nation lands and resources, as illustrated in Figure 1 and Figure 2 (on the following pages).



Figure 1

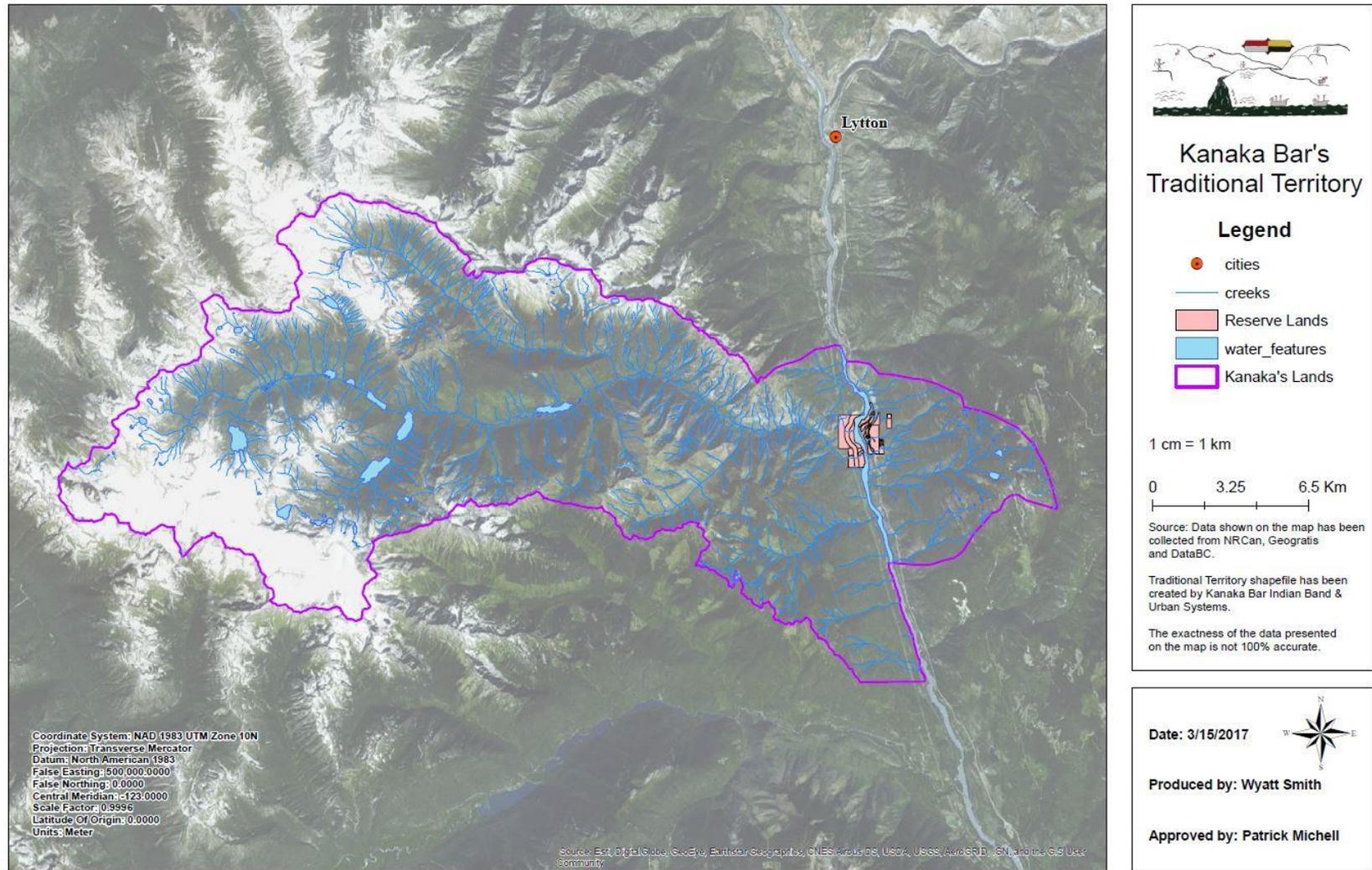
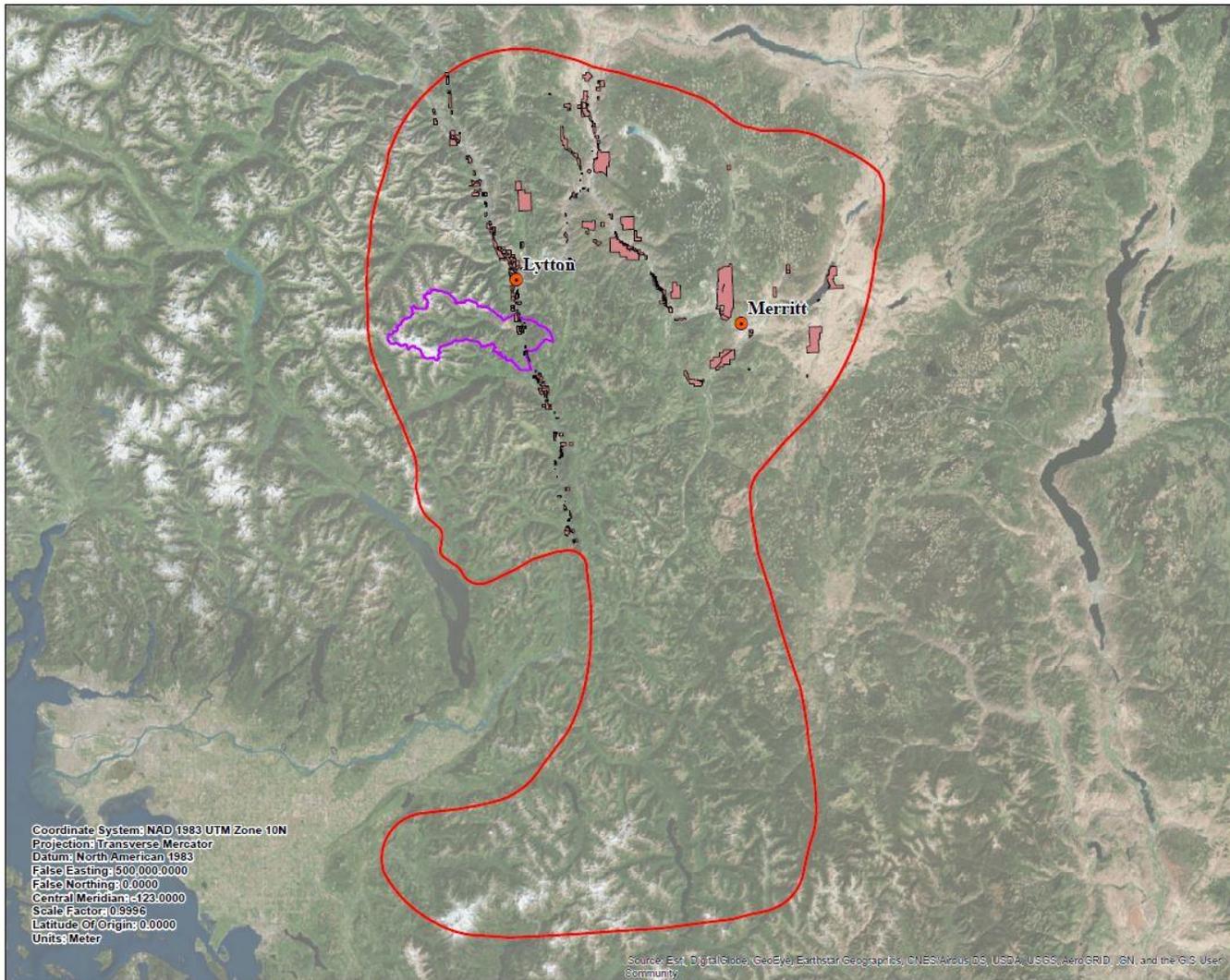


Figure 2



The Nlakapamux Nation

Legend

- cities
- cities selection
- First Nation Reserves
- Kanaka's Lands
- Nlakapamux Lands

1 cm = 9 km

0 20 40 Km

Source: Data shown on the map has been collected from NRCan, and DataBC.

Traditional Territories shapefile has been created by Kanaka Bar Indian Band & Urban Systems.

The exactness of the data presented on the map is not 100% accurate.

Date: 3/15/2017

Produced by: Wyatt Smith

Approved by: Patrick Michell



Kanaka Bar maintains its authority and caretaker responsibility over the Traditional Territory. As stewards of the Territory, Kanaka Bar strives to protect it from unsustainable use, while maintaining the access and use of the land for the benefit of the entire community today and into the future.

Significant court decisions, including, but not limited to *Calder et al. v. B.C. attorney general* (1973); *R. v. Sparrow* (1990); *Delgamuukw v. British Columbia* (1997); *Haida Nation v. British Columbia* (2004); *Tsilhqot'in Nation v. British Columbia* (2014); have all re-enforced Indigenous community interests and rights throughout traditional territories. These court decisions and increasingly modern policies emphasize that the Crown, and third-party developers have the duty to consult, and are required to accommodate Indigenous community interests when advancing project proposals.

In this spirit, Kanaka Bar's *Territorial Lands and Resource Strategy* (the Strategy) has been developed to further enhance Kanaka Bar's contributions and responsibilities in the management of the community's Traditional Territory, and the natural resources within. The Strategy represents a key tool in the implementation of Kanaka Bar's vision statement.



To do so, the Strategy provides a framework to guide Kanaka Bar's efforts in engaging federal and provincial government agencies and their regulatory processes, and overseeing third-party proponents, to support the proactive stewardship of Kanaka Bar's lands and resources by:

- Outlining key Kanaka Bar's territorial land and resource management principles
- Sharing Kanaka Bar's "new approach" to Traditional Territorial Governance outlining the key roles and responsibilities of Chief and Council, the Lands Coordinator, and membership
- Describing Kanaka Bar's current project referral review and decision-making processes to oversee activities that are proposed in the Traditional Territory and on Nlaka'pamux Nation lands
- Highlighting a series of best practices which third-parties are encouraged to understand prior to engaging with Kanaka Bar when advancing project proposals
- Enhancing internal engagement practices to inform Kanaka's membership about land-based activities in the Territory
- Increasing Kanaka Bar's capacity to review, respond, consent and potentially participate in proposed projects

Additionally, the Strategy discusses why Kanaka Bar continues its efforts to strategically acquire lands throughout the Traditional Territory for community benefit. The Strategy highlights which properties and assets have been acquired to date, and summarizes key actions which will guide the use of these properties.





2 LAND AND RESOURCE MANAGEMENT PRINCIPLES

Throughout this planning process a number of community discussions occurred on the topic of territorial lands and resources governance. From these discussions, and also from the *Kanaka Bar Land Use Plan*, the following key guiding principles have emerged to help guide Kanaka Bar's overall approach to stewarding its lands and resources:

1. CARETAKERS OF THE TERRITORY

Kanaka Bar will continue to serve as the caretakers of its lands and resources to see them utilized in an environmentally sustainable manner by investing in the capacity of the Lands Department and membership. Kanaka Bar will also strive to protect archeological sites and traditional use areas (the areas used for hunting, fishing, gathering and spiritual purposes).

2. DECLARATION OF TITLE AND RIGHTS

Kanaka Bar continues to declare its Title and Rights on the Traditional Territory as they have never ceded nor surrendered these lands and resources to the Government of Canada or the Government of British Columbia (i.e. the Crown). Kanaka Bar maintains that Chief and Council (the Kokpi's of today) remain the final decision-makers with respect to land and resource use within Kanaka Bar's Territory.

3. REQUIRING FREE, PRIOR AND INFORMED CONSENT

Kanaka Bar maintains that it must be engaged to offer free, prior and informed consent to all land and resource decisions and activities on the Territory. Should consent be provided, the expectation will be to:

- Do it right
- Take only what is needed
- If you take it in, take it out
- Return the remainder lands back to its natural state when finished

4. PROMOTING COMMUNITY ENGAGEMENT

Kanaka Bar's Chief and Council will facilitate opportunities for all community members (on and off reserve) to provide input on key decisions that will significantly influence the overall well-being of the Territory.

5. CREATING PARTNERSHIPS

Kanaka Bar will seek explore and pursue partnership opportunities with third-parties throughout the Territory that contribute to a vibrant, sustainable and diverse local economy.

6. WORKING TOWARDS SHARED-GOVERNANCE

Kanaka Bar expects that the Crown will work in good faith through a shared-governance model to facilitate reconciliation and co-management of our lands and resources.

7. FACILITATING RESPONSIBLE DEVELOPMENT

Kanaka Bar expects that all activities occurring on Kanaka Bar's lands must:

- Be done safely
- Be of the highest standard
- Be legal
- Be environmentally sustainable.

8. RESPECTING INDIGENOUS PROTOCOLS

Kanaka Bar's use of Nation lands and resources is not unfettered. We will respect and advocate for Nlaka'pamux Nation protocols. Kanaka Bar will defer to proximal communities to project proposals as the key Indigenous decision-making authority, and expects that this will be practiced by others.





3 A “NEW APPROACH” TO TRADITIONAL TERRITORIAL GOVERNANCE

For many years, Kanaka Bar has had limited capacity to protect and advance its Title and Rights. In many ways, this has limited Kanaka Bar’s traditional approaches to territorial land and resource stewardship.

This is changing. With significant investments that seek to increase community capacity, Kanaka Bar is returning to traditional governance and stewardships practices, and establishing new approaches and tools to enhance self-performance. For example, with the preparation and adoption of the *Land Use Plan*, the *Community Economic Development Plan*, and the *Traditional Territory Lands and Resources Strategy*; Kanaka Bar has renewed community capacity and re-invigorate administrative capacity to advance its interests. This has included, but is not limited to:

- Securing computer hardware and software to support community based mapping
- Establishing and filling a Lands Coordinator employment position that is responsible for mapping, reviewing and advising Council on project referrals for activities on traditional lands
- Advancing a number of training opportunities for members to build capacity in mapping and reviewing project referrals
- Affirming the roles and responsibilities of Chief and Council in decision-making processes related to land and resource management

Kanaka Bar’s efforts to advance its Territorial stewardship will continue to accelerate going forward.

This Strategy aims to provide a clear framework where the roles and responsibilities of each key group within Kanaka Bar are understood and respected. The following summarizes the key roles and responsibilities of key community groups in facilitating the implementation of the Strategy.

CHIEF AND COUNCIL

Kanaka Bar’s Chief and Council are the elected body of the community. They are elected to represent the entire community and as elected representatives they are delegated the responsibility to govern the community and its interests on behalf of all members. This means Chief and Council have been asked to make decisions on behalf of Kanaka Bar and oversee all proposed activities in the Territory. The key roles and responsibilities of Chief and Council include:

- Review project referral briefings and detailed information (when required) regarding proposed activities in the Territory

- Provide opportunities for third-parties to meet with Chief and Council to discuss proposed activities and establish a meaningful relationship with the Band
- Facilitate community discussions within regularly scheduled community meetings, or if required, special gatherings to collect comments and direction from membership
- Make decisions on behalf of Kanaka Bar with respect to Territorial land and resource interests

LANDS COORDINATOR

Kanaka Bar's Lands Coordinator provides the technical support and infrastructure to support decision-making processes regarding lands and resources. It is expected that the Lands Coordinator will be the initial point of contact for all project referrals.

Further the Coordinator (and support staff) is responsible for coordinating the review of proposed activities and project referrals in the Territory and Nation. This includes supporting associated community decision-making processes (outlined in Section 5), providing briefings to Chief and Council and community, and serving as a "gate keeper" between Kanaka Bar and third-parties.

It is expected that the Lands Coordinator position will continually see greater responsibilities in the management of Kanaka Bar's lands and resources.

KANAKA BAR LAND & RESOURCES LP

Kanaka Bar Land & Resources LP (KBLR) is the parent entity which owns and oversees Kanaka Bar Indian Band's economic development companies. With the mandate of supporting and facilitating economic development opportunities on behalf of the community, it is important for KBLR to be actively engaged in territorial land and resource governance. In doing so, it is expected that new partnership opportunities could be established that increase Kanaka Bar's overall ability to generate new employment, own-source revenues and self-performance. Therefore, KBLR plays an important role in reviewing project referrals to identify potential economic development opportunities and partnerships that contribute to a more vibrant and sustainable community.

MEMBERSHIP

Membership plays a critical role in supporting Kanaka Bar's overall approach to territorial governance. The people of Kanaka Bar (individually and collectively) hold extensive traditional knowledge and land and resource protocols of the Territory. Therefore, it is expected that members will be active participants in regularly scheduled meetings, and/or special gatherings to provide input and direction to Chief and Council on matters related to the Territory's well-being.

Kanaka Bar's members, as active users of the land, also hold the responsibility for protecting the Territory from being misused. Members are, and must remain, the stewards of the Territory.

As stewards of Kanaka Bar's Territory, it is expected that if a member observes an individual or third-party entity mistreating the lands of the Territory, that they respectfully notify the Band of an issue. The Band via the Lands Coordinator will then take appropriate actions to remedy the situation.



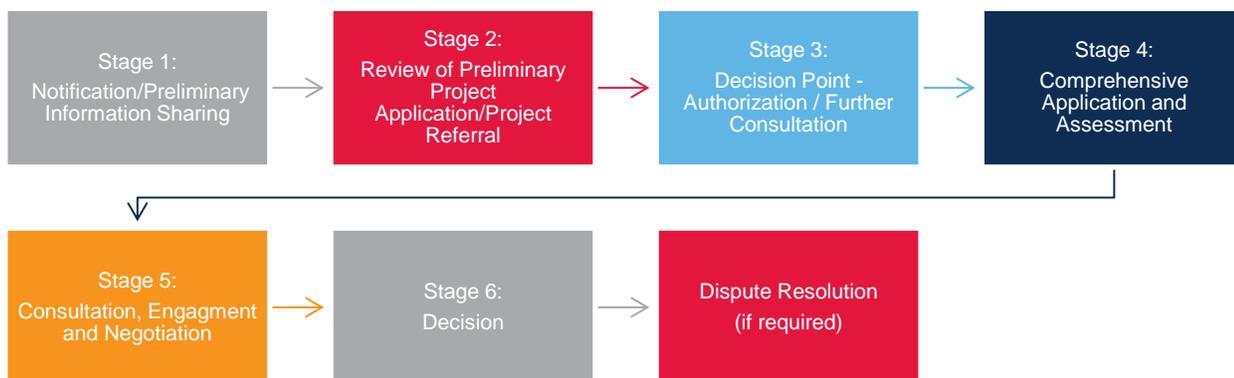
4 PROJECT REFERRAL AND DECISION-MAKING PROCESS

Kanaka Bar has a well-defined community based decision-making process for many community matters. In the context of this Strategy, it is important to outline the community’s decision-making process for the benefit of third-parties, and other governments to respect the traditions and practices of Kanaka Bar.

The process that is outlined below has been designed to carefully review proposed activities in Kanaka Bar’s Traditional Territory, and consider activities that are proposed within Nlaka’pamux Nation that may directly or indirectly impact Kanaka Bar.

Figure 3 below summarizes Kanaka Bar’s current project referral and decision-making process. It is important to note that the length of time, scope and detail of each Stage summarized below depends on the nature and complexity of the proposed activity and project, as well as any potential issues that may arise from a specific proposal.

Figure 3: Overview of Kanaka Bar’s Project Referral and Decision-Making Process



Additional details on each stage are as follows:

STAGE 1: NOTIFICATION AND PRELIMINARY INFORMATION SHARING

Kanaka Bar’s project referral and decision-making process is officially initiated when it receives either a referral from the Government of BC, or a direct request from a third-party proponent.

Once initiated, Stage 1 of the process aims to inform Kanaka Bar’s Lands Coordinator about the high-level details of a third-party’s intent to undertake an activity in the Territory.

As part of Stage 1, it is expected that all third-parties undertake the following key actions:

- ✓ Acknowledge the potential need to consult and accommodate Kanaka Bar within applicable Government of BC/Canada project application and referral processes
- ✓ Review Kanaka Bar's website and materials/plans hosted on the website: <http://www.kanakabarband.ca>
- ✓ Contact the community via Kanaka Bar's Lands Coordinator by email or phone to provide a general overview of the proposed activity, and provide Kanaka Bar a copy of applicable submitted materials to Government of BC/Canada agencies

Please note - it is strongly recommended that third-parties engage Kanaka Bar in conversations about a proposal prior to formally submitting an application to the Government of BC or Canada.

STAGE 2: REVIEW OF PRELIMINARY PROJECT APPLICATION/ PROJECT REFERRAL

Once the Band has been notified of the application or has received a referral for a proposed activity in the Territory, it is expected that the proponent will also provide in writing a:

- General description of the proposed activity
- Map (including GIS shapefiles) showing the general location of the proposed activity
- Completed applications submitted to federal/provincial regulatory agencies
- Timelines with regards to advancing the proposed activity

A simple "application" form is available for the use of third-party use in Appendix A of this document and at: <http://www.kanakabarband.ca> for use (as required). All referrals/applications that Kanaka receives will then be reviewed completeness.



If the referral/application is incomplete Kanaka Bar will provide written notice that further information is required to support community consultation processes and thus evaluate the potential impacts to Kanaka Bar's interests, and potential accommodation measures that may be required.

Did you know Kanaka Bar gets a lot of referrals? This includes, but is not limited to the following referral types:

- ✓ Archeological permits submitted from the Ministry of Forests, Lands and Natural Resource Operations on behalf of numerous proponents (Ministry of Transportation or B.C. Hydro etc.)
- ✓ NRCAN, NEB, EAO and Kinder Morgan Canada regarding the Trans Mountain Expansion Project
- ✓ Ski & Resort Lodge (Jeff Bullock's proposed Eco-tourism out at the Glacier Peaks)
- ✓ Neighbouring First Nations proposed Fuel Management project
- ✓ Placer Claims submitted from the MFLNRO on behalf of independents
- ✓ Outdoor Guides, Moorage Policies, and Range practices
- ✓ Species at Risk mitigation strategies
- ✓ Highland Valley Copper mine exploration project.
- ✓ Spectra and B.C. Oil and Gas Commission

If complete, it will be analysed, assessed and reviewed using community mapping tools. The power of mapping is important and critical. Kanaka Bar has the tools to map its Traditional Territory, Kanaka's reserves and the rest of B.C.'s reserve lands, any water features including resource management zones, cultural and archaeological sites and major roads and rail road right of ways, and any past and present forest coverage. Kanaka Bar requests shapefiles from the proponent to pin point exactly where the proposed work is to be located. Kanaka Bar will then complete a preliminary evaluation the project's location, size, timing of impact, and potential implications within Kanaka Bar's Traditional Territory.

The project / activity will be mapped to identify potential risks to:

- Cultural sites and recorded known archaeological sites
- Traditionally valued lands within the Territory
- Fish and fish habitat



Kanaka Bar's Lands Coordinator will then further analyse the potential for direct and indirect adverse impacts to Kanaka Bar's lands. Consideration will be given to whether or not the impacts are temporary or permanent.

Kanaka Bar – through a high-level review from KBLR – will consider potential opportunities for partnerships with the third-party.

Once the project proposal has been reviewed, a briefing (Appendix B) will be prepared by the Lands Coordinator for input and direction from Chief and Council.

Please note that consideration will also be given to referrals / applications that are not within Kanaka Bar's Traditional Territory, but within Nlaka'pamux Nation to determine if there are likely to be direct or indirect impacts to Kanaka Bar. Nevertheless, Kanaka Bar will continue to defer to the proximal community, as the key Indigenous decision-making authority.

STAGE 3: DECISION POINT — AUTHORIZATION / FURTHER CONSULTATION

Kanaka Bar will then formally take on of the following courses of action:

- ✓ *Authorization.* Kanaka Bar will provide a written decision on the proposal if there are no concerns and distribute as required. This will also detail Kanaka Bar's expectations with respect to accommodation (if required). In some cases, this may be a formal authorization to work within the Territory, and in others it may be an acknowledgement that preliminary application was reviewed and there are no concerns so long as Kanaka Bar's interests are not at risk.
- ✓ *Detail need for further consultation.* Kanaka Bar will provide written direction on a proposal project requesting that the proponent complete a more comprehensive project application and assessment (see Stage 4 below), and other requirements as deemed appropriate by Kanaka Bar. In such a scenario, applicable federal and provincial agencies would be notified as well.

At this point, Kanaka Bar may seek to negotiate a cost-recovery agreement with the third-party. This will seek to limit the direct costs to be borne by Kanaka Bar in reviewing a proposal.

STAGE 4: COMPREHENSIVE PROJECT EVALUATION (IF REQUIRED)

Should Kanaka Bar deem it be needed, additional project evaluation and assessment will be completed. Kanaka Bar expects that all project proponents, and applicable government agencies will provide the required information needed to fully consult with Kanaka Bar. Doing so will help to ensure Kanaka Bar can offer free, prior and informed consent or offer an informed decision to not support a project application. As required, Kanaka Bar will complete field work, traditional use studies, office reviews and research, and engage expert opinion as required. A cost recovery model may be negotiated at this time should it be deemed required.

Once additional information has been collected, Kanaka Bar will use an internal evaluation tool to assess a project proposal against a series of criteria under the following headings:

- Traditional Land and Environmental Interests
- Cultural and Social Interests
- Community Economic Development Interests

For each evaluation criteria used for a project evaluation, it is expected that the Lands Coordinator will:

- ✓ Provide a general description of the project as it relates to the respective evaluation criteria



- ✓ Highlight any known or likely positive or negative influences that may result to the community, as it relates to evaluation criteria
- ✓ Prepare a description of the “best possible outcome” pertaining to a given evaluation criteria. This could include, but not necessarily be limited to: mitigation, avoidance, compensation measures, a description of expected community benefits (i.e. employment, revenue sharing, protection of traditional lands)
- ✓ Prepare a description of the “least harmful outcome” pertaining to a given evaluation criteria. This would include accommodation measures
- ✓ Once the internal evaluation has been completed, the Lands Coordinator will communicate the findings of the evaluation with Chief and Council and the community at large, as required
- ✓ With direction from Chief and Council, the Lands Coordinator will inform the proponent of further consultation requirements of Kanaka Bar and applicable federal and provincial regulatory agencies in hopes of achieving the “best possible outcome”. This is likely to include at least one meeting with Chief and Council and the community at large

STAGE 5: CONSULTATION, ENGAGEMENT AND NEGOTIATION

The purpose of this stage is to garner a shared understanding of the proposed project/activity, review the potential impacts of the project on Kanaka Bar’s Title and Rights and whether and how those may be addressed by minimizing impacts and through meaningful accommodations.

Based on the completed project evaluation, and as noted above, Kanaka Bar will outline the expectations to the proponent as it relates to consultation, engagement and negotiations. This will, at a minimum, include an invitation to at least one meeting with Chief and Council and one meeting with the community at large at a regularly scheduled community meeting. As required, Kanaka Bar will detail additional consultation and engagement requirements to the third-party proponent.

It is important to note that large project proposals within Nlaka’pamux Nation Territory, but are not directly within Kanaka Bar’s Traditional Territory may be invited to participate in community meetings. This invitation will be at the discretion of Chief and Council.

STAGE 6: DECISION

At this point in the process, Kanaka Bar, will issue a decision with respect to the proposed activity, and use of lands and resources within the Traditional Territory. The range of decisions could include:

- Offering authorization that the proposed activity may proceed
- Offering authorization that the proposed activity may proceed with certain conditions (including opportunities for partnership) being met, as agreed upon by Kanaka Bar and the third-party
- Identifying that the proposed activity and use of the Territory may not proceed as proposed, and that further work must be completed to address the concerns and interests of Kanaka Bar

- Rejecting the request and that the activity and use of the Territory may not proceed under any circumstances
- Providing written comments on project applications within Nlaka'pamux Nation Territory, but outside of Kanaka Bar's Traditional Territory, while leaving the final decision to the proximal community

Should consent be provided by Kanaka Bar to a third-party, Kanaka Bar expects that outsiders:

- Do it Right
- Take only what you need
- If you take it in, take it out
- Return the lands back to its natural state



5 BEST PRACTICES FOR ENGAGING WITH KANAKA BAR

Kanaka Bar's project referral and decision-making process previously described outlines the process of how it expects to review future activities and projects in the Traditional Territory. To complement the process outlined, Kanaka Bar also offers the following "best practices" for the consideration of government agencies and third-parties to support meaningful engagement. These best practices are outlined as follows:

LISTEN WITH AN OPEN HEART AND OPEN MIND

This is most important, as it demonstrates respect for Kanaka Bar's interests, ideas and declaration of its Title and Rights.

REVIEW KANAKA BAR'S WEBSITE

Please come to Kanaka Bar to engage in discussions only after taking the time to review the community website. There will be skill testing questions!

SEEK TO BUILD A RELATIONSHIP

If Kanaka Bar learns of a project proposal, it is always best to learn of it directly from the project proponent. This demonstrates respect, transparency and interest in working with Kanaka Bar in a collaborative and partnering fashion, which ultimately leads to success and "quadruple win"¹ scenarios.

RESPECT NLAKA'PAMUX NATION PROTOCOLS

Kanaka Bar emphasizes that the proximal community be deferred to as the key Indigenous decision-making authority on project proposals, yet Kanaka Bar welcomes the opportunity to comment on all projects within the Nation's Territory.

RESPECT KANAKA'S DIFFERENCES

While there are many commonalities amongst Indigenous communities in Canada, Kanaka Bar is unique and therefore has unique interests as it relates to the Territory.

KEEP YOUR WORD

Working with Kanaka Bar is rather straight forward: be clear about your intentions, stand by what you say, do not change the goal posts, listen to the community, do not do something unacceptable (i.e. break the law), and do not solely focus on financial returns. Let's create success stories.

¹ See <http://www.kanakabarband.ca/downloads/quadruple-win-successful-projects-in-collaboration-with-first-nations-february-10-2016.pdf> for more detail.

BE OPEN TO EXPLORING ECONOMIC DEVELOPMENT PARTNERSHIPS

Kanaka Bar is located in an economically challenged region of British Columbia. The community is keen to advance its vision for economic self-sufficiency and recognizes the value of creating “quadruple win” scenarios when possible.

ADVANCE USING AN APPROACH THAT MATTERS TO KANAKA BAR

In addition to being stewards of the Territory, Kanaka Bar seeks to advance tangible and intangible benefits that are meaningful and sustainable. Most often this aims to see greater self-determination, recovery from the impacts of colonization and enhanced community capacity.





6 COMMUNITY ENGAGEMENT

As part of the development of this Strategy, membership was asked to provide input and direction on how they would like to be engaged throughout the review of project proposals and referrals.

Based on the input and direction provided from membership, Kanaka Bar will work to continually enhance its overall approach to providing updates to membership. The spirit of this evolution is to provide members the most relevant information on any proposed activity in the Territory.



While there will be an evolution to community engagement efforts, the primary venue for information sharing and community conversation will remain the third Thursday of every month (i.e. Kanaka Bar's regularly scheduled community meetings). These gatherings offer consistency and important venue for community dialogue.

To support continuous improvement and respect the interests of member, Chief and Council, and staff will seek to increase communications and information sharing by:

PROVIDING A HIGH-LEVEL UPDATE ON ALL ACTIVITY REFERRALS WITHIN THE TERRITORY (OVER THE PAST MONTH)

This will include a summary of the total number of referrals received, a summary map showing the proposed locations of all proposed activities within Kanaka Bar's Traditional Territory. This shall include updates about referrals that may have been submitted by the Band itself or one of its economic development corporations. Staff will not provide an update for referrals that are outside of the Traditional Territorial boundary, unless deemed appropriate. For example, for large projects that may directly or indirectly impact Kanaka Bar's interests.

ENCOURAGING ALL PROPONENTS TO PARTICIPATE IN A COMMUNITY MEETING

An invitation will be extended to third-parties seeking to advance an activity within Kanaka Bar's Traditional Territory. An invitation will not be extended to all third-parties that Kanaka Bar receives a referral for (i.e. for activities proposed within the Nation's Territory), unless deemed required by Chief and Council.

ENCOURAGING ALL MEMBERS TO PARTICIPATE IN COMMUNITY MEETINGS

As stewards of the Traditional Territory it is hoped that membership will be active in community discussions about a project proposal/referral.

7 ONE PROPERTY AT A TIME...

Since colonization, Kanaka Bar has been constrained in its ability to utilize its Traditional Territory for community benefit. This has, in many ways, limited the traditional land uses, the services available to the membership, and opportunities to advance the community's vision.

With the adoption of the *Land Use Plan* (March 2015), Kanaka Bar has been strategically investing in the acquisition of select lands within the Territory. These lands have included the Kanaka Bar Restaurant Lands, the Highway 1 Crown Parcel, Lot 16, Lot 4 and the Deer Farm. These properties are highlighted in Figure 4 on the following page.

The desire to acquire these lands has been driven by two key factors, which include:

- 1) Work to overcome the constraints and barriers of Kanaka Bar's Indian Reserve lands to create new opportunities for the community to realize its vision. This includes creating opportunity for housing, agriculture, community gathering facilities, and the protection of valued lands.
- 2) Have Kanaka Bar on title for key properties of interest within the Territory.

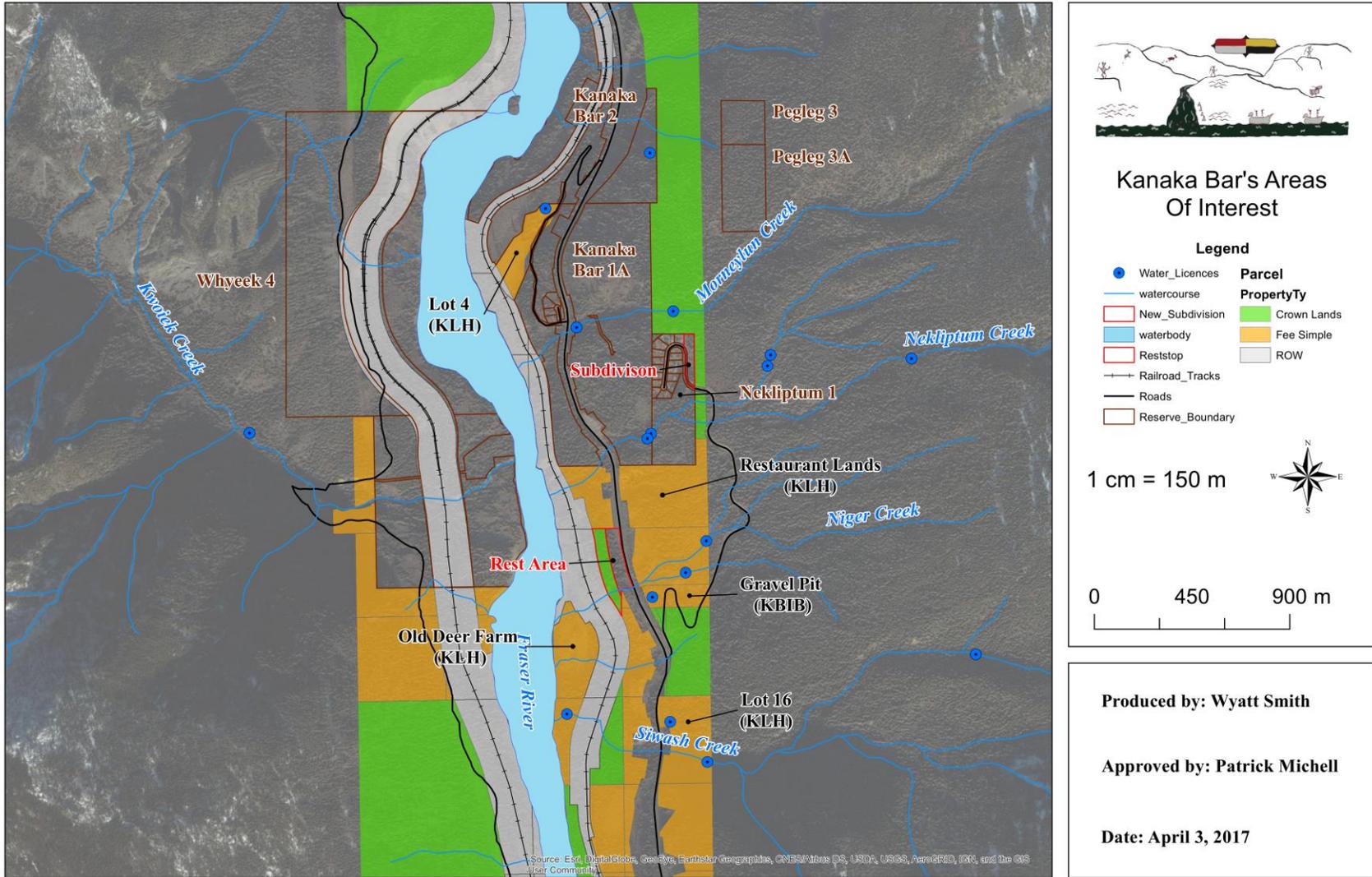
Kanaka Bar has identified other fee-simple and Crown parcels throughout the Territory which are targeted for future acquisition. Kanaka Bar will continually seek to acquire these lands based on availability and resources available.

With these lands under the control of Kanaka Bar, the community intends to complete an "Off-Reserve Land Use and Resource Asset Management Plan" in the coming year. This plan will work to maximize the value of the lands and existing asset resources for the community's overall benefit.





Figure 4



8 IMPLEMENTING THE STRATEGY

As stewards of the Traditional Territory, it is critical for Kanaka Bar membership, and the community as a whole, to work towards self-performance. Doing so will empower the community to implement the Strategy to its fullest.

In recent years, Kanaka Bar has actively invested in building community capacity in the context of lands and resource planning and management. Much of this capacity was initiated with the implementation of the Land Use Plan, and the Community Economic Development Plan.

To accelerate capacity building, and support implementation efforts the following key actions have been identified to both enhance self-performance and implement the Strategy:

CONTINUALLY OFFER GIS TRAINING OPPORTUNITIES TO MEMBERS

Investing in the community's overall capacity will help enable Kanaka Bar to more effectively oversee proposed activities throughout the Traditional Territory. Since 2014, Kanaka Bar has offered 3 community GIS training sessions, and intends to offer similar sessions in the future on an annual basis.

SUPPORT INTERGENERATIONAL KNOWLEDGE SHARING

Recent community discussions have emphasized the importance of knowledge sharing and intergenerational community engagement. For example, the March 2017 community meeting had a significant presence from many of Kanaka Bar's younger generations. Today's Kokpi's acknowledge their presence and emphasized the importance and value of committing resources to protect the community's land and resource interests. Extending from this meeting, the Kokpi's will actively work to share knowledge and information about the lands and resources to ensure future generations are empowered to be caretakers of the Traditional Territory. This can include:

- 1) Facilitating formal and informal knowledge sharing sessions
- 2) Providing opportunities for younger generations to participate in current project reviews
- 3) Creating employment opportunities within Kanaka Bar's administration directly related to land and resource management

INVEST IN LANDS MANAGEMENT TRAINING OPPORTUNITIES FOR MEMBERSHIP

There are a diversity of lands management training programs available for indigenous peoples and communities. This includes Government of Canada sponsored programs, through to post-secondary programs offered by Thompson Rivers University, University of Saskatchewan, and UBC. Kanaka Bar will work to identify younger membership who has the interest and a demonstrated commitment to being a Traditional Territory caretaker to participate in one or more of these training programs. This will provide a significant capacity building opportunity for Kanaka Bar over the long-term.



STRIVE TO FULLY IMPLEMENT DECISION-MAKING PROCESS

The existing approach to overseeing and reviewing project referrals has progressed substantially over the past two years. Yet, Kanaka Bar strives to always improve and be better. With the adoption of this Strategy, Kanaka Bar is challenging itself to fully and comprehensively implement the decision-making process we have outlined. This will require hard work, dedication and commitment; however, this will not deter our efforts as we are the caretakers of the Traditional Territory.

ENGAGE IN A NEW GOVERNMENT TO GOVERNMENT RELATIONSHIP

Over the past number of months, Kanaka Bar has raised some significant and meaningful questions regarding how certain mineral and resource rights are allocated with the Traditional Territory. In particular, certain resources and activities are authorized without any consultation, and the activities that are authorized have direct, measurable and visible impact to the land. This must change.

Furthermore, some significant governance and policy matters require the shared attention of our community Kokpis and the Government of British Columbia. Through conversation, collaboration and meaningful investment Kanaka Bar is confident that a new shared-governance model be established for the Traditional Territory.

Therefore, in the coming months Kanaka Bar will make a formal request to advance a new government to government relationship with the Government of British Columbia regarding lands and resource management.

9 CONCLUSION

The *Traditional Territory Lands and Resources Strategy* highlights the importance of Kanaka Bar's roles and responsibilities as the caretakers of community lands and resources. As the caretakers of the Traditional Territory, Kanaka Bar expects that all activities occurring on the territory must:

- Be done safely
- Be of the highest standard
- Be legal
- Be environmentally sustainable

The Strategy also formally re-states Kanaka Bar's declaration to its Title and Rights on the Traditional Territory as they have never ceded nor surrendered these lands and resources to the Government of Canada or the Government of British Columbia (i.e. the Crown). Therefore, Kanaka Bar has the same rights and responsibilities as their ancestors did.

The only limit as to what may be possible will be the efforts that are made by the community to fulfil whatever Kanaka Bar may decide to implement.





APPENDIX A: PROJECT DISCLOSURE APPLICATION FORM

The following form is available for third-parties seeking to advance projects on Kanaka Bar's Traditional Territory.

PROJECT DISCLOSURE APPLICATION FORM

PROJECT NAME: _____

PROJECT PROPONENT (NAME OF COMPANY): _____

PROPOSED ACTIVITY (TYPE): _____

BRIEF DESCRIPTION:

LOCATION (MAP AND SHAPEFILES)

- Yes __
- No __

PROJECT TIMELINES (PLEASE OUTLINE KEY MILESTONE OF PROJECT):

KEY CONTACT:

Name: _____

Phone: _____

Email: _____



APPENDIX B: BRIEFING TEMPLATE

The following briefing template has been developed to assist the Lands Coordinator to provide updates to Chief and Council (and the community at large).

LANDS AND RESOURCES BRIEFING NOTE

KANAKA BAR CHIEF AND COUNCIL

PROPOSAL/REFERRAL

Insert proposal/referral name that is recognizable to Chief and Council and community members.

BACKGROUND

This will provide a succinct background on the proposed project / referral. This should include a brief description of the project (i.e. what is it?), location, timelines, etc. This should also include a high-level overview of whether or not there are opportunities for partnerships, or if there is an explicit concern / risk to Kanaka Bar's interests and Rights and Title.

RECOMMENDATIONS

This will outline the actions proposed for Chief and Council's consideration regarding a project proposal/referral within Kanaka Bar's Traditional Territory or with the Nation's Territory. This could include, but is not limited to:

- ✓ authorization / support of proposed activity
- ✓ detail the need for further review and evaluation
- ✓ meetings with Chief and Council and further the community

RATIONALE

This will provide a description to why the Lands Coordinator has proposed the recommendations/actions for Chief and Council's consideration.

KEY MESSAGE AND NEXT STEPS

This section should outline the key messages that the Lands Coordinator wishes to provide Chief and Council regarding the proposal. Additionally, any next steps that are proposed by the Lands Coordinator should be (re)highlighted.

APPENDIX C: PROJECT EVALUATION TOOLS

Stage 2 of Project Referral and Decision-Making Process - Preliminary Project Evaluation and Review Tool

Recognizing that time and budgetary resources are limited, it is important to determine if a particular project proposal requires a more detailed assessment (i.e. a Stage 4 Comprehensive Project Evaluation). To determine if a more detailed assessment is required pre-evaluation review tool has been developed that aims to provide a succinct risk assessment of a project proposal. More specifically, the tool identifies three key preliminary evaluation criteria:

- ✓ Risk to cultural sites and recorded known archaeological sites.
- ✓ Risk to traditionally valued lands within the Territory.
- ✓ Risk to fish and fish habitat.

The tool has been designed to allow for additional evaluation criteria should it be determined appropriate.

Based on the available information of a project (secured from a referral or notice provided to Kanaka Bar directly) it expected that the Lands Coordinator will assign a ranking of 0 to 5 on the likelihood of impact and the likely level of impact to each of the three evaluation criteria. Where 0 represents a ranking of no likelihood of impact or negligible level of impact, and 5 represents a ranking of high probability of impact or high level of impact. If an evaluation criterion is assigned a ranking of 3 or greater, then it is recommended that a more detailed project evaluation be undertaken. Also, if a preliminary evaluation results in a total ranking of 16 or greater, a more detailed project evaluation may be warranted. Table 1A below summarizes the Preliminary Project Evaluation Tool.

Table 1A: Preliminary Project Evaluation Tool

Preliminary Project Evaluation Tool			
<i>Preliminary Evaluation Criteria</i>	<i>Likelyhood of Impact</i>	<i>Likely level of Impact</i>	<i>Total Ranking</i>
Risk to cultural sites and recorded known archaeological sites.			0
Risk to traditionally valued lands within the Territory.			0
Risk to fish and fish habitat.			0
Other?			0
SUM	0	0	0



Stage 4 Comprehensive Project Evaluation Tool

The Comprehensive Evaluation Tool includes a preliminary inventory of project evaluation criteria. These evaluation criteria have been categorized under three primary headings which include: *Environmental and Land Interests*, *Cultural and Social Interests*, and *Community Economic Development Interests*. It is important to note that the project evaluation criteria listed to date are preliminary. It is expected that the project evaluation criteria will evolve based on the interests of the community, and the nature of the proposed project. For example, if a mining project is proposed within the Traditional Territory, Kanaka Bar may wish to evaluate specific project attributes such as its tailings ponds, impacts to regional hydrology, whereas a run-of-river project may result in the need for greater attention to fish and fish habitat, and linear impacts (i.e. transmission lines).

For each evaluation criteria to be used for a project evaluation, it is expected that the Lands Coordinator will:

- ✓ Provide a brief description of the project as it relates to the respective evaluation criteria referenced.
- ✓ Highlight any known or likely positive or negative influences that may result to the community, as it relates to evaluation criteria.
- ✓ Prepare a description of the “best possible outcome” pertaining to a given evaluation criteria. This could include, but not necessarily be limited to: mitigation, avoidance, compensation measures, a description of expected community benefits (i.e. employment, revenue sharing, protection of traditional lands).
- ✓ Prepare a description of the “least harmful outcome” pertaining to a given evaluation criteria. This outcome represents a fallback position for Kanaka Bar, and again should include proposed mitigation, avoidance and compensation measures and other actions to be taken by Kanaka Bar or the proponent to uphold Title and Rights.
- ✓ Define key next steps for Kanaka Bar, and/or the proponent to support the achievement of the “best possible outcome”.
- ✓ Assign a numerical ranking score to each evaluation criteria. Upon the completion of the proposed evaluation steps described above, it is recommended that a numerical ranking be assigned to each project evaluation criteria. The Comprehensive Evaluation Tool has been set up to have a ranking from negative three (-3) to positive three (+3). Where -3 represents a scenario, for example, where Kanaka Bar’s Rights and Title are being directly infringed upon and thus the community’s interests are not being respected. A ranking of 0 (zero) would represent a scenario, for example, where Kanaka Bar’s seeks additional information from a project proponent. A ranking of +3 would represent a scenario, for example, where a project proposal has demonstrated that it meets Kanaka Bar’s land and resource based expectations and is likely to result in direct benefit to the community.

- ✓ Kanaka Bar may wish to assign a weighting to each of the proposed evaluation criteria. In doing so, Kanaka Bar will acknowledge that certain impacts and benefits of a proposed project are more important or valued to the community's interests over others. For example, Kanaka Bar is likely more so interested in seeing fish and fish habitat protected and enhanced, relative to the release of greenhouse gas emissions from a given project.
- ✓ Once the Comprehensive Evaluation Tool has been completed, it is assumed that Lands Coordinator will communicate the findings of the evaluation with Chief and Council and the community at large. It is also expected that it will inform the community's direct and indirect engagement with the project proponent and applicable federal and provincial regulatory agencies.