

Forest Recreation Planning & Early Communication with Indigenous Communities

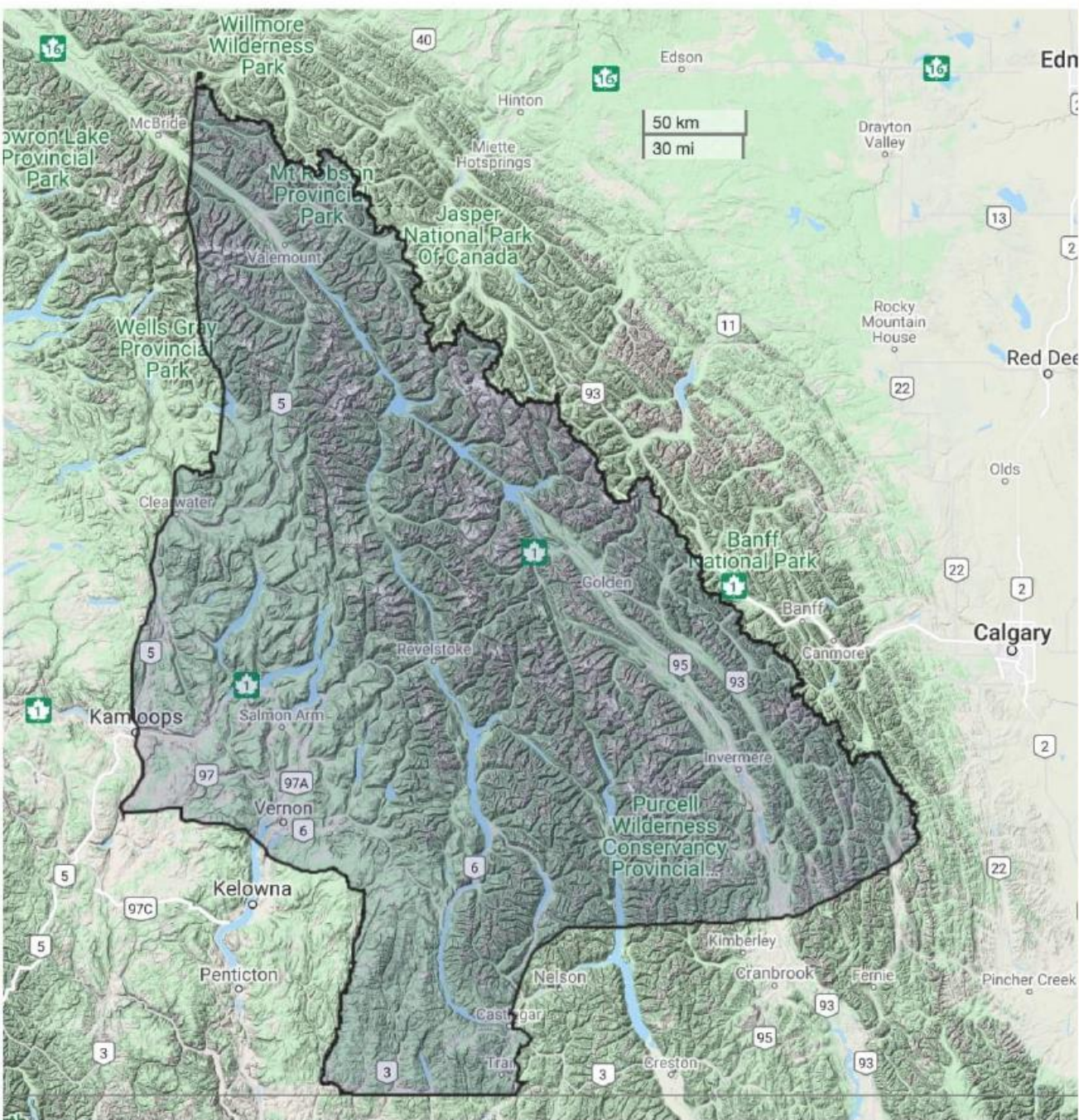
For: Shuswap Trail Alliance's
Forest Recreation Planning Development Workshop
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Times are changing

- **Communicating only with 'who you know' is no longer sufficient**
 - **Even if you don't hear back from Indigenous communities,
keep sharing information**
 - **Early Communication with Indigenous Communities is Key**
 - **I take my direction from ALIB and Pespesellkwe te Secwepemc**

Pespesellkwe te Secwepemc Caretaker Area within BC (97,269 km²)



Pespesellkwe Accord Communities:

Adams Lake

Little Shuswap Lake

Splatsin

Partner Communities:

Neskonlith

Shuswap Band

ADAMS LAKE
INDIAN BAND

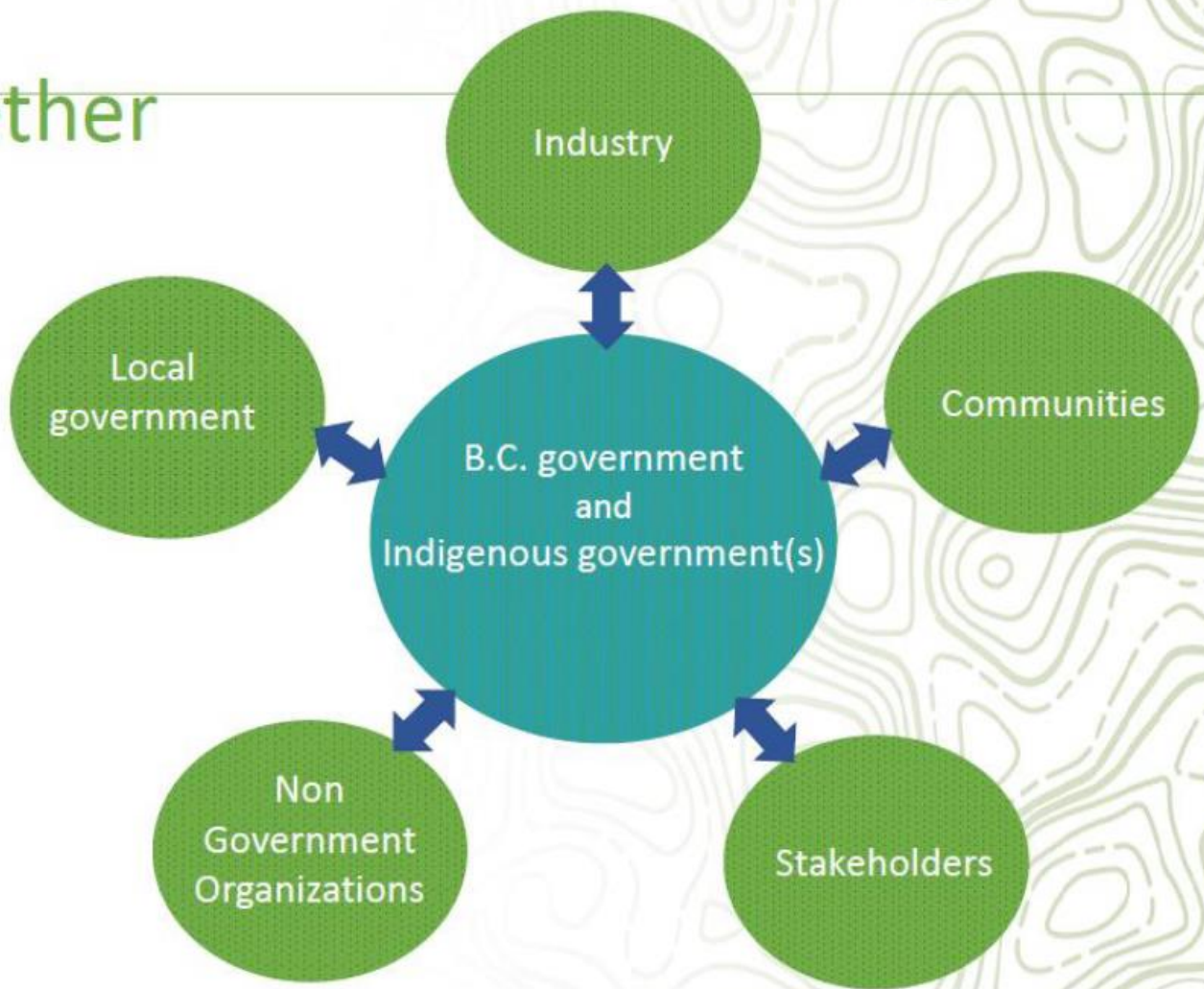


TITLE & RIGHTS
DEPARTMENT



from Amy Tipler's talk for STA at Silver Creek (Amy.Tipler@gov.bc.ca)

together



Adams Lake Band

PteS 'Campfire'

QS Signatories

QSO

BC Government

Federal Government

Municipalities

Regional Districts

NGOs, Stakeholders

Industry



UNDRIP & DRIPA

Title & Rights

Truth & Reconciliation

FPIC-Article 10 of UNDRIP

Free Prior Informed Consent



The consent is free, given voluntarily and without coercion, intimidation or manipulation. A process that is self-directed by the community from whom consent is being sought, unencumbered by coercion, expectations or timelines that are externally imposed.



The consent is sought sufficiently in advance of any authorization or commencement of activities.



The engagement and type of information that should be provided prior to seeking consent and also as part of the ongoing consent process.



A collective decision made by the right holders and reached through a customary decision-making processes of the communities.

Pespesellkwe Communication Protocols

- **More Steps, More People to Talk To**
 - **Communicate Early**
 - **Work in Progress**
- **The cost of doing business**

Submitted Question.....

“Will early consultation with First Nation communities be achieved by participation in the new Forest Landscape Planning or contacting this planning group ? Looking at the pilot project for the FLP's it looks like this may be accomplished through the continuous improvement model ?”

https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/forestry/forest-landscape-plans/flp_info_bulletin_for_pilots.pdf

<https://www.ictinc.ca/blog/meaningful-consultation-with-indigenous-peoples#:~:text=As%20described%20by%20Justice%20Dawson,in%20Tsilhqot'in%20Nation%20v.>

“Meaningful consultation begins with reading, understanding, and affirming Section 35 of the Canadian Constitution Act, 1982...Indigenous rights are part of our Constitution and therefore honouring their rights is in the interests of all Canadians.”

Indigenous Corporate Training Inc Website: Meaningful Consultation with Indigenous Peoples (2018):

“As described by Justice Dawson, meaningful consultation means listening to Indigenous Peoples concerns, discussing their concerns, and being prepared to accommodate those concerns. It is much, much more than note taking.

In 2014, Supreme Court of Canada Justice Beverley McLachlin, in Tsilhqot’in Nation v. British Columbia, wrote:

“Allegations of infringement or failure to adequately consult can be avoided by obtaining the consent of the interested Aboriginal group. This s. 35 framework permits a principled reconciliation of Aboriginal rights with the interests of all Canadians.” [9]

In my Indigenous Consultation & Engagement course, one of the key takeaways is the fundamental need to ensure that those involved in consultation discussions have the authority to accommodate the concerns raised by Indigenous groups. When someone who does not have the authority to negotiate attends consultation meetings, it sends a couple of messages:

Those who do have the authority are too busy; Consulting with the community is a mere formality; Either way it wastes the valuable time of the community representatives, and can give an organization a black eye regarding working successfully and effectively with the community to get a project approved and into operation. It’s always good to remember that a community can tie the project up in the courts for years which is immensely costly in both legal and project delay costs and can impact investor confidence.”

All Land Altering Activities Potentially Impact

Indigenous Cultural Heritage Values and Archaeology:

- **Trail building and repair**
 - **Fencing**
 - **Signage**
- **Outhouses/Washrooms**
 - **Campsites**
 - **Going off trail**
 - **Parking areas**
- **Roads to access sites**

Indigenous Cultural Heritage Resources:

Food Procurement, Ceremonial,
Spiritual/Sacred, Indigenous Heritage Trails,

Habitation, Pictographs, Indigenous Place
Names, Non-Human Being Stories

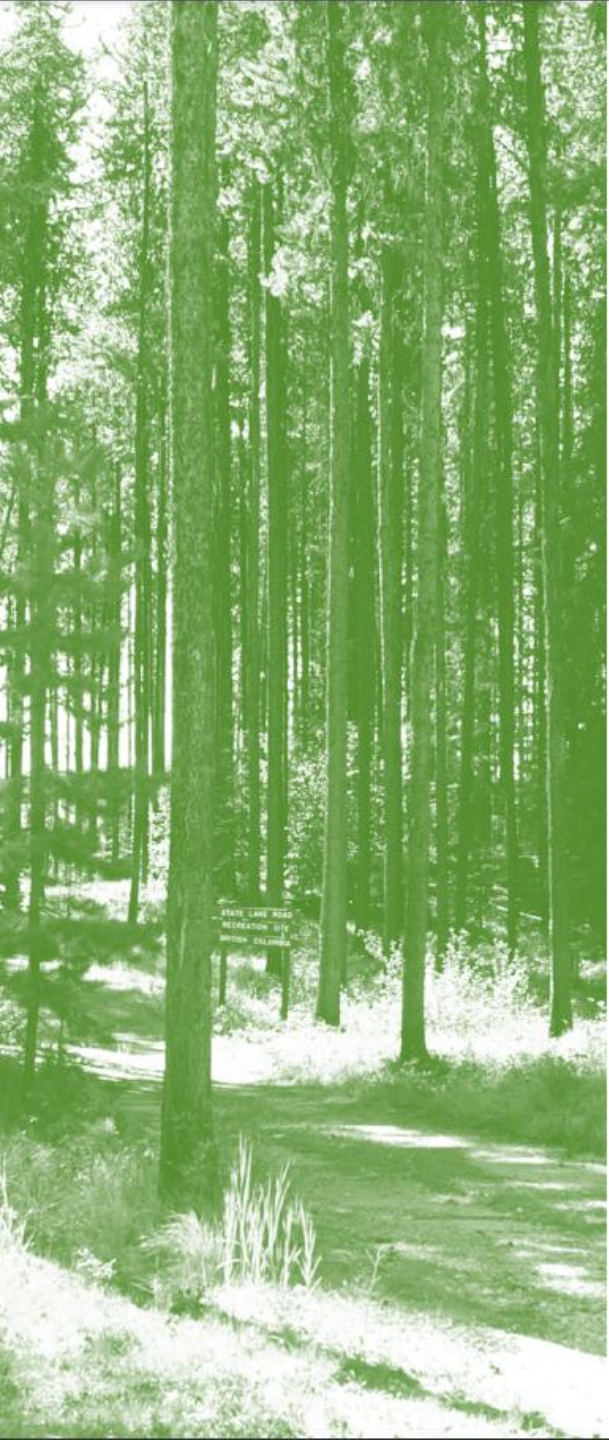
Secwepemcul'ecw PAST & PRESENT

VS

**Archaeological Resources
(protected under the BC HCA)**

**Pespesellkwe communities recommend a CHAOA
of key recreation areas including:**

- **Sk'emîka (Skimikin)**
- **Kela7scen (Mount Ida)**
 - **Mount Begbie**
- **Skwelkwek'welt (Sun Peaks)**



Management of Forest Recreation in BC

SPECIAL REPORT

MAY 2021

FPB/SR/59

Forest Practices Board BC Report Notes:

FLNRORD uses FRPA to regulate non-commercial recreation

Complaints about how government and licensees manage recreation under FRPA

Report about how forest and range activities affect the recreation resource; not how recreation affects forest and range licenses

Forest Landscape Plan to be developed with Indigenous communities and focus on local issues

FRPA weakness: Lack of strong planning layer within the framework