

Carrier Sekani Land Use Vision



Draft
July 2006

Carrier Sekani Tribal Council





Acknowledgements

Many thanks to all Carrier and Sekani community members, Elders, youth and ancestors passed. Your knowledge and advice is appreciated, and we hope that this document is representative of you words and wishes.

Thank you to Tara Marsden, Land Use Planning and Treaty Analyst for the Carrier Sekani Tribal Council for her work in initiating this document.

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- Beverly Bird and Mona Anatole (Tl'azt'en);
- Danielle Ogen and Tracey Turner (Wet'suwet'en).

Funding for this project was provided by the British Columbia Capacities Initiative (2004-2006).

Front Cover: Photos from top to bottom – Fish fence in Stellat'en; Takla Lake; Map of CSTC Territory; Km 37 on Driftwood Rd.; SLLP – Youth Rafting Trip; First Nations Emergency Mountain Pine Beetle Forum 2005. All photos and images property of CSTC.



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1.0 Purpose

This Land Use Vision document represents a starting point for the Carrier and Sekani goal of pursuing long-term land use planning in the territories. Land use planning is one avenue that our nations have chosen to protect our land and defend our rights. It may complement and support work being done in treaty negotiations, and a CSTC Land Use Plan may be incorporated into a final agreement. However, a primary purpose of the Land Use Vision is to establish the role First Nations of the Carrier Sekani Tribal Council in land use planning processes. This document is intended to breathe life into the legal rights and title we possess, and to notify governments and industry of our intentions to embark on a land use planning process. A vision is a starting point for planning— a statement of principles, a proposed framework, and background information on the legal and governance context from which our duty to plan land use activities arises.

1.1 Scope

This document pertains to the First Nations of the Carrier Sekani Tribal Council and their territories:

- Burns Lake Band
- Nadleh Whut'en Band
- Nak'azdli Band Council
- Saik'uz First Nation
- Stelat'en First Nation
- Takla Lake Band
- Tl'azt'en Nation
- Wet'suwet'en First Nation

This document is meant to capture the vision of the Carrier and Sekani peoples on land use issues in our territories. This document is only the beginning of a long-term planning process; thus it is general and broad, while at the same time laying out some of the specific types of land use designations our communities would like to utilize in land use planning. A Vision must be owned by the communities; thus this document is subject to revision upon community review as the planning process proceeds. This document is *not* a comprehensive collection of information on the past and present use of the territory by the First Nations. This information is captured in other studies, and may be incorporated in more detail in later stages of land use planning. Moreover, land use planning for our nations is not about telling government and industry where we carry out



traditional activities, but informing government and industry how we believe the land should be used, and negotiating a joint management system between all parties in the territories.

1.2 Affirmation and Recognition of Aboriginal Title and Rights

The First Nations of the Carrier Sekani Tribal Council have asserted, defended, and exercised their Aboriginal Title and Rights in the face of ongoing and relentless assault by outside governments and corporate interests since initial contact. Our title and rights are protected under the *Constitution Act, 1982*, Section 35. We know, through our oral histories and traditional teachings, what our rights are, and where our title lies. What we seek is negotiated recognition and reconciliation of these rights and title. This can come in many forms, and we have and continue to pursue it in all avenues possible. We have a legal right to be involved in the decision-making process about resource and other development on our lands, according to the Supreme Court of Canada, and the Canadian Constitution.

1.3 Planning Framework

CSTC envisions a land use planning process that follows these approximate steps:

1. Research into different types of land use planning processes. Develop an overall framework, budget, and Government-to-Government Protocol with the BC Government.
2. Conduct community consultations for the framework and Land Use Vision documents and Government-to-Government Protocol.
3. Hire Community Researchers to conduct research for the Land Use Vision document.
4. Development of long-term budget to cover CSTC Land Use Planning.
5. Negotiate with the BC Government on Government-to-Government Protocol.
6. Complete the community review of Land Use Vision document.
7. Gap Analysis: What do we already know, and what do we need to find out? (Community based).
8. Resource Inventory: A detailed account of all of the natural resources in the CSTC First Nations traditional territories and determine what resources have been taken out.
9. Designation of Land Use Zones to be included in a Land Use Plan.
10. Mapping the Land Use Zones.
11. Community review and consultation on Land Use Plan. Revisions made, if necessary.
12. Implementation of CSTC Land Use Plan.
13. Evaluation of CSTC Land Use Plan, possible revisions if necessary.



The Carrier and Sekani First Nations, as referred to here are the *Dakelhne* who are represented through the Carrier Sekani Tribal Council, which is comprised of eight member nations, listed previously. *Dakelh* translates as the “The People on the Land” or “Of the Earth.” The Carrier and Sekani have and continue to occupy a vast territory in what is now known as north central British Columbia, since time immemorial. The self-reliance and wellbeing of our people depends on our use and stewardship of the territories. This is our economic base which has supported our people for millennia. Our relationship to the land is multi-faceted; it is a spiritual, cultural, social and economic covenant.

1.4 Carrier and Sekani Declaration and Claim

April 15, 1982

WHEREAS we of the Carrier and Sekani Tribes have been, since time immemorial, the original owners, occupants and users of the north central part of what is now called the province of British Columbia and more specifically that area of the said province outlined in red contained in the map attached hereto as schedule “A” (hereinafter referred to as “the said lands”),

AND WHEREAS in addition to the original ownership, occupancy and use, we have exercised jurisdiction as a sovereign people over the said lands since time immemorial,

AND WHEREAS this original ownership, occupancy and use, and jurisdiction by our people over the said lands has never been surrendered by our people through conquest, treaty or any other legal means to the British crown or to its colonial governments or to the Crown in right of the province of British Columbia or to the Crown in right of Canada or to any other government.

AND WHEREAS this original ownership, occupancy and use by our people, and jurisdiction over the said lands has never been superseded by law,

AND WHEREAS much of the said lands is, without our consent, now occupied and its resources used by people not indigenous to our lands,

AND WHEREAS such occupation and use by non indigenous people to the said lands is without compensation to our people,

WE, the representatives of the Carrier and Sekani Tribes hereby declare and assert our continued original ownership, occupancy and use of, and jurisdiction over the said lands and all its resources,

AND WE further declare and assert the continued existence of those rights which flow from our original ownership, occupancy and use of, and the jurisdiction of the said lands and all its resources,

AND further we hereby demand of the governments of Canada and British Columbia compensation for their past, present and proposed use and occupancy of our lands and all its resources.



2.0 The Carrier and Sekani First Nations

2.1 Current Governance Structures and Negotiations

In treaty negotiations, and in the pursuit of a CSTC Land Use Plan, our First Nations maintain a *government-to-government* approach to all negotiations with either the federal or provincial Crown. As First Nations who have never ceded territorial nor political sovereignty to the Crown, we seek a reconciliation between and co-existence of Dakelh title and authority and Crown title and authority. Reconciling these two sovereignties must move us beyond the current reality of Indian reserves, poverty, and dependence.

Currently, the governance of our people is in a transitional state. Our members are represented, to varying degrees through the following political bodies:

- Keyoh and Clan
- Band Council
- Tribal Council

Many of our bands have systems in place to harmonize the Keyoh and Clan system with the local band councils, which were created by Indian and Northern Affairs Canada (INAC). Some bands are looking to establish this relationship more firmly. For example, many of our members call for a council of Keyoh holders and Hereditary Chiefs to oversee and maintain veto power over the band council, who would maintain responsibility for the day-to-day business of the community. Alongside this suggestion is a call for a custom election process to elect Chief and Council—one that would follow Bahl'ats rather than federal government rules. While there is a diversity of interpretations of Keyoh today, the emphasis placed repeatedly on its importance highlights the strength and perseverance of our traditional ties to the territories.

There are, and have been numerous approaches to achieving the same goal for our people: ensuring our community wellbeing and protecting our land. Our First Nations have entered into negotiations with industry, both levels of government, brought our concerns to international bodies, and exercised direct action to protect our land and our communities.

Unity is an issue that our people must deal with internally; “reinstating the importance of unity within families and communities.” We recognize common ancestry through the act of “remembering” - that despite being separated by INAC reserves and other affiliations, we all share a common genesis. Whatever the form, the people want to be part of the decision making on what happens on



our own land. Resource extraction continues at an alarming rate, bringing no benefit to the people, yet threatening our role of protector of the territories.

2.2 Traditional Land Ownership and Jurisdiction

The primary institution for managing land ownership is *Bahl'ats*. This is often referred to as a 'potlatch'. Territorial ownership is determined in *Bahl'ats* whether according to clan territory or *Keyoh* (*Keyah* in Takla Lake area). These are the lands that support the clan or extended family, and in turn the Hereditary Chief and *Keyoh* holders have responsibility to take care of the land. In *Bahl'ats*, the social structure and territorial boundaries are affirmed, disputes are settled, and wealth is redistributed.

Clan membership is determined matrilineally, and four main clans are most common throughout our villages, but in some there may be only two clans, and in others up to five. Primarily these are beaver, frog, bear and caribou. Sub-clans also exist, though not always with an animal crest. The animal crests signify the strong sense of kinship our people have with all living beings and the land and water which support us all. Our *Dene Za* (male Hereditary Chief) and *Tseke Za* (female Hereditary Chief) are raised to respect and care for the land and to provide for their clan or extended family. Hereditary Chiefs are responsible for maintaining the information base that allows a clan to validate its boundaries. Our oral histories, genealogy, regalia, crests, songs and dances are essential markers of our Aboriginal title and rights, defining and upholding our jurisdiction over territories.

Hereditary Chiefs are chosen at an early age. The Elders and Hereditary Chiefs choose a child that shows leadership and a caring concern for others. The child is then prepared for leadership by being given responsibilities and taught our history and how to govern. When the preceding Hereditary Chief dies or is unable to work, the new leader is given the name in *Bahl'ats*. Holding this name is a sacred trust; no one can take any name they want and the transfer of a name must always be done in *Bahl'ats*.

The boundaries of *Keyoh* are respected and managed through permission. Anyone entering another person's *Keyoh* for hunting or fishing must seek permission of the Hereditary Chief, as the Chief's first obligation is to their own extended family members.

The *Keyoh* system was impacted by the provincial trapline system in that the original boundaries were adjusted by the province. Some of the trapping rights were sold to non-native trappers, but the *Keyoh* holders still hold Aboriginal rights and title to those lands.



Trapline boundaries established by the provincial government attempted to follow the Keyoh boundaries and gave exclusive trapping rights to registered owners of the trapline. They did not, however, replace the Keyoh system. Traplines can be bought and sold - Keyoh cannot.

3.0 Vision and Guiding Principles for the Management and Protection of Our Land

3.1 Carrier Sekani Teachings on Taking Care of the Land

Our oral history represents the values placed on the land, water and air by our people. Our management objectives are guided by the philosophy that we are part of the land. Our living and our lives come out of the land. The land is part of our family and we a part of the land. We base our Land Use Vision on the following general principles:

The only way to manage the land is to really listen to the Elders, and to really conduct themselves under our law, our Wet'suwet'en Law, our ancestors Law.
- Rita George
Wet'suwet'en First Nation Elder

- Take care of the land and the land will take care of you.
- All life forms are interconnected and sacred.
- Sharing and coexistence are the cornerstones of Carrier Sekani resource use.
- Territory is not a commodity to be bought and sold — Dakelh people hold both rights and responsibilities to ensure territorial integrity and ongoing stewardship and use.
- Dakelh teachings on land use and ownership are passed from generation to generation.
- Healing: A tremendous amount of work is required in the community to heal the battered body, mind and spirit from years of social, cultural, political and economic dislocation.
- Rebuilding: With healing comes rebuilding of family, language, economic base, political institutions, and control of the territory and resources.
- Reconciliation: Discussions with government and churches to help our healing process of forgiving and reconciling.
- Accommodation: The respective interests of our First Nations, federal and provincial governments need to be discussed, defined, and resolved through negotiations.

Our belief systems are tied to the animals that inhabit our territory. We have creation stories about how each clan was created by the Great Ones in the past.

- William Charlie
Takla Lake Elder

These teachings have been maintained throughout all our negotiations with government and industry, and guide our land use planning process.



4.0 Proposed Land Use Zones to Consider in Land Use Planning

In order to translate traditional land ownership and management into the current modern context, a land use zoning system based on the management direction of the Carrier Sekani communities is required. While zoning is used in the land use planning process of the provincial government, which did not significantly involve First Nations, this zoning system would be designed based on the teachings of the First Nations, the current needs of our communities, and a desire to protect our land from over-development. Recognizing the current demands placed on the land and water by government, non-Native communities, and industry - we seek to provide management direction at the high level of planning and consultation, while protecting our constitutional rights.

In entering into a long-term land use planning process the following types of zones could spell out the First Nation vision for what type of activity can happen on certain areas of land, and what possible terms of land use could ensue. These zones could be used within community territory boundaries and/or across CSTC boundaries. Alternately, some communities have also suggested having groupings of Keyoh form one zone, to carry out management in an area. This would mean that the Keyoh holders together would form the management authority for the zone, and any government or industry seeking to use the land must consult directly with that group. Whatever the case may be, these proposed zones must first be reviewed and considered by the eight Nations before they are placed on the map and planning begins.

4.1 Protected Sites: Areas that must be protected from any development or outside activity. In many cases, there will not be a description of *why* they are protected. This is to protect any confidential information that our Elders do not want outsiders to know about. In other cases, this information may be allowed to disclose. These may include sacred and spiritual sites.

4.2 Cultural and Heritage Sites: These are areas that have high cultural value for one or more of the Nations and preservation is necessary. There will also be a determination of access for visitors and tourists - if this will be permitted and under what regulations. This also includes historic trails and archaeological sites.

4.3 Wildlife: This would be areas managed for the protection of habitat and population of large mammals, small mammals and bird species. This would also include habitat restoration where that has been past damage, proposed hunting regulations and management objectives. Also to be considered are areas of critical wildlife habitat (low elevation winter caribou range, spawning areas, etc).



4.4 Fisheries and Riparian Areas: Management direction for recreation fisheries, including problem areas such as dried stream beds, riparian zones, and bridges. Also, areas where restoration is needed from past development damages so that our communities can carry out food fishing.

4.5 Agriculture and Grazing: These areas would include those already developed for agriculture by non-Natives, as well as areas proposed for agricultural development. Specific terms of use can be developed for this type of land use, for example fencing for cattle to prevent intrusion into other areas. Leasing or sales of land for new development may require a form of revenue sharing, or other stipulations set out by the First Nation whose territory it is in.

4.6 Recreational Hunting, Trapping and Guide Outfitting: For existing permits granted by government, First Nations may wish to add or alter regulations for those operating within their territory. For new permits, First Nations may develop specific terms of use for guide outfitters, hunters and trappers who wish to operate in their territory. This would be influenced by the management objectives set out in the “Wildlife” zoning.

4.7 Commercial Tourism and Backcountry Recreation: Similar to the previous category, a special permitting system may be established to set out terms of use regulations for recreational users. Where new or existing leases for commercial operators are considered, revenue sharing from the lease may also be considered.

4.8 Roads, Railways, Power lines and Right-of-Way: There have been significant impacts on our communities from the development of roads and railways, specifically on fishing sites. For continued operation, there may be terms of use identified to mitigate impacts or to compensate for them. For right-of-ways, more attention needs to be paid to our involvement in their designation.

4.9 Existing BC Parks: If a BC Provincial Park was designated with the First Nations involvement, then the First Nation may wish to develop a Parks Management Plan that reflects community needs.

4.10 Villages, Municipalities and Other Settlements: Arrangements may be made with neighboring communities for management directives for garbage and sewage disposal.

4.11 Resource Development Lands - Forestry: Our First Nations are actively involved in securing a more prominent role in the forest industry. A Land Use Plan should be harmonized with any type of agreement with forest companies and/or government on forestry activities in the territories. This includes Impact Benefit Agreements, Consultation and Accommodation Agreements, and any other related agreements or protocols. Examples from these types of agreements on terms use include: revenue sharing, employment, cutting



regulations, and silviculture requirements. CSTC has in place a territory-wide moratorium on pesticide and herbicide spraying because of its extremely damaging effects on our food and medicinal plants. We have proposed that manual brushing and weeding is a preferable method.

4.12 Resource Development Lands - Mining: Our communities have experienced virtually no positive mining development in the territories. The impacts have been consistently damaging, and the benefits to our communities, few. If a First Nation determines that a mine is permitted, issues such as acid rock drainage, tailings ponds, and reclamation must be addressed before such activity occurs. An Impacts Benefit Agreement or similar agreement is strongly recommended in every case. The Tl'azt'en Nation has already put in place a territory-wide moratorium on mining until practices improve, based on their experience with a mercury mine in their territory.

4.13 Resource Development Lands - Oil & Gas: As with mining, First Nations seek to limit impacts and increase the benefit to our communities, should development be permitted by the affected First Nation. For us, development begins with exploration, and through negotiated agreement we seek meaningful involvement in any planning for this type of activity.

5.0 Process for Developing the Land Use Vision Document

Frustrated with the limitations and pace of the treaty process, and government unwillingness to carry out its legal duty to consult and accommodate our people on land and resource decisions, CSTC proposed a Land Use Planning process that is based on our history, our teachings, our culture, and on the current needs for our communities. We have used limited funds to develop this Land Use Vision, and present it to the communities in a DRAFT form so that people can review it and provide feedback and direction on a Land Use Planning process. Once again, this process is not meant to either replace treaty negotiations, nor is it completely separate from them. This can support treaty, or it can stand on its own if an agreement is not reached.

To date we have undertaken the following steps to develop this Land Use Vision:

- Review of other First Nations Land Use Planning Initiatives;
- Review of the BC Government Land Use Planning policies and completed plans;
- Development of a Government-to-Government Protocol for the Land Use Planning process, which the BC Government has yet to agree to;
- Community information and discussion sessions on Land Use Planning and the Government-to-Government Protocol;



- Employing Community Researchers in each of the CSTC member nations to carry out review of existing studies on traditional land use, oral history, treaty research, genealogy, and other relevant documents pertaining to the vision and guiding principles for land use. (A complete list of these studies is available upon request.);
- Where existing studies were insufficient, Community Researchers carried out interviews with Elders, youth and other community members as a part of the visioning process;
- CSTC staff reviewed the mandates of the communities given to treaty negotiators, which contain many of the guiding principles, traditional governance structures, and other information required for a Land Use Vision.

5.1 Next Stages in Land Use Planning

Now that a Draft Land Use Vision is complete, we can see that we already have a lot of the information, principles and vision that we need to provide clear management direction for the territories; what is needed is implementation. Following the **Planning Framework** laid out on page five of this document, our next immediate steps should be:

- Community Review of Land Use Vision: Involving all interested community members, CSTC and community Land Use Planning staff carry out sessions on this document to assess its usefulness and content. Does this reflect the vision and guiding principles of our communities well enough to enter into a long-term land use planning process? What should be changed or improved?
- Continued Negotiation with BC on Protocol: Despite their lack of political will, CSTC continues to press the government to enter into a land use planning process on a Government-to-Government basis, which allows for real First Nations involvement.
- Gap Analysis: Based on our initial research, what do we still need to know about the territories and the traditional governing structures before we enter into the planning and mapping of the zones?
- Resource Inventory: What are the total values for the resources that have been extracted already from the territories, and the potentially extractable resources?
- Designation of Land Use Zones to be included in a Land Use Plan: Mapping out the actual zones and implementing the management directives attached to them.