



WLC Staff Response to 2021 Islands Trust Policy Statement Amendments August 4, 2022

Below is a staff level review of the 2021 Islands Trust Policy Statement Amendments. WLC staff have organized this document by outlining past WSÁNEĆ Technical Advisory Committee (WTAC) recommendations, noting where Islands Trust amendments have incorporated and satisfied WTAC recommendations, and providing feedback on how to move forward. WLC staff have divided our review of the Islands Trust Policy Statement by the headers provided in that document (*e.g.* Introduction, Present Context, *etc.*).

As a note, this review is at the staff level and, due to capacity issue, it has not been reviewed by the WSÁNEĆ Leadership Council Board of Directors or the WSÁNEĆ Technical Advisory Committee. WLC staff hope for future opportunities to provide input where these advisory committees and decision-makers can be included.

Introduction:

Past WTAC recommendation:

1. Include the story of ȚELEȚÁĆES (“Relatives of the Deep”/Gulf Islands). This story brings a different level of understanding/context to those that may wonder why WSÁNEĆ want involvement in decisions regarding the Gulf Islands.

Feedback:

The story of ȚELEȚÁĆES is not in the Policy Statement document. The WLC would like to see the inclusion of the story of ȚELEȚÁĆES (“Relatives of the Deep”/Gulf Islands). This story brings a different level of understanding/context to those that may wonder why First Nations want involvement in decisions regarding the Islands. If other First Nations have similar stories, Islands Trust should attach them also as an appendix to the Policy Statement.

Present Context:

Past WTAC recommendations:



1. Incorporate Bill c-15, an act respecting the United Nations Declaration on the Rights of Indigenous Peoples.
2. There is a need for cumulative impact studies to ensure responsible informed decision making. This work needs to incorporate First Nations values and be in collaboration with First Nations.
3. Support First Nations in the development of cultural overlay mapping, mapping for environmental and ecological systems, and heritage mapping.
4. Preserve environment to protect Douglas Treaty rights and ensure they can be exercised into the future.
5. Approach environmental issues in ways that further reconciliation with First Nations, the original and proper caretakers of the land.

2021 Policy Statement:

- Trust Council adopted a Reconciliation Declaration that speaks to UNDRIP and free, prior and informed consent
- notes the need to “effectively preserve the environment” and, that “decision making will need to be guided by the best possible science and Indigenous ways of knowing”.
- Protects the environment for the generations to come and for First Nations that wish to come home or have access to traditional uses.
- Official community plans and regulatory bylaws, identify, preserve and protect and support the restoration of indigenous cultivation and harvesting areas and coordinate with, and advocate to, other government agencies to regulate and monitor harvesting.
- Commits to consulting with FNs prior to decisions regarding hunting and to preserve traditional harvesting areas.

WLC Staff Feedback:

The Islands Trust has adopted a Reconciliation Declaration that utilizes UNDRIP, and within the Policy Statement the Islands Trust has created policy that aligns with the principles of UNDRIP. However, support for UNDRIP is not imbedded in the Policy Statement and the Reconciliation Declaration 2019-2022 is not permanent. The WLC advise that a commitment to implementing the principles of UNDRIP is embedded into the Policy Statement.

The Policy Statement does a good job in utilizing scientific studies, cultural knowledge, First Nations’ values and informed decision making, but it does not commit to additional impact



studies or cultural site identification and mapping. The gathering of this cultural data is an important project for the implementation of this Policy Statement as the data held by the Provincial databases regarding Indigenous cultural sites are wholly insufficient. The WLC would like to see a commitment to resourcing data-gathering projects, which may be an item that can be negotiated as part of a WSÁNEĆ MOU.

The Policy Statement has greatly increased the protection of the environment and it does acknowledge the harvesting rights of First Nations, it also recognizes the need to solve environmental issues in collaboration with First Nations and other organizations but it lacks a framework in which this will occur. This is discussed further in the feedback for Governance.

The Islands Trust Object and Its Meaning

Past WTAC recommendations:

1. Add information about First Nations and their history.
2. Mention First Nations rights and unceded title

2021 Policy Statement:

- Recognizes that it is in the homeland of 28,000 First Nations, that there is culturally significant species, archaeological sites and harvesting areas.
- First Nations have been here since time immemorial and are caretakers and stewards
- With creations stories, place names, laws and protocols
- Indigenous cultural heritage is a unique amenity of the Islands Trust.
- First Nations have been removed through colonization

WLC Staff Feedback:

Information regarding First Nations and their history were not added to the Object and its Meaning, possibly because the Object is stated in legislation and the Policy Statement is not intended to make a legislative change. However, Islands Trust did provide contextual information on First Nations through a statement that follows the Object and Its Meaning. Douglas Treaty rights and title, and Indigenous title is not specifically mentioned in this document. The WLC requests that Islands Trust recognizes its duty to uphold Douglas Treaty rights and title, and Indigenous title more generally.



Location of the Islands Trust Area

2021 Policy Statement:

Includes a map of the 13 major Islands.

WLC Feedback:

In this section, WLC staff recommend the inclusion of a map that demonstrates the locations of the First Nations that have been named in the Policy and a place names map in SENCOFEN and/or Hul'qumi'num.

Regional Governance:

Past WTAC recommendations:

1. First Nations should not be considered stakeholders. First Nations have a much stronger position that requires legal consultation than your typical stakeholder.
2. First Nations should be actively included in governance. First Nations involvement should not 'just' be as collaborators. WSÁNEĆ have responsibilities to the land and have been removed as caretakers.
3. There needs to be a more evidence based approach/whose information/ownership and controls. Not just 'evidence based' but based on best available science and social science and committed to indigenous ways of knowing."
4. We need a cooperation accord and information/data sharing agreements.

2021 Policy Statement:

- Trust Council recognizes that meaningful engagement/participation and cooperation with First Nations is critical and that First Nations play an integral role in governance and cooperative decision making in the Trust Area.
- Islands Trust commits to meaningful engagement/participation and cooperative/engagement mechanisms such as Protocol agreements, other cooperative arrangements and MOUs.
- The Islands Trust Policy Statement includes finding solutions using the best available area based mapping and indigenous ways of knowing.



WLC Staff Feedback:

In this policy statement, engagement and cooperation with First Nations is stated over 20 times. Engaging with First Nations is a priority of Islands Trust as they recognize that it is essential to the implementation of the Policy Statement. However, without an inclusive method of decision making, First Nations that do not have protocol agreements, or those that are in the process of making these agreements, will have no avenue of accountable engagement. Additionally, this method may limit tier one (First Nation to First Nation) collaboration and has the potential to reduce cooperation amongst First Nations. With that said, protocol agreements to clarify interests and establish commitments are essential and need to be created between the WSÁNEĆ Leadership Council, our constituent First Nations, and Islands Trust.

Ecosystem Preservation and Protection

Past WTAC recommendations:

1. The creation of protected areas, including areas that are 'off limits' and protected ecological networks that are intended to curb development.
2. Include active remediation projects.
3. All environmental preservation, protection, and mitigation projects should be established with First Nations as we need to ensure projects protect but do not alienate rights or block First Nations' economies.
4. When considering land acquisition, work with Local First Nations and land trusts
5. Reconnection of fragmented forest ecosystems.
6. Ecosystems Preservation and Protection.

2021 Policy Statement:

- approaches to protecting the environment are being put in place for First Nations that wish to come home or have access to traditional uses.
- official community plans and regulatory bylaws are to identify, preserve, protect and support the restoration of indigenous cultivation and harvesting areas.
- advocate to other government agencies to regulate and monitor harvesting
- consult with First Nations prior to decisions regarding hunting and to preserve First Nations traditional harvesting areas.
- retain large land holdings to enable sustainable forest harvesting and minimize the fragmentation of forests



- coordinate with, and advocate to, the provincial government to adopt legislation establishing sustainable forest harvesting.
- agricultural and development activity needs to be respectful of Indigenous harvesting, and should not adversely impact (and be directed away from) traditional harvesting areas, middens and other archeologically significant resources and areas.
- in cooperation with First Nations and the Conservancy Board, will advocate for acquisitions in order to protect natural areas.

WLC Staff Feedback:

This policy statement increases environmental protection policies and recognizes the need to include First Nations' rights to access land and natural resources. It speaks not only to protection of the environment but the remediation of the environment, which was an important element to the WSÁNEĆ Technical Advisory Committee.

Additionally, there are tools embedded in the Policy Statement to protect land from development and pollution, but the policy statement does not speak to the creation of protected areas. The WLC recommends a commitment to additional impact studies, and ecosystem mapping to assist in protection and remediation of the environment.

Further, WLC staff find it problematic that the Policy Statement does not commit resources to do pursue these goals. This may be tackled through a protocol agreement or an MOU with the WLC but should also be a priority of the Islands Trust outside of a protocol agreement. This protocol agreement could include dedicated funding for environmental remediation projects important to WSÁNEĆ peoples, studies to determine causes of shellfish pollution in the Islands Trust area, and commitments to funding for WSÁNEĆ monitoring programs.

Heritage Preservation and Protection

Past WTAC recommendation:

1. Protect and preserve First Nations history, cultural and archaeological, in collaboration with First Nations

2021 Policy Statement:

- recognizes heritage as a 'unique amenity' that is to be preserved and protected. This



includes, places, objects, knowledge, artistic impressions, natural landscapes, which includes Indigenous cultural heritage. This is not limited to areas that are utilized and occupied by indigenous peoples.

- First Nations have a right to identify, interpret and safeguard its value, outside of colonial frameworks.
- regional planning decisions should not have adverse impacts on Indigenous cultural heritage
- committees and island municipalities in their bylaws, need to identify, preserve, protect and support restoration of indigenous cultural heritage- in cooperation with First Nations.
- engage with Indigenous organizations/people to seek the best available archaeological data and provide educational materials and tools to help preserve and protect indigenous cultural heritage.

WLC Staff Feedback:

The additions that have been made to the policy statement in regards to the preservation and protection of heritage mostly cover the recommendations that were made by the WTAC. The concern of the WLC is the implementation of these policies and the inclusion of WLC in decision making on projects that may impact cultural heritage. The WLC staff recommend that Islands Trust make additional commitments to the WLC through protocol agreements and/or MOUs on this topic. Within these agreements, commitments could be made to further develop internal archaeological potential mapping at the Islands Trust; develop cultural heritage protocol for engagement, the use of WSÁNEĆ cultural workers, and other items of value to both parties; and, a role in decision making for WLC when Islands Trust contemplates Development Permits.

Housing

Past WTAC recommendation:

1. Promote First Nations housing opportunities that brings WSÁNEĆ people back out to the islands. That would be a real win.

2021 Policy Statement:

- The Islands Trust shall advocate to organizations to foster safe, secure and affordable housing for indigenous peoples.



WLC Staff Feedback:

The WLC staff recommends that Islands Trust enter into an MOU to explore housing opportunities for WSÁNEĆ community members.

Additional Recommendations:

- Islands Trust include a commitment to place name changes, the use of First Nations art in developments, installing signage related to First Nations history/culture, and specific targeted reconciliation policies.
- Islands Trust prioritize First Nations economic opportunities.

Conclusion:

After completing the review of the 2021 Islands Trust Policy Statement, it is clear that the Islands Trust team has made meaningful and important changes to the Policy Statement. As mentioned above, there are many instances throughout the document where WLC staff can see that our feedback has been incorporated. However, WLC staff are concerned about future amendments to this document which may alter the elements important to the WLC. There is a chance that some commitments to environmental and cultural protection and First Nations engagement will be taken out of the Policy Statement. The WLC would like to support the strong commitments that are made in this iteration of the Policy Statement to First Nations collaboration, the environmental, and to First Nations culture. WLC staff would like to thank the Islands Trust staff who have provided the opportunity to review the Policy Statement which will may impact the rights and title of the WSÁNEĆ People.