



March 2020

Preamble

This Indigenous Relations Strategy was developed based on past experience of the Board working with Indigenous communities.

We have received feedback on an early draft from three Indigenous Peoples who are familiar with the work of the Board. We asked them for their views including:

- What do you see as the biggest opportunities for the Board to improve its engagement with Indigenous Peoples?
- Who should we be talking with as we develop this area of our work?
- What advice would you have for the Board going forward?

The strategy was revised to reflect their thoughts and suggestions. It was endorsed by the Board in March of 2020, and will remain a working draft. The Board will now begin to develop the operational guidance required to make this work. The strategy will be reviewed following one year of implementation.

Background

- The Forest Practices Board Strategic Plan commits the Board to prepare an Indigenous Relations¹ Strategy.
- Reconciliation with Indigenous Peoples is forefront in the province and is leading to increased understanding of First Nations rights and issues. The province has committed to implement the recommendations of the Truth and Reconciliation Commission and has passed legislation to implement the United Nations Declaration on the Rights of Indigenous Peoples. The Board's intention is to focus on proactive and meaningful engagement with Indigenous Peoples² to support these shifts.
- The Board has had ongoing interaction with Indigenous Peoples through complaints and audits, by having Indigenous members on the Board, and through more general outreach. However, this has been ad hoc and there are many gaps. In the Board's engagement efforts to date, we have gained some insight into how some Indigenous Peoples view the Board and its work. In many instances, Indigenous Peoples have little knowledge of the Board's work or role. Some communities are eager to learn more about what the Board finds regarding forest and range practices in their territories.

¹ During the development of the strategy, we shifted from a focus on "relations" to "engagement" so the title has shifted to reflect our intended outcome of proactive and constructive engagement.

² Due to the administrative nature of the Board's work, our programs do not attract a duty of consultation as defined by common law principles.

- Over the last year, the Board has explored the meaning of the United Nations Declaration on the Rights of Indigenous Peoples, as well as the future of forestry with the implementation of *Bill 41 – the Declaration on the Rights of Indigenous Peoples Act*.
- The Board has also begun specific staff training to better understand Indigenous issues, as recommended in Call to Action #57 by the Truth and Reconciliation Commission.
- The Indigenous Engagement Strategy is Strategic Policy of the Board and is designed to explain to our stakeholders and the public the actions we plan to take in the coming years. Staff will prepare internal procedures that will describe the way we will implement this strategy through our work.
- The Strategy has a three-year focus; our wish over the long term is that working effectively with Indigenous Peoples becomes embedded in our ongoing work.
- As we work on First Nations land and want to recognize rights and title, we are seeking the most effective opportunities to engage Indigenous Peoples and communities in our work.
- This document reflects what the Board has heard over time from Indigenous Peoples about our work. The Board wishes to engage with Indigenous Peoples on this strategy, and evolve it over time to reflect a more fulsome view of their interests and wishes.

Purpose

- Develop policy and procedures to appropriately engage with Indigenous Peoples.
- Effectively communicate information from our work to Indigenous Peoples in British Columbia.
- Ensure Board operations are consistent with the province’s adoption of the *Declaration on the Rights of Indigenous Peoples Act*.

Definitions

- The term “Indigenous Peoples” means First Nations, Inuit, and Metis people and their respective governments.
- <https://www.ictinc.ca/blog/indigenous-peoples-terminology-guidelines-for-usage>
- Generally, the Board will use the term “Indigenous Peoples.” However, when an action is referring to working with Indigenous governments, the term “First Nations” will be used, as that is the term generally used to describe the governments who hold aboriginal rights and title in BC.

Policy Statement

- The Board is created through legislation. Its scope and its authority stem from the *Forest and Range Practices Act*. The Board has powers to audit, investigate, appeal decisions and to make recommendations. Its powers do not include decision making authority and, therefore, the legal duty to consult is not triggered.
- The Board has responsibilities to audit and investigate that can either directly involve a First Nation (or a First Nation held licence), or the results can help inform what is going on in a First Nation’s traditional territory.

- The Board can be a useful resource for First Nations who are implementing programs in their traditional territories, such as watchman or guardian programs, where First Nations are managing large areas of their territory through new agreements and arrangements.
- As an independent watchdog, the Board's work has the ability to influence forest and range practices and to inform decisions that are made about forestry and range in BC. The ability to help inform decision making is the area where the Board's work can support decision making requirements of UNDRIP (i.e., the Board's work can facilitate the *informed* requirements of free, prior, and informed consent).
- **Therefore: The Board intends to deepen its connection with Indigenous Peoples in BC, to improve the relevance of our work to Indigenous Peoples.**

Actions

We will take the following actions over the next two years:

- Incorporate Territorial acknowledgement into Board Reports.³
- Continue to raise Board member and staff awareness of Indigenous issues and enhance our capabilities to work effectively with Indigenous Peoples:
 - Implement ongoing training for all teams at the Board: technical (auditors and investigators), management (directors), and strategic (Board);
 - Include competencies for working with Indigenous Peoples in all competitions for staff and Board members;
 - Consider opportunities for an Indigenous Intern at the Board.
- Notify First Nations⁴ of projects that are initiated in their traditional territory:
 - Use the Consultative Areas Database and provincial tools to determine traditional territories;^{5,6}
 - At the outset of a project, advise First Nations that a project is being initiated with an invitation to further discussion about our work if the First Nation wishes. Use provincial databases to assess who to engage with; when in doubt call provincial staff with relationships for advice.
- Support Board staff in engagement with Indigenous Peoples:
 - Develop procedures on use and sources of relevant information (for example sensitive cultural information);
 - Develop Q&As and communication documents for Indigenous communities about our work;

³ A good guide to communications regarding Indigenous Peoples is http://assets.brand.ubc.ca/downloads/ubc_indigenous_peoples_language_guide.pdf

⁴ First Nations is used here to be clear that we are notifying representative governments of the known rights holders in the area.

⁵ (Note: the Board has access to CAD to determine traditional territories. However, these resources are sometimes out of date and may have errors. The Board will look for more local and up to date knowledge (e.g., local provincial government offices) to make sure our contacts are accurate and reasonable.

⁶ This interactive online map also provides information about the Indigenous languages, cultures and places of British Columbia. <https://maps.fpcc.ca>

- Develop guidance for staff to find reference materials about Indigenous values (i.e., is there a First Nations Land Use Plan available?).
- Seek ideas on a future Special Report such as:
 - Values that are a high priority to Indigenous people and are managed under FRPA;
 - An example suggested to us was a focus on the Cultural Heritage value
 - Protection of archaeological values in forest and range plans;
 - How can indigenous monitoring initiatives inform forest and range practices?
 - How are results of consultation reflected in operational planning under FRPA?
- Explore opportunities to complete reports by First Nations traditional territories (i.e., a special report for some topics could be structured around a traditional territory instead of a district or region).

Increase Future Engagement

As we implement this strategy, we will increase our engagement by:

- Seeking out presentations or meetings with major Indigenous organizations⁷ (e.g., BC First Nations Forestry Council, the BC Assembly of First Nations, Union of BC Indian Chiefs, the Metis Nation of BC):
 - Explore membership in National Aboriginal Forestry Association;
 - Consider a booth at the First Nations Forestry Council Conference 2020;
 - At these major events, look for ways to present a summary of the work we do and the findings that may be relevant to Indigenous Peoples. Present our indigenous relations strategy and seek views on its evolution.
- Holding meetings and discussions with First Nations where the Board has had active work in the past year (i.e., audits or investigations), to determine their interests in Board work and feedback on Board operations.
- Continuing to engage with guardian and watchman programs.
- Expanding our outreach programs to include post secondary institutions with Indigenous programs and a forestry component.
- Holding discussions with First Nations who hold a range of forest and range tenures (or their delegates) to seek their views on forest and range practices.
- Over time, the Board may look at more comprehensive actions that would require additional resources to implement, and consider them in future budget development. Examples of additional actions could include:
 - Creating a dedicated staff position for Indigenous Relations or UNDRIP Implementation Support Coordinator;

⁷ The Board understands that provincial organizations do not speak for specific First Nations. Outreach to provincial organizations can provide insight that ultimately needs to be supported by appropriate engagement with individual First Nations.

- Creating partnerships on environmental stewardship, collaborative stewardship, watchman or guardian programs;
- Developing data sharing agreements, joint special projects, training in forestry audits/investigations.

Communications

- In 2020, the Board will look for opportunities to communicate this strategy including:
 - Using the Board Newsletter to highlight projects with Indigenous participation (e.g., Lhtako Denè complaints);
 - Using social media to raise awareness of the strategy or projects undertaken.

Principles for Operational Guidance.

These principles will guide staff in the implementation of this strategy:

- **Flexibility and Adaptability:** The Board will need to be flexible and adaptable in how this strategy is implemented. Give the diversity of Indigenous communities and interests, there is no single template or answer. Above all, the commitment to deeper engagement requires the Board to be willing to listen deeply to what we hear and to be prepared to adapt and respond.
- **Pragmatism:** The Board recognizes that changes will require time and learning. Some changes may not be feasible in the near term but we should initiate the changes that are feasible now.
- **Feasibility:** Implementing this will take additional resources. In general, the Board recognizes that the extra time and effort required will mean that some other work will not occur. The Board will need to constantly monitor this shift to ensure we make sound decisions consistent with maintaining our ability to deliver our legislated mandate.

Reference Materials

<https://declaration.gov.bc.ca/>

[https://www.firstpeopleslaw.com/database/files/library/First Peoples Law Reading List.pdf](https://www.firstpeopleslaw.com/database/files/library/First_Peoples_Law_Reading_List.pdf)