

**Review of the Presence/Use of Traditional Knowledge
in Regional Land Use Planning
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1 Summary and Observations

1.1 A Review of Northern Regional Land Use Plans

The north has a long history of regional land use planning. Indigenous people have always been planners when considering how to live in relationship to the land. The early formation and work by the Yukon Native Brotherhood, Dene Nation on the Dene/Metis Mapping Project and by the Inuit Tapirisat of Canada were a coming together of Indigenous people to work toward recognition of their land rights and preservation of their culture. The Mackenzie Valley Pipeline Inquiry of the 1970's was an unprecedented community-based public examination of the land use considerations of large scale "frontier" resource development through a homeland. A formal government to government process for northern regional land use planning was set up in 1983 and wound down in 1991. By then, the Yukon Umbrella Final Agreement was completed, the Gwich'in Land Claim Agreement was almost complete and other negotiations on northern land claim agreements were underway. These agreements included a chapter on regional land use planning, which is what guides regional land use planning in Yukon Territory, Northwest Territories (NWT) and Nunavut Territory today. Where land claims have not been settled, government to government agreements direct planning.

This project examines nine regional land use plans in Yukon, Northwest Territories, Nunavut and Northern British Columbia to consider how traditional knowledge was used and how plans address broader Indigenous concepts about their relationship to land and their way of life rooted in the land. The nine plans examined are:

Northwest Territories

1. Sahtu Land Use Plan (SLUP);
2. Ndéh Ts'edjichà: Dehcho Ndéh T'áh Ats'et'î K'eh Eghálats'ênda Respect for the Land: The Dehcho Land Use Plan (DCLUP);
3. Nành' Geenjit Gwitr'it T'igwaa'in (Working For the Land). Gwich'in Land Use Plan (GLUP).
4. Tłjcho Wenek'e – Tłjcho Land Use Plan (TLUP);

Nunavut

5. Nunavut Land Use Plan (NLUP);
6. North Baffin Land Use Plan (NBLUP);

Northern British Columbia

7. Wóoshtin wudidaa Atlin Taku Land Use Plan (ATLUP);

Yukon

8. Peel Watershed Regional Land Use Plan (PWLUP);
9. North Yukon Regional Land Use Plan. Nichih Gwana'in – Looking Forward (NYLUP).

The review of each plan examines:

1. the legal requirements and context for traditional knowledge in the plan;
2. the planning body's intention for considering traditional knowledge;
3. sources and techniques for bringing traditional knowledge into planning;
4. traditional knowledge in the planning process and plan;
5. summary highlights and observations about traditional knowledge in the planning.

The review relied on publicly available documents and materials on the plan websites.

The following sections provide summary observations and highlights from the review of the plans.

1.2 Legal Context for Traditional Knowledge and Northern Land Use Plans

The land claim agreements, other agreements, and traditional Indigenous laws all provide direction that relate to traditional knowledge in plans. NWT, Nunavut and Yukon land claims agreements and the Taku River Tlingit First Nation and Government of British Columbia planning agreement clearly require planning bodies to consider First Nation values. All agreements direct planning to consider Indigenous well-being and cultural values. Some of the directives are overall objectives for the land claim agreement as a whole, or objectives for the planning process, and some are directions to the planning body.

- All land claim agreements require planning to address Indigenous values. In Nunavut, plans are to “reflect the priorities and values of residents”. In Northwest Territories an overall land claim agreement objective is “to recognize and encourage the [Indigenous] way of life based on the cultural and economic relationship between them and the land”. In Yukon an objective of planning is “to recognize and promote the cultural values” of Yukon First Nations.
- All land claim agreements require promoting the existing and future well-being of residents and communities of the planning area, taking into account interests of all Canadians. In Nunavut, and Northwest Territories it is the primary purpose of planning. They also require “special attention” to the well-being of Indigenous people. In Yukon promoting well-being is a direction to planning commissions. Added in to the clause is well-being of “Yukon as a whole”.
- Yukon planning commissions shall use First Nation knowledge and experience.
- Nunavut planning commissions shall give weighty consideration to oral communication and apply Inuit Qaujimagatuqangit (IQ).
- Traditional Indigenous laws are explicitly referenced as guiding directives in the DCLUP - Dene laws and Dene *Nahodhe* (Dene culture and beliefs); in the ATLUP – the foundational document of “Our Land Is Our Future, *Hà t_átgi hà khustiyxh sítì*” and the Tlingit *khustiyxh* (way of life); and in the Nunavut plans - *Inuit Qaujimagatuqangit* (what Inuit have always known) containing the knowledge and values of Inuit society.

These directives clearly require planning bodies to bring traditional knowledge into planning and to promote and give special attention to Indigenous well-being and values. Some planning bodies used the directives as is for their own plan guiding principles and objectives. Some developed more specific principles to guide their planning. For example the Gwich'in Interim Land Use Planning Board expanded on the meaning of “protect and promote well-being” of residents of the Gwich'in Settlement Area.

The plans do not always make explicit how they applied the directives about well-being and cultural values. For example, the PWLUP states “sustainable development” is the core principle of the plan, and other land claim agreement directives are not addressed as explicitly.

1.3 Planning Body's Intention for Approaching Traditional Knowledge

One of the main differences between the plans is whether or not the planning body developed a set of policies regarding traditional knowledge before planning began that clearly state their approach to traditional knowledge guide their planning process. The Sahtu Land Use Planning Board (SLUPB), the

Dehcho Planning Committee (DCPC), interim Gwich'in Land Use Planning Board (GLUPB), and the Nunavut Planning Commission (NPC) each prepared policies, principles or other guiding documents about traditional knowledge. These documents define traditional knowledge, explain the significance of traditional knowledge in planning, and some provide guidance on how it will be collected and other considerations such as confidentiality. They also make explicit that traditional knowledge is to be used alongside scientific knowledge.

A working group of Elders drove the TLUP, which ensured traditional knowledge was fundamental to the process. The ATLUP was guided by the previously completed "Our Land is Our Future" vision document, which ensured the approach was "grounded in culture and knowing who we are and where we come from".

The Peel Watershed Planning Commission (PWPC) and North Yukon Planning Commission (NYPC) did not prepare any such guiding policy or document, although the NYPC explains in the NYLUP that the teachings of the Vuntut Gwitchin ancestors guided the plan.

Some planning bodies further defined their approach to addressing Indigenous values in their guiding principles or in a mission statement or logo. The SLUPB, GLUPB, and NPC explicitly elaborate on the Final Agreement direction of promoting Indigenous well-being. The NYPC captured core guiding beliefs in its logo.

The PWPC repeated the guiding directives from the Final Agreement, then chose "promote sustainable development" as its guiding principle because most of the directives are "aspects of sustainable development". In comparison, the DCPC guiding principle for the plan is "guided by the principles of sustainable development and respect for the land as understood and explained by the Dehcho elders". The PWPC statement of intent developed early in the process does not specifically mention First Nations, traditional knowledge or broader Indigenous values.

The ATLUP, the TLUP, and the DCLUP explain the significance of traditional knowledge as information and knowledge of the past that is necessary to plan for and manage land for the future. They note its contribution to informed decision-making. The DCPC stated that Dene laws, culture, beliefs and experience were the "foundational guide" for planning.

The SLUPB used a collaborative decision-making process for planning, which they saw as integrating different values into one plan to guide land use. With this collaborative spirit, they saw the SLUP as a "unique opportunity to reconcile the different world views and systems of laws and beliefs of the Sahtu Dene and Metis, government and other stakeholders".

1.4 Sources and Techniques for Considering Traditional Knowledge

All of the planning bodies worked with the First Nation communities to gather traditional knowledge for consideration in planning. However, the extent to which their sources and techniques focused on 'understanding the past before planning the future' varied. Some carried out an extensive traditional knowledge documentation process with interviews and mapping. Others gathered traditional knowledge in broader community workshops. Others included consideration of traditional knowledge as part of consulting with First Nations on their planning documents.

With some plans, traditional knowledge had already been gathered previously as part of another process. The planning body was then able to draw from an existing and extensive body of knowledge. The SLUP, DCLUP, GLUP, TLUP, NLUP, ATLUP all drew on extensive previous work such as documentation of Indigenous values and way of life, maps of traditional knowledge, and documentation of place names and their significance.

The DCLUP and NLUP drew on and expanded extensive traditional land use and occupancy mapping that had been started as part of previous land use planning initiatives and land claim negotiations.

The SLUP, DCLUP, GLUP, TLUP, NBLUP, ATLUP carried out multiple community meetings for the purposes of visioning and documenting and mapping traditional knowledge. Some of the planning bodies conducted personal interviews with traditional knowledge holders and prepared individual map biographies. The GLUP, NBLUP, PWLUP and NYLUP planning bodies held community mapping workshops to prepare traditional knowledge maps.

In some cases, the planning body started with the communities to document traditional knowledge early in their process, which would have contributed to their understanding the past before planning the future. The SLUP, DCLUP, GLUP, NLUP, NBLUP, ATLUP planning bodies all started working with the communities first to document traditional knowledge.

The TLUP fully engaged Elders because they made up the land use working group that was involved at every stage of the planning process and brought their traditional knowledge in throughout the process. They also participated in field trips to share their knowledge out on the land. The SLUP used community fieldworkers and the NBLUP used a local working group to assist with gathering traditional knowledge.

The SLUP Board spent a lot of time working with the communities on the vision at a suitable pace, then reporting back so that open communication and trust built up with the communities. The SLUP Board also has a very thorough and accessible website that provides a lot of transparency on their planning process. Some communities engaged in the PWLUP and the NLUP expressed concerns about the engagement process and how traditional knowledge was being gathered and applied.

The DCLUP planning body held a workshop to talk about Dene beliefs, values and traditional laws for input to planning. The NYLUP planning body held an Elders workshop. The DCLUP and NYLUP planning bodies held workshops that brought together traditional knowledge holders and scientists to exchange traditional and scientific knowledge.

The detailed documentation of traditional knowledge for the DCLUP was used to develop a GIS data base on traditional land use and occupancy, which was used at other stages of the planning process, for example, to identify traditional land use density. The SLUP was able to draw on traditional knowledge documented in the Sahtu Atlas.

1.5 Traditional Knowledge in the Planning Process

All planning bodies gathered traditional knowledge and applied it during the stages of the planning process. Traditional knowledge was considered along with scientific knowledge to identify important ecological and cultural areas, land use zones and management directions. In some plans, it is evident how traditional knowledge was considered, in others, it is not as evident.

The SLUP, ATLUP, and DCLUP vision statements reflect a lot of input about Indigenous values and way of life.

Traditional knowledge was documented in the supporting background documents for the SLUP, DCLUP, NLUP, PWLUP, and NYLUP. The TLUP used traditional knowledge documented in a data base. These documents and GIS data bases provided reference material to the planning bodies as they identified issues, options, zones, and plan directives.

Traditional knowledge was used at the zoning stage to identify areas of community interest, priority areas for protection or conservation because of community values, and areas of significant cultural values.

Some planning bodies developed methods explicitly to incorporate traditional knowledge in the identification of land use options and management directions. The TLUP was developed through the “Tłjcho storytelling process”. The ATLUP developed a Tlingit Land Use Model and Decision Support Tool. The DCLUP analysed traditional land use density from their traditional knowledge data base. The PWLUP used a habitat suitability model using traditional knowledge from community workshops.

1.6 Traditional Knowledge in The Plan

The extent to which and way in which traditional knowledge is portrayed in the plans varies. In the SLUP, DCLUP, TLUP, ATLUP traditional knowledge is very much present and front and centre in the plans, whereas in the PWLUP and NYLUP it is not as evident.

Some plans reflect traditional knowledge by expressing the Indigenous way of life and their relationship with the land, as essential to Indigenous identity, values, and beliefs. The SLUP, DCLUP, ATLUP and TLUP integrate these values of the relationship with the land throughout the plan.

The GLUP, PWLUP, and NYLUP portray a narrower expression of traditional knowledge by focusing on traditional land uses, sites and cultural resources.

Some plans apply the land claim directive about promoting the well-being of Indigenous people as a key principle in the plan. The SLUP, DCLUP, GLUP, NLUP include it in their guiding principles, goals, or vision statement.

Traditional knowledge appears in the vision statements, description of the planning region, rationale for zoned areas, conformity requirements, management directives. Some examples:

- NYLUP notes Indigenous values in the cover letter “Message from the Chair” but has no vision statement;
- SLUP, DCLUP, ATLUP vision statements express Indigenous values about connection with the land and a way of life;
- PWLUP vision statement mentions cultural resources, traditional use, subsistence harvesting;
- SLUP addresses cultural integrity alongside ecological integrity;
- TLUP zones cultural landscapes such as trail networks;
- DCLUP has a section of conformity requirements that address Dene culture and traditional uses.

1.7 Summary Observations

This review of plans has shown the depth of northern experience in bringing traditional knowledge into planning. What can be learned from this depth of experience? The following sections summarize lessons that can be taken from this experience as we move forward with planning in the north.

1.7.1 Indigenous Values and Plans

The main differences regarding traditional knowledge between the plans is whether they address Indigenous values primarily as land uses, cultural resources, and sites of importance (PWLUP, GLUP) or considered the broader relationship of Indigenous people to the land and its critical foundation to their identity and way of life (DCLUP, TLUP, NLUP, ATLUP). These plans address broader concepts such as cultural landscapes, responsibilities, stewardship, and land as story, history, education, and refuge.

All plans recognize the importance of the land to Indigenous peoples. The discussion of these values is often in a section on 'heritage or cultural resources' or in discussions of 'traditional land use' and 'subsistence harvest'. The more common land management approach in the plans is that protection of the land, of wilderness, of ecologically significant areas also protects all the associated cultural values. For example, the PWLUP has a strong focus on the "wilderness character" of the region and how sustainable development encompasses other regional priorities.

A more explicit approach to protecting the broader cultural relationship to the land is in some plans. The SLUP is the only plan with "cultural integrity" as a separate goal, alongside "ecological integrity". Most plans address only ecological integrity. The GLUP and TLUP address protecting cultural landscapes. The DCLUP provides management direction specifically to preserve Dene culture and traditional use. The ATLUP recommendations make connections back to the *khustiyyxh* (way of life).

All plans address the concept of sustainable development, and in most it is broken into its separate parts of 'environment, people, economy'. But a more holistic description based on Indigenous concepts is provided in the North Baffin Land Use Plan (NBLUP). It presents *Ikupik* as the Inuit approach to sustainable development, which is ancient knowledge about how to live in relation to the world. The NYLUP Message from the Chair describes the teachings of the ancestors that ensures "a sustainable future for generations to come".

1.7.2 Language and Expression of Traditional Knowledge in Plans

In some plans it is obvious to see how traditional knowledge has been considered and then reflected in the plan. In other plans, you have to search to find expressions of traditional knowledge.

Language in a plan is important. To develop a sense of ownership for a plan, people need to see themselves reflected in a plan. They need to trust that their knowledge and values were respected and listened to and considered. Indigenous people should see themselves in the vision, goals, and description of the region in a plan for their traditional territories. The more holistic vision and goals sets the context for the more compartmentalized approach in the rest of the plan. If the plan vision reflects traditional knowledge, it provides confidence that the rest of the plan is intended to achieve this vision, with all sections of the plan are working toward the overall vision.

The ATLUP is very strong in reflecting Indigenous experience and values throughout the plan. The DCLUP and the TLUP also reflect Indigenous values and traditional knowledge shared during the

process. The SLUP vision and goals reflect Indigenous experience and values. The NYLUP lacks a vision statement and the plan does not portray the depth of community work, knowledge, experience and values shared at community workshops. The PWLUP is similar to the NYLUP, although it does have a vision statement, but the plan doesn't portray the depth of First Nations connection with the region using traditional knowledge.

1.7.3 Traditional Knowledge: A Body of Knowledge and Worldview that Informs Planning

Traditional knowledge is a body of knowledge that communicates a world view, and the values and experiences of Indigenous peoples. It conveys different information in different ways than scientific knowledge, and the two knowledge systems are essential to fully informed planning.

The planning body needs information about values (what is important) and interests (what is wanted) so they can make fully informed choices about options and recommended actions (what to do about what is wanted). First Nations and all other participants in a planning process will bring values, interests and positions to the process. Traditional knowledge explains what is valued in the region in a very different way from science. The planning body's responsibility is to make the distinctions between values, interests and actions and to ensure they are fully informed with both traditional and scientific knowledge for their decision-making.

Traditional knowledge is an important element of northern land use planning. Some plans provided a definition of traditional knowledge. Some plans were clear in how scientific and traditional knowledge were considered.

The TLUP clearly portrays science and traditional knowledge as two knowledge systems that can support planning. For example, using the scientific methods of ecosystem-based management and using traditional knowledge to identify cultural landscape zones.

The DCPC policy on traditional knowledge makes clear that traditional knowledge is seen as a body of knowledge that can explain ecological and cultural significance of the land. Their GIS includes both types of knowledge.

In some plans traditional knowledge was portrayed as filling gaps in scientific knowledge, whereas in others it served a much more integral function of communicating the intertwined relationship with the land and Indigenous identity.

1.7.4 Look to the Past Before Planning the Future

The need to understand the past before planning the future is a key tenet of northern planning where the Indigenous relationship to the land has a continuity that extends to the past for millennia. Current and future land use is not in isolation from but is a continuity of that history of land use.

The ATLUP, DCLUP and TLUP all affirmed the approach to "gather information and knowledge from the past in order to plan for and manage land for the future".

Some planning bodies spent a lot of time early in the planning process with communities to fully document traditional knowledge of the region (SLUP, DCLUP, GLUP, TLUP, NBLUP, and ATLUP).

1.7.5 Traditional Knowledge is Closely Tied to First Nation Engagement

Engaging First Nations does not necessarily mean that traditional knowledge is effectively gathered and documented, but the way in which First Nations are engaged is important for the effective use of traditional knowledge. The plans that reflect a lot of traditional knowledge engaged First Nations early in the process, worked closely with the First Nations throughout the process, reported back on how the traditional knowledge was considered, and built trust with the First Nations in the plan. The methods for collecting traditional knowledge were usually some combination of interviews, workshops and mapping. The TCLUP refers to the “Tłjicho storytelling process”. Some concerns were raised during the PWLUP process about how well traditional knowledge was understood.

One risk of documenting traditional knowledge is that methods may inappropriately remove the traditional knowledge from the traditional knowledge holders, where traditional knowledge can potentially be misused and misinterpreted.

1.7.6 A Values-centred Approach to Planning

The SLUP Board took a “collaborative decision-making” approach, through which they integrated different values into the plan. The Board saw the plan as “an opportunity to reconcile the different world views”. In many places, the plan takes a value-centred approach, in which the plan clearly links the recommended action to the value it is to maintain. For example, the SLUP conformity requirements and zoning are linked back to the values of culture, water, and wildlife.

In contrast, during the PWLUP process, competing positions developed about the appropriate percentage of the region’s land base to allocate to conservation or development. The controversy built up during the process until court challenges to the PWLUP were undertaken. They addressed fundamental matters of First Nation rights and proper implementation of the planning process according to the Final Agreements. But the level of controversy that built up during the process often was focused on how to divide up the planning region.

If the end purpose of planning is seen as dividing the land base among competing positions then conflict is difficult to resolve. But as with the SLUP, if the purpose of planning is to consider values and to collaborate, then conflict resolution may find different and more creative solutions. If planning is seen as an ‘opportunity to reconcile different world views’ then the purpose of planning is more about relationship building and finding common ground than about dividing up a land base.

The definition of sustainable development in the Yukon land claim agreements “beneficial socio-economic change that does not undermine the ecological and social systems upon which communities and societies are dependent” lends itself to a value-centred discussion”: what social and ecological systems do we depend on? How? What could undermines them? A focus on values and the purpose of having different land use designations may help find common ground and move the conversation forward. Traditional knowledge would contribute to such a value-centred conversation.

1.7.7 Transparent Process

The way in which a planning body comes to their decisions in the plan should be transparent, including how they have considered scientific and traditional knowledge. This transparency builds trust in the plan as participants can see how their knowledge has been considered. Generally in the plans, the application of traditional knowledge is evident in the vision, the description of planning

region, and the rationale for choice of zoning. It is less evident in how the management direction incorporated traditional knowledge. The results based management system in the Yukon plans is in part in response to community concerns over cumulative effects but the application of traditional knowledge in choosing cumulative effects indicators and criteria and cautionary and critical levels of impact is not explained.

The DCLUP process at the Nahodhe workshop explicitly addressed the challenge of incorporating Dene beliefs and values into management of land uses like resource development. The DCLUP addresses the challenge in part by including a section of CR and recommendation on Dene culture and traditional use.

The SLUP Board also a very good website that clearly documents their planning process. The NPC maintains a public registry with all documents related to planning catalogued and readily accessible.

The extent of documentation of traditional knowledge in the plan itself varied in part depending on the role of the plan and whether traditional knowledge had been documented elsewhere. Under the NWT legislative system, the DCLUP and SLUP primarily have the role of being 'conformity documents'. They provide direction to the main intended audience of land use regulators on how land use is to conform to the plan. The plan itself provides an expression of traditional knowledge in the vision and overview of values, but most traditional knowledge is documented in extensive GIS data bases, an atlas, and in the plan Background Reports, which are identified as supporting documents to the plan. In other words, the plans itself focuses on providing direction to regulators and land users, not as an expression of the values of the region, which are well documented elsewhere by the First Nations.

The TLUP conveys the First Nation values and presents conformity requirements in the plan, but traditional knowledge was documented in a GIS data base maintained by the First Nation. There is no Background Report because the information was available from the data base.

1.7.8 Who Gathers and Documents the Traditional Knowledge?

In some planning processes the gathering and documenting of traditional knowledge was carried out by the planning body for the purpose of preparing the plan (GLUP, NBLUP, NYLUP). In other regions traditional knowledge documentation was a much broader initiative by the First Nation, some or all of which had been done before planning began (SLUP, DCLUP, TLUP, NLUP, ATLUP). The First Nations had already developed or were developing a traditional knowledge data base to use in other initiatives as well as the land use plan. The PWLUP was a combination of commission work as well as First Nations (e.g., Tr'ondëk Hwëch'in) bringing in their own documentation.

In the ATLUP, for example, the Taku River Tlingit First Nation (TRTFN) had already completed a visioning document as well as a conservation assessment before entering into the agreement for planning with the Government of BC. Not only did this mean the TRTFN already had their own documentation of their knowledge and values to bring into the planning process, it also meant that all the traditional knowledge did not have to be gathered and documented as part of the planning process. For the PWLUP, the NYLUP, the SLUP, and the DCLUP a lengthy report accompanying the land use plan documents values of the region. With this approach, it was the commission's responsibility to gather and document traditional knowledge for the plan.

Both the SLUP and ATLUP advocate that planning is successful when residents have considered in advance of planning what they want in the region - their values, interests and vision, which they can then bring to the discussion with other planning parties.

1.7.9 Considering Traditional Knowledge in the Right Way – Policies, Protocol

The plans describe First Nation values and use of the land using a lot of different terminology: values, uses, resources, traditional, subsistence, local, culture, heritage, social. In many cases the terms were not defined, which makes a plan confusing and harder to understand.

For some plans, policies were developed to further guide planning on the matter of traditional knowledge and Indigenous values. They define traditional knowledge and provide direction on how it is to be used in planning, including dealing with oral testimony, ownership, and confidentiality.

- The NPC in conjunction with the other planning authorities developed broad policies, objectives and goals that relate to traditional knowledge.
- SLUPB developed rules of procedure.
- DCPC developed a traditional knowledge policy.

The SLUP defined traditional knowledge and explains “cultural integrity”. The ATLUP explains *khustiyyh* (way of life). The TLUP describes their core values. The NLUP describes IQ. The DCLUP defines traditional knowledge and traditional land use and occupancy. The NBLUP defines traditional knowledge and IQ.

1.7.10 Square Peg in a Round Hole: Traditional Knowledge in a Western Science Planning Paradigm

The plans generally take a western scientific approach to planning, which shows up in the scientific language and concepts throughout the plans, for example, dividing the plan into environment, people, economy, zoning according to scientifically defined ecoregions, and the results-based management framework. Within a western scientific planning paradigm, the task has been how to ‘insert’ traditional knowledge into the structure and questions of the planning process, much like trying to insert a square peg in a round hole.

In some plans traditional knowledge was used to ‘fill gaps’ in western science, for example, providing additional information about wildlife species or locations that have not been scientifically researched (e.g., DCLUP).

In other plans, traditional knowledge is used to describe individual features or land uses in the region such as subsistence harvest, trapping, cultural resources such as archeological sites and cabin sites (e.g., GLUP, NYLUP, PWLUP).

Some plans apply traditional knowledge much more holistically to express the intertwined relationship between Indigenous peoples and the land and how the land is fundamental to their identity and way of life. Such plans don’t separate the land into sites, resources, and uses, but explain concepts such as cultural landscapes, cultural integrity, and the significance of land to all aspects of their well-being from past to present to future (SLUP, DCLUP, TLUP, ATLUP).

Western science based planning generally has shifted over time toward addressing the interconnections between people, economy, and environment. Northern planning in particular has

moved in this direction guided in part by northern processes such as the Berger Inquiry, and especially by the land claim agreements where planning is to promote the well-being and cultural values of Indigenous people, to take an integrated approach, and to promote sustainable development, the definition of which recognizes the dependency of communities on ecological and social systems. The land claim agreements and earlier northern planning experience have also clearly indicated that the knowledge and experience of Indigenous people is essential to achieving effective land use planning.

Moreover, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) , respects traditional knowledge as it “contributes to sustainable and equitable development and proper management of the environment”. UNDRIP states the right of Indigenous peoples to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions (Article 31).

Northern planning is having to address more complex land use issues as land-based interests increase and diversify, significant ecological values decline, and as climate change shifts the entire context for northern land use planning. Traditional knowledge that has guided Indigenous people for millennia points to how to live sustainably in relationship to the land. It is more critical now than ever that planning for the future be informed by this knowledge. But the challenge is not to modify traditional knowledge so it fits with a western science planning paradigm, but to re-examine the paradigm itself so that decisions about future land use are informed by traditional knowledge.

1.7.11 Time to Consider – Is Planning Asking the Right Questions?

Indigenous experience points to the central questions of how to live sustainably in relationship to the land: what is our relationship to the land, how do we share what the land provides, how do we use the land in balance, what are our responsibilities to the land for future generations?

A planning process that addresses these questions would broaden the conversation and take a value-centred approach to planning. The definition of sustainable development in the land claim agreements lends itself to such an examination:

“beneficial socio-economic change that does not undermine the ecological and social systems upon which communities and societies are dependent”. This definition generates questions such as, what are the ecological and social systems we depend on? In what way do we depend on them? How can they be undermined? What socio-economic change is beneficial and does not undermine the systems? Planning that respects and learns from Indigenous knowledge would help answer such questions.

Following the Truth and Reconciliation Commission Report, the planning profession is starting to address its own colonizing history in contributing to land use decisions that have impacted Indigenous people. Ensuring a planning practices planning is a practice of reconciliation rather than colonization requires rethinking whose values, knowledge, and concerns are considered, what questions are asked, how boundary lines are drawn, and land uses are recommended.

1.7.12 Lessons to be Learned from these Plans

1. Traditional knowledge is a body of knowledge that is essential to fully informed planning;
2. Look to the past before planning the future;

3. Engage First Nation traditional knowledge holders early and throughout to share traditional knowledge;
4. The main challenge with having traditional knowledge in planning is not with traditional knowledge itself, but with the planning process in how it respects and learns from traditional knowledge;
5. Indigenous experience points to central planning questions of how to live sustainably in relationship to the land, what is our relationship to the land, how do we share what the land provides, how do we use the land in balance, what are our responsibilities to the land for future generations?
6. Planning can be a collaborative values-centred process;
7. Traditional knowledge informs all stages of planning from definitions of concepts such as sustainable development to vision, to zoning, to management direction;
8. Develop proper protocols and guidelines for the gathering and use of traditional knowledge, including who gathers it and the way it is shared with and used by planning bodies;
9. Indigenous documentation of way of life, values, vision takes time and community-based work. If it is not done before planning or early in planning, then planning will not fully address what is important in a region. As a multi-year planning process proceeds, this early work provides reference points and reminders so values don't get overlooked.

2 Sahtu Land Use Plan

2.1 Overview of the Plan

- Sahtu Land Use Plan. 2013. (SLUP) Prepared by the Sahtu Land Use Planning Board (SLUPB) over 15 years. Approved by the Sahtu Secretariat Incorporated, Government of the Northwest Territories, Government of Canada.
- The SLUP is a regional plan that covers the 284,000 square kilometres of the Sahtu Settlement Area. (SSA). It covers all settlement and non-settlement lands outside the five communities of the area and any national park or reserve or national historic site. The planning region is in the Northwest Territories.
- SLUP completed a five year review of the plan in 2018. The SLUP determined an amendment was required following the creation of a new protected area in the region. The process to amend the plan is underway (as of September 2020). The SLUPB is required by the Mackenzie Valley Resource Management Act (MVRMA) to do a plan review every five years.
- Planning Body: Under the Sahtu Land Claim Agreement (SLCA) the SLUPB is an institution of public government and has ongoing responsibilities after a plan is completed. The SLUPB was a four person board with one nominee each from the Sahtu Secretariat, the Government of the Northwest Territories, the Government of Canada and a chairperson. Before the SLUPB was formally established in 1998 under the MVRMA, planning work was done by the Sahtu Land Use Planning Working Group.
- Plan Authority: The MVRMA addresses compliance with the SLUP. It requires bodies issuing land or water use authorizations to carry out their powers in accordance with the SLUP. The MVRMA establishes the legal requirement to implement the Conformity Requirements in the SLUP. The SLUP does not restrict or provide direction on subsistence use or harvesting activities.
- The SLUP is primarily targeted at applicants who propose land use activities, Designated Sahtu Organizations, federal and territorial governments, and regulators who issue authorizations. It may assist in environmental assessment under the Mackenzie Valley Environmental Impact Review Board.

2.2 Requirements and Context for Traditional Knowledge in the Plan

The provisions for planning in the are set out in the Sahtu Dene and Metis Comprehensive Land Claim Agreement (SLCA) (1993) and the Mackenzie Valley Resource Management Act (1998) (MVRMA).

Traditional knowledge (TK) is not defined in the SLCA or the MVRMA.

The SLCA directs planning according to the following clauses that relate to TK:

SLCA Objectives (Chapter 1)

“to recognize and encourage the way of life of the Sahtu Dene and Metis which is based on the cultural and economic relationship between them and the land (s. 1.1.1.c).

Planning Chapter (Chapter 25, s. 25.2)

“the purpose of land use planning is to protect and promote the existing and future well-being of the residents and communities of the settlement area having regard to the interests of all Canadians” (s.25.2.4.a); and

“special attention shall be devoted to protecting and promoting the existing and future social, cultural, and economic well-being of the participants” (s. 25.2.4.b.i) (participants are defined as those enrolled as a Sahtu Dene or Metis).

The SLCA also addresses the importance of community participation with the principle:
“land use planning shall directly involve communities and designated Sahtu organizations” (s.25.2.4.d).

The MVRMA section on Land Use Planning does not mention TK specifically but the SLUPB has to check compliance of land use activities with the plan so TK would already be in the plan itself. Under the MVRMA, The Sahtu Land and Water Board, the Mackenzie Valley Impact Review Board and the authorities carrying out environmental monitoring “shall consider” any available TK made available to them, which would include the SLUP.

Sahtu planning built on a long history in the Mackenzie Valley and the Dene Nation of community-based inquiry and mapping of importance of the land. From the oral history project conducted by the Indian Brotherhood for the early land claim process, to the Berger Inquiry unprecedented community consultation process in all regions along the proposed route of the Mackenzie Valley pipeline, to the Dene Nation mapping project, with community researchers trained to conduct research on Dene interests in the land (Auld and Kershaw 2005 ref).

Over several years of joint government to government forums between 2015 and 2018, the Government of the Northwest Territories (GNWT) and the First Nations have renewed their commitment to regional land use planning and developed an approach to guide moving forward with planning. The approach has 16 objectives, some of which relate to the use of TK:

“understanding traditional and current land use and occupancy”;

“increase our understanding of historical and current land use and of Indigenous peoples for planning regions”;

“strengthen our understanding of progress towards the social, cultural and economic well-being of planning regions”;

“strengthen the capacity of Indigenous governments to participate in planning” (pg. 7-10 GNWT 2019).

2.3 Intention: The Planning Body’s Approach to Traditional Knowledge

The SLUPB, as provided for under the SLCA, developed rules of procedure (SLUPB 2014), which address TK:

The definition of TK “means knowledge and values, which have been acquired through experience, observation, from the land or from spiritual teachings, and handed down from one generation to another”(s. 1.1.z);

“The Board will encourage the submission of any TK during its proceedings” (s. 8.1.1);

“ The Board may make arrangements to secure information from or hear the testimony of an Elder or holder of TK at any time during a proceeding (s. 8.1.2);

“The Board may modify the Rules to accommodate customary protocols with respect to sharing of TK” (s. 8.1.3);

“Recognizing that TK is often conveyed orally, the Board may, in the context of a written hearing, elect to receive submissions and evidence orally rather than in writing (s. 8.8.4).

The SLUPB took the approach of a “collaborative decision-making process to integrate their different values into one plan that guides land use” (pg. 10 SLUPB 2013). It brings communities and governments together. This approach had been developed for the Great Bear Lake Working Group (see 1.4 below). The SLUPB stated that this approach in the SLUP can “ensure that the collaborative decisions reflected in the plan will promote community well-being” (pg. 10). They elaborate on the “collaborative spirit” of the SLUP with an Elder’s story about working together to move an obstacle. The SLUPB saw the SLUP as a “unique opportunity to reconcile the different world views and systems of laws and beliefs of the Sahtu Dene and Metis, government and other stakeholders” (pg. 10 SLUP 2013).

In their work, the SLUPB respected the communities holistic approach to the land and worked with them to use what they needed for the plan. For example, some input by the three districts in the Sahtu region that administer Settlement Land also addressed Non-Settlement Land, but they wanted the issues addressed as a whole. The Commission worked with the districts to integrate their work and views into the SLUP process in a way that the districts accepted.

In their release of the first draft plan, SLUP refers back to the principle from the SLCA “emphasis has been placed on providing direction on how Sahtu land is used for the benefit of Sahtu communities and all Canadians” (SLUP 2007).

2.4 How: Sources and Techniques for Considering Traditional Knowledge

The SLUPB was first formed in 1998 and worked on the plan for 15 years through three drafts. The early years focused on research, mapping, and public consultations to develop the goals and vision as the foundation of the plan.

SLUPB first carried out extensive consultations with the communities in 1999, to gather input and to build a vision for planning. In doing so, the SLUPB was carrying out the requirements of the MVRMA to determine its objectives and factors to consider in the plan after consultations with the First Nations and federal and territorial governments. Over a four month period, the SLUPB held spent three weeks in each of the five communities to explain the planning process and to learn about community visions. SLUPB conducted visioning interviews and workshops in each community. The community visits included workshops, meetings with leaders, an open house, a feast, radio talk shows, and a community newsletter. The interviews were carried out by community fieldworkers over several days. They presented the interviews back to the community for further discussion and follow up, to provide the maximum opportunity for discussion of the issues.

As their first entry into the communities for planning, the SLUPB guiding principles for the interviews were “informative, open, and trust-building...The challenge was to cut against the grain of the old paradigm, in which consultation and decision-making were not linked, and decisions were most often made by outsiders in some far-away office” (pg.3 SLUPB 2001). The SLUPB reported back to the community at workshops and in the newsletter and on radio to show on how the interviews were being used in their work.

The SLUP then analysed the material from the community workshops and interviews and coded the responses. They identified themes for the vision and categories of interests using a system that was an explicit and transparent. TK was identified as a theme.

The SLUPB also held individual meetings on vision and issues with stakeholder groups including industry, and non-governmental organizations and with the Sahtu government organizations.

The results were reported back in community newsletters and in a report that also describe the methods used to analyse the interviews (SLUPB 2001).

Throughout process of developing three draft plans and the final plan between 2003 AND 2013, the SLUPB held many meetings and workshops with communities, organizations, industry and government to present the plans and receive feedback. They also sought out written submissions.

The SLUPB carried out more community interviews in 2001 on a “Mapping our Future” project (SLUPB 2010). The interviews identified special places for protection.

The SLUP states “regional planning is most successful when the residents have the opportunity to do their own internal planning first, to decide for themselves how they want their lands, waters, and other resources conserved, developed, and used” (pg. 15 SLUPB 2013). Moreover the SLCA and MVRMA require the SLUPB to take into account any land use plan proposed by a district, and may incorporate it into the SSA regional land use plan.

The SSA has three districts and the SLUPB received two district plans “The Great Bear Lake Watershed Management Plan” and the “Fort Good Hope-Colville Lake Group Trapping Area”. These plans took a holistic perspective and provided direction for the landscape as a whole in keeping with how the communities believed it should be managed.

The Great Bear Lake Plan was developed in a collaborative process over three years. It provide the SLUPB with a wealth of information and it “significantly shaped” many elements of the SLUP – vision, goals, conformity requirements, actions, and recommendations. “Much of the direction initially developed for the Great Bear Lake watershed was eventually applied throughout the SSA as a result of community discussions and common values” (pg.15 SLUP 2013).

One district provided TK about their Group Trapping Area that explains how it came to be and how the SLCA re-affirms its existence. The communities told the SLUPB to include the Area and recognize its original purpose.

The third district provided the SLUPB zoning of its settlement lands. The SLUPB then held a zoning workshop with the district and other Sahtu, territorial and federal government representatives to work out zoning that would address all interests and values in the area including a national park reserve and national wildlife area. This zoning was reviewed by the District Elders, approved by the District and included in the SLUP.

From the beginning of its process, the SLUPB made clear that TK would be part of planning. In materials sent to the communities for in 1999 for their first community workshops, the SLUPB states “Both traditional and scientific knowledge are used as a basis for the plan” (Appendix 4 Pg. 10 SLUPB 2001).

The newsletters reporting back to the communities after each of their consultations included TK with direct quotes of stories told by the Elders (Appendix 5 SLUPB 2001).

Work was already being done on recording TK by the Heritage Places and Sites Joint Heritage Working Group mandated by the SLCA. Based on in depth community consultations and research, the Working Group documented heritage places and sites using Dene place names and recommended the type of protection for them (Sahtu Heritage Places and Sites Joint Working Group 2000). The report also recommended development of a way to legislatively protect cultural landscapes. The SLUPB incorporated this material into the SLUP.

Also underway was the preparation of the *Sahtu Atlas: Maps and Stories from the SSA in Canada's NWT* (Auld and Kershaw 2005). The atlas was a collaborative project between the SLUPB, the Sahtu Renewable Resources Board and the Government of the Northwest Territories. It includes a lengthy explanation of TK "knowledge that draws upon lived experience and is passed from generation to generation" (pg.13). "The land itself is of particular importance in transmitting knowledge from one generation to the next...Sahtu Dene and Metis culture is tied directly to the landscape" (pg. 14). It includes maps of traditional trails and place names and descriptions of the areas around each community. The SLUPB used this material for the SLUP.

2.5 Content: Traditional Knowledge in the Planning Process and the Plan Planning Process

A collaborative decision-making process was used to develop the plan. This approach arose out of the process used by the Great Bear Watershed Working Group. The process "brings communities and government together...to integrate their different values into one plan that guides land use for the region" (pg. 10 SLUPB 2010).

The visioning process and identification of issues was explicit, open and transparent. It began with extensive community-based interviews then layered in other the interests of governments, industry and others. Developing the vision statement for the plan took into account the visioning work by the SLUPB and by the Great Bear Lake Watershed Management Planning.

The Background Report (SLUPB 2010) describes the SSA society and culture, biophysical environment, and economy, and regulatory environment (similar to role Yukon Planning Resource Assessment Report). It had been part of the draft plan but was separated into its own report in 2010. It is intended to be a supporting document to the plan to illustrate the SLUPB intent for the plan and its implementation (SLUPB 2010).

The Background report includes a depth of TK based on the community-based work of the SLUP and work by other organizations in the SSA. It includes a chapter on Culture, which has a four page section on TK that explains what TK is and provides maps of significant cultural sites, traditional trails, and traditional place names. The chapter also includes a section on Dene and Metis Spirituality, Youth on the Land, and Ongoing Relationship with the Land. The chapter also has a section that describes the work of the Sahtu Heritage Places and Sites Joint Working Group (2000) and lists and maps all the heritage sites they identified, which are part of the SLUP. These sections include many Indigenous concepts about land and the significance of this relationship, which is to be considered in land use planning. For example:

"Dene culture has traditionally defined itself largely in terms of its relationship with the land and the Creator. To the elders, people are not separate from the land. Rather we are part of it"(pg. 24);

“through this body of knowledge, the Dene and Metis survived in a very harsh environment”(pg.24) (knowledge for survival);
“TK includes more than knowledge about the environment. It is also knowledge about the use and management of the environment and values about the environment” (pg. 24);
“oral culture ideally learned on the land” (pg. 24);
“TK also involves social norms such as sharing customs, kinship rules, rules for social interactions, and social values, all of which help sustain life and maintain Sahtu Dene and Metis identity” (pg. 24);
“Tk is not only knowledge. It can be compared to a worldview” (pg. 24);
“ is the sustainer of all life and is sacred”(pg. 24);
“only a fraction of traditional land uses have been recorded and/or mapped. Low representation of cultural values in an area does not necessarily reflect low use” (pg. 25);
“traditional place names and their associated stories link thousands of locations together and create a narrative of the land” (pg. 27);
“the land teaches the young their identity, their history and the rules of their society” (pg. 31);
“the relationship with the landscape “is ever changing and growing. The relationship is not a static part of history but is living and ongoing” (pg. 31).

Other sections in the Background Report make reference to cultural significance of the biophysical environment, for example in the Water section - Great Bear Lake and the Mackenzie River “have provided the original inhabitants of the Sahtu with vital, social, cultural, and economic resources”(pg.45 SLUPB 2010).The Wildlife section includes TK about wildlife from the building a vision report.

The SLUPB benefited from TK work done previously by other organizations prior to or coinciding with their work on the SLUP (see sources section above) and the long history of cultural mapping in the region (Table 2, SLUPB 2010). This material was reflected in the Background Report and used by the SLUPB.

The zone names were developed through community mapping and workshops and from other public processes and previously published documents. The plan zones indicate areas most sensitive to the communities (pg.51 SLUPB 2013).

Plan

The plan approach is to focus primarily on how the plan functions as part of the integrated system of land and water management in the region. The plan provides direction on how land will be conserved, developed, and used within the SSA and outlines what land use activities are appropriate, where and under what conditions. It is primarily targeted at land use applicants, Sahtu Organizations, governments and regulators and to assist the environmental assessment process.

The plan addresses a wide range of social, cultural, economic and ecological values but includes most of the information about those in the supporting documents of the Background Report, Implementation Guide and Action Plan. The SLUP does not include a description of the planning region and all its values but refers readers to the Background Report. The SLUP focuses on providing direction on land use and land use issues in conformity requirements, actions , and recommendations.

It is evident that the significance of the land to Dene and Metis culture as a broader concept than just 'use and resources' and 'heritage sites' underlies the plan and is woven throughout the plan, as well as being an important aspect of its implementation.

Use of Dene Language

- place names
- names of the zones.

Definition of TK

The SLUP includes the TK definition from the SLUPB rules of procedure (SLUPB 2014):

“knowledge and values, which have been acquired through experience, observation, from the land or from spiritual teachings, and handed down from one generation to another”(s. 1.1.z).

Plan Principles (s. 1.4)

The Guiding Principles of the SLUP are quoted directly from the SLCA. They also include an Elders story about working together to describe the collaborative spirit of the plan. The SLUP states “the collective decisions reflected in the plan will promote community well-being” (pg. 10 SLUPB 2013).

Plan Vision and Goals (s. 1.5)

The vision is descriptive and a page long. It addresses ecological integrity, cultural integrity, land use decision-making and community involvement, and the regional economy. The concept of cultural integrity speaks to how the Sahtu people have always used the land, Elders, and youth. Regarding TK, it refers specifically to “land use decisions respect and integrate Sahtu Dene and Metis traditional laws, beliefs and management practices with scientific and regulatory frameworks” (pg. 12 SLUPB 2013).

The Goals and Subgoals of the SLUP reflect the Vision (each goal has several subgoals):

1. Maintain ecological integrity;
2. Maintain or enhance cultural integrity:
 - a. protect places of cultural or spiritual value;
 - b. enhance protection of heritage sites, and important subsistence use and harvesting areas;
 - c. document the cultural heritage of the SSA, including the names and locations of important places, trails, burial sites, archaeological sites, and undocumented stories associated with particular places and meanings;
 - d. document traditional ecological knowledge and protocols of the Sahtu Dene and Metis and integrate this knowledge into all aspects of land and resource management including research and monitoring;
 - e. increase opportunities for residents to spend time on the land;
 - f. increase use and transfer of cultural skills, values, practices and language among residents, especially from Elders to the youth” (pg. 13 SLUPB 2013).
3. Increase community capacity and decision-making in land and resource management, which is also recognized as contributing to cultural integrity;
4. Increase economic self-sufficiency through sustainable development.

The SLUP Vision statement reflects the vision statement of the Great Bear Lake Watershed Management Plan, which emphasizes the maintenance of ecological and cultural integrity. Cultural integrity refers directly back to the SLCA objectives “activities in the GBLWMP protect and promote the existing and future social, cultural and economic well-being of residents in the watershed, while also having regard to the interests of all Canadians” (pg. 15 SLUP 2013).

Plan Direction (Chapters 2,3)

The main body of the plan focuses on how to ensure land use activities in the region are in conformity with the plan. The plan provides the direction to achieve the Vision and Goals through Conformity Requirements (CR), which are legal requirements for land use activities to be implemented by regulators. The SLUP has 13 General CR, which apply throughout the SSA. General CR#1 lays out the zoning system for the SSA. The SLUP identifies three types of zones: General Use Zones, Special Management Zones and Conservation Zones. The SLUPB has six Special Management CRs that apply to specific Conservation or Special Management Zones.

Each type of zone has a clear statement of purpose that reflects their values. General Use Zones are the “economic engine”; Special Management Zones are to promote sustainable development, generate revenue, provide jobs and to protect cultural and ecological values. The Conservation Zones are “most important for future generations” Having zoning as a CR directly links the management direction for that zone, to conformity with the plan, to achieving the plan vision and goals.

The planning region is divided into 71 zoned areas. Information is provided for each zone:

- reasons for establishment, which include sites, trails, subsistence use values, gathering sites, sacred sites, ecological values;
- three groups of values - to be protected, respected, or taken into account, which is required as CR #14 “Protection of Special Values”;
- additional information which includes fuller descriptions of the site from TK reports; and
- which CRs apply and any prohibited uses.

The reasons for establishment and additional information tell the story of the importance of the site. They use Dene language, refer to cultural values beyond ‘uses and resources’ as sacred sites, places of legend. The descriptions show the significance of the land to the Sahtu people and its importance to their culture.

CR#1 identifies prohibited and permitted uses. One condition is to avoid the cultural areas identified in the zone description or Background Report or by community organizations. In addition to determining the zone type, TK directly influences land use management of each zone.

General CR#2 “Community Engagement and TK” applies to all zones:

- 1) “For all land use activities, community organizations and potentially affected community members must be adequately engaged with respect to:
 - a) the proposed activity;
 - b) specific locations and issues of concern, including important heritage resources, and
 - c) traditional knowledge that is relevant to the location, scope and nature of the proposed activities.
- 2) The proposed activities must be designed and carried out with due regard for community concerns, and incorporate relevant traditional knowledge” (pg. 36 SLUPB 2013).

In addition to regulatory CRs, the SLUP also identifies Recommendations (factors for applicants and regulators to consider) and Actions (outside regulatory process, not initiated by a land use activity, several planning partners involved). Each Recommendation and Action has a section on “Context and Rationale”, which includes community input, values, interests and observations. In Action #1, the Sahtu Land Use Working Group will use a collaborative decision-making approach to develop TK guidelines for collection, purpose, scope use and management of TK in SSA.

2.6 Summary Observations on Traditional Knowledge and Land Use Planning

- SLUP was seen as an “opportunity to reconcile the different world views”. The language of “reconciling” indicates the primary purpose of planning was not seen at the outset as much as a conflict resolution process but as more of a value-centred collaborative process. Not so much focus on dividing up the region according to competing interests.
- Some previous planning projects in the SSA had modelled a collaborative approach, which the SLUPB followed. These projects also had already generated information the SLUPB, used such as zoning of settlement lands.
- The SLUPB intended the Background Report as an accompanying supportive document to the SLUP. With the values of the region clearly established in the vision and goals (which also provide the rationale and intent of the land management system), a lot of the information on values could be taken out of the SLUP and presented in the Background Report.
- Moreover, the Sahtu are working on documenting their values and TK as part of their overall governance of the SSA. They can draw on this documented body of knowledge not just for land use planning but also for other initiatives. They don’t need to reproduce it all in an extensive planning document or in the SLUP itself.
- Clear and direct linkage between plan principles and the SLCA.
- The SLUPB spent a lot of time with community and stakeholders on developing the vision. The SLUPB used the consultation process to build trust with a good pace, long enough time for meetings, reporting back both on results and their application in process, open communication.
- The SLUPB used an explicit consultation and analysis process to develop the vision and themes out of all the input. The vision was the foundation of plan, and the expression of desire for future. The vision was taken back to the communities and discussed with them. This work was in keeping with the collaborative approach. The SLUPB worked on defining needs and values and a common vision before getting into more interest based discussions of land use zoning.
- SLUPB has both cultural integrity and ecological integrity as key guiding directions and goals.
- The SLUP goals are directly linked to vision. The goals are expressed in terms of the value they are to achieve (ecological and cultural integrity, increased community capacity, economic self sufficiency). Sustainable development is the means to achieve the end of economic self sufficiency, not an end in itself.
- The SLUP functions as a conformity document – the main audience are land use applicants.
- The collaborative approach to the plan is also evident in the values-centred description of CRs and zoning system. The SLUP clearly states the overall purpose of each category of zone. Descriptions reference back to the people and their culture to explain why the direction is needed. The direction focuses back to the values of culture, water, wildlife.
- The general CRs also focus on an overall purpose. For example, CR#2 on Community Engagement and TK.

- Zoning itself is a CR, which reinforces zoning as a requirement to conform to the plan.
- TK influenced the management direction in the plan – the rationale and purpose of the zones, the directions link back to the values in the vision and goals
- There is a requirement for future use of TK in approval and planning of land use activities, and for development of TK guidelines
- Several Sahtu initiatives were already doing in depth TK documentation and mapping (Joint Heritage Working Group, Great Bear Watershed Plan, Sahtu Atlas). SLUPB were able to use that work in their planning.
- One of the SSA initiatives that the SLUPB drew from provides a very clear explanation of connection with the land:

“One of the most important themes in understanding Sahtu Dene and Metis history is the relationship between culture and landscape. Virtually all of the Sahtu Dene and Metis history is written on the land. A such, the places and sites, which commemorate this relationship, are an integral part of Sahtu Dene and Metis identity. “ (pg 13 Sahtu Heritage Places and Sites Joint Working Group 2000).

That work also elaborated on traditional knowledge that is gained from the land. The “names and narrative convey knowledge, and in this way Sahtu Dene and Metis culture is tied directly to the landscape. Travel across the landscape can be easily and clearly described by reference to these names and indeed travel narratives often appear as no more than long lists of place names.” (pg. 16)

These statement speaks to *relationship* between culture and broad *landscape*, and how individual sites *commemorate* this relationship. Also that the relationship is *integral to identity*. They explain that stories are like books - contain the knowledge *necessary for living* and land is important for *transmitting knowledge*. The Sahtu plan addresses these broader concepts of a relationship across a landscape rather than just use of specific sites and resources and the significance of TK from the land in maintaining that relationship.

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3 Ndéh Ts'edjichá: Dehcho Ndéh T'áh Ats'et'î K'eh Eghálats'ênda Respect for the Land: The Dehcho Land Use Plan.

3.1 Overview of the Plan

- *Ndéh Ts'edjichá: Dehcho Ndéh T'áh Ats'et'î K'eh Eghálats'ênda* Respect for the Land: The Dehcho Land Use Plan. Final Draft Plan. 2006. (DCLUP) Prepared by the Dehcho Land Use Planning Committee (DCPC) over five years. A final plan is not yet approved.
- The DCLUP is a regional plan that covers the 195,000 square kilometres of the Dehcho territory. The Dehcho First Nations (DCFN) are ten Dene nations and three Metis locals. The DCLUP covers all lands of the Dehcho territory outside local government boundaries of the eleven communities and Nahanni National Park Reserve. The planning region is in the Northwest Territories.
- This Final Draft Plan was approved in June 2006 by the 13 Dene nations and Metis locals of the Dehcho, but was not approved by the Governments of the Northwest Territories and Canada. The DCPC [working group?] completed a revised plan in 2016 and submitted it to the Dehcho First Nations, the Government of the Northwest Territories (GNWT) and the Government of Canada for approval.
- DCFN, GNWT and the Government of Canada (the Parties) are in multi-year negotiations toward a comprehensive final agreement on land, resources and governance – The Dehcho Process. The DCLUP is linked to the Dehcho Process because the Parties are currently negotiating approval of the 2016 revised Final Draft DCLUP in the context of the broader land issues being negotiated such as land selections. Approval of the plan is linked to negotiations on an Agreement-in-Principle. The 2016 revised Final Draft Plan was submitted to the Main Table and negotiations are underway.
- Planning Body: DCPC has two DCFN, one GNWT, and one Government of Canada appointees and a chairperson.
- Plan Authority: The negotiators have agreed that once the DCLUP is completed and approved, the DCLUP will be implemented. Upon signing of the Dehcho Final Agreement, the DCLUP will be revised to reflect the Final Agreement, including the implementing authorities. Traditional land use and occupancy are exempt from the plan

3.2 Requirements and Context for Traditional Knowledge in the Plan

As part of the Deh Cho Process, the Parties negotiated an Interim Measures Agreement (IMA) in 2001 (DCFN et. al. 2001), part of which addresses land use planning. The IMA sets out the provisions for land use planning. The IMA does not define traditional knowledge (TK), but clauses relate to TK:

“The purpose of the Plan is to promote the social, cultural and economic well-being of residents and communities in the Deh Cho territory, having regard to the interests of all Canadians (2).

“Taking into consideration the principles of respect for the land, as understood and explained by the Deh Cho Elders, and sustainable development, the Plan shall provide for the conservation, development and utilization of the land, waters and other resources in the Deh Cho territory” (4).

The IMA draft guidelines for the development of a Deh Cho land use plan were approved by the DCPC as their Terms of Reference. They address community values:

“the Plan will involve finding a balance between development opportunities, social and ecological constraints, which reflect community values and priorities while taking into consideration the values of all Canadians”;

“DCFN will produce a series of maps identifying sensitive lands for traditional use and occupancy, including harvesting areas and cultural sites”;

“the Planning Committee will co-ordinate the production of a series of maps identifying sensitive cultural sites, critical habitat, and related harvesting patterns throughout the Deh Cho territory” (Appendix II).

The guidelines in the IMA include a proposed budget for traditional land use mapping with 13 Dene and Metis communities in the Dehcho. They also address the DCPC access to community data.

Dehcho Dene are guided in planning by their Dene laws and Dene Nahodhe (Dene culture and beliefs) that speak to how Dene “perspectives, values and beliefs are interrelated to the whole of Creation. They point to ways of reorganizing our present being that would allow us to live in harmonious relationship with the creation rather than destroying it” (pg. 2 DCPC 2004).

The Dehcho planning process built on the long history along the Mackenzie Valley and with the Dene Nation of community-based inquiry and mapping of importance of the land. The oral history project conducted by the Indian Brotherhood for early land claim process, the Berger Inquiry with unprecedented community consultation along the proposed route of the Mackenzie Valley pipeline, the Dene Nation mapping project, with community researchers trained to conduct research on Dene interests in the land all contribute to current land use planning. DCFN had participated in the early Dene Nation mapping of land use and occupancy and in the Berger Inquiry.

In early 1990’s Líídljǰ Kúé First Nation had initiated preliminary work to prepare for planning, which included engaging elders and subsistence harvesters in talking about the land and their use of it. DCFN work together with Parks Canada on the expansion of Nahanni National Park reserve also brought communities together to work on land use in relation to Dene values.

Over several years of joint government to government forums between 2015 and 2018, the Government of the Northwest Territories (GNWT) and the First Nations have renewed their commitment to regional land use planning and developed an approach to guide moving forward with planning. The approach has 16 objectives, some of which relate to the use of TK:

“understanding traditional and current land use and occupancy”;

“increase our understanding of historical and current land use and of Indigenous peoples for planning regions”;

“strengthen our understanding of progress towards the social, cultural and economic well-being of planning regions”;

“strengthen the capacity of Indigenous governments to participate in planning” (pg. 7-10 GNWT 2019).

3.3 Intention: The Planning Body’s Approach to Traditional Knowledge

The DCPC developed a Traditional Knowledge Policy (DCPC 2003), which addresses ownership, confidentiality and use of TK. It defines TK and states how it will be used:

“knowledge and values which have been acquired through experience, observations, from the land or from spiritual teachings, and handed down from one generation to another” (pg. 1); The DCPC “recognizes the validity of TK and will incorporate it into the land use plan wherever possible. The Committee will use both western science and traditional knowledge in delineating the extent and use of natural resources in the Deh Cho territory. TK will be especially important for “filling in the gaps”, providing information where western science is not known. The Committee will also use TK to develop an understanding of the ecology and cultural significance of the resources and land of the Deh Cho territory” (pg. 3).

The DCPC indicate their overall approach to planning including cultural values and beliefs in their mission statement, guiding principle, and logo.

DCPC Mission Statement:

“The Dehcho Land Use Planning Committee will develop a land use plan as a management tool to determine what type of land use activities should occur and where they should take place. This plan will balance economic, social, environmental and cultural needs and interests” (DCPC website).

DCPC Guiding Principle:

“This plan will be guided by the principles of sustainable development and respect for the land as understood and explained by the Dehcho elders” (DCPC website).

DCPC Logo

The logo reflects important elements that have sustained Dene people since time immemorial such as the relationship between the land and people, land, water, fire, sun, wind. The logo includes an image and the statement “One Land One Plan *Ndéh Łié – Mek’ée Ats’et j Łié*”.

The Dene Nahodhe Workshop early in their planning process (see section 1.5 below) confirmed that Dene laws, culture, beliefs, and experience were the foundational guide to the DCPC in their planning process. “Dene people see the land as a whole system – Mother Earth – which provides for their physical, cultural and spiritual needs. The Dene people are stewards of the land and are responsible for looking after it” (pg. i DCPC 2004). The DCPC realized the challenge of incorporating these laws into a planning process: “Any process which seeks to fragment the land into smaller components and extract the resources will not be acceptable to the Dene people” (pg. i DCPC 2004). The DCPC wanted to address the challenge in their planning “How can a plan developed through such a process promote the social and cultural well-being of residents?” (pg. i DCPC 2004).

3.4 How: Sources and Techniques for Considering Traditional Knowledge

The DCPC carried out extensive community consultation throughout their planning process with many rounds of meetings in the nine Dehcho communities and at Dehcho workshops and assemblies. They presented and discussed several drafts of the plan before the final 2006 draft plan.

The DCPC started their work with the communities with a comprehensive traditional land use and occupancy mapping process that had begun in 1996 under DCFN. They worked with 400 harvesters and Elders in eight communities. Some communities did their own work to map their TK. By 2002, the DCPC had gathered TK and mapped hunting, fishing, trapping areas, kill sites,

sacred sites, berry patches, place names, gathering sites and cultural sites. The DCPC digitized all the information gathered into a data base that includes 55,000 harvest sites and traplines.

The DCPC also used traditional use and occupancy mapping undertaken by DCFN between 1996 and 2002 as part of the Dehcho Process. In accordance with their TK policy, the DCPC only used summary results.

The DCPC integrated all the TK digital data to map “traditional land use density” showing areas of low, medium, high, and very high land use and occupancy.

They realized there were a lot of gaps in the wildlife information for the region, so they established a Wildlife Working Group and held a workshop to bring together biologists and TK knowledge holders to integrate scientific knowledge and traditional knowledge about wildlife.

The DCPC also held the Dene Nahodhe workshop with Dehcho Elders, Youth, and Spiritual Leaders to discuss and understand Dene laws as they relate to the planning work of the DCPC.

The DCPC held community mapping sessions where community members integrated their TK of the land with scientific information on other land uses and the environment.

They held two regional forums to review drafts of the plan with all the “planning partners” - community residents, industry, governments, non-governmental associations.

3.5 Content: Traditional Knowledge in the Planning Process and the Plan

Planning Process

The DCPC integrated traditional and scientific knowledge throughout their planning process and applied it in developing the plan:

“Traditional knowledge tells us about the land and resources, traditional use and occupancy and the principles by which Dehcho people live and make decisions. Elders see themselves as stewards of the land and believe traditional knowledge is essential to protecting resources for future generations. They are also very conscious of the changing needs of youth and new land uses, such as oil and gas exploration and development. Scientific knowledge can provide additional information on new land uses. By integrating traditional knowledge with science, new land uses may be considered in a respectful way” (pg. 93, DCPC 2006a).

For the initial information gathering stage, the DCPC had a consultant bring together all the existing information on wildlife and habitat, but found “many gaps” so the “current wildlife map is more a picture of where wildlife research has been done than a realistic representation of wildlife habitat values. Due to the importance of wildlife to the cultural and economic well-being of the Deh Cho communities, the current map is not an acceptable input to the planning process” (pg. 1 DCPC 2003). The DCPC set up a Wildlife Working Group to bring together community harvesters and biologists to complete and analyse wildlife information using both traditional and scientific knowledge. The information was used to produce the wildlife values map for the plan and take into account in the direction in the plan (for example, Conformity Requirement #25).

At the information gathering stage, the DCPC held the Dene Nahodhe workshop to “to help us understand Dene Laws and beliefs and determine how to apply these to make culturally

appropriate land use decisions” (pg. I DCPC 2004). Dene Nahodhe means: who we are and where we come from” (pg.93 DCPC 2006a). The DCPC wanted to examine how the plan would go about promoting the social and cultural well-being of residents. The workshop brought together Elders and Youth from each Dehcho community and recognized Spiritual Leaders.

The workshop reaffirmed the significance Dene Laws in planning and developed a mission statement:

“Yamoria came to the homeland of the Deh Cho Dene with laws from the Creator. These laws were given to the Dene to live by. The most important law was respect for Creation – Mother Earth. We were put here by the Creator to take care of Mother Earth. The foundation of our Deh Cho government and Mother Earth is Nahe Nahodhe. Nahe Nahodhe is who we are and where we came from. We stand firm behind this belief.”

Accepted by the Elders and Youth at the Deh Cho Land Use Planning Dene Nahodhe Workshop in Fort Providence. 2004” (DCPC 2004).

The Nahodhe workshop addressed the problem that when planning gathers information about individual land uses, it “tends to breakdown the environment into little pieces that provide goods for human use...It asks what resources can we extract from the land, how much value we can get from it and how many jobs we can create in the process.” “It doesn’t recognize the value of the land as an intact ecosystem or the cultural and spiritual values that exist in the relationship between the Dene people and the land” (pg.i DCPC 2004).

The DCPC used the Nahodhe workshop to guide their work of making decisions for the plan, and also to start the discussion about how to apply Dene Laws to land uses like oil and gas development and timber harvesting. They wanted to be guided by the communities and better reflect Dene values when they developed terms and conditions for future development “to ensure it proceeds in a manner that truly reflects and promotes their social, cultural and economic well-being” (pg.ii DCPC 2004). The workshop generated a lot of discussion and guidance for the DCPC. A clear message that was repeated many times was “show respect, don’t take more than you need, and share what you have” (pg.ii DCPC 2004).

Throughout the planning process the DCPC drew from its comprehensive digital data base of TK and the in depth workshop on Dene Nahodhe, as well as ongoing community consultations to develop their vision and zoning system, to choose zones for the territory, to identify and analyze land use options, and to identify conformity requirements and recommendations for land use activities in the territory.

The Background Report (DCPC 2006a) describes and maps values, resource potential, and descriptions of zoned areas and is to assist in interpreting the DCLUP. It includes a lengthy section on Dene culture including language, oral history and legends, cultural beliefs about the land and resources, traditional land use and occupancy, archaeology, cabins, cottages and historic sites, place names, and TK. The section gives a thorough description of the significance of TK and Dene concepts to land use planning.

“Traditionally, people have depended and still depend on the land and animals so both have a very spiritual meaning. Spiritual practices such as feeding the fire and paying the water show respect to the Creator. The land provides people with everything they need in order to survive. Without knowledge of the land, they would be lost. In this respect, Dene have always been land use planners” (pg. 9 DCPC 2006a).

The Background Report describes the planning process including a section on “Integrating Traditional and Scientific Knowledge”.

The Background Report describes Dene laws, values and principles including show respect, sharing, take only what you need, do not waste. “If land use follows Dene laws, principles and values it would be okay” (pg. 10 DCPC 2006a).

The DCPC developed the vision and zoning in consultation with communities and planning partners. Overarching principles to decide on the zone type for an area were:

- protect the water;
- protect important areas for wildlife and traditional land use and occupancy;
- conserve resources and use them wisely;
- address community concerns;
- ensure regional connectivity;
- provide sustainable development opportunities for Dehcho territory;
- protect existing uses;
- consider the interests of all Canadians.

The DCPC used their in depth digital mapping of TK and resource potential to identify and analyze several land use options.

The cumulative effects management and monitoring system developed is similar to that of the North Yukon and Peel land use plans with indicators of thresholds of acceptable human disturbance. The Background Report provides the rationale for the system and a thorough discussion of choice of focal species (grizzly bear and woodland caribou), indicators and thresholds. The discussion makes a direct back to societal values and states that the work in thresholds and indicators was discussed with communities and planning partners.

All of the TK gathered and documented is “reflected in the Conformity Requirements (including zoning), actions and recommendations, which allow land uses to proceed in a manner which respects TK and protects the land for future generations” (pg. 94 DCOC 2006a).

Plan

The plan approach is to focus primarily on how the plan functions as part of the integrated system of land and water management in the region. The plan provides direction on how land, water and resources will be conserved, developed, and used in the Dehcho and generally what type of land use activities should occur, where they should take place, and terms and conditions for land uses. The primary audience for the DCLUP are land use applicants and regulators.

The plan addresses a wide range of social, cultural, economic and ecological values but includes most of the information about those in the supporting document of the Background Report. The DCLUP does not include a description of the planning region and all its values. The DCLUP focuses on providing direction on land use and land use issues in conformity requirements, actions, and recommendations.

Working with communities and considering TK as a guiding force and foundational to planning is a keystone feature of the DCLUP. In keeping with the IMA, the DCLUP states “Elders play an

important role in guiding Plan development” (pg. 2 DCPC 2006b). Although the 2006 DCLUP is being revised in response to input from the Parties, not a lot of revisions are occurring – mostly combining CRs, Actions and Recommendations and some zoning changes. The fundamental approach to TK and Indigenous concepts in the 2006 has not changed.

Dene Language

- name of plan;
- some zone names;
- some place names;
- Appendix on vegetation including Berries and Medicinal Plants, each with its Dene name.

Definition of TK

“The accumulated body of knowledge, observations and understandings about the environment, and about the relationship of living beings with one another and the environment, that is rooted in the traditional way of life of first nations” (pg. xix from Yukon Environmental and Socio-Economic Assessment Act).

Traditional land use and occupancy is defined as:

“(a) activities by aboriginal persons involving the harvest of traditional resources like hunting, trapping, fishing, gathering of medicinal plants, and berry picking, and travelling to engage in these kinds of activities, whether or not authorizations are required (traditional land use); and (b) the area which a particular aboriginal group regards as its own by virtue of continuing use, habitation, naming, knowledge, and control (traditional occupancy).

The mapping of traditional land use records the locations where these activities occur. The mapping of occupancy records stories and legends about places, ecological knowledge of places, indigenous place names, and habitation sites like cabins and burial grounds” (pg. xix from Tobias 2005).

Vision and Goals (S.2.1, 2.2)

“The Dehcho territory is a place rich in spirit, culture and resources. People are stewards of the land – they protect the land and the plan provides for them. The land is protected and people maintain a strong connection to the land through traditional land use and occupancy. Families are strong and healthy, both physically and spiritually. Youth and Elders are actively engaged in their culture and language to ensure they are passed on to future generations.

The Dehcho residents manage their governments, lands and resources to meet the social, cultural, economic and environmental needs of current and future generations in a fair manner. People are healthy, happy and self-sufficient. Education and training are a priority to ensure that Dehcho residents take the lead in activities on their lands. Long term sustainable development, designed to meet the needs of the region, provides long term social and economic benefits and opportunities that help develop individual, community, and regional capacity, without compromising the values of the people. The economy is robust and diversified, and supports the goals of the people” (pg. 8 DCPC 2006b).

Ten goals address environmental quality, traditional use, language, education, economic development, and health and social well-being.

Plan Direction (Chapter 2)

The main body of the DCLUP focuses on how to ensure land use activities in the region are in conformity with the plan. The plan provides the direction to achieve the Vision and Goals through four categories of Conformity Requirements (CR), Actions, and Recommendations: Zoning, Dene Culture and Traditional Use, Sustainable Development, and Social Issues. There are 25 CR, which are legal requirements for land use activities to be implemented by regulators. Actions are not legally binding measures to resolve issues or fill data gaps directed at DCFN, Government of Northwest Territories or Government of Canada. Recommendations are not legally binding but are for consideration in future land use decisions and policy initiatives. Each section explains the rationale for the direction given, including community input. The CRs, Actions, and Recommendations “allow land uses to proceed in a manner that respects traditional knowledge and protects the land for future generations” (pg. 94 DCPC 2003a)

CR#1 lays out the zoning system for the territory. The DCLUP identifies five types of zones: Conservation Zone, Protected Areas Strategy Zone, Special Management Zone, General Use Zone, Special Infrastructure Corridor. The planning region has 35 areas zoned Protected Area and Special Management and the rest is zoned General Use.

Conservation zones have significant ecological and cultural values. Protected Areas zones are candidates for legal designation and protection.

Special management zones have significant potential for conservation and resource development together. They are to promote certain types of land use or protect values while allowing some forms of land use to proceed.

The CRs, Actions and Recommendations on “Dene Culture and Traditional Use” is intended to “preserve Dene culture and traditional uses” and integrates TK and many Indigenous concepts into the management direction (pg. 18 DCPC 2006b). The CRs are on Use and Recognition of Traditional and Cultural Knowledge, Protection of Significant Traditional Land Use and Occupancy Sites, and Plant Gathering Areas. The rationale identifies protection of Dene culture and traditional land use as the highest priority of Dehcho First Nations members. The section includes additional Actions and Recommendations on:

- respect for Dene laws, values and principles;
- preservation of culture and language;
- use and recognition of traditional and cultural knowledge;
- protection of significant traditional land use and occupancy sites;
- use of guides and monitors;
- protection of plant gathering areas;
- use of traditional materials; and
- traditional economy.

The Sustainable Development section states that communities want the land managed sustainably for future generations. The CRs, Actions and Recommendations reflect TK and address future use of TK in land use. For example, CR#6 on Community Involvement, and CR#25 on Significant Environmental and Habitat Features requires land use applicants to meet with Dehcho First Nations to identify significant environmental features.

Cumulative effects management is addressed under Sustainable Development in CR#24. It presents a similar system to the North Yukon and Peel regional land use plans with human disturbance indicators of thresholds between acceptable and unacceptable cumulative effects. The focal species are grizzly bears and woodland caribou.

The consideration of TK in this section on direction for land use in the region is summarized in the Background Report (DCPC 2006a):

“Many community people are not familiar with large scale development, but they do recognise the value of the pristine environment upon which they depend, and understand that it is sensitive to disturbance. This is reflected in the importance placed on conserving critical areas in the Plan. The continued integration of traditional and scientific knowledge will provide further opportunities for sustainable development.” “The land use planning process has advanced the integration of traditional knowledge and science into land and resource management decisions in the Dehcho territory” (pg. 94 DCPC 2006a).

3.6 Summary Observations on Traditional Knowledge and Land Use Planning

- From the beginning DCPC had at its core, the intention to ensure planning was guided by and recognized the Dene relationship to the land and the cultural and spiritual values that generates. Their planning was centred on respecting that relationship and way of life. The DCPC worked closely with the Dehcho communities through the process and kept their values and guiding principles central to the process.
- Leading up to the DCLUP, DCFNs had a long history of community-based engagement in planning, which is reflected in their approach to planning.
- The DCPC stated that the “land use planning process has advanced the integration of TK and science into land and resource management decisions in the Dehcho territory”. The DCLUP has been seen by others as an example in grounding planning in Indigenous concepts (M. Wohlberg. 2016. *This northern First Nation is teaching Canada how to protect the land*. June 20, 2016. National Observer.com. Accessed November 10, 2020.
- The DCPC put a TK policy in place early in their process to address concerns re access, ownership, and confidentiality.
- The TK policy defined TK and made clear that it is about much more than heritage sites and subsistence use. It is a body of knowledge about the territory and can explain ecological and cultural significance of the land.
- The DCPC held two innovative workshops – a wildlife workshop that brought together biologists and TK holders to integrate traditional and scientific knowledge on wildlife habitat values and the Dene Nahodhe Workshop to explore ways to include Dene cultural values in planning decisions.
- The DCPC worked explicitly to use TK body of knowledge along with scientific knowledge and to integrate them in their analysis of the region for the plan. Building a GIS system that documents both bodies of knowledge was key to their process.
- TK directly influences CRs, Actions and Recommendations. One entire section focuses specifically on culture and traditional use.
- There is a requirement for future documentation and consideration of TK in planning and approving land use activities
- The DCFN wanted land use planning completed before a Dehcho final land and resource management agreement to protect land, manage land use and inform and advance

negotiations (DCPC 2006b). DCFN wanted a “new relationship of shared stewardship” rather than the land selection and extinguishment model of previous land claims agreements.

The close ties between the DCLUP and the ongoing negotiations for a final agreement sometimes slowed or otherwise affected the planning process (e.g., federal negotiators wanted to terminate the DCPC and consider the 2006 plan only after an A-I-P was signed (DCPC 2008)). But it also makes the DCLUP central to the critical matters being addressed in the negotiations and to the reaffirmation of the meaning of the original Treaty 11 Dehcho people had negotiated with Canada in 1921.

The DCLUP also has the potential to address certain concerns in negotiations (Cloutier n.d.), for example with how planning work contributed to establishment of Edézhzie - the first Dehcho Protected Area. The area will have a collaborative governance approach under the Dehcho Protected Area Law that is based on Dene ahthít’e – the ongoing relationship between Dene and the land as expressed through the Dene way of life.

As such, the DCLUP – and the TK and Dene Laws it reflects - carries significance as an expression of the Dehcho people. As stated by the DCFN assistant negotiator Sam Gargan “The Plan is the story of the people of the Dehcho” (pg. 20 DCPC 2008).

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4 Nành' Geenjit Gwitr'it T'igwaa'in (Working for the Land). Gwich'in Land Use Plan

4.1 Overview of the Plan

- *Nành' Geenjit Gwitr'it T'igwaa'in* (Working for the Land). Gwich'in Land Use Plan. 2003. (GLUP) Prepared by the Gwich'in Land Use Planning Board (GLUPB) over six years. Approved by the Gwich'in Tribal Council, the Government of the Northwest Territories, and the Government of Canada.
- The GLUP is a regional plan that covers the 57,000 square kilometres of the Gwich'in Settlement Area, which is the portion of the Gwich'in Settlement Region entirely within the Northwest Territories. It covers all settlement and public lands outside the municipal boundaries of the four communities in the region. The majority of residents in the region are Gwich'in.
- GLUPB started a review of the plan in 2010 and submitted a revised plan to the parties for approval in April 2018. Final approval of a revised plan is still in progress (as of 2019). GLUPB is required by the Mackenzie Valley Resource Management Act (MVRMA) to do a plan review every five years.
- Planning Body: The GLUP had two Gwich'in Tribal Council, one Government of the Northwest Territories (GNWT), and one Government of Canada nominee and a chairperson chosen by the members. The GLUPB operated as an interim board until officially established under the MVRMA of 1998.
- Plan Authority: The MVRMA addresses compliance with the GLUP. It requires bodies issuing land or water use authorizations to carry out their powers in accordance with the GLUP. The MVRMA establishes the legal requirement to implement the GLUP. Traditional activities protected by the GLCA are allowed.

4.2 Requirements and Context for Traditional Knowledge in the Plan

The provisions for planning in the GSA are set out in the Gwich'in Land Claim Agreement (1992) (GLCA) and the Mackenzie Valley Resource Management Act (1998) (MVRMA).

Traditional knowledge (TK) is not defined in either the GLCA or the MVRMA.

The GLCA the set out the considerations and foundations for planning that relate to TK.

GLCA Objectives (s.1)

“to recognize and encourage the Gwich'in way of life based on the cultural and economic relationship between the Gwich'in and the land (s. 1.1.3).

Principles to guide planning (s. 24.2.4)

“the purpose of land use planning is to protect and promote the existing and future well-being of the residents and communities of the settlement area having regard to the interests of all Canadians” (s. 24.2.4(a); and

“special attention shall be devoted to protecting and promoting the existing and future social, cultural, and economic well-being of the Gwich'in” (s. 24.2.2(b).

The GLCA also addresses the importance of community participation with the principle:

“land use planning shall directly involve communities and designated Gwich'in organizations” (s. 24.2.4 (d).

The MVRMA section on Land Use Planning does not mention TK specifically but the GLUPB has to check compliance of land use activities with the plan so TK would already be in the plan itself. Under the MVRMA, The Gwich'in Land and Water Board, the Mackenzie Valley Impact Review Board and the authorities carrying out environmental monitoring "shall consider" any available TK made available to them, which would include the GLUP.

The GLUPB acknowledged that their plan was based on 20 years of planning work by the Mackenzie Valley Pipeline Inquiry - the Berger Inquiry, and the Mackenzie Delta Beaufort Sea Land Use Plan under the Northern Planning Program. These initiatives had a history of a community-based approach with extensive consultations and documenting and mapping land use and occupancy and TK about the values of the land. The GLCA required the interim GLUPB to do planning on the basis of the Mackenzie Delta-Beaufort Sea Plan (s. 24.2.12) and in accordance with the Basis of Agreement for Land Use Planning in the Northwest Territories (1983).

Over several years of joint government to government forums between 2015 and 2018, the Government of the Northwest Territories (GNWT) and the First Nations have renewed their commitment to regional land use planning and developed an approach to guide moving forward with planning. The approach has 16 objectives, some of which relate to the use of TK:

"understanding traditional and current land use and occupancy";

"increase our understanding of historical and current land use and of Indigenous peoples for planning regions";

"strengthen our understanding of progress towards the social, cultural and economic well-being of planning regions";

"strengthen the capacity of Indigenous governments to participate in planning" (pg. 7-10 GNWT 2019).

4.3 Intention: The Planning Body's Approach to Traditional Knowledge

Although the GLCA and the MVRMA do not direct the GLUP specifically to include TK in the plan, the GLUPB took their guidance from the objectives and principles in the GLCA, which clearly direct planning to consider the way of life and well-being of Gwich'in. Also the GLUPB recognized that their work built on the long planning history in the region that was based on extensive community engagement. The interim board described the Mackenzie Delta Beaufort Sea Land Use Plan as giving their work "policy direction" along with the GLCA (GLUPB 1997).

In 1997, the interim GLUPB put out a "Plan Options" document (GLUPB 1997) to present their planning direction. They closely examined the goals, objectives and principles in the GLCA and the Mackenzie Delta-Beaufort Sea Plan and then described how they intended to follow them in planning the GSA. This document specifically refers to TK:

- an integrated system (GLCA 24.1.1.a) would include the integration of traditional and scientific knowledge in the decision-making and management framework;
- on involving communities (GLCA 24.2.4.c), the planning process is taking traditional knowledge into consideration.

The document also elaborates on broader concepts from the goals, objectives and principles such as 'well-being', which is part of the "relationship between the people of the GSA and their environment":

“The well-being of residents of the GSA is tied closely to the maintenance of the environment, specifically the land, water, air, natural resources and the interconnections between them” (pg.17 GILUPB 1997);

To protect and promote well-being, the plan will “give special consideration to land, water, air, natural and cultural resources. Gwich’in social, cultural and economic well-being is dependent upon these resources. If the natural resources are eliminated, made inaccessible, or significantly altered, the Gwich’in society, culture and economy will be put in jeopardy. Therefore [the goals] reflect the need to protect all resources” (pg. 19 GILUPB 1997).

The GLUPB recognized “the Gwich’in are as much part of the land as the land is a part of their culture, values, and traditions” (GLUPB 2020a).

The GLUPB also recognized that multiple land uses take place in the region and that the GLCA directed the GLUPB to also consider the interests of all Canadians . They acknowledge that the resources should “benefit the people of the Gwich’in Settlement Area and Canada as a whole” (GLUPB 2020b). Directed by the GLCA, the GLUPB intended to take a balanced and integrated approach to planning. This meant “working together on land issues and finding ways to consider all parts of the environment” (pg. 48 GLUPB 2018). It also means “respecting different ideas and knowledge in decision-making...traditional, local and scientific knowledge should be considered equally.”(pg. 49 GLUPB 2018)

Even though the use of TK was not specifically required of the GLUPB, clearly they intended to bring TK and broader Indigenous concepts into the planning process to ensure the plan followed the direction in the GLCA, maintained the Gwich’in approach of taking care of the land, respected the experience of previous planning work, and achieved balance and integration in the plan.

4.4 How: Sources and Techniques for Considering Traditional Knowledge

TK was brought into the planning process through extensive community consultations held throughout the process at all stages of preparing the plan. The GLUP started consultations first with the Gwich’in communities before then going out to the full range of interests (communities, governments, and industry). They held five community tours, with a large number of community participants. The subsequent planning workshops brought together many community, government, industry, management board representatives.

One reason for this continued community involvement was “people have continued to put their time and energy into planning because of their commitment to taking care of the land and their children’s future” (GLUPB 2020a). The GLUPB stated the people from the Gwich’in communities have worked “hand in hand” with them on developing the plan and have “put their trust” in the Board and staff (pg. viii. GLUPB 2018).

The TK was documented with communities mapping their land uses over three workshops in each of the four communities. These maps built on previous intensive mapping projects in the region – the Dene/Metis Mapping Project land use and occupancy maps and the seasonal land use maps by the Mackenzie Delta Beaufort Sea Commission.

Tk was also provided orally to the GLUPB during the community sessions and planning workshops. The GLUPB recorded all meetings so this source of TK could be consulted during the plan preparation.

Another significant contribution to TK in the plan was the work of the Gwich'in Social and Cultural Institute. They were carrying out a project to gather TK about places in the region, including place names in the Gwich'in language. They were able to share this information with the GLUPB. One factor that contributed to having this information brought into the plan was that during the preparation of the Mackenzie Delta Beaufort Sea Plan the Gwich'in had their own staff planner who worked closely with the GLUPB and also was in close touch with the Institute.

4.5 Content: Traditional Knowledge in the Planning Process and the Plan

Planning Process

The GLUPB approach to planning considered that for the Gwich'in taking care of the land means taking care of the whole environment, including land, water, air, wildlife, heritage and other resources. Land has spiritual and physical values, all parts are connected, and it is not static but includes processes like fire and annual cycles of animals and seasons. For the GLUPB this meant "viewing and considering land inclusively and holistically" (pg. 2 GLUPB 1999). They acknowledged that the plan "goes beyond a traditional land use plan to reflect the values of the Gwich'in" (pg 2. GLUPB 1999).

The GLUPB described a three step process to identify planning designations (zones). Step 1 documented and mapped current and potential land and water uses in the GSA. It did not include traditional use such as harvesting areas and trails.

Step 2 developed the land classification (zoning) system and analysed land use issues. The GLUPB stated clearly "the planning process would include both traditional or local community knowledge and scientific knowledge on an equal footing in its evaluation of potential protected areas"(pg.5. GLUPB 1999).

In 1997 the interim GLUP completed a Plan Options paper (GILUPB 1997) which analysed issues by the land use sectors of renewable resources, non-renewable resources, public development and cultural heritage.

In Step 3, the GLUPB then consulted with the communities to identify potential protected areas based on their use and knowledge of those areas. Community members identified areas they wanted protected and areas suitable for other land uses under certain conditions. They built on the work they had done with the Mackenzie Delta Beaufort Sea Plan, which was the first time areas identified by the community had been put alongside territorial, national and international areas of interest for protection (GILUPB 1997).

The GLUPB then sent out the areas proposed by the community to a wide range of and users and managers to comment, confirm or challenge the boundaries. Over 80 representatives of communities, governments, and regional management groups came together at a planning options workshop to further evaluate the sites considering the traditional use and heritage resources, the land and environmental values, and the resource potential of an area.

The final proposed protected areas were areas that shared both the highest cultural and scientific values. Cultural information included archaeological sites, cabins, traditional trails, harvest areas. Scientific information included critical habitats and ranges, breeding sites, endangered and threatened and vulnerable species habitat, ecoregion representation.

The decision about which areas of the GSA belonged in each zone was based on TK and scientific knowledge, which were used equally. Community information on traditional use, cultural heritage, wildlife, fish, forests, water were considered as well as scientific information about renewable and non-renewable resources.

Plan

Gwich'in Language in plan

- Plan title
- The Gwich'in seasons in the seasonal harvesting round
- Words for fish and wildlife
- Place names for zoned areas

The GLUP does not include a definition of TK.

Description of Planning Region (s. 2)

The description of the planning region has sections on People, Economy, "The Land" as Environment, Heritage Resources Renewable Resources, Non-Renewable Resources. The People section describes the four Gwich'in Nations and their communities.

The Economy section explains the "traditional economy" as well as the "wage economy". It includes a seasonal Gwich'in harvesting calendar and identifies traditional activities. The section describes community use of the land alongside other land uses with traditional activities, traditional life, traditional network of travel routes, traditional economy and seasonal harvesting rounds.

The description of "land as environment, takes the holistic perspective that it "includes all parts of the natural and cultural landscape. People are a part of the environment" (pg.18 GLUPB 2003).It describes the scientific ecoregion names, and states "Gwich'in would not recognize most of the names associated with these ecoregions. They do not divide the land based solely on natural features but combine the natural landscape with cultural divisions" (pg.18 GLUPB 2003).

Heritage resources are described as locations of cultural value including names places, spiritual sites, meeting places as well as where archaeological or historical remains are located. It notes "there are many links to Gwich'in history and culture that can be found on the land and in the Gwich'in oral history" (pg.20 GLUPB 2003). It recognizes oral history as a vital heritage resource . Elders' vast knowledge is helping document hundreds of trail systems and their connected places and connected stories that talk about sacred places, legendary locales, culture, rules, values. "Heritage resources provide a record of Gwich'in use of the land through time and are of spiritual, historical, cultural, religious and educational significance" (pg.20 GLUPB 2003).

The discussion of renewable resources notes the cultural value and significance of water, wildlife, fish, forests. Water is "integral to Gwich'in culture", wildlife and fish "play a central role in Gwich'in cultural heritage" (pg.21 GLUPB 2003).

Vision (s. 4.1)

The wording of the vision statement is taken from the GLCA principles:

“land water wildlife and other resources are conserved, developed, used to protect and promote the existing and future well-being of residents and communities of the settlement area while having regard to interests of all Canadians” (pg.36 GLUPB 2003).

The vision has two themes:

1. balance resource development with conservation of land or environment. Includes a definition of sustainable use, that speaks to managing resources and the environment to meet economic, social and cultural needs, and maintain ecological processes and natural diversity.
2. integrated approach to planning, which is working together on land issues and finding ways to consider all parts of the environment in planning decisions.

Goals (s. 5)

The GLUP presents a goal for each of the eleven land use issues that arose during the planning process, and are based on sections of the GLCA. They include goals on Community Involvement and Gwich'in Heritage Resources.

Plan Direction (s. 4, s. 5)

The GLUP identifies three type of zones: Gwich'in General Use Zone, Gwich'in Special Management Zone and Gwich'in Conservation Zone. The zoning is intended to encourage multiple use so “land resources should be used for the maximum gain of the people of the area” (pg.37 GLUPB 2003). Zoning is also to help avoid conflicts between land uses and people or the environment. The planning region has 33 areas zoned Conservation or Special Management and the rest of the planning region is zoned General Use.

Gwich'in General Use Zone

These are “lands identified by community or other groups as not having any specific resources needing protection beyond what is available through the regulatory system”(pg 44 GLUPB 2003). The regulatory system is sufficient to protect and conserve the resources and values in these areas.

Gwich'in Special Management Zone

The areas in this zone are of special value to residents and communities where multiple uses may take place under specified conditions. Conditions are to protect resources valued by communities or other organizations and are tailored to address local concerns and the local environment.

Gwich'in Conservation Zone and Gwich'in Heritage Conservation Zone

The areas in this zone are of “extra special value” to residents and communities. The “community perspective on these areas comes from the experience on the land and traditional knowledge.” (pg 91 GLUPB 2003). They were identified from areas communities identified and areas the scientific groups proposed. The GLUPB analysed the community proposed areas using scientific knowledge and resource development information.

Each zoned area identifies the primary reasons for the zone and the land use conditions related to the values. The description of each area includes TK from the communities in addition to

scientific information. Values described are mostly wildlife habitat, water, trails, harvesting, and heritage resources.

The reasons for conservation zones include a variety of community values including current and historical use, heritage resources, wildlife, vegetation, and water, as well as values identified through scientific knowledge such as unique land features, critical habitat, and ecoregion representation. As well as describing specific values for these areas, their broader environmental and traditional use and cultural significance are described, which give a more holistic picture of the significance of the area and the Gwich'in connection to it. For example, for the Travaillant Lake, Mackenzie/Tree River Conservation Zone "the Mackenzie River is of great importance culturally to the Gwichya Gwich'in of Tsiigehtchic. As far back as the Gwichya Gwich'in can remember, their traditional lifestyle has been shaped by their close connection to the land and the river"(pg. 103 GLUPB 2003).

The descriptions of the Gwich'in Heritage Conservation Zones present more of the story associated with each place, which gives a good picture of its significance. They describe gatherings, peoples' names and activities associated with the sites.

The GLUP addresses 11 land use issues. Each section identifies a goal, objectives and action items that take "a broad view of land as being the whole environment" (pg. 118 GLUPB 2003).

Each land use issue includes "Issues and Analysis" where matters raised during community consultations are highlighted. On "Community Involvement", the discussion addresses the Gwich'in special relationship to the land and desire to take care of the land, which includes bringing forward their needs, values, knowledge and experience. The Action Items are for better Gwich'in involvement in decision-making, which would be an opportunity to bring forward TK during plan implementation.

Heritage Resources notes "heritage resources are more than just archaeological sites or single sites but larger cultural landscapes" (pg.123 GLUP 2003). An objective is "to develop and apply the concept of cultural landscape" (pg. 123 GLUPB 2003). The key work of the Gwich'in Social and Cultural Institute in revealing this concept of cultural landscape is highlighted. An Action Item is that the Institute "identify heritage areas or cultural landscapes areas that require legislative protected area status" (pg. 124 GLUPB 2003). .

Legislated Protected Areas addresses the broader cultural connection to the land. It describes the need for cultural recognition of the four Gwich'in First Nations with protected areas that celebrate their culture and history. An Action Item recommends traditional and scientific knowledge studies be conducted to determine if a legislated protected area or Gwich'in Conservation Zone for the Headwaters of the Arctic Red River is required.

Renewable Resources also mentions TK in the Action Item that the GLUPB will review conditions on Gwich'in Special Management Zones taking into account traditional knowledge and scientific information.

TK is no specifically mentioned under the other land use issues, but in the issues analysis and action items they address community needs, interests and concerns.

4.6 Summary Observations on Traditional Knowledge and Land Use Planning

- The significance of the Gwich'in way of life and connection to the land was realized in how the GLUPB went about its work – in the attention and resources paid to community consultations (held first, throughout, extensive, oral, mapping and textual recording) – and was reflected in the GLUPB deliberations and choices. The plan reflects this level of community involvement. Broader indigenous concepts about Gwich'in way of life and the significance of Gwich'in connection to the land underlie the plan as its foundation. 'Taking care of the land in the Gwich'in way' is the overall guiding direction in the plan.
- The GLUPB said they went "beyond a traditional land use plan to reflect the values of the Gwich'in" (pg. 2 GLUPB 1999). The GLUP represented a shift away from science-based plans that saw the environment as separate from people. This shift was greatly informed by the extensive traditional knowledge shared by the Gwich'in people over 20 years .
- The GLUP tends to present cultural values as land uses, and does not address as much the broader Indigenous concepts in 'taking care off the land'. The vision and themes don't bring in language used elsewhere in the plan to describe broader concepts such as important places having connected stories, and water as being integral to Gwich'in culture.
- The GLUP recognized that Gwich'in people would not use the ecoregion descriptions as a way to talk about their region, but the section does not incorporate more TK with a Gwich'in description of the land and their relationship to it. Section 1.1 "What is a Land Use Plan" describes taking care of the land in a holistic way - "means taking care of the whole environment, including people, land, water, air, wildlife, heritage and other resources. Land has spiritual as well as physical values. Taking care of the land means understanding and maintaining connections between all parts of the land" (pg. 5 GLUPB 2003). But such statements are not included in the vision statement or definition of sustainable development.
- TK is used most directly in the GLUP's main focus on identifying specific uses, resources, and zoning boundaries. Cultural values are identified mostly as related to uses of the land for harvest, travel, cabins, and archaeological and historical sites. The zoning approach is to ensure land is used for the "maximum gain of the people of the area" and promotes "multiple use". The GLUPB considered deeply community input in developing the system but any language about these concepts from the traditional knowledge shared by the communities is not included (for example, stewardship or 'taking care of the land').
- The application of TK is most directly evident in the plan sections describing the region and the zoning system and the description of areas within each zone. TK and science are used to identify conservation zones.
- TK is reflected in the issues identification and analysis and informed the actions
- There is a requirement for future consideration of TK is setting up conditions for land use
- Initiatives by the Gwich'in Social and Cultural Institute were underway and greatly contributed to the GLUP process. For example their work toward designating the Arctic Red River as a Heritage River. Their work brought the concept of a cultural landscape to the GLUPB, and it is mentioned in the GLUP on conservation and protected areas .

4.7 References

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5 Tłjcho Wenek'e -Tłjcho Land Use Plan

5.1 Overview of the Plan

- Tłjcho Wenek'e -Tłjcho Land Use Plan. 2013. (TLUP) Prepared by the Tłjcho Government over seven years. The Tłjcho Government approved the Tłjcho Lands Protection Act and the Tłjcho Land Use Plan Law, which brought into effect the TLUP.
- The TLUP is a regional plan that covers the 39,000 square kilometres of Tłjcho Lands, which are the lands owned solely by the Tłjcho Government (including surface and subsurface rights) within Mowhí Gogha Dè Njítłèè - the traditional use area of the Tłjcho. It does not apply within the boundaries of the four communities and some lands excluded under the Tłjcho Land Claim Agreement. The planning region is in the Northwest Territories.
- Planning Body: The Tłjcho Government through the Department of Culture and Lands Protection working with the Tłjcho Land Use Planning Working Group. The Working Group (LUPWG) was made up of two Elders from each of the four communities.
- Plan authority: The Tłjcho Government adopted the TLUP under the Tłjcho Land Use Plan Law. The TLUP is Schedule A to the Law and forms part of the Law. The Law gives legal effect to the TLUP. The Tłjcho Assembly may enact regulations for carrying out the law.
- The Tłjcho Government has also started working with the Governments of Canada and the Northwest Territories on an approach to developing a plan for the Wek'èezhii Management Area – the area for which regulatory management boards are established under the Tłjcho Land Claim Agreement and the Mackenzie Valley Resource Management Act.
- The TLUP provides direction for the Tłjcho Government in their management and protection of Tłjcho Lands, including their decisions about developments and activities. It will also direct the Wek'èezhii Land and Water Board, which must comply with the TLUP provisions.
- The TLUP provides direction for the Tłjcho Lands protection and management by the Tłjcho Government, which is the sole decision-making authority on use and access to Tłjcho Lands.

5.2 Requirements and Context for Traditional Knowledge in the Plan

The Tłjcho Land Claims and Self Government Agreement (TLCA) (2003) sets out the powers of the Tłjcho Government, which includes the power to enact a law respecting land use plans for Tłjcho Lands. The Tłjcho Government enacted the Tłjcho Land Use Plan Law once the TLUP was completed to give legal effect to the Plan.

The requirements for the approach to planning and traditional knowledge (TK) in the TLUP came through the Tłjcho Government priorities as carried out by the Tłjcho Department of Culture and Lands Protection (DCLP):

- fostering and encouraging traditional activities;
- being stewards of the land; and
- protecting the lands and resources for present and future generations.

The Department worked with the LUPWG Elders to ensure the TLUP reflected Tłjcho culture and identity.

The Tłjcho Government purpose for the plan is “to protect the land for future generations by developing goals, planning statements, and a set of rules and regulations that are administered by DCLP and followed by parties and individuals” (pg. 3 Tłjcho Government 2013). It is clear that the plan purpose has its foundation in the Tłjcho relationship to the land:

“the Tłjcho Plan is meant to protect the land for its inherent worth and ecological integrity, but it is also equally important to protect the land in order to experience and learn Tłjcho history – the stories and legends are all connected to the land. The TLUP serves to protect the transfer of the knowledge to future generations, which required the retention of the ability to experience the land, to learn the place names, and the stories and knowledge associated with it” (pg. 1).

Over several years of joint government to government forums between 2015 and 2018, the Government of the Northwest Territories (GNWT) and the First Nations have renewed their commitment to regional land use planning and developed an approach to guide moving forward with planning. The approach has 16 objectives, some of which relate to the use of TK:

“understanding traditional and current land use and occupancy”;

“increase our understanding of historical and current land use and of Indigenous peoples for planning regions”;

“strengthen our understanding of progress towards the social, cultural and economic well-being of planning regions”;

“strengthen the capacity of Indigenous governments to participate in planning” (pg. 7-10 GNWT 2019).

5.3 Intention: The Planning Body’s Approach to Traditional Knowledge

To ensure the plan reflected Tłjcho culture and identity, the planning process was “designed, driven and guided by Elders” of the LUPWG (pg. 17 Tłjcho Government 2013). The LUPWG stated the plan’s purpose is “to protect the Tłjcho traditional way of life passed down from our ancestors to let others know our way of life is protected” (pg. 3).

The development of the plan was driven by “the sacred connection the Tlıcho have with the land” (pg. 14). The planning process was to focus primarily on “the need to contribute to the preservation of Tłjcho language, culture and way of life” (pg. 3). It was to connect the land with Tłjcho culture and history and help preserve the “collective memory” of the Tłjcho.

The approach was to “gather information and knowledge from the past in order to plan for and manage the land for the future” (pg. 4). “It was important to incorporate Tlıcho values into the land use planning process” (pg.17).

5.4 How: Sources and Techniques for Considering Traditional Knowledge

The LUPWG of Elders designed and guided the process and brought their knowledge and experience on the land throughout the entire process.

Planning was undertaken by working closely with the four communities. TK and information about Tłjcho values was brought into the process through community discussions, workshops, and detailed community mapping. Elders led fieldwork on the land. The community discussions were held in the Tłjcho language.

The TLUP recorded all the TK in a digital data base, which was developed from:

- 10 years of a previous TK study;
- community consultations and workshops including cultural mapping;
- transcriptions of traditional history regarding Tłjcho place names;
- fieldwork on the land, led by Elders.

5.5 Content: Traditional Knowledge in the Planning Process and the Plan

Planning Process

The planning process incorporated Tłjcho values throughout. The values were the starting point of the discussions.

The core values of the Tłjcho were the focus of developing the goals and policies of the plan. They were incorporated into mapping the planning area and cultural mapping. They are also incorporated into the land use directives.

The “Tłjcho storytelling process” (pg. 17) was used to explain and understand the land and its importance. Tłjcho language was “first and foremost” in the discussion of plan’s direction, including use of Tłjcho place names.

With land and water “central to the Tłjcho culture and way of life” (pg. 18), the planning process focused on identifying areas important to Tłjcho culture and providing an appropriate level of protection for them. The significant features of Tłjcho culture, which were identified from community mapping of TK include:

- spiritual gathering places;
- special sites;
- lakes and watercourses;
- caribou trails;
- gravesites;
- cabins;
- wood and timber gathering sites;
- berry picking sites;
- traditional trails;
- good fishing, hunting and trapping areas.

The plan does not have an accompanying background report on values and uses, instead planning relied on the traditional knowledge database that had been developed since 1993. Additional cultural mapping from this planning process was added to the data base. The process also considered scientific knowledge about significant environmental features.

Goals were identified through workshops with Tłjcho Government and Tłjcho Elders.

The Tłjcho values were incorporated into the zoning system and into the directives guiding development control, access provisions and monitoring of activities.

Plan

Use of Tłjcho language

- TLUP title;
- many place names;
- names of the five different types of zones;
- a Pronunciation Guide to all the place names and other words in Tłjcho language;
- Tłjcho place names is one of the core values that were the focus of planning;

- “Tłjcho language was used first and foremost in the discussion of the plan’s direction” (pg. 17 Tłjcho Government 2013).

Description of the Region (s. 1, s. 4)

The TLUP describes the four community areas with a section on TK about their establishment and location. The section about the region is called “The Land”. It clearly indicates that both TK and science are used to describe and understand the region. For example, the Tłicho have their own way of describing ‘landscape units’:

“which go beyond the physical landscape, incorporating topographical, ecological, biogeographical and cultural aspects. These units overlap somewhat with the western d=science ecoregions...; however, the added cultural dimension makes them difficult to define by these boundaries. These landscape units are open-ended and lack a defined boundary as they were beyond a person’s direct experience and thus ‘knowledge’ of the land...These units helped the Tłicho to identify broad regions with particular cultural and biogeographical features that helped them survive within a significantly large landscape.” (pg. 23 Tłjcho Government 2013).

The TLUP maps both Scientific and Traditional Tłjcho Ecoregions.

Core values (s. 2.2)

The plan identifies the Tłjcho core values: Tłjcho will never be restricted from their traditional way of life as expressed by Chief Monic during Treaty 11 signing in 1921 and captured in the Tłjcho flag; Tłjcho place names, which are central to defining Tłjcho culture and heritage and giving identity to what is important; Tłjcho stewardship, which is the responsibility that comes with rights and that must be Tłjcho and non-Tłjcho land users must apply.

These values define the Tłjcho and in the plan, they serve the purpose of providing vision and principles.

The plan thoroughly reflects and expresses throughout the values, knowledge and experience of the Tłjcho people of their lands and way of life. It presents a story of the relationship of the Tłjcho “intimate relationship with the land since the beginning of time” and how that is reflected in place names that help “explain the complex relationships that exist between culture, place and time” (pg. 1 Tłjcho Government 2013). It talks about how the landscape is “intimately connected to the narratives that convey knowledge about Tłjcho history” (pg. 1).

Goals (s. 1.2.2)

- Protect land, water, wildlife;
- Protect the traditional uses of the Tłjcho;
- Document significant sites and features;
- Promote a Tłjcho approach to sustainable land management;
- Provide greater certainty for the future;
- Help connect Tłjcho youth and future generations with the land.

The connection between these goals is recognized: the TLUP “is meant to protect the land for its inherent worth and ecological integrity, but it is also equally important to protect the land in order to experience and earn Tłicho history – the stories and legends are all connected to the land. The TLUP serves to protect the transfer of knowledge to future generations, which requires

the retention of the ability to experience the land, to learn the place names, and the stories and knowledge associated with it” (pg. 1).

Plan Direction (s.5.4, 6, 7)

The TLUP identifies five type of Land Protection Zones. Each zone has a Tłjcho language name. The zoning is primarily for protecting the land and culture and meeting the future needs of Tłjcho. The planning region is not divided up into a lot of all small ‘landscape units’. The zones are applied to large mostly contiguous portions of the Tłjcho Lands. Two of the zones are broad pathways across the landscape that follow ancient trails, another follows both shorelines of Great Slave Lake. The zone with the highest level of protection encompasses many values of critical cultural importance. The zone where there are opportunities for sustainable development fall between these traditional trails and key cultural areas.

The plan establishes buffers around important Tłjcho places of historical and cultural significance. They are sites as well as larger areas such as trails and gathering places. They were identified through the community TK work and the size of buffer also reflects TK such as the degree to which the site is sacred.

The information shared by Elders “held sacred to the Tłjcho, formed the basis for the creation of zones and site specific protection” (pg. 18). The zones are described using TK about the value of the area. The objectives for each zone speak to ways to protect the land and culture. One of the objectives specifically mentions TK “to promote and share TK related to these lands with all Tłjcho” (pg.39). The fifth zone is for opportunities for sustainable economic development, which is described as “a balance between continued protection of the environment and consideration of sustainable economic development proposals” (pg. 40).

The zone to protect the traditional Chief Monfwì trails is to be able to “remember and travel on those trails in the future” as being closely associated with Tłjcho identity (pg. 40).

The TLUP presents Land Protection Directives (s. 6,7) that are tied back to important community values such as protect cultural heritage sites, not disrupt traditional land uses (forestry activities), limit the number of resource projects to reduce negative impacts on traditional land uses, culture and way of life, and cultural values. They include four directives specifically on traditional knowledge about the continued collection of information from traditional sources, regular updating of Elders’ knowledge in the mapping resources used by the DCLP, and incorporating Tk in land use guidelines and further research on wildlife, cumulative effects, and geology.

The approach to cumulative effects of land use includes cumulative impacts on culture, way of life and well-being. A plan directive is to establish a cumulative effects framework in which the thresholds of acceptable change are to be based on both science and local values and knowledge. It is also to consider cumulative impacts on Tłjcho culture and way of life and community well-being.

5.6 Summary Observations on Traditional Knowledge and Land Use Planning

- The TLUP clearly describes the significance of the Tłjcho relationship to the land and the role of the TLUP. “The Tłjcho Plan is meant to protect the land for its inherent worth and ecological integrity, but it is also equally important to protect the land in order to experience

and learn Tłjcho history – the stories and legends are all connected to the land. The TLUP serves to protect the transfer of the knowledge to future generations, which required the retention of the ability to experience the land, to learn the place names, and the stories and knowledge associated with it” (pg. 1, What Makes the Plan Unique).

- The TLUP explains all functions of land - land as identity and able to pass on knowledge by being there, knowledge that comes from place names.
- TLUP focuses on protection of lands as meaning protection of the Tłjcho way of life. Protection the Tłjcho way of life was the primary focus and purpose of the plan and by the LUPWG of Elders who drove the process.
- The LUPWG of Elders drove the process and were involved at every stage.
- TK was the working body of knowledge and source of planning process, vision, and directives
- The TLUP focuses on Tłjcho responsibility as stewards of the land – anyone using land (citizens or not) must exercise responsibility to take care of it.
- A previous Tłjcho TK study of 10 years provided data.
- The plan doesn’t have an accompanying background report, and instead references the extensive TK data base they worked from.
- The plan highlights the importance of Tłjcho place names as a core value because of their importance in giving “the identity of what took place in the area, the landscape of the area, the history of the area, the wildlife and vegetation of the area – all of these are central to defining Tłjcho culture and heritage” (pg. 15).
- The landscape is described by both Scientific and Traditional Tłjcho Ecoregions.
- Cultural heritage zones are linked directly to maintaining Tłjcho identity from “being able to remember and travel on those trails in the future” (pg.40).
- The zones follow large landscape areas of cultural significance intended to protect both land and the associated cultural values together.
- Explicit acknowledgement that ecosystem-based management is a scientific-based method that integrates scientific knowledge to help maintain ecological diversity on Tlıcho lands. For example, the map title is “Scientific Ecoregions”. Science method is explained as a tool and a knowledge base – so explicit and clear that this is a good application of scientific knowledge – not just used automatically. Used in a conscious way (pg. 44).
- Cumulative effects framework is to address both ecological and cultural considerations.
- There is a requirement for ongoing collection and use of TK in land management
- The TLUP is very accessible at only 57 pages and is easy to read.
- The TLUP addresses only Tłjcho Lands, for which the Tłjcho Government is the sole land-owner and decision-maker.

5.7 References

GNWT. 2019. *Finding Common Ground. A renewed commitment to regional land use planning in the Northwest Territories*. Lands.gov.nt.ca. Accessed Nov.9, 2020.

Tlıcho Government. 2013. *Tłjcho Wenek’e -Tłjcho Land Use Plan*. Bechoko’, NWT.

6 Nunavut Land Use Plan

6.1 Overview of the Plan

- Nunavut Land Use Plan. Draft. 2016. (NLUP) Prepared by the Nunavut Planning Commission (NPC) over nine years. The draft plan is currently going through review and revisions. The approving parties for the plan are Nunavut Tunngavik Incorporated (NTI), the Government of Nunavut, and the Government of Canada.
- The NLUP is a Nunavut-wide plan that covers the entire Nunavut Settlement Area (NSA), which has 25 communities over three regions. The NSA, which is one fifth of Canada's land mass, includes 356,000 square kilometres of Inuit owned lands. The NLUP covers all Inuit owned lands and public lands outside national and territorial protected areas such as parks. Within the communities of NSA, the NLUP will apply to projects that have ecosystemic impacts outside the municipal boundaries or to certain types of projects inside the municipal boundaries. The planning region is in Nunavut Territory.
- The NLUP is considered a 'first-generation' NLUP, with regional plans for the three regions of Nunavut to follow at a later date.
- The 2016 Draft Plan was prepared after three working drafts and two previous draft plans in 2012 and 2014. Challenges in the planning process led to an independent 3rd party review of the draft NLUP in 2012. The approving parties and NPC agreed to implement the recommendations from the review; however challenges continued with the 2016 draft plan.
- Planning Body: Under the NLCA, the NPC is an institution of public government. The membership is nominees of a Designated Inuit Organization in equal number to nominees of the Government of Nunavut and Government of Canada. The NPC has an ongoing mandate to determine whether a proposed project is in conformity to the NLUP.
- Plan Authority: Once approved, the NLUP is legally binding under the Nunavut Planning and Project Assessment Act. The Act defines how the NLUP will be implemented to guide and direct resource use and management through the issuance of permits, licences and other authorizations. The NPC will review conformity of a project proposal that must conform to the NLUP before it can advance further in the regulatory system.
- The NLUP does not apply to subsistence land use or to harvesting of wildlife.

6.2 Requirements and Context for Traditional Knowledge in the Plan

The provisions for planning are set out in the Nunavut Land Claims Agreement (1993) (NLCA) and the Nunavut Planning and Project Assessment Act. The NLCA directs planning according to the following clauses that relate to TK.

Planning Principles, Policies, Priorities and Objectives

"People are a functional part of a dynamic biophysical environment, and land use cannot be planned and managed without reference to the human community; accordingly, social, cultural and economic endeavours of the human community must be central to land use planning and implementation" (s.11.2.1.a);

"The primary purpose of land use planning in NSA shall be to protect and promote the existing and future well-being of those persons ordinarily resident and communities of the NSA, taking into account the interests of all Canadians; special attention shall be devoted to protecting and promoting the existing and future well-being of Inuit and Inuit Owned Lands (11.2.1.b);

"the planning process shall ensure land use plans reflect the priorities and values of the residents of the planning region (11.2.1.c).

The purpose of a land use plan shall be:

“to protect and promote the existing and future well-being of those persons ordinarily resident and communities of the NSA, taking into account the interests of all Canadians; and to protect, and where necessary, to restore the environmental integrity of the NSA” (11.3.2).

The LCA also addresses the importance of public participation:

“the public planning process shall provide an opportunity for the active and informed participation and support of Inuit and other residents affected by land use plans” (11.2.1.d).

The LCA provides direction on land use concepts:

“plans shall provide for conservation, development and utilization of land” (11.2.1.e);

“the planning process shall be systematic and integrated with all other planning processes and operations” (11.2.1.f).

Factors to take into account in a plan include:

“the natural resource base and existing patterns of natural resource use” (11.3.1.b);

“cultural factors and priorities, including the protection and preservation of archaeological sites and outpost camps (11.3.1.h);

The NPC “shall at all times, give weighty consideration to the tradition of Inuit oral communication and decision-making.” (s. 11.4.17.a)

The Government of Nunavut has an overarching approach of working according to societal values and Nunavut Inuit Qaujimajatuqangit (IQ), which means “what Inuit have always known” or Inuit knowledge. “Inuit knowledge includes not only what has been handed down from the past, but also what is contemporary and changing” (NPC 2007). Societal values and IQ are to be within legislation and policy.

History of planning in Nunavut includes two regional plans initially carried out under the Northern Land Use Planning Program – Lancaster Sound Regional Land Use Plan (1990) and Keewatin Regional Land Use Plan (date). These were adopted as regional plans by the NPC (North Baffin Regional Land Use Plan 2000; Keewatin date). The shift to a Nunavut-wide plan from regional plans occurred in 2007 after the NPC prepared its Broad Planning Policies, Objectives and Goals (Dillon 2012).

6.3 Intention: The Planning Body’s Approach to Traditional Knowledge

The NPC developed Broad Planning Policies, Objectives and Goals (NPC 2007), in conjunction with Government of Canada, Government of Nunavut, and NTI. They provide very comprehensive direction and serve the purpose of scoping the issues and strategies planning should address. They guide the planning process and relate to TK.

“Land use planning...will rely on the best available IQ and scientific knowledge as a basis for decisions” (pg. 3 NPC 2007).

Objectives (O) and Policies (P) that relate to TK:

- Planning process reflects the priorities and values of residents (O1.B);
- Promotes IQ as a core and essential foundation for land use planning in Nunavut and provides for the use of Inuktitut and Inuinnaqtun in land use planning processes (O1.C):

- Includes oral and written consultations (P1.C1);
- Reflects Inuit societal values by clearly identifying and implementing practical ways to apply IQ (P1.C2).
- Will pay special attention to the rights and interests of Inuit (O1.J);
 - Includes the compilation of map biographies and asset mapping as the basis for collection of Inuit land use information (P1.J1).
- Utilizes both science and IQ to maintain or enhance the biological diversity of Nunavut and to promote the restoration and revitalization of depleted populations of wildlife (O2.L);
- Identifies and provides protection for the natural environment, areas of biological importance, traditional land use activities, and cultural land forms (O3.A);
- Recognizes the value of traditional place names and incorporates officially recognized names into land use planning maps, documents, and activities (O4.G).

The NPC makes a clear statement of its intention.

“The promotion and strengthening of Inuit culture and heritage is integral to the goal of building healthy communities...It is also one of the fundamental objectives of the NLCA. Protection and promotion of the well-being of Nunavut’s residents and communities is the primary purpose of land use planning under Article 11 of the NLCA, is implicit in other NLCA provisions, and is an inherent goal in land use related territorial and federal statutes and policies” (NPC 2016 pg. 18).

“The collection and transfer of *Inuit Quajimanituqangnit* into the Nunavut Land Use Plan has been an overarching focus of the NPC throughout the planning process” (pg. 20 NPC 2016).

6.4 How: Sources and Techniques for Considering Traditional Knowledge

The NPC carried out an iterative consultation process, working through several working draft plans, then two draft plans before preparing the current 2016 draft plan. The communities and other planning partners reviewed and provided feedback on each document.

The NPC held meetings and public workshops in the 25 municipalities of Nunavut to work through the earlier draft plans and to prepare the 2016 draft plan. Through its meetings with Nunavummiut, as well as other residents, all levels of government, industry and organizations, the NPC identified priorities and values and identified areas of importance.

The sources of IQ for the plan were:

1. land use and occupancy mapping. This mapping had started well before the NPC process. It involved community visits and in-depth interviews with Inuit on current use of the land;
2. community consultations;
3. written input from communities and individuals;
4. research into literature produced by other parties, including governments, organizations, and academics

The data from these multiple sources was overlaid and considered for the NLUP.

The NPC has an ongoing project of mapping the Nunavummiut history of land use across the NSA. They are preparing ‘Map Biographies’, which result from face to face interviews during which an individual indicates places he or she has used resources within living memory. They record activities involving the harvest of traditional resources such as hunting, trapping, fishing,

gathering of medicinal plants, berry picking, camping and travelling. This work builds on previous land use and occupancy mapping in Nunavut.

The NPC maintains a comprehensive public registry that includes all the consultation records, communication materials, submissions, correspondence and NPC documents.

6.5 Content: Traditional Knowledge in the Planning Process and the Plan **Planning Process**

“The collection and transfer of IQ into the NLUP has been an overarching focus of the NPC throughout the planning process” (pg. 20 NPC 2016).

The NPC initial stage of planning was to conduct background research. NPC worked with the communities on land use and occupancy mapping.

After developing working drafts, the NPC developed the first draft plan in 2012. They held community workshops on the 2012 Draft NLUP.

In 2012, a consultant was hired by the Planning Parties to undertake an independent review of the draft plan and planning process since 2007 (Dillon 2012). They identified issues in three key areas of the planning process: the substantive work of defining and working through planning issues, objectives and actions; participation of Inuit, other residents and stakeholders; and planning procedures to design and carry out the planning process.

Through consultations with communities and other planning partners, NPC prepared the second draft plan in 2014. Priorities and values identified by residents and communities were the issues the NPC considered in preparing the NLUP (pg. 11, NPC 2016). They developed maps of Priority Areas through community input. Areas selected for the zones depending in part on “cultural factors and priorities” and “the social well-being of the residents” (pg. 22 NPC 2016).

Between 2014 and 2016 NPC held feedback and technical workshops on the 2014 Draft NLUP. NTI raised concerns about the scope of issues and community engagement in the 2014 draft NLUP. They were concerned whether the community priorities, values and community mapping were considered in the 2104 draft, for example in designating zones (NTI 2015).

The NPC prepared the current 2016 Draft Plan . Following release of the 2016 draft NLUP, the plan was to go through three public hearings. However, after the first hearing in March 2017, the other two regional hearings were postponed because of significant concerns over the hearing process. Both the Government of Nunavut and NTI raised concerns that the NPC was not following the NLCA requirement that hearings must “give weighty consideration to the tradition of Inuit oral communication and decision-making” (s.11.4.17).

Nunavut Tunngavik Incorporated also raised other issues about the use of IQ:

“ NTI and the Regional Inuit Associations (RIAs) also support the use of IQ related to caribou populations and habitat for land use planning decisions and are of the view that IQ should be used equally with scientific data in decision-making. Moreover, in cases where the scientific data is not definite or not available, NTI and the RIAs recommend that IQ should be collected to address information gaps” (NTI 2018).

Following additional work between the approving parties and the NPC on the process for moving forward, public hearings in the communities proceeded in 2019/2020.

The NPC prepared a companion document to the 2016 draft NLUP, the “Draft Nunavut Land Use Plan Options and Recommendations” (NPC 2016b). It provides the rationale for the land use designations and policies in the 2016 draft NLUP. Each zoned area has a detailed cataloguing and description of the underlying values, including species and habitat, human use, and of the “considered information”, and the recommended zoning and management option. The document indicates that the options, recommendations and decisions in the NLUP were built on:

- NPC land use and occupancy maps;
- existing land and resource use;
- priorities and values of residents;
- results of the 2012-2014 community consultations tour;
- feedback received from all planning partners throughout the consultations and review of previous draft plans;
- previous plans for NSA including the North Baffin and Keewatin regional Land Use Plans;
- many other strategy and policy documents.

The Options and Recommendations document also provides rationale for the “Community Areas of Interest” in the NLUP. Although many areas identified by the communities overlapped with areas valuable for territorial and national reasons that had some legislated protection, these community areas were those that did not overlap. They have particular significance to the community for ecological, cultural, social, archaeological, historic, research, restoration of ecological integrity or other purposes. They include such values identified by the community as sacred sites, birth sites, areas essential for Inuit traditional land use, historical Inuit camping sites and sites important to families.

Plan

Inuit Language

- entire plan is translated into Inuktitut and Innuinaqtun
- explanation of IQ
- seasonal harvest calendar
- translation and explanation of ‘sustainable development’

Definition

“IQ is Inuit knowledge referring to “what Inuit have always known.” IQ includes what has been provided from ancestors in the past, and also what currently exists and what is changing” (pg.9 NPC 2016). The plan provides a full page description of IQ as containing the knowledge and values of Inuit society. It relates to Inuit language, culture, values and beliefs, survival skills, use of resources, human and sustainable harvesting, and an understanding of society, ecology and environment. IQ also encompasses the principles that guide Inuit leadership, family and community.

The NLUP also defines “Priorities and Values”, which means “the issues identified by residents and communities” (pg. 11 NPC 2016).

Goals (s.1.3)

The plan goals are those developed by the NPC in conjunction with the Government of Canada, Government of Nunavut and NTI and include references to IQ and broader concepts (NPC 2007):

1. Strengthening partnerships and institutions, which includes:
“working together for a common cause through the integration and application of the principles of IQ”;
2. Protecting and sustaining the environment, which includes:
“the environment, including wildlife and wildlife habitat, is of critical importance to the sustainability of Nunavut’s communities, Inuit culture and the continuation of a viable long-term economy”;
3. Encouraging conservation planning, which includes:
“protect the natural environment and culturally significant areas and special places for the benefit of Nunavummiut and all Canadians”;
4. Building healthier communities, which includes:
“the promotion and strengthening of Inuit culture and heritage is integral to the goal of building healthy communities...It is also one of the fundamental objectives of the NLCA. Protection and promotion of the well-being of Nunavut’s residents and communities is the primary purpose of land use planning” ;
5. Encouraging sustainable economic development, which includes:
“this goal is integral in the NLC’s objective of encouraging self-reliance and diverse economic opportunities for Nunavummiut and all Canadians and will arise from a long-term healthy, sustainable, renewable and non-renewable resource economy” (pg. 18 NPC 2016).

Plan Direction (s. 1.7.4, 1.7.5, Chapters 2 – 5)

NLUP tools for the management and regulation of land use in the region are the zoning, system, prohibited uses, conditions for land use, and identifying Valued Ecosystem Components (VECs) and Valued Socio-Economic Components (VSECs) for consideration by regulatory authorities. All are presented as matters that are enforceable under the Nunavut Planning and Project Assessment Act.

The NLUP identifies three types of zones: Protected Area – “to support environmental protection and or cultural priorities”; Special Management Area – “to provide more flexible management of areas of environment or cultural importance”; and Mixed Land Use – “to support a variety of land uses” (pg. 22 NPC 2016).

The planning region has 171 areas zoned Protected Area, 161 areas zoned Special Management Area and the rest of the region is zoned Mixed Land Use (Schedule A). The land use designations are based on the input about values and priorities from both science and IQ. For example “the NPC received detailed technical information and traditional Inuit knowledge on the types of caribou in Nunavut, their seasonal ranges and herds. This information was vital in informing the NLUP and establishing land use designations” (pg.27 NPC 2016). Based on this knowledge, key caribou areas and crossings for example, were zoned as a Protected Area. The NLUP also zoned areas identified by communities that do not have legal protected area status as Protected Area.

The information provided for each zoned area is prohibited uses and land use conditions, such as distances an activity must be set back from the value. The NLUP includes detailed tables of the set-backs. The NLUP identifies seasonal restrictions that are based on the six Inuit seasonal cycles and systems.

The NLUP also maps and describes the VECs and VSECs (Schedule B), which are to be considered during the environmental assessment and the regulatory review of land uses. They are not Conformity Requirements but are to inform the regulatory body in environmental assessment and water licencing, as well as the NPC on cumulative effects referrals. Community priorities and values assisted in identifying the VECs and VSECs. For example, caribou seasonal ranges important for their survival did not warrant a specific zone for their protection but are identified and mapped as VECs or VSECs. In this way, the IQ shared by the communities was also identified for use by the regulators.

The NLUP is organized around the plan goals, with one chapter addressing each one of the last four goals. (The NPC considered the first goal addressed through the planning process). The objectives under each goal repeat the NPC broad policy document (see 1.3 above NPC 2007), with matters that relate to TK, for example:

“identify and provide protection for the natural environment, areas of biological importance, traditional land use activities and cultural landforms through the establishment of land use zones and terms”;

“utilize both science and IQ to maintain or enhance biological diversity of Nunavut and to promote the restoration and revitalization of depleted wildlife populations” (pg. 26 NPC 2016).

Each chapter then identifies areas and issues that were considered and the areas that are zoned, VECs and VSECs, and recommendations that contribute to achieving the goal of that chapter. Community values are reflected throughout these chapters. “During consultations, communities identified numerous Priorities and Values that have been taken into account in all areas considered in this NLUP. The Commission believes that further consideration of these Priorities and Values in the regulatory process will enhance decision making and support communities” (pg. 36 NPC 2016).

Community priorities, values, and land uses are indicated in a series of detailed tables (3 – 6) for specific types of areas – water management areas and marine areas.

The values identified and described in the NLUP address the close relationship of Nunavummiut with the land and species, for example with caribou:

“Caribou are a keystone species within the northern ecosystem. Caribou are an essential resource providing food, supporting cultural heritage, and driving local economies... Caribou are tremendously valuable to the health and well-being of Nunavummiut. The relationship and historical dependence on caribou is a fundamental part of Inuit identity” (pg.27 NPC 2016).

Each of the values addressed in the plan (such as caribou, polar bears, floe edges) were described for their cultural value to the Inuit as well as their ecological value. Science and IQ were used to describe the significance of these values.

IQ also provided information about management measures, for example:

“IQ places taboos on appropriate use, including visitation, of certain freshwater crossings in order to limit disturbance” (pg. 27 NPC 2016).

The NLUP includes recommendations for further research and studies, of both science and IQ, and research on land use and accuracy mapping to understand trends and patterns in Inuit land use

and areas of importance. They recommend examining such questions as “how can traditional activities be structured into the everyday life of Nunavummiut? How would this inform employers?” (pg.53 NPC 2016).

The chapter that addresses the goal of Building Healthier Communities identifies local community interests including community areas of interest, and community priorities and values. Some of these are defined terms in the NLUP that come from definitions in the NLCA or the Nunavut Planning and Project Assessment Act. “Area of interest” means an area defined by a community where land use designations are applied to protect or promote areas of particular ecological, cultural, social, economic, archaeological, historical or research interest as well as the restoration of environmental integrity” (pg. 8 NPC 2016).

The chapter that addresses the goal of Encouraging Sustainable Economic Development includes an Inuit definition of sustainable development:

“The notion of sustainable development is not new to the Nunavummiut. Rather, it builds on ancient knowledge of how to live in relation to the world. For example, the Inuktitut translation of “sustainable” is based on the word *Ikupik*. The meaning of *Ikupik* is to conserve and not take all at once; what is brought from a hunt. Everyone takes a piece for their family, ensuring there is enough to go around. Inuit would call this *Ikupingnik*. Sustainable development is not a fixed understanding. As communities change, their relationship with the land and with each other will continue to develop and evolve” (pg. 41 NPC 2016).

6.6 Summary Observations on Traditional Knowledge and Land Use Planning

- The strong Government of Nunavut support for IQ in all its work is then carried through by NPC in its work. The approach to IQ is reflected in the NPC goals, objectives and policies, and its rules for public proceedings (NPC 2007, NPC 2019).
- The NPC Goals, Objectives, and Policies, which encompass IQ, were developed to guide any Nunavut planning process. They give comprehensive direction for what the plan is to address and how.
- The independent third party assessment of the Draft NLUP (Dillon 2012) addresses participation as a key “pillar” of planning.
- Because the plan structure is organized around the goals, the land use management direction clearly relates to the Indigenous concepts in the goals.
- The plan direction on valued components for land use regulators covers both ecological (VEC) and socio-economic (VSEC) values.
- Community values and priorities directly informed the management direction in the plan, which was presented as legally enforceable prohibited uses and conditions in the land use zones. They also are documented and mapped as VECs and VSECs which regulators are to address.
- IQ has been presented in the plan in a way that provides direction for the land use regulatory authorities (e.g., Maps, Tables and Schedules of community priorities and values).
- Areas that did not warrant a PA or SMA zoning designation could be identified as VECs and VSECs
- The NLUP identifies and zones areas of community interest even if they didn’t have territorial or national or global significance.
- There is a requirement for ongoing research of IQ and application in the regulatory process for land use activities.

6.7 References

Dillon and Associates. 2012. *Independent Review Draft Nunavut Land Use Plan. Final Report*. Submitted to Aboriginal Affairs and Northern Development Canada, Nunavut Planning Commissions, Department of Environment, Government of Nunavut. Yellowknife, NT.

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7 North Baffin Regional Land Use Plan

7.1 Overview of the Plan

- North Baffin Regional Land Use Plan. 2000. (NBLUP) Prepared by Nunavut Planning Commission (NPC) over four years. Approved by Government of Nunavut and Government of Canada.
- The NBLUP is a regional plan that covers a 1.5 million square kilometres portion of the larger Nunavut Settlement Area. It covers both Inuit Owned Lands and public lands, including marine areas. There are five Inuit hamlets. The regional plans are to be compatible with the municipal plans. The planning region is in Nunavut Territory.
- The NBLUP is a revised plan from the original Lancaster Sound Regional Land Use Plan (1990). The Lancaster Sound Plan was the first plan completed under the Northern Land Use Planning Program (1983 – 1991) before the Nunavut Land Claim Agreement (NLCA) was completed in 1993 and Nunavut Territory established in 1999. With the signing of the NLCA and the establishment of the NPC in 1996, the NPC then reviewed and revised the Lancaster Sound Plan to make sure it conformed to the NLCA.
- Planning Body: The NBLUP was originally prepared by the Lancaster Sound Planning Commission, established under the Northern Land Use Planning Program with equal membership of Inuit and federal/territorial government nominees. The update was completed by the NPC, which is an institution of public government. The membership is nominees of a Designated Inuit Organization in equal number to nominees of the Government of Nunavut and Government of Canada. The NPC has an ongoing mandate to determine whether a proposed project is in conformity to the NBLUP.
- Plan Authority: The NBLUP is legally binding under the Nunavut Planning and Project Assessment Act (SC 2013). The NBLUP will guide and direct resource use and management through the issuance of permits, licences and other authorizations. The NPC will review conformity of project proposals with the NBLUP. The project must conform to the NLUP before it can advance further in the regulatory system.

7.2 Requirements and Context for Traditional Knowledge in the Plan

The NBLUP is an updated Lancaster Sound Plan, which was prepared and approved in 1990 under the Basis of Agreement for the Northern Planning Program (1983). That Agreement was negotiated between the Dene, Metis, Inuit, federal government and NWT government. The Nunavut Land Claims Agreement (1993) (NLCA) states “until such time as the Nunavut Planning Commission is established, land use planning in the Nunavut Settlement Area shall be conducted according to the July 28, 1983 Basis of an Agreement for Land Use Planning in the NWT” (s. 11.1.1)

Clauses of that Agreement appear in the land use planning chapters of subsequent land claim agreements:

“The primary purpose of land use planning in the NWT [which included Nunavut at the time] must be to protect and promote the existing and future well-being of the permanent residents and communities of the NWT, taking into account the interests of all Canadians. Special attention shall be devoted to protecting and promoting the existing and future well-being of aboriginal peoples and their land interests as they define them” (1983 Basis of Agreement).

Once the NPC was established in 1996, it undertook the review of the Lancaster Sound Plan to ensure it conformed to the NLCA. The NPC concluded “the nature of land use planning has not changed since the original Lancaster Sound Regional Land Use Plan” (pg. 3 NBLUP 2000). The NPC adhered to the principles in the original plan, since the “situation on the North Baffin has not changed appreciably” (pg. 2 NPC 2000). For the Lancaster Sound Plan, “the fundamental considerations were the values and priorities of the people of the region and the importance of the resources” (pg. 4 NPC 2000).

The planning principles under the NLCA guided the NPC in their review of the Lancaster Sound Plan. The NLCA directs planning according to the following clauses that relate to traditional knowledge (TK).

“ The primary purpose of land use planning in NSA shall be to protect and promote the existing and future well-being of those persons ordinarily resident and communities of the NSA, taking into account the interests of all Canadians; special attention shall be devoted to protecting and promoting the existing and future well-being of Inuit and Inuit Owned Lands (11.2.1.b); “the planning process shall ensure land use plans reflect the priorities and values of the residents of the planning region (11.2.1.c).

“The purpose of a land use plan shall be [in addition to those stated above] ...to protect and where necessary, to restore the environmental integrity of the NSA” (11.3.2).

The LCA also addresses the importance of public participation:

“the public planning process shall provide an opportunity for the active and informed participation and support of Inuit and other residents affected by land use plans” (11.2.1.d)

The LCA provides direction on land use concepts:

“plans shall provide for conservation, development and utilization of land” (11.2.1.e);
“the planning process shall be systematic and integrated with all other planning processes and operations” (11.2.1.f).

Factors to take into account in a plan include:

“the natural resource base and existing patterns of natural resource use” (11.3.1.b);
“cultural factors and priorities, including the protection and preservation of archaeological sites and outpost camps (11.3.1.h);

The NPC “shall at all times, give weighty consideration to the tradition of Inuit oral communication and decision-making.” (s. 11.4.17.a)

The Government of Nunavut has an overarching approach of working according to societal values and Nunavut Inuit Qaujimajatuqangit (IQ), which means “what Inuit have always known” or Inuit knowledge. “Inuit knowledge includes not only what has been handed down from the past, but also what is contemporary and changing” (NPC 2007). Societal values and IQ are to be within legislation and policy.

As the NBLUP was being completed, the NPC completed its Broad Planning Policy, Objectives and Goals (NPC 2007), and its Rules for Public Proceedings (NPC 1999). The two documents formalize the use of IQ in the planning process. They include the definition of IQ and procedures for how IQ

is to be brought in as “Evidence” in their proceedings. This definition of IQ is the one that was included in the NBLUP.

7.3 Intention: The Planning Body’s Approach to Traditional Knowledge

One of the NPC’s guiding principles for planning was “using local and traditional knowledge”, which is defined as:

“the knowledge that local people have about the environment in which they live – everything from the land and wildlife to the location of sites of spiritual significance and archaeological importance to community health and well-being” (pg. 6, NPC 2000).

7.4 HOW: Sources and Techniques for Considering Traditional Knowledge

The earlier Lancaster Sound “community-based” (pg. 9 NPC 2000) planning process had carried out an extensive community consultation program with several community meetings and multi-party workshops. Each community had a local working group with a local coordinator who worked on mapping and recording traditional knowledge throughout the process.

To review the plan, the NPC held meetings to review the Lancaster Sound plan in all the communities in the planning region with residents, organizations and Elders. Representatives of communities and organizations and governments also came together at an informal public hearing in 1997. People in the region had an opportunity to comment on the plan and make suggestions for change. In line with the NLCA and their policies, the NPC accepted oral and written comments.

The NPC concluded that “many of the concerns expressed during the original planning exercise were still valid” (pg. 25 NPC 2000).

The NPC prepared the revised NBLUP based on this input and feedback from the approving parties.

7.5 Content: Traditional Knowledge in the Planning Process and the Plan

Planning Process

The “extensive and intimate knowledge of the land and its resources” (pg 12, NPC 2000) was used throughout the process. TK is a fundamental and long standing part of planning in Nunavut. It is used through the process and not linked to just certain parts of planning.

Community input was used to identify community concerns, and was combined with scientific information to document and map the natural resources and cultural features of the region.

In the original Lancaster Sound Plan, communities mapped areas that were important to the community and to wildlife. These areas were documented and ranked on a region wide Areas of Importance Map (Appendix G NPC 2000) that identified and described three categories of areas: essential to the community for hunting, fishing and/or trapping and to the biological productivity to wildlife; of great importance to the community and wildlife; and general use areas.

Plan

Inuit Language in Plan

- Seasons in the Inuit seasonal harvesting round

- Inuit Qaujimagatuqangit (IQ), which means “what Inuit have always known”
- Ikupik definition of sustainable development

Planning Region (Chapter 2)

The significance of the land to the Inuit and their interrelationship with the land is described throughout the description of the planning region. The plan describes the planning region as “the homeland of Inuit and their ancestors for thousands of years” (pg. 7 NPC 2000). Inuit “have strong ties to the land, ties which are vital to their cultural, physical and economic well-being. Extensive areas around each community continue to be used regularly for hunting, fishing and trapping. This link between the people and the land gives the region its cohesiveness and makes any activities occurring on the land very much a concern to its residents” (pg. 11, NPC 2000). The NBLUP describes how the interconnection of Inuit and the land is part of the geography, climate, seasons, economy, wildlife of the region.

The plan elaborates on the term “local knowledge” with a detailed explanation of IQ, as first-hand knowledge obtained from knowledgeable Inuit Elders pertaining to language, culture, values and beliefs, survival skills, use of resources, humane and sustainable harvest, understanding of society, ecology and environment (pg. 12, NPC 2000).

“Wildlife – A Way of Life” describes the significance of wildlife –“provided food, clothing and shelter for Inuit and their ancestors for thousands of years. Inuit continue to rely on renewable resources for these things, as well as for their cultural and economic well-being. This reliance forms the basis of a profound relationship with the land” (pg. 18 NPC 2000).

The “traditional/wage mixed economy” has cultural and social importance and contributes to the regional economy. Renewable resources are “vital threads that link Inuit culture and society from past to present and into the future” (pg. 33 NPC 2000).

The NBLUP describes a holistic perspective of Inuit well-being. “In addition to the economic and physical importance of harvesting, “going out on the land” is a means of spiritual renewal after a long, cold, dark winter.” (pg. 20 NPC 2000).

Vision (s. 3.1)

The NPC considered the vision in the Lancaster Sound Plan remains in place. The vision is a page long description of the region’s future regarding sustainable development, protected areas, employment, education. The Inuit way of life is reflected in the plan vision “the renewable resource-based lifestyle of the residents will be maintained” (pg. 27 NPC 2000).

Plan Direction (Chapters 3,4)

Rather than present a zoning system and allocate lands to particular uses, the NPC adopted the original Lancaster Sound policy framework to conserve land values and to achieve cooperation between land users, while keeping future options for land use open. The NPC says this framework is echoed in the NLCA and is presented in this plan as principles, objectives and terms that direct how land should be used and decisions made.

The NBLUP identifies three planning principles that apply to all land use in the region: Conserve, Communicate, and Develop. The holistic and relationship approach to land that is evident throughout the plan is also reflected in these principles, for example, “Conservation, or the wise

use of all resources - renewable and non-renewable - is essential for the future of the region...Conservation is an ethic and a process that is fundamental to all land uses rather than a specialized separate activity” (pg.29 NPC 2000).

The Develop principle provides a definition of sustainable development that reflects broad Inuit concepts of the land:

“ the management of human relationships to the natural environment in such a way that economic, social, and cultural needs are met and ecological processes and natural diversity are maintained” (pg. 6, 32 NPC 2000).

The plan describes how sustainable development is not a new concept for Inuit – it builds on Inuit ancient knowledge of how to live in relation to the world. The translation of sustainable is *Ikupik* – “to conserve and not take all at once, what is brought in from a hunt. Everyone takes a small piece for the family, always making sure there is enough to go all the way around” (pg. 32 NPC 2000). Sustainability is not fixed. As communities change, their understanding of “how to live in a sustainable relationship with the land and with each other” (pg. 32. NPC 2000).

The NBLUP then guides land users, regulators and decision-makers with the detailed information it provides on resources and values that came from its consultation work with the communities, land and wildlife managers other participants. This TK is reflected in the objectives and terms that guide land use. The Lancaster Sound Plan “Areas of Importance” map is presented. The Terms direct all land users to refer to this information to determine important land values and concerns in areas where they plan to work and to adjust their work plans to conserve these values. “Those who regulate the areas shall ensure through the project approval process that these values are conserved” (pg.29 NPC 2000). The plan clearly links the communities’ traditional knowledge to plan implementation and land use regulation including conformity checks with the NBLUP.

Under Conservation Areas and Parks (s. 3.4), the NBLUP references the Lancaster Sound “Catalogue of Areas of Interest” and Land Values and Concerns first documented in the Lancaster Sound process and summarized on the Areas of Importance Map (Appendix G NPC 2000). Land Values in Areas of Importance are “elements of the Planning Region identified by communities and/or wildlife managers as being important” (pg.106 NPC 2000). The values identified by the community would be a consideration in the establishment of new protected areas. “The NPC endorses important community-based criteria for any protected area system, such as maintaining wildlife harvesting patterns, protecting wildlife and wildlife habitat, and preserving cultural identity and traditional use of land” (pg. 42 NPC 2000).

The Transportation section has as an objective “To exchange traditional and scientific knowledge as a means of improving communication, understanding and trust between all parties” (pg. 44 NPC 2000).

The ongoing use of traditional knowledge during plan implementation is also achieved through the Community Land and Resource Committees (CLARC) in each community as set out in the NLCA. They participate in the regulatory approval of proposed developments. Members of each CLARC must have “intimate knowledge” of community and regional matters such as harvesting and areas of social and cultural significance (pg.30 NOC 2000).

7.6 Summary Observations on Traditional Knowledge and Land Use Planning

- Local and traditional knowledge (IQ) is reflected throughout the NBLUP.
- NBLUP takes a broad concept of Inuit interrelationship with land, not just resources.
- TK used to identify values and land use issues and in description of region.
- TK is then applied in defining areas of protection and recommendations for regulation of land use during plan implementation.
- Land use management recommendations emphasize ongoing community participation during regulation, which is opportunity for ongoing application of TK .
- With no major land use developments in the region, NPC did not allocate land uses to particular areas. Instead NPC wanted a balance between land uses, so they provided general direction on how the land should be used and on how land users should cooperate according to values in NBLUP.
- Definition of sustainable development comes from Inuit ancient knowledge of how to live in relation to the world. Their understanding of “how to live in a sustainable relationship with the land and with each other”.

7.7 References

NPC. 2000. *North Baffin Regional Land Use Plan*. lupit.nunavut.ca Public Registry. 2016-11-24. Oct. 23, 2020

NPC 2007. *Broad Planning Policies, Objectives, and Goals*. lupit.nunavut.ca Public Registry. 10-013E-2007-11-07. Oct. 25, 2020.

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8 Wóoshtin wudidaa Atlin Taku Land Use Plan

8.1 Overview of the Plan

- *Wóoshtin wudidaa* Atlin Taku Land Use Plan. 2011. (ATLUP). Prepared by the Joint Land Forum (JLF) over three and a half years. Approved by the Taku River Tlingit First Nation (TRTFN) and the Government of British Columbia (GBC). Part of ATLUP approval is the accompanying *Wóoshtin yan too.aat Land and Resource Management and Shared Decision-Making Agreement* (G2G Agreement).
- The ATLUP is a strategic land use plan that covers the 30,409 square kilometres of the TRTFN traditional territory within British Columbia.
- Planning Body: The JLF had three TRTFN representatives and three GBC representatives.
- Plan Authority: In 2008, the Taku River Tlingit First Nation (TRTFN) and the Government of British Columbia entered into a *Framework Agreement for Shared Decision-Making Respecting Land Use and Wildlife Management* (FA) (TRTFN GBC 2008) consistent with the broader 'New Relationship' government-to-government relationship set out in 2005. The Framework Agreement is not a land claim agreement, but addresses government-to-government collaboration and shared decision-making on land use plans and other land and resource management. The ATLUP was developed and approved under the terms of this agreement. The ATLUP is being implemented under the provisions of the *Wóoshtin yan too.aat Land and Resource Management and Shared Decision-Making Agreement* (G2G Agreement) (TRTFN GBC 2011b), which "was developed parallel with the ATLUP and is an essential part of the agreement package" (Carlick 2011).
- Plan Purpose: for the sustainable environmental management of lands and resources and to develop recommendations for land use and shared decision-making for collaboration on land and resource matters.

8.2 Requirements and Context for Traditional Knowledge in the Plan

TRTFN had initiated a land use planning process in 1999, which provided direction for their work on the 2011 ATLUP. Between 1999 and 2003, TRTFN worked on "Our Land Is Our Future. *Hà t_átgi hà khustiyxh sítì*" and produced a Conservation Area Design and the "Vision and Management Direction for Lands and Resources" for their traditional territory (TRTFN 2003). The Vision document is a statement of their relationship to and responsibilities for stewardship of lands, which in turn they will exercise through conservation and land use planning.

"Over many millennia, our way of life has become intertwined with our lands and waters, so that we are now inseparable from these very same lands and waters. Through time we ensure our land...was sustained as a healthy place. These lands have in turn, provided for our survival as a People and as a Nation" (pg. 1 TRTFN 2003). Speaks to how it is time for TRTFN to "reclaim historical responsibility as stewards of our territory". "We would be abandoning our responsibilities to our ancestors, to our children, and to those who live here now, if we did not actively exercise our responsibility in the area of conservation and land use planning". "There must be opportunities for all that live in our territory to earn a sustainable livelihood [which] flows from working hard together in activities that provide benefits to our community without having detrimental impact to our land, water and resources" (pg. 2 TRTFN 2003).

This Vision document was complemented by the *Tlatsini* map (2009), "which identified areas of special importance to the Tlingit for the conservation of biodiversity and for sustaining Tlingit *khustiyxh* ('way of life').

These documents articulate the TRTFN vision for the future of the traditional territory and goals, objectives and strategies on use, management, protection and sustainable economic development of lands and resources. “The work of the Tlingit to develop these documents...supported subsequent government-to-government collaborative work” to develop the joint ATLUP (pg.2, TRTFN GBC 2011).

In 2008, TRTFN and GBC negotiated the FA (TRTFN GBC 2008), which sets out the provisions to develop the land use plan for the Atlin Taku area. This FA identifies outcomes and topics for land use planning, which include matters relevant to traditional knowledge (TK) and Indigenous concepts in the process. The FA requires planning specifically to consider the “Our Land Is Our Future. *Hà t_átgi hà khustiyxh sìti*” document (s. 2.5).

The FA identified requirements for planning:

Outcomes

“mechanisms that protect healthy, fully functioning ecosystems which sustain land, water, resources on which the Tlingit rely for their Aboriginal rights and way of life, and their social, cultural, spiritual and economic well-being – *ha tlatgi, ha khustiyxh sìti*;
“the integrity of areas that are culturally significant to the Tlingit are secured and maintained”;
“wildlife species that are hunted have populations robust enough to meet conservation requirements, First nations food, social and ceremonial requirements” (2.3, pg. 4 TRTFN GBC 2008).

Topics

“a framework for culturally and ecologically sustainable management grounded in ecosystem-based management principles and practice”;
“designated resource management zones, defining the scope of acceptable activities, including:
- areas for protection from major industrial development due to their cultural, ecological, wildlife or fisheries value;
- areas available for ecologically sustainable and culturally appropriate development” (4.1, pg. 7 TRTFN GBC 2008)

The FA identifies the Tlingit vision for lands and resources taken from “Our Land Is Our Future. *Hà t_átgi hà khustiyxh sìti*”, which includes:

“ensuring that lands, waters and resources are managed in ways that respect Tlingit laws, knowledge and values, and that resource development is carried out in a sustainable manner, including the primary responsibility to preserve healthy lands, resources and ecosystems for present and future generations” (pg. 1 TRTFN GBC 2008)

Historical context of the ATLUP goes back to 2004 Supreme Court of Canada Taku Decision. Indicated a need for a land use strategy. A *New Relationship* government-to-government agreement was set out in 2005. TRTFN had already completed a visioning and management direction and considered conservation area design from 1999 to 2003. TRTFN formally ratified these documents. With this work already done at the community level to identify community values, concerns and vision, the TRTFN then entered into the joint planning process under the FA with GBC.

8.3 Intention: The Planning Body’s Approach to Traditional Knowledge

The JLF prepared the ATLUP according to the FA. The FA and the Our Land Is Our Future *Hà t_átgi hà khustiyxh sìti*” indicated the direction on TK and Indigenous concepts in planning.

In the ATLUP the TRTFN described their approach to planning:

“our approach to land use planning is grounded in our culture and knowing who we are and where we come from. Our approach requires thinking about the future in a comprehensive way so that our children and children’s children can flourish in this territory as Tlingit. Our approach requires strength and continuity in our relationship with the land, and a set of rules guiding all land use activities that respect our aboriginal rights and *khustiyxh*. We believe that decisions on major resource development activities should be informed by both knowledge of the past and also by a long-term comprehensive vision of the future” (pg. 7 TRTFN GBC 2011).

8.4 How: Sources and Techniques for Considering Traditional Knowledge

The ATLUP drew from earlier planning work to document land use and occupancy and cultural research that had been underway since the 1980’s. The ATLUP drew from the work of “Our Land is Our Future” – *Hà t_átgi hà khustiyxh sìti*” the First Nation Vision and Management Direction for Land and Resources (TRTFN 2003) and the Conservation Area Design (Heinemeyer 2003).

TRTFN had worked over several years to engage citizens in dialogue to document their values and priorities. They held workshops, community meetings. They conducted a traditional ecological knowledge study by interviewing Elders and harvesters. They interviewed community citizens. The document then summarized the citizens’ concerns and perspectives, which were based on both Elder’s traditional ecological knowledge and western science.

To prepare the ATLUP, the TRTFN “used a series of Leader’s meetings, community meetings, joint clan meetings, family meetings and newsletters to keep the community informed and to provide ongoing opportunities for Tlingit community guidance” (pg. 5 TRTFN GBC 2011). The JLF also engaged with the local community of Atlin and stakeholders in the planning process.

8.5 Content: Traditional Knowledge in the Planning Process and the Plan

Planning Process

Throughout the process, the JLF used the input from the previous TRTFN work on land use and occupancy and values, as well as their current mapping work and input from the community and stakeholder engagement process. They mapped values and interests at the information gathering stage and identified high value areas during the resource analysis stage. They then developed the zones and management direction.

Khustiyxh (way of life) was “a central theme underpinning the land use plan. The Tlingit concept of *Tlatsini*, which means “places that make us strong”, was used to identify the configuration of the highest value cultural and ecological landscapes” and helped to inform the final land use zones (Carlick 2011).

The JLF held a multi-party workshop between TRTFN, GBC, community of Atlin, and interested stakeholders to develop the ATLUP vision statement.

The JLF prepared a Resource Atlas in 2009.

TRTFN developed some planning tools that ensured their interests were brought into the planning process. A “Tlingit Land Use Model” showed the relative value of landscapes for traditional use and harvesting activities. A GIS-based “Decision Support Tool” integrated a wide range of cultural, ecological, social and economic spatial data, to understand the spatial distribution and interaction between land-based resources and values. This Decision Support Tool was a crucial tool in developing different Tlingit High Value Cultural and Ecological Landscape Maps” – which led to identifying land use zones (Carlick 2011).

Plan

The ATLUP is a policy document that identifies key values and goals, objectives and implementation direction for each value. The G2G Agreement commits both governments to work together collaboratively and respectfully to consider land use decisions and implement the ATLUP.

Tlingit Language

- name of the plan *Wóoshtin wudidaa* – Flowing Together like two branches of a river
- name of the accompanying Government-to-Government agreement - *Wóoshtin yan too* - walking together
- *Khustiyxh* (way of life) is used throughout the plan
- names of area management zones and protected areas

As noted by TRTFN (Carlick 2011) “the land use zones -and the Agreements themselves – have Tlingit names, which are rich in meaning and significance to the Tlingit people. They enrich the plan” (pg. 4).

Description of the Region (Chapter 3)

The ATLUP includes a detailed description of “Tlingit perspectives on Lands and Resources” (pg. 7 TRTFN GBC 2011). It describes the region as homeland as well as the deep relationship between Tlingit and the land.

“our way of life, or *khustiyxh* has become intertwined with our lands and waters, so that we are now inseparable from these very same lands and waters...without healthy water, land and air, we will no longer be who we are today” (pg. 7 TRTFN GBC 2011).

In addition to a brief overview of the physical geography of the planning area and of the Community of Atlin, the profile of the planning area describes the “Territory of the TRTFN”. The area is described as “the ancestral home of the Tlingits” and summarizes their land use, village sites and trails.

The description of the Economy includes a section on the “informal Land-Based Economy” and connects the use of the land to their way of life:

“the traditional land based way of life is not mere subsistence, or ‘living off the land’, but represents a complex set of social activities and relationships that lie at the heart of their culture and their *khustiyxh* (way of life)” (pg. 10 TRTFN GBC 2011).

Vision (s.4.1)

The vision statement includes concepts from the previous TRTFN visioning work:

“cultural places are protected”;

“the natural environment is productive and supports...sustainable opportunities for harvesting, gathering and other activities on the land, including the Tlingit land-based way of life – *Hà khustiyxh* – and the lifestyle of the local community”;

“Tlingit traditional land use has been sustained and revitalized, and exists in harmony with contemporary local land use. Greater certainty exists across the land base, ensuring a balance between: sustainable economic development, the conservation of ecological values, Tlingit *khustiyxh* and the lifestyle of the local community”;

“collectively, we are living up to a shared responsibility to manage the land and resources in a way that honors our elders and ensures that we meet the needs of today without compromising opportunities for future generations” (pg. 12 TRTFN GBC 2011).

Principles (s. 4.2)

The plan principles that relate specifically to TK are:

“sustain and enable the continuation of Tlingit *khustiyxh* (way of life);

“be informed by Tlingit concepts, values and understandings, and will incorporate elements of Tlingit language”;

“be informed by scientific, local and indigenous ecological knowledge” (pg. 13 TRTFN GBC 2011).

Plan Direction (Chapters 5 – 8)

The ATLUP identifies two types of zones: Specific Resource Management Zone according to their cultural, wildlife, ecological, and recreational values and issue; and Protected Area Zone. One objective of Protected Areas is to “protect Tlingit cultural sites, features, landscapes, and maintain opportunities for the practice of Tlingit *khustiyxh*” (pg.54 TRTFN GBC 2011).

The planning region has 11 areas zoned Special Management and 13 zoned Protected Area. For each zone, the ATLUP identifies the rationale including community values, the management intent, and implementation direction. The direction is over and above the General Management Direction because of the resource values of the zone.

One area is a river valley identified as being a “core traditional use landscape” (pg.51 TRTFN GBC 2011) Management intent captures *khustiyxh* values:

“to conserve high value cultural features and landscapes”;

“to conserve high quality opportunities for the continuation of Tlingit *khustiyxh*, while allowing for a mix of appropriate land uses”;

“to balance conservation of wildlife and salmon habitats, and high quality opportunities for the continuation of Tlingit *khustiyxh*, with exploration and mine development activities and other land uses” (pg.44 TRTFN GBC 2011).

Most of the Protected Areas are “high value cultural landscapes”.

The General Resource Management Directions provide goals and objectives for the main land use activities in the planning area. Each of them addresses the issues of how the land use activity interacts with cultural values and *khustiyxh* (way of life).

The General Management Direction about Access addresses the implication of roads into the unroaded Taku River watershed. It puts forward management direction that recognizes the “fundamental cultural attachment” and the “long history of use, occupation and spiritual

connection” of the TRTFN. The management objectives address maintaining both “cultural and ecological integrity” of the area (pg. 16 TRTFN GBC 2011).

The General Management Direction about Biodiversity and Wildlife Habitat recognizes that “biodiversity is fundamental and essential to *khustiyxh*: (Tlingit way of life)” (pg. 24 TRTFN GBC 2011). “The resource management direction provided in this chapter is based on both western science and local and indigenous knowledge. Local and indigenous knowledge can increase our understanding of ecological dynamics and patterns across the Plan Area and through time” (pg. 24 TRTFN GBC 2011). The values of each species to the TRTFN are described.

The General Management Direction about Culture and Heritage describes the overall significance of the relationship to the land as central to *khustiyxh*. It also links land use activities to broader cultural values and ecological values. The discussion of issues refers to effects on cultural landscapes as well as on sites and features. It also notes the challenges of confidentiality and proper use of TK, and that documentation of oral history is often incomplete so “Tlingit cultural values are not readily integrated into western scientific methods and management approaches” (pg. 32 TRTFN GBC 2011). Goals and objectives address the connection between land and resource conditions and *khustiyxh* (way of life). There is a specific objective to “increase awareness and use of Tlingit language and cultural knowledge in planning and management” (pg. 34 TRTFN GBC 2011).

The General Management Directions on Forestry and Recreation also includes goals and objectives about minimizing impacts on cultural sites, features and landscapes. The General Management Direction on Mining has a goal of being “environmentally and socially sustainable and supports the Tlingit’s ability to sustain their *khustiyxh* (way of life).

8.6 Summary Observations on Traditional Knowledge and Land Use Planning

- Before the joint planning process with GBC, TRTFN had prepared a document on FN statement on Vision and Management Direction and on Conservation Area Design. FN was preparing itself for “embarking on the course necessary to ensure the preservation of our lands and conservation of its wildlife and fisheries. This will assist us in ensuring the preservation of what is Tlingit”. Their work on “*Our Land Is Our Future*” before starting the joint land use planning process with GBC provided very clear powerful statements of TRTFN values, guiding principles, and purpose of land use planning, which guided their work and gave a strong foundation for the plan.
- As Carlick states “understand your community’s values, interests and concerns and what their vision is for future of lands and resources, before you engage in joint planning.” Carlick describes it as a “very comprehensive sustainability vision” and states “without a well articulated land use vision, ideally in a form that fits with the structure of government land use planning frameworks, your community’s interests and values may get lost in the planning process.”
- The ATLUP is very clear in describing the TRT relationship with the land, and infusing this relationship - way of life - throughout the plan.
- The TRT describe their *khustiyxh* way of life as being “intertwined with our lands and waters, so that we are now inseparable from these very same lands and waters” . TK that reflects this relationship is fully integrated into the ATLIP.

- The planning area is seen as homeland and ancestral territory and is described as such. The area is described in terms of TRTFN uses, sites, trails, mountain ranges, rivers. Not categorized as 'environment, people, economy'.
- The ATLUP takes a broad approach to culture – not just uses and features but a way of life, cultural landscape, relationship to land.
- Cultural values are integrated into discussions of renewable and non-renewable management direction. Management direction in the ATLUP speaks to the need for both culturally and ecologically sustainable management
- The Framework Agreement for planning and the subsequent Shared Decision Making Agreement provide very clear direction on the link between protecting healthy fully functioning ecosystems and sustaining the Tlingit well-being and way of life (2.3.d).
- The Framework Agreement also provides clear direction on using the previous TRTFN visioning work for the ATLUP.
- TK appears in zoning of Special Management and Protected Areas, and in the management direction for the region.

8.7 References

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9 Peel Watershed Regional Land Use Plan

9.1 Overview of the Plan

- Peel Watershed Regional Land Use Plan. 2019. (PWLUP) Prepared by the Peel Watershed Planning Commission (PWPC) over seven years between 2004 and 2011. The plan then went through court challenges up to a Supreme Court of Canada decision in 2017. The final plan was approved by the Tr'ondëk Hwëch'in, the First Nation of the Na-cho Nyäk Dun, Vuntut Gwitchin Government, the Gwich'in Tribal Council, and the Government of Yukon.
- The PWLUP is a regional plan that covers 67,000 square kilometres that is part of the four traditional territories of the Tr'ondëk Hwëch'in, the First Nation of the Na-cho Nyäk Dun, Vuntut Gwitchin First Nation, and Tetlit Gwich'in. It covers settlement and non-settlement land. The planning region is in Yukon Territory. There are no permanent communities in the region.
- Plan Body: Set up under the provisions of the LCAs, the PWPC was made of six nominees of the four First Nations and the Government of Yukon (the Parties). The PWPC was dissolved after submitting the final recommended plan.
- Plan Authority: The Yukon has no legislation for implementation of the PWLUP. The PWPC is "strictly advisory" and the "Parties to the Plan will make best efforts to jointly implement the Plan in its entirety. However, putting the Plan into effect is up to the Parties (pg. 125 Tr'ondëk et. al. 2019).

9.2 Requirements and Context for Traditional Knowledge in the Plan

The provisions for planning in the Peel Watershed are set out in the land claim final agreements (LCAs) of the four First Nations whose traditional territories include a portion of the watershed. Planning provisions are in section 11 of the Tr'ondëk Hwëch'in, the First Nation of the Na-cho Nyäk Dun, and the Vuntut Gwitchin First Nation (1993) LCAs, and in Appendix C of the Gwich'in Land Claim Agreement, which addresses the Tetlit Gwich'in lands in the Yukon, including land use planning of the Peel Watershed. The Gwich'in LCA requires the involvement of the Tetlit Gwich'in in the Yukon planning process.

Traditional knowledge (TK) is not defined in the LCAs.

The LCAs direct planning according to the following clauses that relate to TK: [check section #s]

Land Use Planning Objectives:

"to recognize and promote the cultural values of Yukon Indian People (s. 11.1.1.3)";

"to utilize the knowledge and experience of Yukon Indian People in order to achieve effective land use planning (s. 11.1.1.4).

In developing a regional plan, a Regional Land Use Planning Commission:

"shall use the knowledge and traditional experience of Yukon Indian People, and the knowledge and experience of other residents of the planning region" (s. 11.4.5.5);

"shall take into account oral forms of communication and traditional land management practices of Yukon Indian People" (s.11.4.5.6);

"shall promote the well-being of Yukon Indian People, other residents of the planning region, the communities and the Yukon as a whole, while having regard to the interests of other Canadians" (s.11.4.5.7).

The LCAs also address the importance of public participation:

“Any regional planning process shall provide for public participation in the development of land use plans” (s. 11.2.1.8);

“In developing a regional plan, a Regional Land Use Planning Commission shall ensure adequate opportunity for public participation” (s. 11.4.5.3).

The LCAs present additional broad concepts about land use:

Planning Objective: “to ensure that social, cultural, economic and environmental policies are applied to the management, protection and use of land, water and resources in an integrated and coordinated manner so as to ensure Sustainable Development” (s. 11.1.1.6).

Sustainable Development is defined as “beneficial socio-economic change that does not undermine the ecological and social systems upon which communities and societies are dependent” (Chapter 1).

In developing a regional plan, a Regional Land Use Planning Commission:

“shall take into account that the management of land, water and resources, including Fish and Wildlife and their habitat, is to be integrated” (s.11.4.5.8);

“shall promote Sustainable Development” (s. 11.4.5.9).

The General Terms of Reference for the PWPC reflect the direction from the LCAs: “Throughout the planning process, the Commission will give full and fair consideration to oral forms of communication, traditional experience, traditional knowledge, and traditional land management practices of the First Nations (12. 3). TK is also mentioned under “Data, Background, and Research Information” (s. 13 YLUPC 2004).

The Gwich’in Land Claim Agreement required the PWPC to make use of land planning for the watershed done by the previous Mackenzie Delta Beaufort Sea Planning Commission (Appendix C s. 7.1.3.). This plan had taken a community-based approach with extensive community consultations and documenting and mapping land use and TK about the values of the land.

9.3 Intention: The Planning Body’s Approach to Traditional Knowledge

The PWPC Terms of Reference included “General Goals”, which were “adapted from” the LCAs (pg.7 Tr’ondëk et. al. 2019). They match the LCA directives, with an added goal “recognize all economic potential of the planning region, including, but not limited to sub-surface resources”. Of the list of the eight goals for the PWPC, the “promote sustainable development” was taken to be the core principle”. The explanation is that “most of the directives listed above [the PWPC Goals] are “aspects of sustainable development” so the PWPC chose this goal as their emphasis for the PWLUP (pg.8 Tr’ondëk et. al. 2019).

Soon after it was established, the PWPC prepared a Statement of Intent, which was accepted by the Parties in 2005. This Statement was the vision for the region and guided the PWPC work. The Statement is “to ensure wilderness characteristics, wildlife and their habitats, cultural resources and waters are maintained over time, while managing resource use...Achieving this goal requires managing development at a pace and scale that maintains ecological integrity. The long term objective is to return all lands to their natural state as development activities are completed” (PWPC 2005) Among the uses listed are “traditional uses”. The definitions of wilderness is from

the Yukon Environment Act and of ecological integrity is from the US National Park Service. The statement does not specifically mention First Nations or Indigenous concepts of the land.

9.4 How: Sources and Techniques for Considering Traditional Knowledge

The PWPC first consulted with First Nations in community meetings in 2005 as part of broader public and government consultations about plan issues and interests.

First Nation input on Issues and Interests made clear their holistic concepts of the land. The “area that has been used extensively for traditional pursuits, both past and present. It is an area that holds the collective history of several Yukon First Nations and still serves as a common gathering place for First Nations people wishing to reconnect with relatives from around the north” (Tr’ondëk Hwëch’in 2005).

“Life on the land is a large part of who the Vuntut Gwitchin are and where we come from. People have a strong connection to the places where they have lived and where our ancestors have lived, and these need to be protected. Places where people have lived, hunted, trapped, fished, and picked berries are sites that are part of our past and part of our identity. (Vuntut Gwitchin Government 2005).

The PWPC gathered and analysed data for the plan including “local knowledge and land use analysis” (PWPC 2006a). They held a local knowledge workshop in March 2006 with the Tetlit Gwich’in. They held a First Nations workshop in Dawson in August 2006 with representatives of the four First Nations to review the status of the plan and to get input on the plan vision and zoning system. The participants brought forward ideas about the plan vision in response to these questions from the PWPC:

1. How do you want to see the landscape in 10, 25, 50, 100 years?
2. What relationship does your First Nation want with the land and water in the Peel?
3. How does your First Nation want the land to be used?
 - Subsistence harvesting
 - Industrial development? Small scale? Large scale?
 - Tourism? What types of tourism?
 - Outfitting?
 - Conservation?
4. What trade-offs are you willing to make? Not willing to make?
5. What can be done to minimize land use conflicts?

At the workshop the PWPC indicated they wanted more “community level information from land users” (pg. 1 PWPC 2006b). They wanted the First Nations to share existing wildlife and cultural data with them and to participate in TK workshops (PWPC 2006a).

Prior to and during the PWLUP process, the First Nations were carrying out their own processes of documenting TK for their Nation. VGFN, TH had their own records of TK. NND was renewing family connections to the watershed (NND 2009). TG had documented values in the area in its previous work with the Mackenzie Delta Beaufort Sea Planning Commission and the Gwich’in Tribal Council Department of Culture (formerly the Gwich’in Social and Cultural Institute). The FNs had raised confidentiality and ownership concerns around sharing TK with the PWPC early in the process. TH provided a “confidential traditional knowledge submission” (TH 2009). At several

stages in the process, TH invited the Commission and staff “to meet with the TH Natural Resources and Heritage Departments to once again review the Traditional Knowledge that was shared with the Commission” (TH 2009).

To gather information, the PWPC held six traditional knowledge and habitat suitability workshops in Dawson, Mayo and Fort McPherson.

As the PWPC completed their Resource Assessment Report, their Conservation Priorities Assessment Report, and their Planning Principles, information gaps were noted:

“community use areas not well-documented”;

“land use patterns of trappers, including but not limited to locations of cabins and trails, is poorly documented, making it difficult to consider trapping values during project-level assessment and planning. Research recommendation land use patterns should be documented.

Following release of the Resource Assessment Report (PWPC 2008a), the Conservation Priorities Assessment Report (PWPC 2008b), and the Planning Principles (PWPC 2008c), the PWPC held a First Nation workshop on land use scenarios in 2008 (PWPC 2008d). They released a Scenarios Options report for consultation in 2009 and the first draft plan for consultation in April 2009.

9.5 Content: Traditional Knowledge in the Planning Process and the Plan

Process

The PWPC put out their “Statement of Intent” early in the process in 2005. The PWPC drafted the Statement based on the guidance in their Terms of Reference, the core principle of sustainable development, and their study of issues, land uses, and resource values. They describe it as a foundation for creating the plan (Tr’ondëk et. al. 2019). Unchanged from the original 2005 statement, it became the plan vision, and the plan goals are meant to support it. It makes no mention of the four First Nations or of Indigenous peoples or their relationship to the watershed. It mentions cultural resources, traditional use, subsistence harvesting.

The PWPC prepared their Issues and Interest report based on some community meetings and sought feedback on the report. In the Gwich’in Tribal Council response, a comment about TK was: “seems to be limited focus on the TK of Gwich’in in communities. In workshops held since release of the report, the elders demonstrated a vast amount of knowledge of areas. The TK has to be included in the land use plan above all information gathered” (Gwich’in Tribal Council 2006).

During the August 2006 workshop for First Nations to review and provide input on plan status, zoning and vision, representatives provided feedback about TK (PWPC 2006b):

“VGFN has not engaged...due to lack of capacity”;

“what are the results from the Fort McPherson TK workshop...to demonstrate to the participants that their contribution was meaningful”;

“identifying First Nation heritage sites is critical and not just ruins but also location of gatherings, trading routes etc.”;

“TK should be a specific issue”;

“In First Nation’s culture even the plants and animals are heritage resources, not just the items you dig out of the ground. TH is working on identifying and protecting heritage resources on

non-settlement land which do not fit the western definition of heritage. Examples would be a trading route or meeting place”;

“Elders are our land use planners. They lived off the land”;

“When people walk on the land they leave their footprints and we need to record the spiritual connection to the land”;

“the land is worth nothing without the water”;

“look at the area as a classroom, a hunting area, fishing area, etc. Protect areas at the headwaters. Down the road we may need the land for food and shelter”.

These comments indicate they First Nation representatives expected TK to be considered in the plan in a meaningful way and that TK would provide a broader non-western concept of important values of the land that would encompass the holistic and spiritual dimensions of the land.

The discussion led to an action item for PWPC on TK: “Commission is completing the information gathering stage. One gap is a shortage of traditional knowledge for the area” (pg. 10 PWPC 2006b).

The PWPC carried on with information gathering in six traditional knowledge and habitat suitability workshops in Dawson, Mayo and Fort McPherson. This work helped inform the Conservation Priorities Assessment, the Plan Principles, and the Resource Assessment Report (RAR).

The Conservation Priorities Assessment was “informed by science...[and] is also informed by public, local community and First Nations knowledge and values. The “criteria” are the values, issues and interests expressed by First Nations communities, public interest groups, and conservation biology science” (PWPC 2007). TK was integrated with scientific to identify high priority conservation areas (PWPC 2008b) and contributed to the subsistence harvesting assessment and the habitat suitability models (PWPC 2008a).

The PWPC identified five “Plan Principles that underlie the Peel Watershed Land Use Plan” in 2008 (PWPC 2008c). They identify sustainable development as the core principle and quote the LCAs definition. One principle is “First Nations Traditional and Community Resource Use” where the Commission will promote the interests, rights, and responsibilities of the four First Nations.

The RAR, which is the main documentation of knowledge gathered for planning captures the overall significance of the watershed for First Nations and describes their relationship to it. “The First Nations heritage is intrinsically tied to the landscape, the environment and the wildlife that inhabit. For the First Nations, their heritage and culture are represented as much by expansive natural features – such as mountains, mountain ranges, lakes and rivers, and the stories embedded in these places – as it is by archaeological artifacts, fishing camps or tent rings. ...Fish and wildlife play a critical role in First Nations culture. In addition to their spiritual role, fish and wildlife had a significant influence on the movement of people, their social interaction and obviously, for their diet” (pg. 9 PWPC 2008a). The RAR describes traditional sites and territories. The description of culturally important areas refers to specific sites as well as trails and travel routes and cultural landscapes. It acknowledges the further gathering of TK on all heritage values is an outstanding need.

The RAR has a chapter and map on Heritage and Cultural Resources, with sections on archaeological resources, paleontological resources and culturally important elements in the landscape. The Chapter themes “reflect those that were identified during the Issues and Interests public consultations” (pg. 1 PWPC 2008a). The TK gathered informed the identification of areas of cultural significance, the key harvesting areas and the key wildlife habitat, as well as the habitat suitability assessment for the Conservation Priorities Assessment and the RAR chapter on Fish, Wildlife, Habitat and Conservation.

The PWPC stated it learned about the region “with the help of scientists, resource specialists, elders, land users, and other informed people” who described “its ecosystem processes, vegetation, animals and fish; its landforms and waterways; its minerals and oil and gas; its historical and human uses; and its heritage resources (pg. 2 Tr’ondëk et. al. 2019). This information and the Statement of Intent were the foundation for creating the plan.

The PWPC developed land use scenarios they reviewed at a workshop with First Nations in 2008 (PWPC 2008d). The participants shared TK about their land use and values in the area and provided feedback about TK in the planning:

“record oral stories, proper interpretation of oral stories, impact of rights, ties to the land, rights of future generations, need to research this”;

“need other elders/community members to have input”;

“language used: non-settlement land not crown land”;

“FN spiritual ties. More emphasis needs to be placed on spiritual value of the land. In plan and process. From beginning. FN are guardians of the land. In plan “spiritual” links to the land – how addressed? General FN ethnic beliefs”;

“understand links between sectors, chapters, economics – research needed. FN need to draft wording for spiritual aspects of the plan”;

“communities are as good as any technical source, education all the time (Traditional Knowledge)”;

“have a “First Nations Traditional Use” section in the plan.

The PWPC held open house consultations on their Scenarios Options Report with First Nations, stakeholders, public and other governments in February 2009. First Nations shared comments about TK at Open Houses and in written responses. Some of the feedback regarding TK in the planning (PWPC 2009):

“want to see special recognition of “spiritual significance “ of the Peel up-front in the plan document”;

“God giving this land to share – it’s not our way to put lines or boundaries on map to make boundaries”;

“we’re not scientists but we have lots to say”;

“the land is very important to us and though we don’t live there anymore it still belongs to us”;

“has been involved in land use planning since 1988. Had meetings in each community with each working group. They already submitted a map with main place to be protected outlined: calving grounds, wetland, fishing holes, graves, gathering sites. Suggest we get people to draw maps”.

The PWPC then prepared the Draft Plan and distributed it for review and comments. TH raised a number of concerns about how much the TK they had provided had been considered, such as lack of special management areas, wrong spelling of TK name, not showing their traditional territory

on all maps, and even though the entire region is a culturally important area, the PWPC chose to only label those areas as important that had been most commented on, which was “not consistent with the TK that has been contributed” (TH 2009).

The Commission released the Recommended Plan in 2011. TH once again raised their earlier concerns that the plan did not adequately reflect the values identified with TK by TH (TH 2011).

Plan

Use of Indigenous language

Chuu Tl’iti Geenjit Khetok – Together for the Peel – is on a separate page at beginning of plan. Comes from the Commission’s logo.

One out of 16 Landscape Management Units (LMU #14) has Gwich’in names for portions of the LMU

Definitions

No TK definition.

Cultural Resources: places and locations associated with events, stories, and legends. Can include such things as Porcupine caribou herd, moose, marten, wetlands, lakes, rivers, and locations associated with legends, traditional economic activities and cultural activities.

Cultural landscape: a place valued by an Aboriginal group (or groups) because of their long and complex relationship with that land. It expresses their unity with the natural and spiritual environment. It embodies their traditional knowledge of spirits, places, land uses, and ecology. Material remains of the association may be prominent, but will often be minimal or absent (Parks Canada, An Approach to Aboriginal Cultural Landscape).

Statement of Intent (s. 1.6)

This statement is the vision of the region.

“to ensure wilderness characteristics, wildlife and their habitats, cultural resources, and waters are maintained over time while managing resource use. These uses include but are not limited to traditional use, trapping, recreation, outfitting, wilderness tourism, subsistence harvesting, and the exploration and development of non-renewable resources. Achieving this goal requires managing development at a pace and scale that maintains ecological integrity. The long term goal is to return all lands to their natural state” (pg.9)

Plan Goals (s. 1.7)

The PWLUP identifies eight plan goals, which are separated out as environment, social (heritage and culture) and economic goals. First Nation connection to the land is only mentioned under the Social Goals as “recognize, conserve, and promote the heritage and cultural resources and values, and traditional land use practices, of affected First Nations and the Yukon.”

Description of the Planning Region

The “Context” section (1.1) describes the region and states that the water, wildlife, fish and plant resources have sustained the four First Nations for thousands of years. It recognizes that their cultures and traditional economies depend on a healthy environment and a continued connection to the land.

The PWLUP is designed “to maintain the region’s long term wilderness characteristics and cultural resources while providing opportunities for economic development” (pg. 2 Tr’ondëk et. al. 2019). It attempts to find a balance and is guided by the core principle of sustainable development.

The “What The Plan is About” section (1.4) describes region as “long been valued by people from many walks of life. First Nations people have lived and travelled through the region for millennia, following the seasonal cycle of their traditional culture and economy.” It describes others who have also “explored the region”. “All have benefited from its resources” (pg. 5 Tr’ondëk et. al. 2019).

The PWLUP is described as an attempt to “balance interests” and identifies the planning issues it worked with. The consultations held by the PWPC identified that “the overriding concern was about the irreversible and unacceptable effects that increasing industrial activity is likely to cause to the region’s ecological integrity and wilderness character” (pg. 5 Tr’ondëk et. al. 2019). The PWLUP identifies eight broad planning issues: maintaining wilderness, ecosystem integrity, aquatic integrity, transportation and communications, mining exploration and development, oil and gas exploration and development, traditional pursuits, climate change.

Wilderness is portrayed as open intact ecosystems with “few signs of human activity”. It “embodies the imagination and spirit of Yukoners, Canadians and people around the world”. “Its character is essential for traditional activities” (pg. 5 Tr’ondëk et. al. 2019). Ecosystem integrity is necessary to conserve wildlife and “culturally important species”. Water has “high cultural values”, mining can negatively affect First Nation “cultural pursuits”. The connection of culture and land is recognized under the issue of “traditional pursuits”, which need functioning ecosystems, intact places of cultural importance, and wilderness.

The description of the region (s. 2) follows the format of the plan goals, breaking it into ‘environment’, ‘people’ ‘heritage resources’, ‘economy’. Despite the TK shared on these topics, not much is included in this section. The environment section (half a page) is a science based description. The people section is one paragraph, which states “Historically, the people of these First Nations lived in and travelled throughout these traditional territories, which they regarded as home.” It then goes on to say “Today, the planning region is the seasonal home of subsistence hunters and fishers, trappers, highway maintenance personnel and big game outfitters.” This characterizes First Nation use as something they did in the past in the watershed, but now it is only seasonal use, on a par with that of highway maintenance personnel. This type of description does not respect the TK shared by the First Nations about their millennia of connection to the area that continues from past to present to future, and the way in which their identity is intertwined with the land.

A somewhat fuller picture of the significance of the watershed is provided in the Heritage Resources section (one page) - the four First Nations have “traditionally occupied, traveled or harvested in virtually every corner of the planning region. Their presence is reflected in the numerous stories and legends and is reflected in the many trails and named places.” (pg. 16 Tr’ondëk et. al. 2019) It also recognizes the stories and songs embedded in the larger natural features such as mountains ranges and rivers and describes them as “cultural landscapes” (pg. 17 Tr’ondëk et. al. 2019). This description captures the broader concepts of connection of the First Nations to the planning region but it is a compartmentalized approach under this one section and

is the only mention of cultural landscape in the plan other than under one landscape management unit.

The Economy section (nine pages) recognizes the subsistence economy and that even if First Nation people rely less on harvest from this area, it is a refuge that will provide for their needs in the future.

The Transportation section mentions local residents use of “trails and routes for subsistence harvest, travel between communities and other cultural activities” (pg. 24 Tr’ondëk et. al. 2019).

The description of land uses includes subsistence harvesting and recognizes their link to “the maintenance of First Nations culture and community well-being” (pg. 18 Tr’ondëk et. al. 2019).

The sections on Significant Ecological Values (2.8) and Climate Change (2.9) describe significant values of territorial, national, global ecological significance but not First Nation areas of local importance. They identify some cultural connections to ecological values, such as wildlife species having great cultural or economic importance and the importance of wetlands for culturally important species, the critical role of water. Although the section mentions the importance of species to First Nations, their knowledge and experience is not portrayed in the sections, which primarily use scientific knowledge.

Plan Direction (Section 3, 4,5)

Tools used to manage land use in the region are a zoning system for landscape management units, a ‘results based management framework’ to manage cumulative effects, and general management directions.

The PWLUP identifies three broad types of zones: Conservation Area Zone, Integrated Management Area (IMA) Zone, and Overlay Zones (Major Rivers and Dempster Highway). Three types of Conservation Area Zones are managed for conservation or protection of ecological and cultural resources and to maintain its long term wilderness characteristics. Four types of IMA Zones are the “working landscape” where varying values and sensitivity of the land determine the type and level of acceptable land use. The four zones within the Integrated Management Areas have varying levels of ecological and heritage/cultural resources and sensitivity of their biophysical setting.

Major River Corridors are an “overlay zone” that require special management because of their high biological and cultural importance and importance for surface access. It states that maintaining ecological and visual integrity of the corridors is a key strategy to attain environmental and social plan goals.

The planning region is divided into 16 zoned Landscape Management Units (LMUs) (s. 5). The description for each LMU includes objectives, rationale for their designation, values, and special management considerations. Values described are ecological resources, heritage, social and cultural resources, economic development. These include mention of cultural values, traditional land uses such as travel routes and cabins, traditional economy such as trapping and harvesting and the need to maintain integrity of cultural practices.

Land use in each LMU is to be managed to achieve the goals and objectives for the region using a “results-based management framework” presented in the plan.

Cumulative effects of land use activities were a concern for the region. The zoning system, along with the ‘results-based management framework’ for the IMA zones are the plan tools for monitoring and responding to cumulative impacts. The framework follows the system developed for the North Yukon Land Use Plan. Two measures are used as indicators of the level of cumulative effects: the amount of an area disturbed by human activity and the total length of human-created linear features like seismic lines, roads, and trails. The plan sets the levels of these indicators that signal risk of undesirable effects on ecological or cultural resources.

By monitoring these indicator levels of cumulative effects, levels, land use can then be managed to balance potential risks to ecological and cultural resources with the benefits of economic development.

The indicators and cautionary and critical levels of acceptable disturbance and risk were taken from the North Yukon Regional Land Use Plan, which has comparable landscapes, potential land uses, and ecological values.

The description of the ‘results-based management framework’ in the PWLUP makes no reference to TK. Primarily, the framework is described using scientific knowledge. It acknowledges that setting the indicator levels for the North Yukon Plan considered potential impacts on the Porcupine Caribou Herd.

The PWLUP does not provide indicators for all sustainable development themes. It focuses only on ecological indicators of cumulative effects. Socio-economic indicators and effects are listed in a table for possible future consideration.

For General Management Direction (s. 4), the PWLUP identifies policy and research recommendations, strategies, and best management practices that are to achieve the plan’s core principle of sustainable development. As in previous sections, this section is divided into direction on environment, social, and economy, although it provides cross references between sections to acknowledge the linkages between them. Maps show the overview of ecological, cultural and economic values and resources that went into this section.

The Environment section (4.1) includes a couple of mentions of First Nation connection to the environment “First Nation people have relied on the wildlife of the region for thousands of years” (pg. 47 Tr’ondëk et. al. 2019) “Fish and waterbird species have cultural and subsistence importance to local First Nations” (pg.49 Tr’ondëk et. al. 2019) References to sparse water quality and flow data, fish habitat is poorly understood. A couple of Policy recommendations in the Environment section are to ensure adequate baseline data collection is completed prior to any development activities (pg. 48, 51 Tr’ondëk et. al. 2019) but there is no mention of TK to help fill gaps.

The Social Values (Heritage and Culture) section (4.2) recognizes that “The Peel region is a land rich in history, legend and stories, and is host to many identified paleontological resources, historical sites and artifacts. Protecting conserving and promoting the heritage and cultural resources and values of the Peel region is an important goal of this plan”. There is a footnote

attached to this statement: “At this time, the Plan does not focus on all social considerations – only heritage and cultural issues are addressed” (pg.52 Tr’ondëk et. al. 2019). It is not entirely clear what this distinction between ‘cultural issues’ and other social values means. While the plan recognizes the significance of the land to the First Nations people, it compartmentalizes the discussion into these three areas and then further divides social into ‘culture’ and ‘heritage’. This siloed approach does not address the interconnections between the land and First Nation society and well-being.

Heritage resources are explained as sites and objects older than 45 years that relate to human history including archeological and paleontological sites. Cultural resources are defined as places and locations associated with events, stories and legends.

The section goes on to make the connections between culture, environment, economy. They make the link between heritage and culture and subsistence harvesting, trapping land use and the environment in the previous section, which “all play roles in supporting social considerations” (pg. 53 Tr’ondëk et. al. 2019).

Policy recommendations on heritage resources include “research and use traditional place names wherever possible” (pg. 55 Tr’ondëk et. al. 2019)

Community use areas are those for subsistence harvesting, cultural pursuits and travel. “The use and enjoyment of community areas depends on the continued health of the land, water, ecosystems, and wildlife and fish resources. The long term availability and health of community use areas contributes to the maintenance of First Nations culture and the traditional economy” (pg. 55 Tr’ondëk et. al. 2019) No recommendations but recognize link to management of Conservation Areas and Major River Corridors as well as other management strategies and best management practice.

The Economy section (4.3) includes the traditional economy. It refers to impacts of land uses on areas of important cultural values like access roads in valley bottoms, impacts of the Dempster Highway on wildlife. It analyses issues and provides recommendations on subsistence harvesting and trapping. It recognize the interconnections with culture:

“providing opportunities and landscapes to participate in traditional economic activities is vital to maintaining First Nations culture, community well-being, and ties to the land.” (pg. 71 Tr’ondëk et. al. 2019).

9.6 Summary Observations on Traditional Knowledge and Planning

- Over the years of the PWLUP process the First Nations shared a lot of TK with the PWPC that explained their relationship to the landscape and the significance of the watershed. TH emphasized that their concepts went beyond western concept of Heritage Resources and sustainability “Heritage Resources are not only tied to a specific site, but refer to the plants, animals, ecosystems and waters that are necessary for a living Heritage to continue. TH’s culture is alive and well. To remain so, the same resources that our ancestors relied upon must be maintained for future generations who will also rely on them” (TH 2009).

“The lands and waters of the Peel have unparalleled cultural and ecological significance for our people. They have sustained us in body and spirit for thousands of years. Today our traditional

territories in the Peel Watershed encompass one of the largest, undeveloped mountain watersheds in North America...This area is sacred to our people” (TH et. al. 2011).

“We have long utilized the water, wildlife, fish and plant resources of the Peel watershed from pre-contact to modern day, and intend to utilize the Peel Watershed planning region far into the future for generations to come. All First Nation sites and areas identified are connected to hunting, fishing, and used for subsistence, traditional or cultural purposes” (NND 2011).

- The PWLUP captures some of this TK but focuses on cultural resources and traditional and subsistence uses. It states “sustainable communities and sustainable ecosystems are intertwined” (pg. 8) but TK is not used to fully portray this relationship in the plan.

Given the years of discussion and First Nation input to this plan a person reading this plan for the first time, with no awareness of the planning process, would not come to appreciate the richness of the First Nation TK about the area. It could be a plan that was written about any region, not one that is the TT of four First Nations and that holds such significance for their past, current and future well-being.

Although the PWPC heard and considered TK, TK is not reflected in much of the language of the PWLUP. Adding TK to convey values and significance of region would provide a more complete picture along with the scientific knowledge found throughout the PWLUP. Including TK concepts and quotes would more fully root the PWLUP in the region and make it reflect the TK shared during the process.

- Wilderness is a key concept in the PWPC Statement of Intent, Plan Vision and in the PWLUP as a whole. In their five planning principles of October 2008, the PWPC quotes the Development Assessment Chapter 12 of Yukon First Nations FAs where “Wilderness” appears - Yukon Indian people and “their special relationship with the wilderness Environment”. The PWLUP definition of wilderness comes from the Yukon Environment Act. The PWLUP does not provide any Indigenous description of the concept of “wilderness” nor even mentions First Nations when describing the Peel watershed wilderness character (pg. 5, 9). The statement of intent, which is the plan vision, does not mention First Nations.

Moreover, the PWLUP portrays the watershed as having “few signs of human activity”, and that can be “diminished by any land use activity”. The PWLUP makes the statement “most people would agree that the wilderness character of the Peel watershed is integral to its identity” and that it “embodies the imagination and spirit of Yukoners, Canadians, and people around the world”. In doing so, the PWLUP recognizes that the Peel watershed itself has an identity, but does not mention that the First Nations identity is inextricably intertwined with the watershed. It does not portray the fundamental relationship between the watershed and the First Nations’ identity – Nations whose Traditional Territories cover the entire watershed - and how that identity is embodied in the landscape.

The First Nations provided ways of describing the wilderness values of the watershed that encompass their connections. “Our people’s way of life is directly tied to the well-being of the Peel Watershed. This is a unique area. It has been our place of refuge for generations...Our ancestors left the watershed untouched and ecologically intact” (NND, TH, TG, 2009). “The Tetlit Gwich’in have used the Peel Watershed as their homeland for generations...a pristine,

untouched wilderness environment as our ancestors left for us to look after and pass on to the future generations of Gwich'in" (GTC 2009). Such language in a "wilderness" vision would better encompass the First Nation relationship to the land.

- One of the eight plan goals mentions "cultural resources and values", and "traditional use". Although "cultural landscape" is defined in the PWLUP Glossary, the concept is not discussed. It is mentioned to describe LMU 14.
- The vision questions posed at the 2006 workshop were: How do you want to see the landscape in 10, 25, 50, 100 years? What relationship does your First Nation want with the land and water in the Peel? How does your First Nation want the land to be used? This approach to visioning asks First Nations to project into an imagined future, not recognizing first that the relationship is not a matter of "wanting" but a matter of identity, stemming from millenia of connection and Indigenous ways of being that include responsibilities to the land.

This approach is in contrast to the GLUP, the NBLUP, the DCLUP, the ATLUP, TLUP, the SLUP where visioning started with looking to the past and asking what is important about the land? Those Commissions spent time and resources at the beginning of the process to learn from the experience of First Nations on the land and their TK about land values. With this understanding of the region and of how First Nations valued the region, then the Commissions could ask "what should we carry forward into the future? *Understanding the past before planning the future* is a central tenet of northern land use planning with First Nations.

- How the Commission gathered TK. While the PWPC held some traditional knowledge workshops, they did not carry out a comprehensive land use and occupancy study. At the 2006 workshop, the PWPC asked FNs to "share existing wildlife and cultural data" and may have expected the FN to provide the information in the way Yukon Government provided scientific knowledge. The First Nations indicated they were doing some of their own work to document TK of their regions. However, TH had concerns about the TK they had shared not being understood by the PWPC. If TK is taken out of context as a 'data set' without the TK holders themselves explaining the TK, TK may be misunderstood or misused. Concerns about confidentiality and ownership may have made First Nations reluctant to just hand TK over without appropriate agreements.
- The PWLUP includes general statements that may be meant to encompass all values: "watershed has been long valued by people from many walks of life"; "All have benefited from its resources"; most people" would agree the watershed wilderness character is integral to its identity. But in doing so, it does not necessarily reflect TK or portray the unique First Nation values of the watershed.
- The description of sustainable development in the PWLUP recognizes that sustainable ecosystems and communities are intertwined and that large natural areas are a refuge "that will provide for their subsistence and perhaps even survival needs in the future" (pg.17). The discussion of sustainable development could present more of the TK shared on this, for example, "As it becomes more challenging to practice subsistence lifestyle, in the face of potential future hard times, the Peel Watershed region is our bread basket and in a conserved state the land would provide sustainability to our people to sustain themselves through those hard times" (First Nation of NND 2009).

- The PWLUP emphasizes throughout the plan that its core principle is sustainable development. The PWLUP describes how sustainable development come to be ‘the core principle’ (pg. 8). In several places the PWLUP restates this core principle on its own (s.4.3.2) without mentioning the other plan principles. For example, the LCA directive on promoting well-being of First Nations and other residents and communities (which is cited in several other plans as a key principle and purpose) or the Chapter 11 objective “to recognize and promote the cultural values of the affected First Nations” are not highlighted.

The explanation given is that ecosystem integrity, communities and culture, and economic activities overlap as aspects of sustainable development. This section does not include the FA definition of Sustainable Development, that has to do with beneficial change and not undermining ecological and social systems on which communities and societies depend. Sustainable development also becomes the organizing structure for the plan, with sections on environment, culture, and economy.

By lumping all the directives from the FAs under a core principle of sustainable development, the PWLUP does not address as explicitly the specific requirements of these other plan directives. By taking the approach that sustainable development somehow encompasses all the other directives, other considerations are not as evident. For example, how ‘promote well-being’ and ‘recognize and promote the cultural values of Yukon First Nations’ were applied.

- The approach to TK in the PWLUP may have been influenced by the extended controversy over the PWLUP such that the plan ended up the subject of a Supreme Court of Canada ruling. Many people, and particularly First Nations were deeply committed to this planning process. The Commission upheld the integrity of the process throughout. The extraordinary journey of this plan all the way to the Supreme Court of Canada to establish that after all the years of hard work, the plan was in keeping with the Final Agreements was unprecedented. The approving First Nations and Government of Yukon recognized it as an important shared accomplishment after a long journey.

In the attempt to find a balance of interests in the watershed, TK about First Nation values may have been seen as an expression of First Nation interests rather than as a body of knowledge parallel to scientific knowledge, which is generally presented as objective facts. Even now, the Yukon Government website (Yukon.ca/en/peel-watershed-regional-land-use-plan) describing the final approved PWLUP is a dry accounting, with no description of the First Nation sacred relationship to the land (TG in final plan press release). The Yukon Government website states “the cornerstone of the plan is sustainable development.” It says the plan guides environmental protection, heritage and culture protection, and economic development. It says the land base is divided into management units and percentages for conservation and integrated management. The section on “About the Peel” describes the watershed as “67,431 kilometres of wilderness that is rich in biodiversity”. It names the six rivers. It says “among large North American watersheds, the wilderness character of the Peel is unique: there are no permanent residents”.

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10 North Yukon Regional Land Use Plan. *Nichih Gwana'in* – Looking Forward.

10.1 Overview of the Plan

- North Yukon Regional Land Use Plan. *Nichih Gwana'in* – Looking Forward. 2009. (NYLUP). Prepared by the North Yukon Planning Commission (NYPC) over five years from 2004 to 2009. The Vuntut Gwitchin Government (VGG) and Government of Yukon (YG) approved the NYLUP.
- The NYLUP is a regional plan that covers the 55,548 square kilometres of the traditional territory of the Vuntut Gwitchin First Nation (VGFN). The planning region excludes legislated protected areas and the village of Old Crow.
- Plan Body: Set up under the provisions of the LCA,, the NYPC was made of six nominees of the VGG and YG (the Parties). The NYPC was dissolved after submitting the final recommended plan.
- Plan Authority: The Yukon has no legislation for implementation of the NYLUP. The Parties to the Plan “will make best efforts to jointly implement the Plan in its entirety. However, Plan implementation is at the discretion of the Parties” (pg. 7-1 VGG YG 2009)

10.2 Requirements and Context for Traditional Knowledge in the Plan

The provisions for planning in the VGFN traditional territory are set out in the VGFN land claim final agreement (1993) (LCA).

Traditional knowledge (TK) is not defined in the LCA.

The LCA directs planning according to the following clauses that relate to TK:

Land Use Planning Objectives:

“to recognize and promote the cultural values of Yukon Indian People (s. 11.1.1.3)”;

“to utilize the knowledge and experience of Yukon Indian People in order to achieve effective land use planning (s. 11.1.1.4).

In developing a regional plan, a Regional Land Use Planning Commission:

“shall use the knowledge and traditional experience of Yukon Indian People, and the knowledge and experience of other residents of the planning region” (s. 11.4.5.5);

“shall take into account oral forms of communication and traditional land management practices of Yukon Indian People” (s.11.4.5.6);

“shall promote the well-being of Yukon Indian People, other residents of the planning region, the communities and the Yukon as a whole, while having regard to the interests of other Canadians” (s.11.4.5.7).

The LCA also addresses the importance of public participation:

“Any regional planning process shall provide for public participation in the development of land use plans” (s. 11.2.1.8) ;

“In developing a regional plan, a Regional Land Use Planning Commission shall ensure adequate opportunity for public participation” (s. 11.4.5.3).

The LCA provides direction on land use concepts:

Planning Objective: “to ensure that social, cultural, economic and environmental policies are applied to the management, protection and use of land, water and resources in an integrated and coordinated manner so as to ensure Sustainable Development” (s. 11.1.1.6).

Sustainable Development is defined as “beneficial socio-economic change that does not undermine the ecological and social systems upon which communities and societies are dependent” (Chapter 1).

In developing a regional plan, a Regional Land Use Planning Commission:

“shall take into account that the management of land, water and resources, including Fish and Wildlife and their habitat, is to be integrated” (s.11.4.5.8);

“shall promote Sustainable Development” (s. 11.4.5.9).

Planning in the region rests on the foundation of earlier work such as the unprecedented community participation in the Mackenzie Valley Pipeline Inquiry – Berger Inquiry, and VGFN participation in lobbying for protection of Alaska National Wildlife Reserve – critical Porcupine Caribou Herd birthing habitat.

10.3 Intention: The Planning Body’s Approach to Traditional Knowledge

The NYPC chose a logo that represents the values underlying the NYLUP. The words of *Nichih Gwanat’in* – ‘Looking Forward’ and the image of a Mother caribou and calf in a circle signifies the guiding principles for the planning:

- the significance of the Porcupine caribou herd to the people of North Yukon;
- the responsibility of parents and older generation to their young and the future;
- how we are all inter-connected and dependent on a healthy environment;
- responsibility of all to work towards a sustainable future for generations to come.

The NYLUP contains a ‘Message from the Chair’ at the beginning of the Plan. It indicates the teachings of the VG ancestors that guided the NYPC. Some of the teachings speak to not to use or take more than you need, the special place of the Porcupine Caribou in Gwich’in culture and life, and to do things in co-operation. The Message states “the teachings of our ancestors resonate with each land use issue we are engaged in, and with each decision we must make” and the NYLUP “embodies the guiding principles of the VG people.” (pg. xi VGG YG 2009).

The NYPC wanted to prepare a plan that satisfied the desire of Old Crow Elders and community members to ensure respect for the land, while allowing for future opportunities. They also wanted a plan that would provide government and industry certainty and flexibility. They aimed for a balance between development of resources and conservation to protect valued cultural and ecological resources (pg. 1-2 VGG YG 2009).

10.4 How: Sources and Techniques for Considering Traditional Knowledge

Elders and other community members were consulted throughout the process to gather, document and map traditional land use, wildlife and cultural areas. NYPC worked with Old Crow Elders and land users to collect, create, analyze and interpret resource information of the region (NYPC 2007). “Their knowledge is represented directly in the North Yukon land use plan” (pg. xi VGG YG 2009).

In 2004, the NYPC and plan partners held workshops with community members in Old Crow to gather and document local knowledge on wildlife, fisheries, and heritage. At the wildlife and fisheries workshops, community members provided input on significant current and historical areas for fish and wildlife. They discussed wildlife species groups and identified important use areas for each species. Local residents also identified and further mapped habitat suitability of three species of significant interest: caribou, moose, and marten. They participated in additional mapping workshops with biologists to identify the locations and relative value of habitats.

The Elders workshop on heritage documented land use and culturally significant areas, which are places where traditional land use activities occurred, including subsistence harvesting, travel routes, communities, and camps. Because culturally significant areas “may also be the place of stories or legends, [they] therefore represent an expanded concept of ‘heritage resources’ “ (pg. 3-14 NYPC 2007).

Community workshops in Old Crow between 2004 and 2006 provided information on land use and the traditional economy.

Information from the local knowledge workshops contributed to the identification of important ecological areas for conservation.

All the local knowledge from the wildlife and cultural workshops was documented and mapped.

The NYPC also gathered, summarized and mapped previous TK work done in the region by the VG Oral History Project (1999), other organizations, the Dene/Metis Mapping Project (1989), and the Mackenzie Delta Beaufort Sea Regional Land Use Planning (1991) for the Tetl’it Gwich’in areas of cultural significance (pg.5-17 VGG YG 2009). The NYPC identified Vuntut heritage routes and sites of special significance from the VGLCA. They worked closely with the VGG and other government and non-governmental organizations in Old Crow to gather TK about current VG land use.

10.5 Content: Traditional Knowledge in the Planning Process and the Plan **Planning Process**

The NYPC (2007) developed a Resource Assessment Report (RAR) that included detailed descriptions of social, cultural, heritage, economic, and ecological resources and interests in the region and highlighted management issues. Scientific and local/traditional knowledge were collected and considered equally” (pg. iii NYPC 2007). The results of the local knowledge workshops and other work with community residents are summarized and mapped in the RAR.

The RAR description on biophysical setting includes over 51 pages of detailed scientific information and references about the physical environment, ecosystems, climate change, and wildlife. There are lengthy species lists that are only in English. Following this section are lengthy sections on the wildlife and fisheries information collected and mapped from the local knowledge workshops.

The workshop on local wildlife knowledge “spanned the period from the 1930’s to present, although many of the stories told at the workshop reflected a historical knowledge base much older than this time period” (pg. 2-75 NYPC 2007). The section acknowledges that “while the

workshop information identified general areas of significance to wildlife, most of the identified areas are important cultural areas as well...Many of the observations are associated with stories that are not adequately captured in this type of summary” (pg. 2-78 NYPC 2007). While the RAR notes the breadth and depth of local knowledge and the significance of stories and even the limitations in trying to capture it in a summary, the RAR does not attempt to convey the local knowledge in any way other than the descriptions of species and uses. No stories or quotes by community members are included.

In gathering TK, local residents identified the Porcupine Caribou Herd, wetlands, lakes and rivers as the most significant heritage and cultural areas. The connection between environment and culture is noted - “Given the close relationship between Vuntut Gwitchin culture and traditional economy, these ecological resources are also cultural values” (pg. v VGG YG 2009). They also had great concern over the cumulative effects of development.

The RAR section of Human History summarizes previous scientific research about human history and traditional land use in the region, some of which drew on the traditional knowledge of Vuntut Gwitchin. It also summarizes the culturally significant areas identified from the VGFN Oral History Project and the NYPC Elders workshops in a table and map of over 200 sites. Most are described as an area for hunting, fishing, trapping, a cabin, or a village. Several are noted as having high cultural significance. Only one mentions a story associated with the site. The period of use is noted as ‘historical’ or ‘historical and current’.

The section does not elaborate on the cultural significance of these areas, but summarizes the findings, for example:

“for Vuntut Gwitchin, land use, culture and traditional economy are interconnected”;
“subsistence hunting, fishing, and plant gathering remain important cultural and economic activities in Old Crow” (pg. 3-29 CHECK).

The RAR section of the Traditional Economy key findings make cultural connections:

“subsistence harvesting and traditional economic activities play an important role in the maintenance of VG culture and community well-being” (pg. 4-103 NYPC 2007);
“the cultural value of harvesting, and the spiritual connection between VGFN citizens and wildlife, cannot be converted to a monetary value. It is invaluable, and must be recognized as central to the continuation of VGFN culture (pg.4-107);
“It is difficult to say with certainty to what level future Old Crow residents will participate in traditional economic activities...Future generations may not choose to participate in traditional economic activities, but future generations should have that option” (pg.4-107 NYPC 2007).

The NYPC developed a “results based management framework” to examine the issue of cumulative effects in their planning process and to present a system for monitoring cumulative land use effects once the NYLUP was implemented. The framework is explained in the RAR. It makes the link between the two focal species identified by the community (caribou and moose) and the need to document human-caused disturbance. The calculation of human-caused disturbance includes the spatial area of cabins clearings and community use trails. The section does not refer to the VGFN rights to use these areas as reaffirmed in the VGLCA. The section makes no reference to TK or whether these concepts to determine disturbance were discussed at the local knowledge workshops, although it makes clear that cumulative effects were a key concern for residents. Primarily though, the framework is described in scientific, ecological terms:

“given their potentially significant ecological consequences, human-caused surface disturbance and linear features may be considered relevant and practical indicators of cumulative effects, and overall ecological integrity” (pg. 4-128 NYPC 2097).

The local knowledge workshops contributed the TK that was considered along with scientific knowledge to identify important ecological areas and cultural areas for conservation priority that lack formal legislated conservation designations.

Planning issues to be addressed by the NYLUP came from examining the potential land use impacts on the ecological, heritage and cultural resources identified at local knowledge workshops and through scientific research. The issues were oil and gas activity, roads, gravel extraction, habitat disturbance, climate change, conservation, and cumulative effects management (NUPC 2007). The NYPC also examined previous work on issues that had been raised by VGFN in an earlier planning process.

Plan

Gwich'in language Use

- Title of plan
- A one page section on “Plan Highlights”
- Some place names in the text (Van Tat - Old Crow Flats);
- Name of one of 13 Landscape Management Units

No definition of TK. The NYLUP uses the term “local knowledge”.

Plan Principles and Goals (s. 1.4, 1.5)

The NYLUP does not include a vision statement for the region, although the “Message from the Chair” letter presents a type of vision from the Commission.

The NYPC developed four principles to guide planning: sustainable development, precautionary principles, conservation, adaptive management. The conservation and sustainable development definitions from the VGLCA are included. The NYPC identifies sustainable development as the “core principle” of the plan, using the definition from the VG LCA:

“beneficial socio-economic change that does not undermine the ecological and social systems upon which communities and societies are dependent.”

Other than using the definitions from the VGLCA the principles are not described using Indigenous concepts such as those expressed in the preface in the ‘Message from the Chair’.

Plan Goals are:

- Promote sustainable development by ensuring that social, cultural, economic, and environmental policies are applied to the management, protection, and use of land, water and resources in an integrated and coordinated manner;
- Maintain terrestrial habitat;
- Maintain aquatic habitat;
- Maintain integrity of wetlands, lakes, rivers, and sensitive permafrost areas;
- Recognize, conserve and promote the heritage and cultural resources and values of the Vuntut Gwitchin, other affected First Nations, and the Yukon;

- Facilitate economic development opportunities and activities that result in socio-economic benefits to the community of Old Crow, other affected First nations and Yukon as a whole, and that meet the sustainable development criteria established in this Plan.

The Plan Goals reflect concepts such as working in an integrated and coordinated way, sustaining wildlife, maintaining ecological integrity, which reflect the 'Messages from the Chair' where Indigenous teachings are referenced, but does not elaborate. For example, the section does not elaborate on the cultural resources and values mentioned.

Description of the Planning Region (Chapter 2)

The description of the planning region follows the format of the goals, dividing it into 'environment', 'people', 'economy'. The introduction describes the planning region as "part of the vast Gwich'in homeland" (pg. 2-1 VGG YG 2009). The 'environment' and 'people' sections are very brief, presenting scientific descriptions and population demographics. The economy section is the longest and states the region has a mixed economy, in which:

"traditional subsistence harvesting and wage-based activities co-exist. Subsistence hunting, gathering, trapping are still very important economic and cultural activities in Old Crow. A high participation rate in the traditional economy is important to the maintenance of Vuntut Gwich'in culture, ties to the land, and community well-being" (pg. 2-3 VGG YG 2009).

The section on "Significant Ecological and Cultural Values" (pg. 2-5 VGG YG 2009) indicates that "the land, people and wildlife share a common past; they have co-existed for several thousand years". It then describes cultural values of Beringian and historic features - the evidence of human occupation in the Bluefish Caves, caribou fences as "cultural artifacts", and historical sites such as seasonal Gwich'in communities. It states "some heritage trails and routes are still used to travel between communities and to reach areas for hunting, trapping and fishing". There is no fuller description of Gwich'in ongoing connection and relationship with the land.

This section identifies the two values considered most significant by residents during preparation of the plan. The Porcupine caribou herd is recognized as "the most significant and culturally important wildlife resource" and "the mainstay of Gwich'in culture for at least 20,000 years". The section also notes that wetland complexes have "cultural significance" as homeland, subsistence use areas, and travel corridors.

Despite the extensive local knowledge workshops, where some knowledge was shared as a story, very little information from these workshops is used to describe the region. No stories or quotes by community members for example, are included.

Plan Direction (s. 3.1, 3.2, Chapter 5)

Tools used to manage land use in the region are a zoning system for landscape management units, a 'results based management framework' to manage cumulative effects, and general management directions.

The NYLUP identifies three broad types of zones: Protected Area; Integrated Management Area (IMA); and Community Area. The Protected Area zone is for the highest level of legal protection. Four IMA zones are the "working landscape" where varying values and sensitivity of the land determine the type and level of acceptable land use.

The planning region is divided into 13 management Landscape Management Units (LMUs) (Chapter 6). The description for each LMU includes values of ecological resources, heritage, social and cultural resources, and economic development, and special management conditions. The heritage, social and cultural values include heritage routes and sites, other heritage and historic resources, and current community use areas. The NYLUP states that the values are described in detail in RAR, but as with the RAR, the NYLUP does not present TK about broader cultural concepts than sites, uses and resources.

The NYLUP identifies two areas for new protected areas (Chapter 4), which reflect the community values of the Porcupine caribou herd and wetlands. The areas are described as being “area of conservation interest for local community residents, Yukoners, and other Canadians”. The values of the areas are described as ecological resources, traditional use and culturally significant areas, seasonal harvesting use, subsistence and cultural use area. The Summit Lake – Bell area is described as containing “some of the highest wildlife, fish, cultural, and heritage values in the region, including important concentrated use areas for the Porcupine Caribou Herd” (pg. 4-4 VGG YG 2009).

Land use in each LMU is to be managed to achieve the goals and objectives for the region using a “results-based management framework” presented in the plan.

Cumulative effects of land use activities were a major concern expressed by local residents. The zoning system along with the ‘results-based management framework’ are the plan tools for monitoring and responding to cumulative effects.

Two measures are used as indicators of the level of cumulative effects: the amount of an area disturbed by human activity and the total length of human-created linear features like seismic lines, roads, and trails. The plan sets the levels of these indicators that signal risk of undesirable effects on ecological or cultural resources.

By monitoring these indicator levels of cumulative effects, land use can then be managed to balance potential risks to ecological and cultural resources with the benefits of economic development.

Although the plan notes that disturbance “results in increased risk of damage to valued ecological and cultural resources and that social and economic values can also be affected” (pg. 3-6 VGG YG 2009), the only indicators presented are ecological integrity ones. By measuring disturbance levels that could affect ecosystem functioning and in turn, Porcupine caribou, the framework addresses the high level of community concern over this ecologically and culturally significant species. The NYLUP doesn’t indicate the extent to which TK was taken into account setting the acceptable levels of disturbance.

The NYLUP acknowledges that additional indicators to measure sustainability should be developed. It suggests for future consideration socio-economic indicators to do with time on the land (as a measure of participation in subsistence economy and traditional pursuits), availability of community use areas, and income (pg. 7-4 VGG YG 2009).

The description of the ‘results-based management framework’ in the NYLUP makes no reference to how traditional knowledge was applied. Primarily, the framework is described using scientific

knowledge. For example, the levels set in the NYLUP as indicators of cumulative effects are described as “a theoretical point between acceptable and unacceptable level of human-caused disturbance” (pg. 3-6 VGG YG 2009). Porcupine caribou and moose are mentioned in a footnote but the NYLUP doesn’t explain how local knowledge was considered in developing the system.

The General Management Directions (Chapter 5), which apply to all the Integrated Management Areas, are presented according to the six plan goals. Under each goal are objectives and strategies, followed by recommendations and best management practices. The management direction reflects community input that identified community values to be protected. For example, the discussion of ecological resources states “Vuntut Gwitchin and other First Nations have relied on wildlife and fish resources of the region for thousands of years” (pg. 5-7 VGG YG 2009). The Porcupine Caribou Herd is identified as “the most important and valued ecological and socio-cultural resource in the region” (pg. 5-9 VGG YG 2009). The management priorities focus on areas of concentrated caribou use. The management directions are to protect or reduce impacts on the community values – often by avoiding sensitive areas or timing. The sections do not explain whether or if traditional knowledge was used to develop the management directions.

References to marten as being “poorly understood”, level of understanding of fish and fish habitat “is generally considered poor”. Not clear if this refers to both scientific and traditional knowledge.

An example of using scientific and not traditional knowledge is in the description of wetlands. Even though the NYLUP recognizes the cultural significance of wetlands, the definition of wetlands is given as “all open water aquatic environments, both lentic (still water) and lotic (moving water) features and their adjacent environments” (pg. 5-13 VGG YG 2009). Nowhere is there a description based on TK of these wetlands.

The Heritage Resources section focuses on:

- Historic resources - sites and objects older than 45 years;
- First Nation heritage resources including VGFN camps, cabins, historical gish traps, travel routes, harvest areas, caribou fences;
- Community use areas that are important locations for current subsistence harvest activities, cultural pursuits, and travel;
- Cultural resources including places and locations associated with events, stories, and legends.

The issues are identified as:

- Conservation and maintenance of significant heritage and community use areas to maintain the First Nations traditional economy;
- First Nations opportunity to participate in traditional economic activities and other cultural pursuits depend on the continued availability of and access to heritage and cultural areas;
- Conflicts between community use and conservation of heritage values and future industrial land use impacts.

Management objectives and strategies are primarily to minimize impacts and land use conflicts on use areas, sites and resources. The NYLUP identifies the heritage routes identified by VGFN in accordance with the VGLCA. Despite extensive collection and mapping of local knowledge, the

plan mostly presents a 'resources' and 'uses' approach with general statements about significance of some species and habitats. It does not portray the rich wealth of knowledge shared at the workshops in Old Crow.

The Economic Development section includes as an objective:

"maintain opportunities for a mixed economy to continue where traditional subsistence harvesting and cultural activities and wage-based economic activities co-exist, ensuring long term maintenance of First Nation culture, people's connection with the land, and their well-being" (pg. 5-22 VGG YG 2009).

Included under Economic Development is a discussion of traditional economy, which is "vital to maintaining Vuntut Gwich'in culture, community well-being, and ties to the land" (pg.5-27 VGG YG 2009).

10.6 Summary Observations on Traditional Knowledge and Land Use Planning

- NYLUP was developed in consultation with VGFN citizens but the NYLUP itself portrays very little of the experience and knowledge shared. The message from Chair describes some broader Indigenous concepts.
- The NYLUP has no vision statement, which is an important place to define underlying values.
- Principles don't address well-being as it relates to the land, not just to economic development.
- The NYLUP has summary statements that acknowledge cultural values and their links to traditional economy, key species, and areas, but there is little elaboration.
- Results based management framework is described in western scientific terms without indicating how traditional knowledge was applied other than choosing Porcupine caribou as the focal species.
- Protection of ecosystems is primarily the means to protect the cultural values of Gwich'in such as caribou, without a lot of discussion about the landscape level cultural values themselves.
- Heritage section focuses on use areas, sites, resources. Focuses on the traditional economy, mixed economy. The short discussion of community use areas presents a concept of the relationship between land and well-being:
"The use and enjoyment of community areas depends on the continued health of the land, water, and ecosystems. The long term availability and health of community use areas contributes to the maintenance of Vuntut Gwich'in culture and assists in providing economic opportunities within the regional mixed economy"(pg. 5-21 VGG YG 2009).
- No cultural landscape concept is mentioned.
- RAR has a very in depth presentation of previous scientific research on environment, human history. Traditional knowledge is summarized and not as in depth. Identifies and maps sites, features, trails, areas, current land use and traditional economy.
- Some of the language of the plan reflects colonizing planning practices. For example, inserting the word "still" when describing activities – "while people generally do not spend as much time on the land as they did a generation ago, a large proportion of Old Crow residents still participate in traditional economic activities and spend time on the land" (pg. 4-104). For example, the focus on the time period of use as historical, historical/current). Another example - "While most residents dress in contemporary purchased clothing, a large number of special or functional clothing items are still produced locally" pg. 4-106 "Still" suggests a

judgement that the activity still occurs as if some relic of a past event. Attempts to measure “participation rates - time on the land” or commenting on how VGFN dress, do not capture VGFN’s own expression of who they are, their relationship to land, and their culture to portray their vibrant culture that has the continuity of millenia.

Cabins and community use trails are characterized as “human caused disturbance”, without acknowledging the rights of VGFN to use of these areas even if they were to be included in measures of the cumulative extent of cleared vegetation.

10.7 References

NYPC. 2007. *North Yukon Planning Region Resource Assessment Report*. Nypc.planyukon.ca

VGG YG. 2009. *North Yukon Regional Land Use Plan. Nichih Gwana’in – Looking Forward*. Vgfn.org