

Planning in the Contact Zone: Indigenous Cultural Heritage Management in the Salish Sea

by

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Abstract

Indigenous cultural heritage (ICH) around the world is being lost at a rapid rate, due to factors such as increasing development, private property rights, and colonial planning schemes. This research focuses on the island of Xwe'etay/ Lasqueti in the Salish Sea of British Columbia as a case study for better understanding the intersection of planning, property, and ICH management. Through 20 semi-structured interviews with local planners and knowledge holders, a 34-question survey to gain insight into local residents' perceptions of ICH, community-based participatory research, and in-depth literature review, I identify the barriers and potential pathways for planners to improve ICH management. This research finds that current top-down regulations and policies that guide heritage management practices are failing to effectively protect remaining ICH and instill a sense of uncertainty and fear among settler residents. The primary barriers to improved ICH conservation that local planners are facing include limited decision-making power, community resistance to regulation, path dependency, resource and capacity limitations, and a gap in knowledge. The findings reveal that engaging First Nation and settler community members in ICH conservation, active relationship-building, and knowledge mobilization may relieve some of these barriers.

Keywords: Planning; Indigenous cultural heritage; Community-based research; Archaeology; Decolonial research; Indigenous self-determination

Dedication

To my mom, for being a constant warm light in my life. You approach the world with such tenderness and honesty.

Thank you for always listening to me, trusting me, and believing in me.

Your love is a nest that I'll always come home to.

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I would like to acknowledge the x^wməθkwəyəm (Musqueam), Skwxwú7mesh Úxwumixw (Squamish), and Səlílwətał (Tseil-Waututh) Nations, whose lands and waters I call home. To all the Coast Salish First Nations, thank you for being caregivers of these lands and waters since time immemorial, and continuing to fight for a sustainable and resilient future.

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To our First Nation partners in this project, thank you for engaging with us and sharing your experiences and knowledge. The strength and bravery it takes to continue fighting for the rights of your ancestors, your communities, and your next generations inspires me.

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List of Acronyms

BC	British Columbia
BCG	Biogeoclimatic [zone]
CAA	Canada Archaeological Association
CDFmm	Coastal Douglas Fir moist maritime [biogeoclimatic zone]
CEA	Community-Engaged Archaeology
CBPR	Community-Based Participatory Research
CIP	Canadian Institute of Planners
DRIPA	Declaration on the Rights of Indigenous Peoples Act
FRPA	Forest and Range Practices Act
HCA	Heritage Conservation Act
HCATP	Heritage Conservation Act Transformation Project
ICH	Indigenous Cultural Heritage
ICOMOS	International Council on Monuments and Sites
LGA	Local Government Act
MMIWG	Missing and Murdered Indigenous Women and Girls
MOU	Memorandum of Understanding
NIMBY	Not In My Back Yard
OCP	Official Community Plan
PIBC	Planning Institute of British Columbia
QRD	Qathet Regional District
RAAD	Remote Access to Archaeological Data
SEA	Strategic Engagement Agreement
SSHRC	Social Sciences and Research Council of Canada
TRC	Truth and Reconciliation Commission
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNESCO	United Nations Educational, Scientific, and Cultural Organisation
WHC	World Heritage Convention
XLAP	Xwe'etay/ Lasqueti Archaeology Project

Glossary

Ancestors	Human remains (in the context of an archaeological site)
Belongings	Artefacts; heritage objects
Descendants/ descendant communities	Indigenous peoples/ populations
Lasquetian	Settler residents of Xwe'etay/ Lasqueti Island
Salish Sea	The waters and coastal areas that are home to Coast Salish First Nations, stretching from what is commonly referred to as Campbell River, BC, to Olympia, WA
Settler	A non-Indigenous person, usually of European descent
Traditional or ancestral lands	Unceded and treaty lands and waters that Indigenous communities/ nations lived on since time immemorial
Treaty lands	Lands and waters that are under legal jurisdiction of an Indigenous Nation through an Indigenous-Canadian Treaty
Xwe'etay	An island within the Salish Sea, also known as Lasqueti Island. Direct translation = yew tree

Chapter 1. Introduction

1.1. Research Purpose

Zapata and Bates (2021) describes colonised lands as a palimpsest: Indigenous lands, belonging, and ways of being are overwritten by settler perceptions of space and ownership. Not only are colonial physical structures built upon Indigenous lands, sacred spaces, structures, and technologies, but colonial systems overlay Indigenous ontologies and epistemologies. The palimpsest metaphor is useful in that it illustrates the many layers of colonial attempts of Indigenous erasure, but also because, just like a palimpsest, Indigenous Heritage persists on the landscape to this day. On fee simple private property, rights are granted to property owners and developers with little protection for the existing heritage that belongs to descendant communities. The problem of heritage management is therefore deepened by the colonial legal systems that uphold property rights and often allow the destruction of Indigenous cultural heritage (ICH). Though there are some measures in place to protect archaeological heritage, even on fee simple land, these are insufficient and often only require a permit to allow development. Additionally, the costs of permitting and archaeological assessments are commonly placed upon property owners, and the requirements and expectations of property owners are unclear and often cause confusion and fear. This results in animosity and fear and can have detrimental impacts on both relationships and ICH protection itself.

The purpose of this research paper is to explore the ways in which local planning interacts with ICH so that improved strategies for ICH protection may be established at the local level. Xwe'etay (Lasqueti Island) and its local governing body which manages land-use planning, the Islands Trust, is the central case study for this research with the hope that this can provide a model for wider use. This research is a part of the larger project titled "Protecting and Honouring Archaeological Heritage in the Salish Sea Through Community-Engaged Research," (hereafter referred to as the Xwe'etay/Lasqueti Archaeology Project, or XLAP), which is an interdisciplinary undertaking with the Archaeology department and the Resource and Environmental Management department at Simon Fraser University (SFU). This project has also partnered with 6 Coast Salish First Nations, including the Tla'amin, K'òmoks, Qualicum, Halalt, Cowichan,

and Wei Wai Kum First Nations, the Islands Trust, and the resident community of Xwe'etay. The main objectives of the larger project are to increase engagement between Indigenous and settler communities with ICH, to educate people about the archaeological record, to engage communities in sustainable community-based archaeological conservation, and to create a model for integrated top-down and bottom-up ICH management strategies for rural communities in British Columbia (BC) (Lepofsky, 2019).

This project aims to increase community awareness and care for ICH throughout the Salish Sea, as archaeological heritage is being rapidly lost and destroyed from development and a lack of awareness (Lepofsky, 2019). The United Nations Declaration on the Rights of Indigenous People (UNDRIP) and the Truth and Reconciliation Commission (TRC) have found that the protection of cultural heritage is a basic human right and is necessary for the safeguarding of diverse cultural identities (Lepofsky, 2019). The present system for managing ICH in BC has not been sufficient for fair, equitable, and effective protection. Therefore, this project aims to explore novel strategies for improving ICH conservation through both top-down regulatory changes as well as bottom-up community-engaged approaches (Lepofsky, 2019). Through collaboration with our First Nation partners, we hope to bring a decolonial and anti-racist lens to ICH management that may increase Indigenous self-determination over their cultural heritage.

This project is unique because it not only engages with descendant communities, but also with the resident settler community at Xwe'etay. Indigenous communities have been demanding improved protection over their heritage for many years, yet there has been minimal engagement (in both practice and theory) with settler people about this urgent problem (Lepofsky, 2019). A large barrier that currently exists to heritage protection is settler people's fear over financial and logistical impacts that may result from reporting archaeological heritage on fee simple land (Lepofsky, 2019). This often results in "stealth development," or the non-reporting of findings, and the loss of ICH (Lepofsky, 2019). By engaging and educating settler people about the archaeological record, Indigenous rights to their cultural heritage, and the processes and policies in place for ICH protection, we can encourage bottom-up advocacy for ICH conservation at the community level while simultaneously addressing community needs (Lepofsky, 2019).

Our method for community engagement has been to involve First Nation and settler communities in Community-Based Participatory Research (CBPR), which invites people to be involved in the research process (Lepofsky, 2019). This is an increasingly common approach to equitable and ethical research in both the archaeological and planning disciplines. CBPR in archaeological research is referred to as Community-Engaged Archaeology (CEA), which allows Indigenous communities to have increased control over their heritage. By also involving settler community members in CBPR/CEA practices, we can increase peoples' knowledge and care for ICH, and build cross-cultural relationships between descendant communities and settler peoples. The majority of the residents at Xwe'etay are currently white settler property owners who have attachment to their home and feel connected to the island (Lepofsky, 2019). Much of the archaeological record exists within fee simple land plots owned by these individuals, and they therefore play an important role in protecting and honouring ICH (Lepofsky, 2019).

Throughout this report, I hope to bring attention to these complex and nuanced issues. I often refer to colonial lands, particularly fee simple land, that holds ICH as a "contact zone," defined by Mary Louise Pratt (1991), as a meeting place of conflicting cultures with imbalanced power relations (Porter & Barry, 2016). I strongly believe that this contact zone may be reimagined as a place of growth, relationship building, and love. Ensuring that cultural heritage is not lost or destroyed is critical for sustaining past, current, and future generations' identities, and place in the world. Community caretaking, kinship, and nonblood kinship support, as described by Indigenous scholars Leanne Betasomasake Simpson (2013) as "decolonial love," and Jenell Navarro & Kimberly Robertson (2020) as "radical kinship," are practical pathways for transforming the contact zone into a place of growth and understanding, grounded in decolonial and anti-racist theory (Zapata & Bates, 2021).

The findings from this research will help to guide the planning and policy aspects of the XLAP project as it evolves in the coming years. Ultimately, a new model for how western planners within local government manage ICH will be established.

1.2. Positionality

I am a white, cis-gendered, able-bodied settler woman who has grown up on the stolen lands of the xʷməθkʷəy̓əm (Musqueam), Skwxwú7mesh (Squamish) and Səlílwətał (Tsleil-Waututh) Nations. My ancestors emigrated from Europe, primarily Scotland, beginning in the mid-1700s up until the mid-1900s to settle in what is now referred to as the East Coast of Canada prior to moving westward to what is now referred to as Vancouver, BC. My family is progressive, compassionate, supportive, and loving. I recognize that I can attend university and live a healthy and comfortable life because of the heritage that I have, and that I benefit from neoliberal, capitalist hegemony. Further, this research is funded by the Social Sciences and Humanities Research Council of Canada (SSHRC) and was made possible through my attendance at Simon Fraser University – two colonial institutions for which I am incredibly grateful. However, it is important to acknowledge the history of such colonial institutions in the perpetuation of class and racial power imbalances. My identity has allowed me these opportunities, which in many instances are not available to marginalized people.

I realize that I undoubtedly approach this research through a privileged lens and can never fully understand the lived experiences and generational truths of Indigenous and other marginalized peoples. As I explore the topics of Indigenous cultural heritage, racial property regimes, and community planning, I will unpack the systemic and structural foundations to ICH destruction. I do not wish to victimize Indigenous peoples or subsume their diverse identities or ways of life within settler-colonial thought. Rather, I hope to describe the existing barriers and provide potential pathways for honouring and protecting ICH. My experiences and research throughout this project have influenced my perspective on the benefits of diverse cultural communities working together through action-based allyship.

Finally, I understand that through positioning myself and identifying as a white settler does not remove me from historical, ancestral, and ongoing colonisation and acts of violence towards Indigenous and othered peoples. My intention in including this section is to make clear the position from which I perform research and navigate the world, rather than attempting to absolve or remove myself of the harms of settler colonialism. The term “settler,” is a contentious one, as described by Snelgrove et al. (2014) as having various meanings and frameworks to different people and within

different contexts. For example, “settlement” to a refugee may mean something very different than to the experiences of someone who immigrates by choice (Snelgrove et al., 2014). “Settler” can also imply post-colonialism, or a state of confirmed belonging of non-Indigenous peoples (Snelgrove et al., 2014). I use the term “settler” throughout this research and in my positionality as meaning “settler-coloniser,” i.e., descending from colonising ancestors, and perpetuating and benefitting from the legacy of the imperial, capitalist, neoliberal state. It is a term that is intended to discomfort and force unsettlement.

1.3. Location within the Literature

The research provided in this report sits at the intersection of planning and archaeological heritage literature. It builds upon decolonial thought pertaining to anti-colonial understandings of planning, property, and Indigenous cultural heritage. By bringing the topic of private property to the forefront of heritage planning, this research works to fill the gap in literature that exists between planning, private property, and racial property regimes (Barry et al., 2018; Blomley, 2017; Dorries, 2022) and links local planning with archaeological heritage management.

Through exploring community-centred approaches to planning for ICH protection, this research is land-based and relational. On the other hand, I also explore regulatory approaches to ICH protection and navigate the policy that currently guides heritage management in BC. These two research pathways are at times opposing but may also complement each other. Land-based relational frameworks support Indigenous self-determination and resurgence through bottom-up avenues, while policy and regulatory transformations can legitimize these processes within state systems.

This research also falls within a two-eyed seeing framework, defined by Mi'kmaw Elder Albert Marshall (2004) as “learning to see from one eye with the *strengths* of Indigenous knowledges and ways of knowing, and from the other eye with the *strengths* of Western knowledges and ways of knowing, and to using both these eyes together, for the benefit of all” (Bartlett et al., 2012, p. 335). This framework carefully avoids subsuming Indigenous knowledge into hegemonic systems and works to support the resurgence of Indigenous worldviews and nationhood.

1.4. Research Questions

The XLAP project explores the following questions as per the project proposal (2019):

- How can community-centered archaeology enhance heritage conservation and management?
- How can community-centered archaeology improve relationships, awareness, and knowledge among Indigenous and settler communities regarding heritage management?
- How can we build capacity for heritage management at the community level?
- How can senior governments support the implementation of community-based archaeology?

This report provides the foundation for further policy, planning, and heritage management research within the XLAP project context, to help in answering some of the above questions. The central question guiding this research paper is “how can local planning enhance Indigenous cultural heritage conservation and management?” Which has been further broken down into the following questions which guide subthemes within this report:

- How does planning intersect with heritage management?
- How can community-engaged archaeology inform planning to improve heritage management?
- How does the colonial-racial property regime play a role in heritage (mis)management?
- What are the regulatory barriers to enhancing heritage protection in the Salish Sea?

1.5. Report Structure

The remainder of this report is broken down into the following sections:

Chapter 2. Literature Review is broken into two categories: Indigenous Cultural Heritage (1) and Local Planning and Indigenous Cultural Heritage (2). The first category explores the definition of heritage from various perspectives and cultural worldviews to create a foundation for understanding the importance of cultural heritage protection. It

then describes how heritage is managed on global, national, and local scales before providing an overview of heritage destruction. The second category explores the definition of local planning within theory and practice, then examines the colonial roots of western planning within the Canadian state. Following this, I provide an overview of heritage planning and the complexities of managing heritage on private property within Canada.

Chapter 3. Research Methods and Case Context is broken down into the methods, case context, planning context, and regulatory context of this research. The research methods give an overview of the processes of information gathering, including surveys, interviews, community-based field work, and literature review. The case context provides an overview of the geography of Xwe'etay (Lasqueti Island) and the social histories and context of the Indigenous and settler peoples that have inhabited the island. The planning context section provides an overview of the structure of local planning at Xwe'etay before describing the local and provincial regulatory context of ICH management in BC.

Chapter 4. Research Findings is broken into 5 sections, each which include their own subsections. The 5 sections are derived from analysis of the research gathered throughout this project, and include: jurisdiction and planning scope, regulation and enforcement, structural and industry barriers to ICH protection, capacity and resource limitations, and settler-colonial culture and systemic barriers.

Chapter 5. Discussion provides a subjective review of the findings in relation to the literature review. This section entails the culmination of this research through critical analysis and is broken down into 5 sections: Structural and Regulatory Barriers to ICH Protection, Regulation and Anti-Regulation, Fear and Uncertainty, Indigenous Self-Determination over Heritage, and Decolonial Planning in the Contact Zone.

Chapter 6. Recommendations and Conclusion, includes a brief, point form summary of recommendations based on the previous section and final concluding remarks.

Chapter 2. Literature Review

2.1. Indigenous Cultural Heritage

This section explores the current literature surrounding ICH. To better understand the impacts of heritage destruction, I begin with defining heritage and its significance to Indigenous communities. After this, I examine heritage management on global, national, and local scales before ending with a section on heritage destruction.

2.1.1. What is heritage?

There are many different definitions of “heritage.” Heritage is generally understood by Western cultures as encompassing a part of a culture’s identity that has been passed down through generations. However, it’s important to note that different cultures understand and experience heritage in vastly different ways. Western societies tend to consider only the “tangible” (i.e., built, material) aspects of heritage in its definitions and policies (Schaepe et al., 2020). All cultures around the world value the intangible aspects of their heritage, including the stories, art forms, languages, ceremonies, and worldviews that make any culture unique. Settler colonial cultures, however, tend to only include tangible aspects of heritage within their policies and protection measures. This is apparent in the BC Heritage Conservation Act (HCA), the primary governing document for heritage management in BC, which includes only definitions of “heritage objects,” “heritage sites,” and “heritage values,” the latter pertaining to the value or “usefulness” of a “site or object” (Heritage Conservation Act, n.d.).

This limited understanding of heritage lacks any consideration of intangible, or “living” heritage, which may include stories, oral histories, songs, dance, ceremonies, language, experiences, worldviews, memories, and teachings, all of which are vital aspects of ICH (Schaepe et al., 2020). It’s important to note that “living” ICH means that elements of cultural heritage do not necessarily exist only in the past, but rather, they exist throughout time, including the present and future (Schaepe et al., 2020). These intangible elements of heritage, which themselves vary between cultures, are necessarily interdependent with tangible heritage, often providing the meaning and importance to tangible elements (Nicholas, 2022; Schaepe et al., 2020). It’s possible that

settler colonial societies do not include the intangible elements of Western cultural heritage within their protection measures and policies because they are seemingly unthreatened.

The majority of heritage protection measures around the world often lay emphasis on Eurocentric or colonial buildings and other structures (Gandhi & Freestone, 2008), whereas many Indigenous cultures may emphasise the importance of things such as sacred landscapes, ancestors, belongings, culturally modified trees, cultivated food gardens or forests, middens, trails, hunting and fishing grounds, and other elements that are essential to a community or nation's identity and way of life. How Indigenous peoples perceive, value, create, and tend to their heritage varies vastly between Nations, as described by the Indigenous Heritage Circle, an Indigenous-owned organisation for advancing cultural heritage knowledge:

“It is difficult to find a direct translation for cultural heritage in Indigenous languages. The closest translations often relate to the sacred, or to knowing oneself. Indigenous Peoples understand and describe cultural heritage according to their distinct perspectives, traditions, and languages. For Indigenous Peoples, cultural heritage refers to ideas, experiences, objects, artistic expressions, practices, knowledge, and places that are valued because they are culturally meaningful, connected to shared memory, or linked to collective identity. Indigenous cultural heritage cannot be separated from either Indigenous identity or Indigenous life. Indigenous cultural heritage can be inherited from ancestors or it can be created by people today as a legacy for future generations.” (What is Indigenous Cultural Heritage?, 2019).

Through an ICH lens, heritage is identity, place, knowledge, worldview, community, and practices – all dependent upon each other and continually being tended to and re-created through time. This understanding of heritage is important for fully grasping the impacts of heritage destruction, making it clear that destroying heritage not only ruins belongings, but may eliminate a persons' or communities' identity, place in the world, ability to perform cultural practices and language, or tend to their ways of knowing and worldviews. It's clear that ICH encompasses much more than what existing policies are designed to protect. The Indigenous Heritage Circle and the First People's Cultural Council define the safeguarding of ICH as an inherent human right (Aird et al., 2019; What is Indigenous Cultural Heritage?, 2019).

In BC, heritage, including ICH, is generally both defined and managed through colonial state legislation, which places value on particular elements and types of heritage (Schaepe et al., 2020). Yet as Nicholas (2017) asks, “How can outsiders make decisions about someone else’s heritage when they are unaware of or don’t understand local values, needs, and consequences?” (Schaepe et al., 2020, p. 15). Defining Indigenous cultural heritage and designing the processes and protocols for its management must be done by members of that community or nation. For the sake of this research paper, “heritage” and “ICH” are understood as the various, evolving, interconnected tangible/intangible elements of a culture belonging to a community or nation throughout time that are linked to cultural identity, as defined by those who belong to that community or nation.

Though our project has a focus on archaeological heritage, it’s key to remember that any archaeological findings (i.e., tangible ICH) are directly and necessarily connected to intangible heritage. The living elements of heritage, such as story, ceremony, worldview, and knowledge are what give archaeological heritage its value. Descendant communities provide the meaning for their archaeological heritage, which in turn confirms and strengthens their identity in a fluid and living reciprocal relationship. Elements of intangible heritage give meaning and importance to tangible archaeological heritage, which then deepens peoples’ connection and understanding to their cultural heritage as a whole. We therefore cannot separate any parts of cultural heritage and must be critical of the impacts of colonial heritage policies which create this dichotomy.

2.1.2. Heritage Management on a Global Scale

The United Nations Educational, Scientific, and Cultural Organization (UNESCO), founded in 1945, created the International Council on Monuments and Sites (ICOMOS) advisory body in 1965 to manage heritage sites, buildings, and monuments at the supranational level (ICOMOS, 2011). In 1972, UNESCO adopted the World Heritage Convention (WHC) to encourage member states to protect their natural and cultural heritage sites (Centre, n.d.). As of 2020, 194 states have ratified the convention (Centre, n.d.). In addition to managing the World Heritage Fund, the WHC also created the World Heritage List, a publicly available record of heritage sites across the globe (Centre, n.d.). Member states are required to nominate, design protection plans, and

regularly report on heritage sites within their borders, based on guidelines and definitions determined by the WHC (Centre, n.d.).

Gandhi & Freestone (2008) argue that the WHC focusses primarily on European and Christian heritage globally. It has also divided heritage into two distinct categories: natural heritage and cultural heritage, the latter including anything from architecture to archaeology (Gandhi & Freestone, 2008). This binary distinction between 'natural' and 'cultural' heritage sites ignores and discredits non-European/western ways of knowing, including Indigenous epistemologies and experiences of heritage (Gandhi & Freestone, 2008). Although there have been changes to UNESCO guidelines over the last 20 years, including the consideration of diverse cultures, intangible heritage, and cultural landscapes, gaps still exist for providing effective ICH protection, including a lack of strategies to reach measurable goals (Archibald, 2020). The 2005 UNESCO Convention for the Protection and Promotion of the Diversity of Cultural expressions, as well as the adoption of UNDRIP in 2007 and the 2018 UNESCO Policy on Engaging with Indigenous Peoples have been significant steps in advancing Indigenous heritage protection and rights, yet ICH destruction still continues at a concerning rate (Archibald, 2020; Datta & Marion, 2021).

In westernized settler-colonial nations, state governments overwhelmingly place value on colonial heritage. States often only value Indigenous heritage that is pre-contact, further disregarding diverse cultural understandings and relationships with heritage, such as living heritage (Gandhi & Freestone, 2008). Finally, colonial museums and institutions, including archaeological, genealogical, and anthropological researchers have a long history of mistreating ICH (Nicholas, 2022). Accounts of belongings and ancestors being stolen and researched without the consent of descendent communities can be found in many countries (Nicholas, 2022), and Canada is no different.

2.1.3. Heritage Management in Canada

In the 1700s, French and British explorers began colonizing the lands and waters that we refer to today as Canada. After Canadian confederation in 1867, federal and provincial/territorial governments shared jurisdiction over heritage management across the country (Pokotylo & Mason, 2014). By the late 1800s, ICH was recognized as being threatened by colonial expansion across North America. This led to the federal

government's mandate to protect ICH through the Geological Survey of Canada's Anthropological Division in 1910, with the goal of collection and preservation (Pokotylo & Mason, 2014). Following this, various archaeological heritage protection measures were devised by federal and provincial/territorial governments, though these measures denied Indigenous communities of any substantial control or determination over their belongings (Pokotylo & Mason, 2014). Moreover, museums across Canada have held exhibits of ICH without consent and which are displayed through a colonial lens (Pokotylo & Mason, 2014). The colonial control and interpretation of Indigenous heritage has led to protest and various court cases, resulting in the 1966 Canada Archaeological Association's (CAA) First Nations Archaeology Committee to review ethical guidelines and protocols between Indigenous communities and archaeologists (Pokotylo & Mason, 2014). The Supreme Court of Canada's ruling that the Crown has a duty to consult and accommodate First Nations on matters of concern is also significant for ICH management (Pokotylo & Mason, 2014).

Although these guidelines and changes over the years are positive, there is still a long way to go in upholding and respecting Indigenous self-determination over their cultural heritage (Nicholas, 2008, 2022; Pokotylo & Mason, 2014). In many cases, federal and provincial/territorial governments still have decision-making authority over ICH, museums still hold stolen belongings, and Indigenous peoples are still fighting for representation and control over their heritage across the country (Nicholas, 2008, 2022; Pokotylo & Mason, 2014). Canada is lagging behind other countries in respect to comprehensive federal ICH legislation and is falling short on upholding its commitments to Indigenous reconciliation and rights and title (Pokotylo & Mason, 2014). Today, Parks Canada manages cultural heritage on Parks Canada lands through the Archaeological Services Branch, and the Historic Sites and Monuments Act designates (but doesn't actually protect) places of national significance. Jurisdiction over heritage is otherwise held by provincial and territorial governments (Cullingworth, 2017; Pokotylo & Mason, 2014).

A central means for Indigenous communities asserting control over their heritage in Canada is through treaty negotiations, which often include rights to authority over their heritage and archaeological resources within treaty boundaries (Dent, 2017). However, for traditional lands outside of treaty lines, and for Nations without treaties (as is the case

for most First Nations within British Columbia), Indigenous communities must find alternative pathways to protecting and accessing their own heritage (Dent, 2017).

2.1.4. Heritage Management in BC

First Nation peoples have been living in the region we refer to today as British Columbia since time immemorial, clustered as unique, diverse language groups across the province (Klassen et al., 2009). During colonization and the introduction of the *Indian Act* (1876), First Nations were dispossessed from their lands and waters, and divided, sorted, and forced onto parcels according to the reservation system. Most First Nations in BC did not sign treaties or cede their lands or waters (Klassen et al., 2009). Today, although there are around 200 unique First Nations within the province, the landscape is dominated by settlers and the colonial state through institutional and cultural hegemony (Angelbeck & Grier, 2014; Klassen et al., 2009). This history of harm and distrust, in combination with the hundreds of unique First Nations (each with their own practices, protocols, and expectations regarding heritage management), the lack of determination and authority that First Nations have over their traditional lands, and the absence of comprehensive federal heritage legislation, has produced unique challenges (and, perhaps, opportunities) for ICH management in BC.

Cultural heritage management in BC is within the purview of the provincial government. The archaeology branch is the primary authority on archaeological resources, and the HCA is the principal legislative document that guides procedures (Aird et al., 2019). All registered archaeological heritage sites and belongings are protected under the HCA, as well as all archaeological heritage that pre-dates 1846, burial places and ancestral remains, rock art, and heritage wrecks (*Heritage Conservation Act*, n.d.). However, this measure of protection is relatively weak, since sites may be altered and damaged so long as they are assessed, inventoried, and approved for development through a permit (Heritage Conservation Act, n.d.; Schaepe et al., 2020).

ICH management in BC also varies depending on the location of the site. First Nations with treaties often include heritage rights within their agreements and can subsequently develop their own heritage policy to exert on treaty lands (Dent, 2017). Treaties provide an opportunity for First Nations to gain full jurisdiction and control over

their lands and heritage (in theory), though they are still schemes of authority granted by the Canadian State and therefore subject to the colonial system that they operate within (Dent, 2017). Treaty negotiation and implementation can take many years to come into effect, and therefore some First Nations have entered into semi-formal agreements with the province to be more involved in heritage management processes (Dent, 2017). Examples of this include Memorandum of Understandings (MOUs) and Strategic Engagement Agreements (SEAs) between various First Nations or groups of First Nations and the archaeology branch to increase engagement and consultation during heritage management processes (Dent, 2017). Angelbeck & Grier (2014) also describes cases of collaborative archaeological heritage management between independent archaeologists and First Nations which have been successful in upholding the expectations of the Nations involved. Other types of agreements between First Nations and Canadian governing bodies have been applied to particular places, such as the Kweh-Kwuch-Hum Spiritually Designated Area, which is an agreement between the Chehalis First Nation and the provincial Ministry of Forests (Chilliwack Forest District, 2008; The Chehalis Indian Band and the Chilliwack Forest District, 2008). Though cases such as these are becoming increasingly common, independent relationships are still subject to state legislation and regulations (Angelbeck & Grier, 2014).

First Nations in BC have been outspoken about the problems associated with provincial heritage legislation for a long time (Klassen et al., 2009). Colonial state control over Indigenous heritage in BC limits opportunities for Indigenous self-determination over their past, present, and future identities, and ways of life. The HCA neglects any mention of living heritage and does not uphold cultural and ceremonial protocols and expectations that descendant communities have for ancestral remains (Schaepe et al., 2020). In addition to these problems, the HCA has also been widely criticized as being limited in its ability to accomplish its goals, being unclear and confusing, and for only recently including minimal requirements for consulting with First Nations (Klassen et al., 2009). Inadequate state regulations in BC therefore often result in agencies or industry doing only the bare minimum to meet compliance standards, even though Indigenous expectations for treatment of their heritage is usually much more extensive (Angelbeck & Grier, 2014).

2.1.5. Heritage Destruction

Throughout history, the intentional assimilation, dispossession, and malicious characterization of Indigenous peoples has been used to support Canadian state control over Indigenous lands (Gandhi & Freestone, 2008; King, 2005; Nicholas, 2022). This control has increased the vulnerability of ICH to development activities and resource extraction, while disconnecting Indigenous peoples from their heritage through forced removal, disregard, and legislation. Policies such as the *Potlatch Ban* (1884), which is described by Sara Davidson, a member of the Haida First Nation, as “an attempt to sever authentic connections to our history, as well as the genuine expressions of our Indigenous identities” (Davidson et al., 2018, p. 27), were used as an explicit attempt to sever Indigenous connections to and expressions of heritage. The *Potlatch Ban* was lifted in 1951, but its impacts will continue to be felt for many generations.

Heritage is often described as a “non-renewable resource,” including by international (e.g., UNESCO) and Canadian institutions. Brattli (2009) takes a critical perspective of this language by applying Nietzsche’s concept of the *illness of historicism*, in which the modern western perception of the linearity of time implies that we are “in a permanent state of losing our past and therefore have to conserve it,” (p. 27). Applying this lens to the concept of heritage informs the ways in which we interact with/conceptualize/manage cultural heritage: as something from the past, something that is vulnerable and being lost, something that should be preserved. This is the same language from which the concept of “environmental protection” originates (Brattli, 2009). It places humans as separate, acting as masters of progress who are responsible for choosing what to preserve from the past as society moves forward. “Heritage as a non-renewable resource” is in many ways contradictory to Indigenous epistemologies, wherein heritage can be perceived as living, intangible, and an active part of daily life. Rather than something that needs to be preserved, it is something tended to, cared for, created, and re-created through time.

This is not to say that ICH is not being destroyed. Archaeological sites are being lost at a rapid rate, coinciding with the pace of development (Lepofsky, 2019). Heritage demolition, looting, and desecration happens all over the world and continues today, resulting in widespread loss of cultures, identities, and knowledges (Nicholas, 2022). Heritage destruction goes deeper than the physical ruination of archaeological sites,

however. The appropriation, commodification (including of ancestral remains), and misinterpretation of ICH by colonial institutions and people are also incredibly harmful (Nicholas, 2022). The vulnerability of ICH is a consequence of the very system that declares it vulnerable through its conception as a non-renewable resource. ICH is not inherently vulnerable, nor is it a thing of the past to only be preserved. Rather, cultural heritage should be lived, tended to, and honoured through the self-determination of descendent communities, as is their human right (Nicholas & Smith, 2020). Nicholas & Smith (2020) argues that:

“Access to, and benefits from, one’s heritage are basic human rights, and that the appropriation, denigration or destruction of that heritage is a denial of these fundamental needs...the cultural harms that occur when Indigenous peoples’ heritage is lost or threatened through intentional actions, inaction or ignorance by others constitutes a form of structural violence” (p.132).

Additionally, in the Declaration on the Rights of Indigenous Peoples Act (DRIPA) (2019), article 31 asserts that:

“1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge, and traditional cultural expressions, as well as the manifestations of their sciences, technologies, and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports, and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions,” and

“2. In conjunction with Indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.”

2.2. Local Planning and Indigenous Cultural Heritage

This section explores the literature at the interface of local planning and Indigenous cultural heritage to better understand how these two domains interact. I begin by defining local planning and examining the tools and processes that are available for professionals. I then provide an overview of the colonial roots of western planning to provide context before exploring the intersection of local planning and ICH in Canada and BC.

2.2.1. What is Local Planning?

Planning as a profession is notoriously difficult to define, as planners do more than “plan,” and the pursuit of planning is not limited to only professional planners (Fainstein & Defilippis, 2016). Instead, planning is often described through its objectives, which have evolved since its inception as a distinct profession in the early twentieth century (Fainstein & Defilippis, 2016). Initially, planning was seen as a mechanism for coordinating the development of regions (Klosterman, 1985), and as a means to provide access to economic opportunities, housing, and social welfare for people within a bounded region (Healey, 2010). As Wolfe et al. (2019) states,

“Planning is about change, and the common belief of all planners, no matter their specialty, expertise, skill, or area of endeavor, is that change can be managed for the betterment of the community. Planners argue endlessly about the public good – who is the public and what is good – but all share the sentiment that the human environment can be improved in some way” (p.16).

This is ultimately the aim of planners today, though we must, of course, consider who ‘the public’ is and what are considered ‘better circumstances,’ as these definitions and goals change depending on the time, social and political context, and values of the world we live in.

Although planning is arguably full of uncertainty (Fainstein & Defilippis, 2016), planning was initially dominated by the rational-comprehensive theory in which planners are viewed as experts who may use technical means to solve problems (Whittemore, 2015). According to this theory, planners could discern the workings of a region, understand it as a system, identify and diagnose problems, and use technical solutions as a “cure” (Whittemore, 2015). However, this ignores the subjectivity and contextual nuances of “problems” and “solutions” by assuming they are global and objective (Whittemore, 2015). Although this theory of planning is generally considered inappropriate and ineffective today, it is still used practically in many cases (Whittemore, 2015). Transactive, and later communicative (or collaborative) planning, as proposed in response to the concerns of rational and expert-driven planning, values transparency, communication, democracy, and diversity (Whittemore, 2015). Here, the emphasis lies in the process rather than the end results (Fainstein & Defilippis, 2016). Critics of this approach argue that it’s idealistic, difficult to implement, and may perpetuate social

disparities through depoliticizing processes (Sager, 2017). In contrast, advocacy planning theory encourages planners to use their position to advance the goals of their client, with the aim of restructuring power imbalances (Whittemore, 2015).

Although planning is often considered a local or regional activity, it also operates at the federal and provincial/territory levels (Cullingworth, 2017). National responsibilities such as national parks, resource management, taxation schemes, airports, military, and other concerns all require planners and planning (Cullingworth, 2017). Some regions in Canada have large swaths of federal land (such as the Northwest Territories) that require more national-scale land-use planning than other regions (Cullingworth, 2017). However, Canadian planning primarily takes place at the provincial/territorial and local levels (Hodge, 1985). In addition to overseeing local planning institutions and initiatives, provincial planning is often concerned with environmental policy, resource management, and land-use, such as agriculture, forestry, heritage, and parks (Hodge, 1985). These domains are not separate from either federal or municipal jurisdictions, however. Although the Canadian political system is hierarchical, it is also fluid and overlapping (Cullingworth, 2017). Planning is subject to the intricacies and complexities of this political landscape, making planning itself an inherently political pursuit. As Cullingworth (2017) describes,

“Federal and provincial government coexist. At one and the same time they have an autonomous and interdependent character: they operate in a mutually dependent political relationship...Provincial-municipal relationships on the other hand are very different. The provinces not only determine what powers municipalities shall have: they are responsible for their actual existence” (p. 30).

Although true, municipalities do have substantive authority over local decisions (Porter & Barry, 2015). The rise of community planning in Canada coincided with the establishment of municipal governments, mainly in response to managing urban development issues (Hodge, 1985). Community planning is distinct from regional planning, with the former focusing on urban centres and the latter being a response to development and land-use issues that expand beyond municipal boundaries yet are smaller than a province or territory (Hodge & Robinson, 2001). Whereas community planning is generally defined by the human geography of cities and the bounds of municipal jurisdiction, regional planning is more often defined by its environmental geography. Both, however, may be considered types of local planning.

The tools available to local planners are mostly regulatory by nature. Permits, zoning, bylaws, community plans, and other development control regulations are the key instruments at a planner's disposal (Hodge, 1985). Local planners operate at the intersection between provincial/territorial governments and community members to coordinate the delivery of services, manage development, and engage community members to determine needs (Cullingworth, 2017). Although local planners are considered to be, in a theoretical sense, advocates for their communities, their tools are both legal and administrative, discretionary, and constrained (Hodge, 1985). Effective land use planning using regulatory tools is complex and requires a high degree of coordination among actors (Hodge et al., 2021).

2.2.2. The Colonial Roots of Western Planning

The Canadian state is a colonial enterprise dependent on neoliberal, capitalist hegemony. Its formation and continued resolution as a sovereign state is founded on concepts derived from *terra nullius* (that the land was unused and available for claiming), dominion over nature, progress, white supremacy, and Christianity (King, 2005). Thomas King (2005) refers to these concepts as “Canadian myths” that expunge settler-colonizers of shame to pave the way for the dispossession and oppression of Indigenous people across North America. It is imperative to recognize that modern society is built upon these founding myths, and that the Canadian neoliberal paradigm necessarily subordinates Indigenous social and governance systems to maintain sovereignty (Mack, 2011).

These myths have also been the groundwork for the planning profession. Canadian urban planning has a long history of anti-Indigenous, anti-Black, and anti-Asian sentiments through exclusionary zoning and private property systems (Wideman, 2021). During the early colonisation of Canada, there was a need for defining spaces for European settlement and resource extraction (Porter, 2010). To do this, planners surveyed, mapped, named, and built upon Indigenous lands with disregard for their existence (Porter, 2010). Since Indigenous presence was viewed at this time as a hindrance to this colonial project, planners created the reservation system: isolated spaces designed to “‘contain’ Indigenous peoples in a system of land zoning” (Porter, 2010, p. 74).

Since then, instances of oppression and marginalization of specific groups of people by planners has continued. For instance, a failure of effective watershed planning for reservations has resulted in continued boil water advisories and contaminated drinking water sources for many Indigenous Nations (Patrick et al., 2019). Additionally, planners have engaged in urban renewal programs that involved removing the urban “blight” (i.e., poverty-stricken people) from cities to be replaced with elitist interests (Ball & Regier, 2021; Fainstein, 2018). There are also many instances of environmental racism resulting from planning initiatives, in which marginalized, disenfranchised, or poverty-stricken people are forced to live near or in places of environmental contamination (Ball & Regier, 2021). And finally, Western planning practices have restrained (and in some cases, abolished) Indigenous planning systems, which are place- and kinship-based systems by and for Indigenous communities that have existed since time immemorial (Walker et al., 2013). The extent of these and other harms go beyond the scope of this research but are nevertheless important for beginning to understand the systemic and intentional role of planning in the colonial, capitalist project.

Porter et al. (2017) describes planning as a tool that “spatializes oppression” (p. 641) through domination, control, removal, and erasure of Indigenous people from their land and memories. Planning has thus far been unable to confront or understand the systemic, institutionalized oppression it maintains (Porter, 2010; Porter et al., 2017). There are various schools of thought within planning literature and practice, though none of them seem to approach these facts head on or with honest admittance of the power of state planning (Barry et al., 2018; Porter et al., 2017). The role of planners throughout history has been to fulfill ‘common interests’ or the ‘common good’ through a main objective of defining and satisfying the needs of citizens over the needs of private or sectional interests – much like the role of government in a democratic state (Grant, 2005; Moroni, 2018). However, both ‘common good,’ and ‘citizens’ require closer critique, as these notions have consistently been applied for the benefit of members of the white, cis-gendered, able-bodied, and upper class (Grant, 2005).

Acknowledging the harmful history of Canadian planning and working towards a more just and equitable professional future is important. The Canadian Institute of Planners (CIP), the national association of the planning profession, has adopted a Policy on Planning Practice and Reconciliation (2019) to guide the institute and practicing planners across the country in response to the TRC’s 94 Calls to Action (Canadian

Institute of Planners, 2019). The Policy paper briefly mentions the harmful history of Canadian planning and its role in undermining Indigenous planning systems but focuses more heavily on the responsibilities of planners going forward. Additionally, CIP approved an Equity, Diversity, and Inclusion Roadmap in 2020 and increasingly publishes articles in its journal that centre on topics of social justice and reconciliation. The Planning Institute of British Columbia (PIBC) is undertaking similar commitments. It's Planning Practice and Reconciliation Committee is devoted to implementing strategies to respond to the TRC's Calls to Action and the Missing and Murdered Indigenous Women and Girls (MMIWG) Report. The Committee includes a working group to address these issues and to provide a framework for a Truth process for planners in BC and the Yukon.

2.2.3. Heritage Planning

The ways in which planners interact with heritage varies greatly around the world (Kalman & Létourneau, 2020). One approach is "Heritage planning," which is a field that applies "heritage conservation within the context of community planning" (Kalman & Létourneau, 2020, p. 3). Heritage planners may administer municipal heritage programs, plans, and policies, manage heritage processes, projects, and inventories, and engage in long-range heritage planning (Kalman & Létourneau, 2020). Heritage planning is a relatively new field, and many municipalities may not yet have registered planners that are also professional heritage specialists. Another challenge is the legislative disconnect that results when heritage policies are separate rather than integrated in community plans (Kalman & Létourneau, 2020). In BC, for example, the HCA doesn't require that heritage management is integrated into local planning practices (Habkirk, 1990). The *Local Government Act* (LGA) allows municipalities to include heritage protection commitments in their community plans, but heritage is ultimately governed by the HCA, which distances local planners from heritage management in BC.

Planners generally interact with the tangible elements of heritage (Kalman & Létourneau, 2020; Porter & Barry, 2015). However, intangible heritage and cultural landscapes are increasingly being recognized as warranting attention and conservation (Lydon, 2016). This is important for how we define "heritage," in our regulations, since, as Lydon (2016) states,

“Regimes that emphasize the preservation of tangible heritage mask historical conflict and valorize the material culture of the conquerors...with the effect of perpetuating historical subjugation” (p. 656).

The trend towards understanding, valuing, and protecting intangible heritage poses challenges for planners operating within colonial state systems. In BC, local planners are bound by jurisdictional borders and their tools make the most sense in the context of physical land-use and development issues (Porter & Barry, 2015). Furthermore, the HCA doesn't provide guidelines for assessing or protecting intangible heritage. BC's regulatory system for heritage management, like many others, is founded on western scientific methodologies and proof. This is a theme across colonial nations, which requires Indigenous communities to prove their cultural continuity and connection to place through western scientific methods such as archaeological assessments (Lydon, 2016).

Victoria, Australia is the first place to enact legislation that gives Indigenous peoples legal authority over their cultural heritage (Porter & Barry, 2015). The *Aboriginal Heritage Act* (2006) prompted amendments to the *Planning and Environment Act* (1987) that subsequently resulted in the involvement of Indigenous peoples in state planning processes for the protection of ICH (Porter & Barry, 2015). Though this is a promising step in the right direction, Porter & Barry (2015) state that “this recognition is fundamentally bounded only to Aboriginal interests that have a cultural heritage dimension and is heavily constrained by the discursive and regulatory power of state planning laws” (p. 30). Although the legislation grants Indigenous communities with the power to approve, amend, or veto developments, “those powers, however, are tightly woven into the existing planning system and heavily codified within the regulations” (Porter & Barry, 2015, p. 31). Rather than supporting Indigenous planning through systemic changes, the new legislation improves the existing regulations while upholding the colonial institutional structure.

Although there are increasing opportunities for Indigenous Nations to be involved in the planning and policy-making process, there is a lack of initiative for improving heritage policies from settler governments (Lane, 2006; Schaepe et al., 2020). Policies that manage ICH must be grounded in place-based context, and should be designed by Indigenous planners and communities (Lane, 2006; Schaepe et al., 2020). Indigenous control over heritage policy creation is essential and must be done at a local level to

ensure that Nation-specific expectations are met (Schaepe et al., 2020). This calls for municipal governments to respect and uphold Indigenous heritage policy as well as aligning policies across all levels of government (Lane, 2006; Schaepe et al., 2020).

In addition to the XLAP project, in which this research is embedded, the ICH project in North Stradbroke Island, Queensland, is another example of a community-based ICH framework that upholds Indigenous expectations while simultaneously meeting legislative requirements. This case study involves descendent community members and knowledge holders guiding archaeologists and researchers in field assessments that resulted in detailed conservation policies for the North Stradbroke Island cultural landscape (Prangnell et al., 2010). An additional Canadian example is the Chehalis Nation's Kweh-Kwuch-Hum Spiritually Designated Area, which is protected by a BC Government Actions Regulation (GAR) Order under the Forest and Range Practices Act (FRPA) (Chilliwack Forest District, 2008; The Chehalis Indian Band and the Chilliwack Forest District, 2008). The GAR designation arose from initial conflict and concerns regarding the impacts of logging on the spiritual landscape, prompting a two-year pilot policy project between the Nation, the Chilliwack Forest District, and the BC Ministry of Forests. The project involved engagement, ceremonies, events, presentations, meetings, tours, and collaboration which led to a final report and protection plan (The Chehalis Indian Band and the Chilliwack Forest District, 2008). These examples show the effectiveness of Nation-centred projects, where engagement, collaboration, relationship-building, and respect provide a foundation for appropriate and successful policy.

Centring Indigenous self-determination in land use design and development decisions is cited as a transformative approach for anti-colonial planning practice (Porter et al., 2017). This method may be understood as Indigenous planning, defined by Matunga (2017) as "Indigenous peoples spatializing their aspirations, spatializing their identity, spatializing their Indigeneity" (Porter et al., 2017). Indigenous planning demands that western/state planners relinquish at least some power to Indigenous communities but doesn't necessarily imply that existing legislative requirements will not be met. Since Indigenous planning must be carried out by Indigenous people/communities, a "third space" can be created, as shown in Figure 1, where Indigenous and western/state planners "can come together to dialogue reconciliation, emancipation, collaboration, and

collective action for the future. Planning across all three sites is critical to that endeavor” (Porter et al., 2017, p. 644).

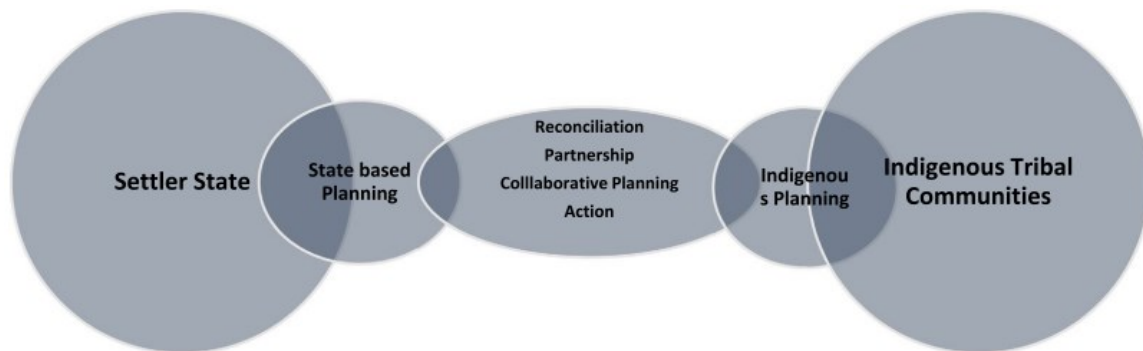


Figure 1. The “third space” for planning.

Source : Porter et al., (2017), p. 644.

2.2.4. Planning, Property, and Ownership

“Planning’s entanglements with colonialism stem from its preoccupation with property” (Dorries, 2022, p. 306).

Although western/state planning considers itself separate from private property, planners are in fact directly and continuously intertwined with property and ownership (Blomley, 2017). Planners rationalize their perceived separation from private property through directing their practice at “land use,” and consequently the “function” of land rather than the “ownership” of land (Blomley, 2017). However, land function and ownership are interdependent, and much of the land that planners deal with is privately held and managed through planning tools such as zoning and bylaws (Blomley, 2017). Rather than having nothing to do with private property, planning disregards its relationship to property and ownership and consequently continues its activities with an uncritical eye (Dorries, 2022). What is overlooked is the role of planning in perpetuating the “racial property regime,” described first by Bhandar (2018), and subsequently by Dorries (2022), who explains that:

“Applied to planning, Bhandar’s conceptual framework... of “racial regimes of property” as a means of examining how racial subjects and private property are co-produced... offers one way to make evident how planning reinforces the racial property regime and reproduces racial inequality and oppression” (p. 307).

The conceptualization of property as a racial regime allows us to better understand the responsibility of private property systems in the creation of both possession-dispossession and settler-Indigenous dichotomies in settler colonial states (Bhandar, 2018; Dorries, 2022; Nichols, 2018).

Historically, only white people (and for a long time, white cis-gendered men) within British colonies were able to legally own property. Bhandar (2018) discusses the “centrality of property ownership to the life and existence of the settler” (p. 5). Fanon (1968) states in *The Wretched of the Earth*, that:

“The settler and the native are old acquaintances. In fact, the settler is right when he speaks of knowing ‘them’ well. For it is the settler who has brought the native into existence and who perpetuates his existence. The settler owes the fact of his very existence, that is to say his property, to the colonial system” (Fanon, 1968, as cited in Bhandar, 2018, p. 5).

Fanon is arguing that property ownership, and the exclusion of Indigenous peoples from that system, creates and perpetuates a divide between those who possess and those who are dispossessed, based on racial attributes (Bhandar, 2018). In doing this, the settler and the Indigenous are conceptualized as dichotomies.

Colonial perceptions of property ownership have further been used to argue for the possession of Indigenous lands in the sense that Indigenous epistemologies don’t involve “possession” or “ownership” in a similar manner, and therefore they cannot be “dispossessed” of their lands (Nichols, 2018). This is closely linked to the doctrine of *terra nullius*, claiming that not only are Indigenous lands unoccupied and available for settlement, but in places where Indigenous habitation *does* exist, their existence is non-possessive by nature and therefore redundant. This argument, however nonsensical, has formed part of the basis for the white possession of Indigenous places and bodies and subsequently supported the creation and continuation of state property regimes. Planners operate within this very regime, perpetuating racial inequities through regulatory mechanisms.

Indigenous heritage is embedded within and dependent on the land, therefore intersecting with perceptions of property, possession, belonging, and identity. The problem of heritage destruction is intensified when dealing with fee-simple (private property) land. Unlike Crown land, which is public and therefore potentially more

straightforward to manage for public interests, such as heritage (though this is debatable as even public land contains private structures, leases, social regulation, exploitation, and exclusion), fee simple land is understood to be completely and incontrovertibly owned by the property owner (Keenan, 2014). Settler property owners encounter Indigenous Heritage through the possession of land and during land modification. Planners encounter ICH through their engagement with land use, development, and community engagement. These occurrences can be understood as a “contact zone,” defined by Mary Louise Pratt (1991), as a meeting place of conflicting cultures with imbalanced power relations (Porter & Barry, 2016).

In BC, approximately 95% of the total land and waters are unceded by First Nations (Bede, 2022). This means that for 95% of the land that settlers occupy in BC, there is no legal framework that supports the occupation and possession of land within the very legal system that upholds private property rights (Keenan, 2014). Rather, notions of settler rights to the occupation of unceded lands are founded on (primarily Christian) conceptions of *Terra Nullius*, the *Doctrine of Discovery*, assertions by influential historical figures, such as John Locke who argued that “property belongs to the subject alone and consists of ‘the Labour of his Body, and the Work of his Hands,’” and other similar sentiments (Keenan, 2014, p. 66). Current understandings of property ownership and land possession by settler people in BC are born from dispossession, exploitation, and systems of control (Keenan, 2014). At their root, settler land “rights” are reflective of privilege, whiteness, and white supremacy, where private property is used as a tool for reproducing hegemonic power relations that privilege white bodies (Keenan, 2014).

Barry et al. (2018) argues that planning (in practice and theory) has “failed to problematize property thoroughly” (p. 426). Indeed, planning has been used explicitly in the colonial project of dispossession and marginalisation, and continues to manage property through a neoliberal and capitalist arrangement (Barry et al., 2018; Lane, 2006). This is, perhaps, the crux of the problem regarding Indigenous heritage protection on private property and its intersection with planning, which is the core of this paper. Indigenous people, living on the land since time immemorial, were intentionally removed from their lands, without legal premise, and continue to suffer the consequences of ongoing heritage destruction and dispossession. Yet from a settler person’s perspective, property ownership and the development of property upon “their” land, which in many

cases was purchased through years of hard work or through generations of place attachment, is not only legal but rightful. Further, these “rights” are upheld by the institutions and systems that we accept as legitimate and lawful.

In an era of reconciliation, of International, Federal, Provincial, and Municipal level commitments to upholding Indigenous Rights and Title, many individuals and communities are learning more than ever about the historic and ongoing oppression of Indigenous peoples worldwide. Yet unless state planners critically reflect on the root of settler property rights, and work to advocate for and with Indigenous rights to protect their cultural property regardless of the “type” of land it’s on, then “reconciliation” becomes what Freire (1970) describes as:

“The unauthentic word...When a word is deprived of its dimension of action, reflection automatically suffers as well; and the word is changed into idle chatter, into verbalism, into an alienated and alienating “blah.” It becomes an empty word, one which cannot denounce the world, for denunciation is impossible without a commitment to transform, and there is no transformation without action” (Freire, 1970, as cited in Porter et al., 2017, p. 640)

Critical reflection by all settler community members is necessary but will amount to nothing unless state planners commit to transforming their priorities, processes, policies, and operations.

Private property is a contentious zone of contact when it comes to ICH; it is through private property that the contact zone manifests. On the one hand, people have legal rights to their land, as well as attachment and love for it, and often years of labour that went in to acquiring it. On the other hand, settler-owned private property in BC is on unceded (i.e., stolen) land, which requires genocide to obtain and continued oppression to maintain. Here lies the intersection of Indigenous-settler/colonial- decolonial relations, where Indigenous heritage meets settler ownership, where planners grapple with their purpose and state governments absolve themselves at the mercy of the free market. The contact zone is not a simple place with obvious answers but may be a place for new opportunities.

Chapter 3. Research Methods and Case Context

This section begins by describing the methods of data collection and analysis used for this report. Following this, the context of the Xwe'etay/ Lasqueti Island case study is described in detail.

3.1. Research Methods

The research for this project included a multi-faceted approach to data collection and community engagement. Community-engagement is an integral part of this research and the larger XLAP project, and is widely accepted across academia (particularly within health and social sciences) as being a practical means of achieving ethical, equitable, and culturally appropriate research (Isler & Corbie-Smith, 2012). Community-Based Participatory Research (CBPR) invites community members to engage in the research process in various ways. It aims to utilize multiple ways of knowing, such as Indigenous and local knowledge and western science to create a more holistic understanding of the subject. Community-Engaged Archaeology (CEA) is a form of CBPR that involves archaeological research driven by a community, where community members are involved in any/all aspects of the research design, field work, data collection and interpretation, and knowledge dissemination (Atalay, 2012).

Since our project is focused on ICH management, it's crucial that descendent communities are at the forefront of our research. Only the members of these communities can define their needs in relation to their cultural heritage and interpret findings in the context of their experiences, ancestors, knowledge, and place. Settler community members are also involved in our research, engaging in CEA and cross-cultural events, volunteering to have archaeological assessments performed on their property, and learning about ICH alongside us. Our goals of employing a CBPR framework is to empower First Nation and settler community members, increase trust and cross-cultural understanding, build capacity, deepen reflection and place-based connections, and incite a sense of urgency and action for ICH conservation. It has also been an important mechanism for guiding our researchers, revealing to us the needs and priorities community members have in relation to ICH, and forcing us to be reflective and compassionate in our commitments.

My portion of the larger XLAP project began at the outset and is focused on the intersection of planning and ICH management. My research methods can be broken down into 3 categories: a survey to understand settler community knowledge of ICH, semi-structured interviews, and active participant observation and CEA. Grounded theory (i.e., theory grounded in data) asserts that qualitative data may come from various sources, such as interviews, field notes, or literature, which provide the foundation for the development of theory (Maher et al., 2018). Field notes, memos, written reflections, interview transcripts, discussion transcripts, digital survey results, and literature provided the content of data.

Data analysis for this report was completed using both digital and manual means, with a heavier reliance on digital analysis. Maher et al. (2018) found that a combined approach of digital and manual data analysis is the most beneficial for meaningful data interpretation and interaction in grounded theory. Analysis was completed through using the software program NVivo, team brainstorming using creative representations on a whiteboard, and visual presentation of survey results using graphs and charts.

There has been some contention about the criteria for ensuring rigour in qualitative research (Baxter & Eyles, 1997; Fereday & Muir-Cochrane, 2006; Maher et al., 2018). Credibility, transferability, dependability, and confirmability have been proposed as appropriate criteria by various scholars (Baxter & Eyles, 1997; Maher et al., 2018). Others employ the principles of logical consistency, subjective interpretation, and adequacy (Fereday & Muir-Cochrane, 2006). Regardless of the terms used, the prominent requirements for ensuring rigour in qualitative research are to ensure transparency in the processes used, acknowledging and outlining researcher's biases and the subjectivity of participants, providing detailed information for subsequent research, using appropriate methods depending on the context of the research, keeping an audit trail, and careful reading and re-reading of data to ensure interpretations are grounded in reality (Baxter & Eyles, 1997; Fereday & Muir-Cochrane, 2006; Maher et al., 2018).

The subjective and creative character of qualitative research does not imply a lack of rigour, dependability, or validity, so long as the researcher ensures transparency and clarity in the methods and interpretation of data (Baxter & Eyles, 1997). Rigour is found in the process of research, where "the process must facilitate interactions with the

data that allow for and support creative insights” (Maher et al., 2018, p. 4). In the following sections, I outline how data was collected, analysed, and interpreted for each pool of information to reveal the steps that were taken to ensure rigorous and transparent methods.

3.1.1. Survey

In the late Spring and early Summer of 2021, our group of researchers designed a survey to gather information from local community members who live and/or own property on Xwe’etay. Team members brainstormed questions during meetings and on a shared Google Drive Document. The goal of the survey was to gain a better understanding of what level of knowledge and interest people have about archaeology, the Indigenous history of Xwe’etay, ICH, and reconciliation. Once a draft of questions was developed, our team discussed the questions and made edits to ensure that the questions were well-rounded, understandable, and objective. The final draft was sent to team members for review prior to advertising it to the wider public at Xwe’etay.

We used the platform Survey Monkey, which is an online program for generating, distributing, and analysing survey information. Participants were recruited through an island resident email list, which invited community members to complete the survey. It was also advertised on the Lasqueti Island May 2021 newsletter, and hard copies were made available at the Lasqueti post office and later transcribed and added to Survey Monkey. The use of both digital and hard-copy options increased access to the survey for individuals with diverse needs. The intention was to recruit as many Lasqueti Island residents as possible, to increase our sample size and identify potential outliers.

The survey included a mixture of closed- and open-ended questions, and participants were not required to answer any/all of them. We attempted to address potential bias through framing the questions objectively and providing a range of optional answers for each question. For example, question 8 asks “how interested are you in archaeology?” with optional answers being “not at all interested,” “not very interested,” “somewhat interested,” “interested,” and “very interested.” We also provided space for participants to further explain their opinions if desired. However, the sample of respondents may still be biased, since people who are interested in Indigenous issues and/or archaeological heritage may be more likely to fill out the survey in the first place.

Perhaps consequently, responses were overwhelmingly in support of community-based archaeology and ICH protection. Many open-ended questions revealed a high degree of knowledge about reconciliation and the Indigenous history at Xwe'etay.

In total, the survey included 34 questions, the first 6 of which were used to gather personal/demographic details about the participants. Out of a total population of ~500 Lasqueti Island residents, 170 individuals filled out the survey (~34% of the population). 104 respondents (64% of the sample) reported that they live on the island full time, and 128 (75%) of whom reported owning property on the island. 52% of the participants were over the age of 60, and 12% self-identified as having Indigenous ancestry.

After answering the first set of personal/demographic questions, participants were asked about their interest in archaeology, whether they have an archaeological site on their property, how they feel about it, whether knowing the archaeological history of Xwe'etay is important, and what archaeology can inform us about. Then, participants were asked questions in relation to their level of knowledge regarding descendent communities, including when they think First Nations started living on Xwe'etay, what subsistence activities they may have practiced, how they define heritage and Indigenous heritage, and whether protecting ICH is important to them. Next, participants were asked whether ICH should be protected on private and public lands, who should be responsible for protecting it, what types of ICH should be protected, and what they would do if they found an archaeological site on their property. Finally, participants were asked if they thought protecting ICH was a part of reconciliation, whether it could enhance cross-cultural awareness and respect, and what their opinions are on developing new heritage policy at Xwe'etay.

Analysis of the survey results was done through careful reading and re-reading of the answers, charting and graphing answers for visual representations, and team discussions. Team members also highlighted which quotes they found to be the most significant, common, or well-written. These were reviewed and discussed during team meetings. The results from the survey will help to inform various parts of the XLAP project. For this report, survey results in the form of direct quotes and visual representations are included in the Findings. The quotes were chosen based on how well they reflect the most common answers as well as their clarity. Interpreting the survey results also informs the discussion and recommendations made in this report.

3.1.2. Semi-structured Interviews

From Summer 2021 until Summer 2022, 20 semi-structured interviews were conducted by some of our team members (myself, Dr. Sean Markey, Dr. Dana Lepofsky, and Master of Resource Management candidate, Mary Kelly). The interview participants included 14 local government members from the Islands Trust and Qathet Regional District (10 of whom are planners), 2 First Nation knowledge holders, 2 archaeologists, 1 lawyer, and 1 realtor. Participant recruitment was conducted through using the BC government directory, searching the Islands Trust website, and networking referrals. We invited individuals whose jobs aligned with our research and who we assumed would have relevant experiences, opinions, or information. Email invites were sent out to potential participants, along with a summary of our project and participant consent forms. The interviews ranged from 30 to 90 minutes in length and took place over Zoom Video Communications. This platform includes a recording function and provides an option for downloading an immediate transcription of the recording as a digital written document. With participant consent, we employed these functions for all interviews to streamline the transcription process and be able to refer to these conversations at later dates. The transcription function also enables a more efficient approach to entering data into NVivo for analysis.

The interviews were guided (but not limited) by a set of predetermined questions that were devised by our team. The goal of the interviews was to gain a deeper understanding of how planners interact with ICH, what the processes and procedures for ICH management currently are, the ways in which local government engages with ICH (and First Nations more generally), in what ways CEA can inform or improve local planning, and what barriers exist to ICH conservation. During the interviews, we sought a casual and friendly environment with the participants by starting with introductions and light conversation. As interviewers, we avoided being reactive to participant answers and instead guided the conversations with questions and gratitude. This created a relaxed dynamic and helped to decrease predispositions or unequal power imbalances. Most interviews were done 1-1, and some were done with two or three team members interviewing a single participant.

Interview recordings were automatically transcribed by Zoom, which I later edited for clarity and uploaded to the software program NVivo for analysis and interpretation.

NVivo allows information to be coded thematically to reveal patterns, organise information, and identify categories for reports (Fereday & Muir-Cochrane, 2006). I began by using a “codebook” approach to data analysis, which involves creating high-level themes based on an initial scan of the information (Fereday & Muir-Cochrane, 2006). I then read the transcripts in-depth and pasted quotes into the codebook themes. From there, I applied an inductive approach to thematic analysis, where the information from each codebook theme was read again and further broken down into codes based on themes that were surfacing through careful interpretation. These became the basis for the findings of this report.

The process of data analysis and interpretation was completed over the course of a year, where I interacted with the information repeatedly through coding, reflection, and re-reading. Taking time to complete this process is important to ensuring that themes remain “grounded in the data” (Fereday & Muir-Cochrane, 2006). Although Maher et al. (2018) argues that digital data analysis limits creative interpretation, interaction, and relational cognition, I still was able to engage with the information at hand, interact with it, change how I viewed it, and reflect upon it.

3.1.3. Informal Gatherings and CEA

Since the beginning of the XLAP project in 2020, our team has executed several CEA field weeks at Xwe’etay. In the summer of 2021 and the summer of 2022, I joined our research team at Xwe’etay to participate with community members in the CEA experience. During my first field week in 2021, I participated in CEA with our team and a group of First Nation and settler community members. For many of us, it was our first time participating in archaeological digs. Our inexperience and excitement allowed us to bond and created friendships that still hold strong today. During the second field week in 2022, members of the Tla’amin, K’omoks, Qualicum, and Wei Wai Kum Nations joined local settler community members and our research team at Xwe’etay for a ceremony to unveil the new plaque that honours the Indigenous people of the island. This historic event involved Nations gathering together at Xwe’etay for the first time in over a century. After a potluck, many people gave speeches, and new friendships and connections were made.

During these field weeks, I engaged in active participant observation, a qualitative research methodology where researchers immerse themselves in a community and participate in daily activities or events (Jorgensen, 2020). I took field notes and later produced summary reflection pieces that were shared with our larger research team. My participation during these field weeks were short in duration and can therefore not be considered as true “immersion within a community.” Rather, I was involved in daily activities for a few days at a time as a project team member. I did not lead any activities, and my interactions with community members were casual, relaxed, and unstructured. Although my time spent on the island during these 2 field weeks was short, they still had a significant emotional impact on me, and I learned a great deal within the time I spent there.

CEA and potlucks provide effective relationship-building opportunities. The act of food-sharing can be important for decreasing power imbalances and sparking friendships, while CEA provides an opportunity for shared experiences and group learning. It was also noted in a follow-up meeting by our team members that having your hands in the soil and sitting on the ground (necessary parts of doing archaeology) seems to ease conversation with new people and stimulates bonding. This is perhaps due to the potential removal of a social hierarchy: participants are sitting on the ground together and are equally dirty. Additionally, participants have an immediate topic of discussion and have something to do with their hands, both which may help to relieve social anxiety and facilitate bonding through shared experiences.

These field weeks have influenced my research greatly and deepened my connection with the island and both the descendent and settler communities that this research concerns. The research lens, community context, and recommendations I make within this report are all influenced by my experiences in the field during these weeks. Spending time with community members has granted me an increased understanding of community member perspectives and priorities. This is important for not only building relationships, but also for deciphering what pathways for improved ICH protection are more likely to be accepted, and therefore effective. In addition, CBPR presents an opportunity for diverse groups of people to come together, learn, build relationships, have fun, and share an experience that impacts the way we perceive the world around us.

3.2. Case Context

This section details the context of this research at Xwe’etay. I begin by describing the biophysical characteristics of the island before providing a brief history and current context of both Indigenous and settler peoples with connection to the island. After this, the local planning context is explored and is completed with a review of the relevant regulatory documents that guide heritage management.

3.2.1. Xwe’etay Geography

Since Indigenous heritage is bound to place, it is important to understand the geographic context of Xwe’etay. The island is situated within a central location of the Salish Sea, between Vancouver Island and the Sunshine Coast, southwest of Texada Island, and is 201 hectares in size with a present elevation of 0-240m above sea level (BC Parks, n.d.). Xwe’etay is situated within the Coastal Douglas Fir moist maritime (CDFmm) biogeoclimactic (BGC) zone, which is considered one of the most “mild” BGC zones in all of Canada, as well as being the rarest zone in BC and one of the most heavily modified (BC Forest Services, n.d., 2018; Lasqueti Island Local Trust Committee, 2005). The CDFmm zone is generally low-lying, with Douglas fir-dominant forests and drier areas with arbutus and Garry Oak meadows, and exposed bedrock (BC Forest Services, n.d., 2018). The forests on Xwe’etay are relatively intact, though feral sheep impact the understory through foraging (BC Parks, n.d.). The Lasqueti Island Official Community Plan (OCP) (2005) states that the island has “some of the largest undeveloped and unroaded blocks of land remaining in the CDF” (p. 23) and has a large amount of Crown land that “have very high conservation value because they can contribute to conservation of provincially significant rare and uncommon ecosystems including Douglas-Fir old growth forests” (p. 23).

Historically, sea levels have changed dramatically along the Pacific West Coast over the last 15,000 years from the last major glaciation period due to ice melt, tectonic activity, and isostatic rebound (Hutchinson et al., 2004; McLaren et al., 2014). This change in sea level means that the amount of land above water, and therefore the shape and size of Xwe’etay, has changed throughout time, thus impacting where on the island Indigenous people would have lived, cultivated food, built homes, and tended to their cultural heritage (Lepofsky, n.d.). Understanding sea level dynamics on Xwe’etay is

important for archaeological heritage research, as it provides information about where people would have lived on the island and for how long (Lepofsky, n.d.).

3.2.2. Indigenous Cultural History and Context of Xwe'etay

Being situated in the centre of the Salish Sea, Xwe'etay has not only been a permanent home for Indigenous peoples for thousands of years but was also a common “stopping place” for people travelling by canoe within the Salish Sea, as evidenced by historical and archaeological findings (Lepofsky, n.d.). Some belongings that archaeologists have analysed show us that Xwe'etay was a hub along regional trade routes ranging from Oregon, Squamish, and along the west coast and central BC (Lepofsky, n.d.). The full extent of these trade routes is yet to be determined, but archaeological findings prove that people travelled from all over to stop on Xwe'etay throughout history (Lepofsky, n.d.). The name “Xwe'etay,” which translates as “yew tree,” is the only known Indigenous name for the island (Lepofsky, n.d.). As Coast Salish First Nations belong to various language groups, with multiple dialects within each group, the cross-Nation use of the name Xwe'etay may further reveal the centrality of the island (Lepofsky, n.d.)

Currently, there is archaeological evidence that Indigenous people lived permanently on Xwe'etay as far back as 3800 years ago as per our recent carbon dating. However, archaeological research on Xwe'etay has only just begun, and it is expected that people were living on the island much farther back in time than this. There are at least 13 different First Nations who have cultural ties to Xwe'etay, which now falls within the Tla'amin Treaty area after the Treaty Final Agreement went into effect in March 2014 following 20 years of negotiations (*Tla'amin Final Agreement Appendices*, 2013; Tla'amin Nation, 2020). Today, there are over 1100 members of the Tla'amin Nation, most of whom reside on the BC Sunshine Coast, North of Qathet Regional District (Powell River) (Tla'amin Nation, 2020). Their traditional territory includes large swaths of the Northern Salish Sea region and beyond. It's important to note, however, that Coast Salish First Nations' traditional territories are fluid, connected, and not necessarily bounded in the same way that settler societies map and define state lines.

The cultural heritage that's present at Xwe'etay reveals a rich history of settlement, food cultivation, and technologies. Some of the known heritage belongings

and landscapes include house platforms and permanent settlements of various sizes, and seasonal, short-term camps, lookout sites, burials, fish traps, clam gardens, cultivated vegetable, fruit, and root gardens, culturally modified cedar and Douglas fir trees, and “isolated belongings” (i.e., artifacts, including tools such as projectile points) (Lepofsky, n.d.). Some of the isolated belongings come from distant places, such as obsidian tools that originate from central coast BC, Oregon, and Squamish, revealing the extensive trade routes of First Nations in this region (Lepofsky, n.d.). Although there are no First Nation communities that exist on the island today, descendant peoples retain a connection to the island, and their heritage persists on the landscape.

3.2.3. Settler Cultural History and Context of Xwe’etay

In 1791, Spanish explorers “discovered” Xwe’etay, and named the island “Lasqueti” after the Spanish Naval officer Juan Maria Lasqueti, who (ironically) never set foot on the island (Lasqueti Island History | The Gulf Islands Guide, n.d.; Lasqueti Island Local Trust Committee, 2005). In the mid-1800s, British Columbia was a British colony, and colonisers set up trade posts along the west coast (History of BC, n.d.). During this time, Indian Residential schools were set up, and Indigenous peoples were removed from their lands and forced into the reserve system in accordance with the *Gradual Civilization Act* (1857) and later the *Indian Act* (1876) (Glover, 2020; NCTR Public, n.d.). First Nations with ancestral ties to Xwe’etay were forced to attend the Kuper Island, Sechelt, and Alberni Residential Schools from the late 1800s until they closed in 1975 (IRSHDC, n.d.; Shingwauk Residential School Centre, 2017). The Kuper Island Residential School operated within the Islands Trust Area from 1889-1975 (Islands 2050, 2021). This school was notorious for its abuses and despicable conditions and has left a legacy of intergenerational trauma for the many First Nations who were forced to attend it. The National Centre for Truth and Reconciliation describes the Kuper Island Residential School in the following quote:

“The school earned the name “Alcatraz” for its remote location on the small island. Right from its founding by the Catholic Church, the scale of suffering at Kuper Island was beyond the pale . . . Even school officials described Kuper Island as “ruinous” and “insanitary (sic),” with the school’s notoriously poor conditions exacerbating outbreaks of typhus, smallpox and tuberculosis” (Islands 2050, 2021).

White settlers arrived on Lasqueti in the mid to late 1800s to farm sheep, and later raised cattle, fruit trees, and began fishing and logging the giant red cedars (Mason, 1976). Today, there are ~500 residents who live on Xwe’etay, with around 300 living on the island year-round (Government of Canada, 2022). The mean age of residents from the 2021 census is 50 years compared to the provincial average of 43 years (Government of Canada, 2022). The community considers themselves “tight knit,” and are well known for their “hippie” culture and “off-the-grid” lifestyle (Life on Lasqueti, n.d.). The island is not serviced by BC Hydro (which provides electricity to 96% of the province) nor is there a formal sewer system or water supply network (Life on Lasqueti, n.d.). Therefore, residents find alternative power sources or live without electricity altogether, households depend on alternative waste disposal, such as composting toilets and outhouses, and alternative water sources, such as importing, rain collection, wells, and water harvesting from Pete’s lake, which has a permanent boil water advisory (Life on Lasqueti, n.d.).

3.3. Local Planning Context

The Provincial Government of British Columbia grants jurisdictional authority to municipalities through the LGA (2015) (formerly the Municipal Act) and the Community Charter (2003) (Ministry of Municipal Affairs, n.d.). The BC LGA asserts that municipal and regional governments have authority over local land use planning processes through OCPs (Part 14 - Planning and Land Use Management, 2015). However, any power granted to local and regional governments is still subject to provincial authority as per the Community Charter (Part 2 - Municipal Purposes and Powers, 2003). Xwe’etay is under the jurisdiction of both the Qathet Regional District (qRD) and the Islands Trust. The Lasqueti Island Planning Area has two designated areas, including the Land Based designation (everything above the high water mark) and the Marine designation (marine areas up to the high water mark and the intertidal zone) (Lasqueti Island Local Trust Committee, 2005). The following sections provide an overview of the responsibilities and powers of each of these local governing bodies as they relate to Xwe’etay.

3.3.1. Qathet Regional District

The qRD (formerly known as the Powell River Regional Board) is a local governing body that has jurisdiction over “approximately 5,000 square kilometres of land including Texada, Savory, and Lasqueti islands, north to Toba Inlet and south to Saltery Bay” (“About the QRD | Qathet Regional District | Powell River,” n.d.). The qRD provides land use planning, emergency preparedness, waste management, and fire protection, among other things, within their jurisdictional area (“About the QRD | Qathet Regional District | Powell River,” n.d.). Although the qRD does not provide land use planning services at Xwe’etay, they do have land use planning jurisdiction on traditional First Nations lands (not including treaty lands), including the Tla’amin, K’òmoks, Shíshálh, and Klahoose Nations (“About the QRD | Qathet Regional District | Powell River,” n.d.). At Xwe’etay, the qRD provides all other services that a local government is responsible for under the LGA aside from land use planning.

3.3.2. Islands Trust

The Islands Trust is the local land-use authority at Xwe’etay and is responsible for all planning activities. It was founded in 1974 to protect the Salish Sea islands from threats of rapid development and subdivisions, which were unpopular at the time to the residents of this region (Lamb, 2009). Today, the Trust manages 13 larger and more than 450 smaller islands in the Salish Sea, which are divided into 13 Local Trust Areas plus Bowen Island, which has a unique governance structure within the Trust (Overview of Islands Trust, n.d.). The following sections outline the structure and responsibilities of the Islands Trust.

Islands Trust Governance and Planning Structure

The structure of the Islands Trust includes Local Trust Committees (including two locally elected representatives and the Chair or a vice-chair per each area), the Islands Trust Council (including the two locally elected representatives from each of the 13 Trust Areas), the Executive Committee (including the Chair of the Islands Trust and three vice-chairs), and the Islands Trust Conservancy (including two members of the Trust Council, one members of the Executive Committee, and three trustees appointed by the Minister of Municipal Affairs) (Governance, n.d.). Additionally, there exists a Regional Planning Committee, a Financial Planning Committee, a Trust Programs Committee, and a

Governance and Management Review Committee, all of which include members of the Trust Council and the Executive Committee and who tend to specific operations depending on the committee objectives and responsibilities (Governance, n.d.). Refer to Figure 2 for a visual breakdown of the Islands Trust governance structure.

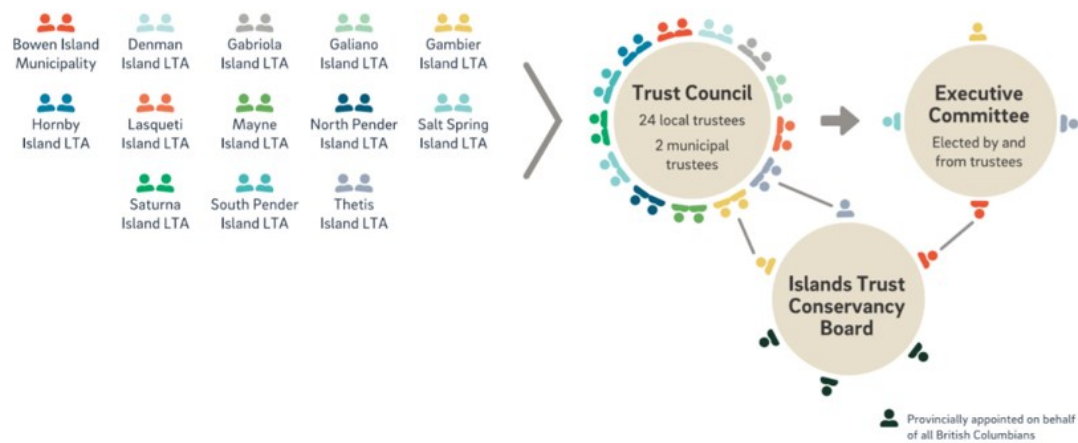


Figure 2. The Structure of the Islands Trust Governing bodies.

Note that these do not including the Finance, Regional Planning, Trust Programs, and Governance and Management Review committees. Source: Governance, n.d.

Local planning is performed by the Local Trust Committees, who are responsible for developing OCPs, land use bylaws, zoning and subdivision bylaws, soil regulations, and development-related permits (Governance, n.d.). In addition, there is a Regional Planning committee who is responsible for local planning at the Islands Trust regional scale, including development management, community planning, Local Trust committee functions, and local planning services (Governance, n.d.).

Islands Trust Responsibilities

Each local committee is responsible for land-use activities within their local Trust Area. These may include the introduction of new bylaws, including OCPs (which must be approved by the Executive Committee), enforcing bylaws, regulating and approving developments and subdivision (in accordance with the local OCP), managing heritage conservation in accordance with the LGA, and performing any other responsibilities as directed by the Trust Council (Islands Trust Act, 1974).

The Trust Council is responsible for annual budgeting and reporting, trust policy statements, bylaw approvals, providing environmental protection plans and recommendations, engaging with and conserving heritage, and coordinating with other local governing bodies across the Trust Area (Islands Trust Act, 1974).

The Executive Committee is primarily responsible for reviewing and approving bylaws and OCPs (which also must be approved by the province), as well as any other business activities that need oversight or approval (Islands Trust Act, 1974).

The Islands Trust Conservancy's primary responsibility is to manage the conservation land trust for the purpose of environmental conservation, managing nature reserves, sanctuaries, conservation covenants, and engaging the public with environmental issues (Islands Trust Conservancy Five-Year Plan, 2018).

3.4. ICH Regulatory Context

The Islands Trust Act asserts that each local Trust Committee obtains all of the powers of a local government regarding heritage conservation as defined by the LGA, which further maintains that a regional district (in this case, Qathet RD) does not have authority over Part 15 – Heritage Conservation (Islands Trust Act, 1974; Part 15 - Heritage Conservation, 2015). Although the LGA states that a local government may “recognize the heritage value or heritage character of a heritage property, an area or some other aspect of the community's heritage” (599(1)), as well as order heritage inspections and assessments, issue temporary protection approvals or development permits, and designate heritage protection bylaws, these rights must align with the HCA, the local OCP, and be approved by the heritage minister (Part 15 - Heritage Conservation, 2015). Ultimately, the HCA has prevailing authority over heritage resources, and any permits, applications, protection measures, and designations must be approved by the provincial government (Islands Trust Act, 1974).

The following sections break down the regulatory structure of the Islands Trust to explore its interactions with ICH. Following this, I review the HCA to provide clarity surrounding the policies and processes that regulate heritage in BC.

3.4.1. The Islands Trust Regulations

The Islands Trust relies on five overarching regulatory documents that govern their activities, as shown in Figure 3 below. The *Islands Trust Act*, created in 1974, grants authority to the Islands Trust to act as a local government, as defined in the LGA, and to manage land-use in accordance with the Trust object while outlining the functions of each Trust committee, council, and other divisions (Islands Trust Act, 1974). The *Islands Trust Act* requires the development and adoption of a Trust Policy Statement and Official Community Plans for each Trust Area (Islands Trust Act, 1974). Finally, land use bylaws are adopted in accordance with each OCP to manage local planning decisions (Islands Trust Act, 1974). In addition to these regulatory documents, the Islands Trust must act in accordance with other Provincial and Federal legislation regarding specific areas of management, such as the Agricultural Land Commission Act, the Heritage Conservation Act, the Riparian Areas Protection Act, and others (Related Legislation, n.d.).

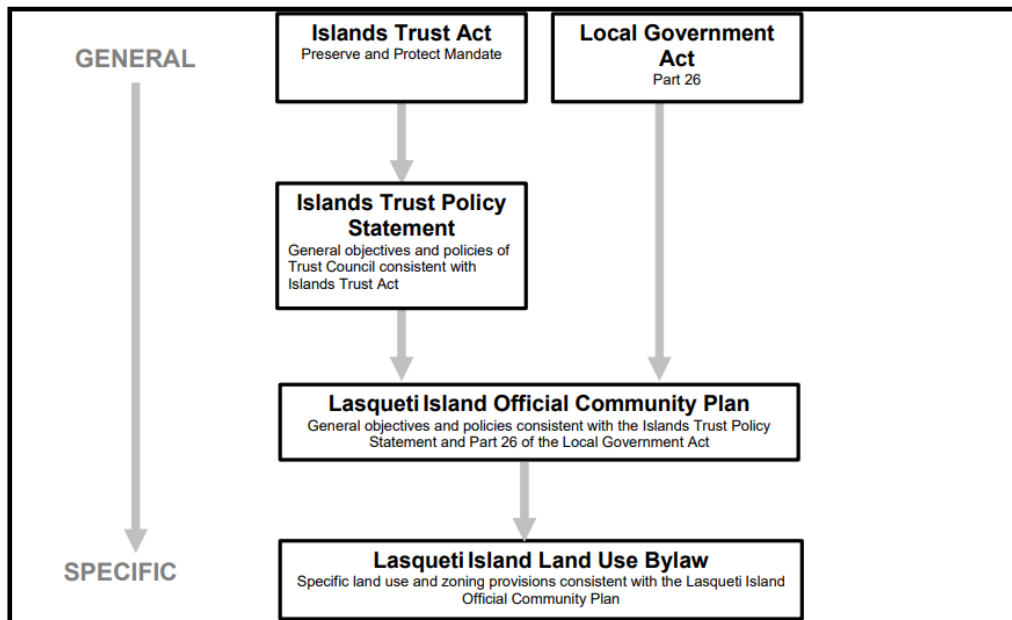


Figure 3. The Island Trust’s regulatory documents for Xwe’etay/ Lasqueti
 From general guiding documents (top) to specific plans and bylaws (bottom). Source: Lasqueti Island Local Trust Committee, 2005, p. 9

The *Islands Trust Act* has an overarching Mandate, created in 1974 during the inception of the Islands Trust, to define its object:

“The object of the Trust is to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”(Islands Trust Act, 1974).

The Trust Mandate has been updated since its inception in 1974, though it still officially does not include mention of First Nations within its object statement (Islands 2050, 2021). It wasn't until 1994 that the Trust included any reference to First Nations in any documentation or allowed for any capacity or resources to be directed towards First Nation engagement, agreements, protocols, or consideration (Islands 2050, 2021). Interestingly, it was through public forums in 1992 where residents expressed interest and concern over archaeological heritage (Islands 2050, 2021). This discourse led to the Trust opening new opportunities for First Nation agreements and cooperation through amendments to the Islands Trust Act in 1994 (Islands 2050, 2021). However, there has been minimal action for Indigenous reconciliation, heritage conservation, or relationship building since then (Islands 2050, 2021).

The Islands Trust currently includes archaeological sites, objects, ancestors, sacred or cultivated landscapes, and historic buildings in their definition of heritage on their official website (Islands Trust, n.d.). Commitments are being made by the Islands Trust to further their reconciliation and heritage protection measures, including reviewing and updating the Policy Statement and Trust Mandate (Islands 2050, 2021). Additionally, local trust committees have been advised to review their OCPs in relation ICH management, and some trust areas are developing new projects, models, bylaws, and policies to improve their relationships with First Nations and ICH (Islands Trust, n.d.).

The Trust Policy Statement

The Trust Policy Statement was adopted in 1994 and has gone through 4 minor amendments (November 1996, March 1998, December 1998, and December 2002), and is currently undergoing substantive review in alignment with the Islands 2050 Policy Statement Amendment Project (“Islands 2050 - Programs,” 2022; Islands Trust Council, 2003). The Policy Statement describes the policies that uphold the object and guiding principles of the Trust and provides recommendations to effectively follow these through.

The guiding principles of the Trust are centred around environmental conservation and stewardship, resource and amenity protection, sustainable growth and development management, and valuing public engagement and local knowledge (Islands Trust Council, 2003). Policies included in the Policy Statement are divided into three sections: ecosystem preservation and protection, resource stewardship, and sustainable communities (Islands Trust Council, 2003).

The introduction of the 2003 Trust Policy Statement includes a section labelled “History of the Trust Area,” with a single sentence referring to Indigenous peoples within the Trust Area, stating that “Aboriginal peoples used the Area extensively for summer encampments and for fishing, hunting and berry-picking” (p. i). This statement reflects the common misconception by settler people that Indigenous peoples were nomadic and didn’t “use” the land to its “full potential,” and supports sentiments laid out by terra nullius and the Doctrine of Discovery. This, of course, has been proven both invalid and harmful. The rich cultural, archaeological, and intangible heritage that exists at Xwe’etay and throughout the Salish Sea reveals the many permanent settlements that were home to First Nations since time immemorial, and further reveals abundant technologies, practices, cultivation techniques, travel and trading routes, and deep connections to the land and waters. The statement in the History of the Trust Area sets the stage for how the Trust manages Indigenous relations throughout the remainder of the document.

Farther down, the 2003 Policy Statement includes section 5.6 Cultural and Natural Heritage under Part 5 Sustainable Communities (Islands Trust Council, 2003). This section states that “the natural and human heritage of the Trust Area — that is the areas and property of natural, historic, cultural, aesthetic, educational or scientific heritage value or character — should be identified, preserved, protected and enhanced” (p. 20). This section continues by granting the Local Trust Committees the discretion to develop and include ICH management in their OCPs and bylaws (Islands Trust Council, 2003).

The Policy Statement is currently undergoing review in accordance with the Islands 2050 Policy Statement Amendment Project. The review began in 2019 and is still ongoing (“Islands 2050 - Programs,” 2022). During Spring 2021, the Islands Trust Council produced a Discussion paper titled “The Islands Trust Object: Past, Present, Future. Policy Statement Amendment Project Discussion Paper.” The Discussion paper

is publicly available on their official website and includes section 1.1 Truth Precedes Reconciliation, which details the areas of improvement needed within the Policy Statement regarding reconciliation initiatives (Islands 2050, 2021). Truth Precedes Reconciliation begins with a discussion on the absence of a place acknowledgement within the Policy Statement or mention of Indigenous peoples in the Trust Object (Islands 2050, 2021). It then discusses the general disregard and lack of acknowledgement of Indigenous presence (historically and currently) within what is now the Trust Area. The following sections describe the colonial policies and attitudes that legitimized the oppression and erasure of Indigenous peoples, identities, and cultures, such as *Terra Nullius* and the *Gradual Civilization Act* (1857) (which was later incorporated within the *Indian Act* of 1876). It also provides a brief overview of the Kuper Island Residential School, including a list of the nations subjected to it. Finally, an overview of the failures of the Islands Trust to recognize these truths, protect cultural heritage, or take any steps towards amending these failures is provided (Islands 2050, 2021). Regarding the section on a failure to protect Indigenous cultural heritage, the section states that:

“Cultural heritage sites and features, and ancestral loved ones, remain throughout these islands from which First Nations have been forcibly removed. This cultural heritage, and the ancestral loved ones, have been desecrated, destroyed, and impacted as settler communities built on top of First Nation village sites, and extracted resources from culturally significant areas...In 1974, [the Islands Trust Act] stated under s. 3(2)(d) that the Islands Trust was to “locate and identify archaeological and historical sites within the trust area” and under s. 3(2)(a) “make recommendations . . . for the preservation and protection of the trust area and its unique amenities and environment”...It is therefore surprising to find no evidence to suggest that Islands Trust Council, or local trust committees, ever undertook to locate and identify the archaeological areas, or to preserve and protect the ancestral loved ones’ resting places and cultural heritage...”(Islands 2050, 2021, pp. 10–11).

It is unclear what role the Truth Precedes Reconciliation discussion piece will play in the Policy Statement Amendment Project.

Xwe’etay Official Community Plan

After the inception of the Islands Trust in 1974, the Local Trust Committee of Lasqueti Island created their first OCP in accordance with the Islands Trust Act and the LGA. An OCP is a general guiding document that outlines the goals of a community, and

which all local decisions, bylaws, and policies must be consistent with (Lasqueti Island Local Trust Committee, 2005). All OCPs within the Trust Area must align with the Islands Trust's Mandate (Lasqueti Island Local Trust Committee, 2005). Amendments to the OCP happen occasionally, and require extensive community engagement through a participatory process in which the Local Trust Committee and community members raise issues, goals, and provide input (Lasqueti Island Local Trust Committee, 2005). The updated OCP must go through three readings, with final decisions being made by members of the Local Trust Committee who reside within the community (Lasqueti Island Local Trust Committee, 2005).

At the time of this writing, the 2006 version of Xwe'etay/Lasqueti's OCP is the current version, but this is undergoing review with amendments expected to be released in late 2022 or early 2023 (Lasqueti Island Local Trust Committee, 2005). The remainder of this section describes information from the 2006 version, and it is unclear how (or whether) ICH conservation strategies will be amended in the new OCP.

Section 3.3 Heritage, Archaeological and Historic Matters in the Xwe'etay OCP briefly outlines the objectives and policies for ICH management (Lasqueti Island Local Trust Committee, 2005). In the 2006 version, only the Tla'amin Nation is included as the original inhabitants of the island, although at least 13 Nations lived there. The objectives read as: "To ensure respectful treatment, fairness and equity to past, present and future generations that have shared and will share Lasqueti Island and the Trust Area" (p. 14). Policies include recognizing the cultural and historical significance of the Tla'amin First Nation, to respect and support all people, including the Tla'amin First Nation, to consult with the Tla'amin First Nation, to encourage "fair and reasonable discussion and action to preserve natural and human-made sites" (p. 14), to assist the Ministry in protecting significant sites, and to build cooperation and relationships with First Nations over time (Lasqueti Island Local Trust Committee, 2005). Finally, two Advocacy Policies described in this section include:

"Advocacy Policy 1 The Local Trust Committee encourages and will assist the Tla'amin (Sliammon) First Nation, the responsible Provincial and Federal agencies and the public generally, in their efforts to establish and protect sites designated or valued for heritage and historical significance" (p. 15) and,

“Advocacy Policy 2 The Lasqueti Island Local Trust Committee encourages both the Federal and Provincial Governments to assist the local community and the Tla’amin (Sliammon) First Nation with accurate and comprehensive First Nation assessments within the Lasqueti Island Local Trust Area” (p. 15).

3.4.2. Provincial Regulations

Cultural and archaeological heritage in BC is primarily regulated by the archaeology branch through the HCA. The BC heritage branch shares some responsibility with the archaeology branch for managing heritage (though they manage historic places rather than archaeological sites, such as historic districts) (BC Archaeology Branch, 2021). The main overlap between the heritage branch and the archaeology branch concern heritage wrecks and trails, and post-1846 burial places (BC Archaeology Branch, 2021). Additionally, the FRPA includes some regulatory mechanisms relating to ICH, excluding those that are protected under the HCA, such as culturally modified trees (Archer CRM, 2009).

The provincial government passed the HCA in 1977, and it has been significantly amended in 1994 and 1996, with multiple additional minor revisions (HCATP Backgrounder, 2022). The current version is undergoing a third significant amendment process for the first time since 1996 (HCATP Backgrounder, 2022). The purpose of the Act at the time of this writing is “to encourage and facilitate the protection and conservation of heritage property in British Columbia.” (Heritage Conservation Act, n.d.).

The following Table 1 provides a breakdown of the relevant policies included in the HCA.

Table 1. Heritage Conservation Act (1996) Policies

Topic	Details	Notes
Types of Heritage	<p>Heritage objects (personal property) and heritage sites (land) that have heritage value to BC, a community, or an Indigenous people.</p> <p>Heritage value is defined as having “historical, cultural, aesthetic, scientific, or educational worth or usefulness”</p> <p>Heritage wrecks are the “remains of a wrecked vessel or aircraft”</p>	<p>The province may define the types of heritage objects/sites, as well as site boundaries.</p> <p>Included within the Act are burial places, rock paintings and carvings, artifacts, wrecks, archaeological materials or features, and evidence of human habitation.</p>
Heritage Recording	<p>Heritage sites, objects, buildings, structures, or “other heritage property” must be recorded in the Heritage Register.</p>	<p>Heritage sites that are post-1846, as well as some federally recognized sites, are recorded in the BC register of Historic Places through the Heritage branch. These do not include archaeological heritage.</p>
Agreements with First Nations	<p>The province may enter into a formal agreement with a First Nation for the management or conservation of their heritage sites or objects.</p> <p>A treaty First Nation may include laws in their final agreement for the conservation and management of heritage sites and objects within their treaty area.</p>	<p>The Minister must consider any policies regarding heritage management with the Haida Gwaii Reconciliation Act as if they are provincial heritage policies.</p>
Heritage Protection	<p>Burial places, rock art, heritage wrecks, and pre-1846 sites are automatically protected (even if they are not recorded).</p> <p>Heritage sites may be protected through an agreement with a First Nation.</p> <p>Heritage sites or objects may be designated for protection.</p>	<p>Some “heritage places” may be formally recognized rather than designated. In these cases, they are included in the heritage register but they are not officially protected.</p>
Heritage Designation	<p>A heritage object or site, including a whole or part of a property or multiple properties, may be designated a provincial heritage site or provincial heritage object.</p>	<p>Processes and requirements for designation, including notifying property owners, are included in Part 2 Division 1 of the HCA.</p>

Topic	Details	Notes
Permits	<p>All permit applications are reviewed by the archaeology branch.</p> <p>The Minister may approve, amend, or refuse any permit application.</p>	<p>Burials, rock paintings and carvings, wrecks, registered sites, and unregistered sites or objects pre-dating 1846 cannot be damaged, desecrated moved, removed, altered, excavated, or covered, without a valid permit.</p>
Heritage Inspection Permits	<p>Permits for inspecting the land to determine the presence of a site. Inspections are low impact, using archaeological methods.</p>	<p>This process can be triggered by development (through a development permit application), through application by an individual or community for various reasons, or by Ministerial order for registered and unregistered sites.</p>
Heritage Investigation Permits	<p>Permits for investigating an archaeological site to gather significant information for research and recording purposes. Investigations are higher impact and often include excavation through archaeological methods.</p>	<p>This process can be triggered by development (through a development permit application), through application by an individual or community for various reasons, or by Ministerial order for registered and unregistered sites.</p>
Site Alteration Permits	<p>Permits for altering and removing archaeological objects or sites after an inspection and/or investigation has been completed and all archaeological material has been recorded.</p>	<p>These are provided by the archaeology branch when a developer wants to continue a project where archaeological material exists.</p>
Fees and Compensation	<p>Property owners may apply for financial compensation from the provincial government within 1 year if heritage registration decreases the market value of the property.</p> <p>The individual who applies for a permit must pay the required fees.</p> <p>If property is damaged during investigation, the property owner is entitled to repairment at the expense of the government, or compensation if repairment is not possible.</p>	

Topic	Details	Notes
Powers and Enforcement	<p>The HCA is legally binding and prevails over other legislation regarding heritage.</p> <p>A stop work order that prohibits the alteration of property for 120 days may be issued by the Minister if a property is considered to have heritage value or if heritage is likely to be, is being, or has been altered.</p> <p>The Minister may delegate or sub-delegate their powers and duties under the HCA to a person in any ministry of government, excluding the power to authorize or establish an advisory committee for heritage conservation.</p> <p>Interference with an inspection or an investigation is not allowed.</p>	<p>Non-compliance with the Act regulations may result in an injunction, a restoration or compliance order, or legal charges.</p> <p>If a person is charged with offense under this Act, then they are liable to a fine of up to \$50,000 and/or up to 2 years imprisonment.</p> <p>If a corporation is charged with offense under this Act, then they are liable to a fine of up to \$1,000,000.</p>

Source: (Heritage Conservation Act, n.d.).

The HCA is currently undergoing review as part of the Heritage Conservation Act Transformation Project (HCATP) in accordance with DRIPA (HCATP Backgrounder, 2022). The HCATP involves collaboration and engagement with First Nations, including the Joint Working Group on First Nations Heritage Conservation (made of the BC Assembly of First Nations, the First Nations Summit, the Union of BC Indian Chiefs, and members of the First Nations Leadership Council) (HCATP Backgrounder, 2022). The HCATP is also engaging with stakeholders, such as archaeologists, landowners, and realtors to determine existing problems with the HCA and find potential pathways forward to align the revised HCA with DRIPA (HCATP Backgrounder, 2022).

Chapter 4. Research Findings

Through our interviews and review of the literature, it became clear that the existing regulations are failing to effectively protect ICH. From the community side, the majority of survey participants are fairly keen to learn more about the history of Xwe'etay and are supportive of Indigenous re-connection to ancestral place. However, when it comes to private property, there's sometimes a hesitancy that surfaces from property owners. From the survey, some participants expressed disregard for ICH protection in their written quotes. Overall, however, there is a general willingness and enthusiasm to learn and engage with ICH in appropriate and non-destructive ways.

Most interviewees were aware of the challenges facing ICH protection and approached the discussions with eagerness and interest. However, the depth of knowledge and perceived urgency about ICH protection varied between participants. Similarly, some interviewees feel more empowered than others in their perceived capacity to create change and tackle issues. These findings are explored in the following sections, which are broken down thematically to highlight the barriers facing ICH protection from both top-down and bottom-up directions. The key themes include Jurisdiction and Planning Scope, Regulation and Enforcement, Structural Barriers to ICH Protection, Capacity and Resource Limitations, and Settler Culture and Systemic Barriers.

4.1. Jurisdiction and Planning Scope

While the local government at Xwe'etay, including both the Islands Trust and the Qathet Regional District have a degree of autonomy over land use planning within their jurisdiction, they are also constrained by higher levels of government. Local governments are required to defer to the province, particularly the Archaeology Branch, when it comes to ICH interactions. This section covers the structure and authority of the Islands Trust over land use planning, what tools are available to planners, the public engagement process, and the power of the Archaeology Branch.

4.1.1. Islands Trust Jurisdiction

14 local government members participated in the interviews for this project. They often began the discussion by outlining the structure of local governing bodies and their jurisdiction and decision-making powers over Xwe’etay and the surrounding islands and districts. The Islands Trust was described as both unique and complex in relation to other local governing bodies, as described by one participant,

“Legislatively, or in terms of the context, it’s a little different from other local governments in the way that we have the Islands Trust Act, which establishes the Islands Trust and establishes the powers to the various corporate bodies. Most importantly, it establishes the object of the islands trust to preserve and protect the unique amenities and environment of the islands. That’s kind of the guiding object which we have which other local governments don’t have... It kind of prioritizes or highlights environmental protection as the guiding principle for decisions that are made, but the powers that were given are just simply the same powers...that a regional district would have over land use planning, and those powers are given to what are called local trust committees” (participant 15).

Interestingly, the decision-making power of local government was described as having both “unfettered authority when it comes to substantive planning decisions, such as policy uses or particular property setbacks,” (participant 3), and as “children of the province... they’re not real levels of government – the only real government we have is Federal and Provincial” (participant 1). In other words, the jurisdiction of local government over land-use planning activities is granted through provincial legislation, allowing activities to be conducted at the local level so long as decisions abide to provincial and federal regulation and protocol.

4.1.2. Planning Tools and Procedures

Official Community Plans, zoning, and bylaws are the primary tools of local planners with the Islands Trust. Planners are responsible for development applications, permits, community planning projects, bylaw establishment and review, and ensuring all decisions conform to the Islands Trust Policy Statement and the local OCP. Though the Policy Statement gives Local Trust Committees the authority to include ICH conservation initiatives in their OCPs and other bylaws (Islands Trust Council, 2003), Xwe’etay’s OCP includes only vague advocacy statements that do not support comprehensive proactive management or protection measures.

Development permit areas and applications are a primary tool for planners to oversee development projects. At Xwe'etay, however, there are no requirements or processes for obtaining development permits. This limits planners in their ability to regulate development activities. While developers and landowners are still held to the policies and regulations of the HCA, the situation creates conditions of de facto unfettered land use activity, with no prior review and no enforcement.

In other Trust Areas, where development permit applications are necessary prior to any construction, planners review applications in relation to the provincial database of known archaeological sites (called the Remote Access to Archaeological Data (RAAD)), as one interviewee participant explains,

“Every application we get we review the archaeological mapping for that particular property and that could affect our recommendations to the local trust committee. Even on a simple application, a variance for a deck or something in a setback, we still review the archaeological site and comment on it in our report. We can't reproduce the mapping because it can't be released publicly, but we will comment on it and we provide every person who makes an application with a chance find protocol, which basically outlines what happens if, in the process of doing your work, you come across archaeological material or human remains...we also provide them with some material from the archaeology branch as well. Everyone who comes in contact with us through the formal planning process is given these protocols and that's just been in the last couple of years that we've started doing that in a consistent and formalized way” (participant 15).

This statement outlines the process for most Trust Areas as well as the qRD. Lasqueti Island is the only Trust Area that does not have any building permit process, though Denman and Hornby Trust Areas require only Siting and Use permits and not building permits (Islands Trust Land Use, n.d.). For all the areas that do require development permits, the applications are reviewed by planners at the local regional district, who compare the application with RAAD and provide applicants with “chance find protocols.” Chance find protocols provide guidance to developers regarding the necessary steps in case of archaeological disturbance during land modification. In these instances, the applicant is referred to the archaeology branch who decides whether a permit is needed for inspection/investigation of the site prior to continuing development (in line with the HCA). A final report including the archaeological assessment findings would then be included with the development permit application. This report may be sent to the impacted First Nation(s) for comment before final decisions are made.

Notably, RAAD is not publicly available. The database is, however, available to First Nations, archaeologists, some academic researchers, and government agencies. Developers, homeowners, and others can apply for information about a parcel of land through the provincial government. The reasoning behind this is largely to deter desecration of archaeological sites and to keep sensitive information private. Two interviewee participants described a consensus of First Nations wanting to keep RAAD private from the public and gave accounts of sites being desecrated when their locations were disclosed, including participant 9, who states that:

“In most cases, things get destroyed if you identify where something is. People come in and just destroy it, and we found that with a pictograph of a thunderbird up in the Squamish Valley, where climbers had come in and drilled holes right into the pictograph. So, any form of disclosure of where stuff was, was problematic” (participant 9)

However, others have argued that the limiting of archaeological site information has also played a role in excluding Indigenous Nations from accessing their own cultural heritage information (Gupta et al., 2020). Furthermore, the inaccessibility of recorded archaeological sites in BC has resulted in accidental site desecration, instances where new homeowners have been unable to develop on their property, and deepened divides between settler property owners and First Nations when this happens (Gupta et al., 2020). Technically, home buyers are advised to contact the archaeology branch for information or hire a contractor to perform a site inspection prior to purchase to avoid unexpected problems (Gupta et al., 2020).

In cases where development permits are not required, the HCA still requires that developers apply for archaeology permits when accidental site disturbance during development occurs, which is described by the following interviewee in the context of Lasqueti:

“Especially in the Lasqueti context, there’s really not a lot of interaction with the islands trust [regarding Indigenous heritage sites], because we don’t have permits. It’s just sort of this understanding that a developer has to know that there might be archaeology permits required and that they should contact the arch branch. There isn’t a lot of involvement that the islands trust has in that process” (participant 5).

Although Local Trust Committees can include ICH conservation strategies in their OCPs, the regulations set in the HCA must be observed and the provincial government

is the primary authority for regulating ICH protocols. However, through OCPs and other bylaws, planners may designate heritage zones or boundaries, or advocate for improved protection measures for archaeological sites. Salt Spring Island Trust Area even requires Heritage Alteration Permits for development applications within their Heritage Alteration Permit Areas as per their OCP (“Land Use Application Guides & Forms - Island Planning,” n.d.).

Community consultation is also a part of OCP and bylaw development. Since the province gives the final approval for OCPs and other bylaws, the Islands Trust acts somewhat as a middleperson between community members and the provincial government. As one interviewee explained,

“You can't tell the province what to do, you can't force them to follow what you want them to do...you can say, “we would like you to consider...” Then we advocate and it's basically the community asking the islands trust to advocate on their behalf to the federal government or provincial government about something” (participant 1).

Being a middleperson between the community and the provincial government doesn't allow much room for decision-making authority within local government. Statements like “It's outside of our scope of authority,” (participant 8), and “it's not really our duty as a trust,” (participant 13), were common perceptions held by interviewees.

4.2. Regulation and Enforcement

Regulation through bylaws, zoning, and community plans are essential parts of a planner's purview. Land-use is regulated in Canada in BC through these and other tools, and compliance with regulations are necessary for meeting community and regional goals. Regulation through permitting, zoning, and bylaw amendment is one area of opportunity for protecting Indigenous cultural heritage. This section examines the barriers to regulation and enforcement at Xwe'etay, as well as what opportunities may arise through increased regulation.

4.2.1. Resistance to Regulation

“I think Lasqueti is probably the strongest for not wanting to be regulated compared to the other islands” (participant 3).

Five of the interview participants (1, 3, 5, 8, and 13) spoke about Lasquetians' resistance to regulation, and how this has played a major role in the lack of permitting and enforcement at Xwe'etay. Since OCPs, bylaws, and policy proposals and amendments must go through rounds of consultation, the final proposals and approvals will reflect community values and priorities. According to the interviewees, Lasquetian community members are often highly involved in these processes, though this is not necessarily different than other Trust Areas. This results in the local trust committee acting as advocates for community needs and desires. The limited amount of regulation and enforcement that does exist seems to be lenient and dependent on the honour system and complaints, rather than active (or proactive) procedures. One participant describes regulation at Xwe'etay in the following comment:

"I think we just sort of take for granted on Lasqueti that there's resistance to regulation and so we're not going to push it... the community has been resistant to any of that, which is why we don't have it... we've primarily let the community guide the OCP process and the OCP goals and policies and objectives that we've come up with are all non-prescriptive, they're all aspirational...the zoning is very permissive...and [bylaw enforcement] is more of a complaint-driven process" (participant 5).

Conversations with Lasquetian community members during my time at Xwe'etay in the fall of 2021 and the summer of 2022 also confirmed the anti-regulation attitude that's prevalent on the island. I heard many people talk both directly and indirectly about a preference to community-led initiatives over government intervention and enforcement. These sentiments were further confirmed in the Xwe'etay/ Lasqueti Island Indigenous Heritage Survey, through statements such as "who wants local police?"

However, out of 138 people who answered question 33, "do you believe that the development of local heritage policy for the management of archaeological resources would benefit the Lasqueti community as a whole?" Most participants agreed with the statement, as shown in Figure 4. This was surprising as it contrasts with the general consensus that Lasquetians are resistant to regulation. However, it is also worth noting that 28% of the participants responded with "not sure," and only 34% of the Lasquetian population filled out the survey.

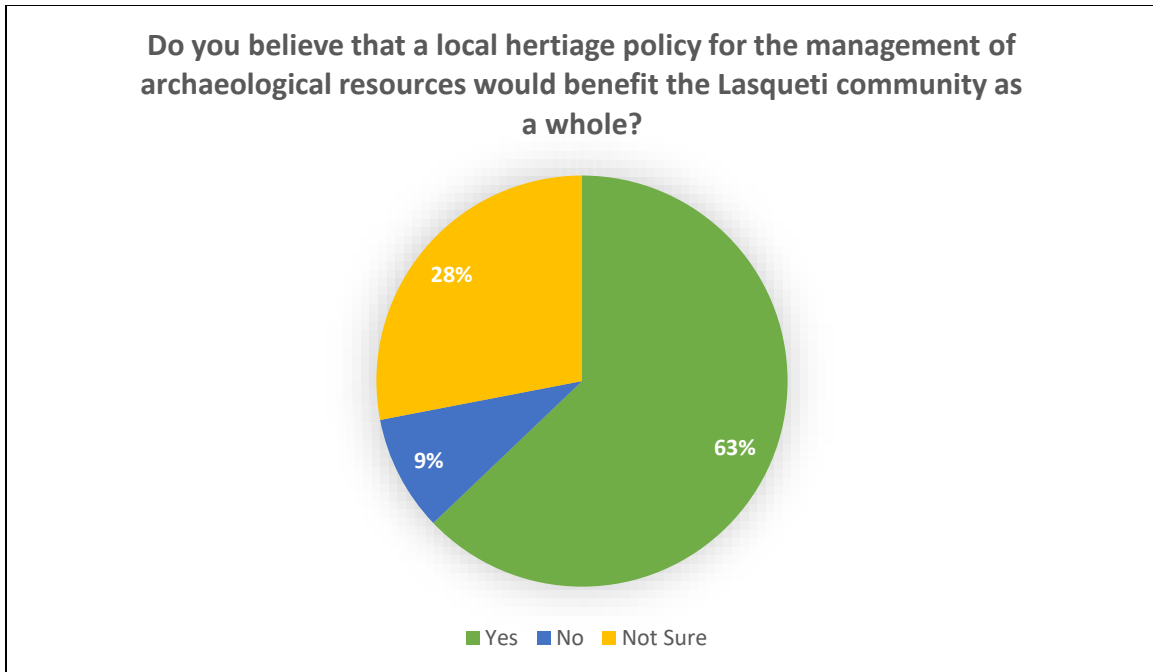


Figure 4. Perceptions of Heritage Policy Graph

Responses to Xwe’etay/Lasqueti Island Indigenous Heritage Survey to question 33 “do you believe that the development of local heritage policy for the management of archaeological resources would benefit the Lasqueti community as a whole?” The majority of respondents are in support of such a policy, while a significant number are uncertain of its value.

Although a high degree of resistance to regulation exists, there does seem to be more acceptance of local government intervention compared to provincial or federal authority. This is perhaps partly due to the Islands Trust structure, where local trust committees include two elected people who reside within the community and have personal relationships with many community members. Preference for localised power was evident within the Heritage Survey, through statements like “All power should be local, and carried out in equal partnership.”

The keen resistance to regulation at Xwe’etay is something that makes the island unique, and which community members are proud of. People who live on Xwe’etay enjoy a rural, off-the-grid lifestyle, with limited government, corporate, or institutional intervention. This way of life is deliberate and highly valued by the local community. This may pose challenges for advocating for regulations if they are viewed as impeding on people’s independence, though this could be avoided if decisions are made from the bottom-up.

4.2.2. Legislative Barriers to Regulation

Regulatory powers are not only constrained from community resistance but are also limited through a lack of authoritative power granted from the top-down, limited mechanisms available to employ, and bureaucratic restraints. These obstacles hinder planners' ability to make actionable change and decisions.

Planners within the local government don't have many options for the types of regulation that may be employed. Many interviewees spoke about the authority of the provincial government, which curtails creative strategies for ICH protection at the local level. Introducing new plans, bylaws, processes, or regulations can also be expensive, which further limits the capacity of local governments to make changes. Interview participants described a lack of regulatory bylaws to draw on, the absence of development permits at Xwe'etay, weak regulatory tools, and an inability to ensure regulatory compliance (participants 1, 5, 8, 13, 19).

The tools and mechanisms that planners do have available are generally not designed for ICH protection. Instead, the planning profession has been designed for protecting private property rights, dividing landscapes into parcels through zoning, and advocating on behalf of communities. Although the Islands Trust is different from other local governments in that its' mandate is to "preserve and protect" the island environments, it still operates within the larger colonial context of BC and Canada. Additionally, environmental protections are more widely accepted and understood than ICH protections. There are regulatory tools that are used for environmental protections that may be applied to ICH conservation, but this would need to be approved by higher levels of government, altered to fit the scope of ICH, and done in partnership with descendant communities to ensure their expectations are upheld.

Having more control over decision-making at the local level may resolve some of these issues. However, it's important to be cautious of downloading responsibilities to local governments without ensuring they have the capacity to handle new obligations, as highlighted by one of the interviewees through stating that "there is this piece of it, which is sort of offloading of the original jurisdiction onto the local government, which can be a positive thing, but it can also be quite impactful and if it doesn't come with any sort of support, I think there can be some pushback on it" (participant 14). To avoid the negative

impacts of downloading responsibility to local government, support from higher authorities is necessary.

Although the provincial government has legislative authority over ICH, local governments likely know their regional landscape more intimately. Additionally, members of First Nations are the only people with the appropriate knowledge for their heritage protection protocols and priorities, yet they only have jurisdiction over their reservation and treaty lands, as described by the following comment:

“There’s some interest on the part of some First Nations...establishing kind of a permanent regime of their own when it comes to development. Basically, the goal is that the landowner may be required to get approval from a First Nation before doing work in certain areas. But the issue is there’s no legislative basis for that, outside of their own treaty land or reserve lands, and there’s no legal way for us to require a landowner to go to a First Nation and get a permit or permission from that First Nation” (participant 15)

Empowerment and authority of both First Nations and local settler governments may be more effective than the status quo for ICH protection. Local settler governments often have a close connection to their communities, and Indigenous Nations have the knowledge and inherent right for designing ICH protection measures. The current top-land use system is clearly not effective for upholding or honouring Indigenous rights to their cultural heritage, as emphasized by one of the interviewees who stated that “In regard to Indigenous heritage and how the OCP and local planning processes deal with Indigenous heritage issues, we haven’t done a great job” (participant 13).

Most participants were aware of the rate of ICH destruction, the lack of settler knowledge, and the ineffectiveness of current policies for protecting ICH. Many participants felt guilty about the rate of destruction and desperate to have some decision-making authority to change the status quo. Increased regulation at the local level were suggested numerous times as a pathway to this.

4.3. Structural Barriers to ICH protection

This section covers structural and industry problems associated with reactive management, bureaucratic obstacles such as the time required for change and

approvals, rigid status quo legislation, a lack of system transparency, financial inequities, and a disregard for Indigenous values and needs.

4.3.1. Reactive Management

There are two methods for triggering archaeological assessments through the HCA. The first applies to regions or districts that require development permits, during which the application is reviewed in relation to RAAD to determine if the development is on or near a known or expected archaeological site. If it is, then an archaeology permit is required for inspection/investigation prior to development. The second method is through the chance find protocol, which maintains that if a development happens to encounter an archaeology site during land modification, then development must stop, and the archaeology branch determines what permits are needed to go forward. Instead of mitigating damage, the system relies on development for triggering the assessment process, as described by one of the interviewees who state that:

“The enforcement option is to make them take out a development permit and do restoration work but at that point, the damage is done. It speaks to how effective the regulation is” (participant 14).

Chance find protocols do apply to Xwe’etay, but the lack of regulation and enforcement results in dependence on the honour system. In other words, it’s up to property owners and developers to report archaeological findings. This can lead to “stealth development” in which property owners deliberately avoid reporting archaeological disturbances due to a fear of financial repercussions or a loss of property entitlement. It is important to note, however, that stealth development happens everywhere, and is not limited to Xwe’etay. In cases where chance find protocols are followed and an archaeological assessment is completed, the archaeology branch often grants approval of alteration permits for the continuation of the development. This speaks to the purpose and objective of the archaeology branch, as described by the following interviewee:

“Minimal effort is going into getting the job done, and I don’t blame the archaeology branch, I highly respect most people who work there, but they’re underfunded. Their job is not to protect our sites, period. Their job is just to record the disturbances that are happening, which is kind of a backwards way of doing it, and it puts our people in conflict with each other” (participant 7).

The HCA is not set up to work proactively, it's designed to record sites and ensure that development applications comply with protocols. If developers report a chance find, or their development permit application triggers the system through RAAD, then the process of archaeological permitting and assessment begins, but does not necessarily prevent the development from continuing. However, if homeowners or developers want to mitigate damage or even protect the area in whole, they can adjust their development plans to accommodate this. In addition to the reactive management design that we currently use, the lack of transparency, clarity, and awareness of these processes contribute to continued ICH destruction.

4.3.2. Bureaucracy and Path Dependency

“We're in this emergency situation and we're still not responding like paramedics. We're kind of just responding with, would you like a pamphlet on how to put a band aid on your gaping wounds?” (participant 19)

The slow pace of change and rigidity of government processes was raised by numerous participants as a problem. This applies to local government in the same way as provincial and federal systems. The slow rate of government and the problems associated with this is described by the following quote:

“I'm keenly aware that local government moves in a very slow speed at the best of times. One thing that is definitely the case is we're not terribly nimble, in terms of being able to act in a timely manner on new information that comes to us, so I think that's sort of a weakness, but also there's not much to be done about that” (participant 20).

Introducing new policies or bylaws often takes years to reach approval. The ongoing revision process for the Trust Policy Statement and the Lasqueti OCP amendments reflect this reality. The HCA Transformation Project, launched in 2021, is in its 1st of 3 phases, and is set to be drafted by Spring 2024. In addition to policy approvals and revisions, this can also apply to the substantive implementation of commitments post adoption, such as BC's DRIPA, which was adopted in 2019 and includes articles (12 and 13) specifically pertaining to the rights of Indigenous peoples in regard to their cultural heritage (Declaration on the Rights of Indigenous Peoples Act, 2019).

Until amendments to legislation are approved and implemented, the current policies and bylaws dictate procedures with little room for divergence. If the zoning allows a development to go ahead, even if there's the potential of ICH destruction, then there's very little a local government can do to discontinue it. This was described by some of the interviewees, such as participant 16 who states that:

“You can't just turn down a development permit if the applicant meets the five criteria. It's less of a decision, it's not a discretionary decision-making moment, if you will” (participant 16).

Whether a planner or other trust council member is concerned about a development on ICH sites doesn't impact the likelihood of a development being approved or not. The interviewees for this research generally agreed that this is a problem. However, this perspective isn't necessarily held by all governing officials or planners. A lack of knowledge and/or care is also prevalent among decision makers, who often stick to what they know rather than critically reflecting on the problems associated with the existing conditions. This can be understood as path dependency, and is highlighted by the following statement:

“People seem to fall back on this thing and say, well, this is the policy that I'm supposed to be enacting, even though the policy is unethical, morally reprehensible, or wrong. They still think that this is the policy that I should be enacting. I think that's particularly true when it comes to the destruction of ancestral resting places or sacred sites” (participant 9)

4.3.3. Transparency

“Transparency and public processes with local governments is a real problem” (participant 16).

Another barrier to ICH protection that's derived from legislative and industry structures is the lack of procedural transparency. Although the protocols from the archaeology branch are clear, the options, outcomes, and impacts that landowners face are not. Unclear expectations means that people are likely to rely on what they've seen or experienced in the past and avoid potential burdens or costs. Additionally, the classified nature of RAAD, though advocated for by some First Nations, means that most people don't have knowledge of ICH site locations and may subsequently desecrate or destroy them by accident. The ambiguity of the policies set by the archaeology branch is described as an impediment to ICH conservation by participant 2, who states that “the

system that exists now through the archaeology branch is more like a barrier to good protection because it's not very user friendly.”

This is further complicated in places with multiple overlapping First Nation traditional territories, which creates additional uncertainty for ICH management, as described by the following interviewee:

“I think that what's a little fuzzier is the unknown, the undisclosed sites, and how we can go about providing protection without sort of violating that trust with First Nations. I think that's a little bit of gray area and, of course, as you're probably aware Lasqueti has as many as 13 or 14 First Nations with overlapping claims to part or all of the island and so that makes navigating that sort of thing even more tricky” (participant 20).

Finally, there's a lack of transparency regarding who bears the financial burden of archaeological permitting, assessments, and impacts to property value. Property owners often prefer to not disclose archaeological findings because of fear that it will result in high costs, an inability to develop, loss of property rights, and decreased property values. Although there are some costs associated with archaeological permits and assessments, there is no legal basis for a reduction of property rights or proof that having an archaeological site on one's property decreases its value. According to the HCA, if an archaeological site does decrease property value, then the property owner is entitled to compensation from the provincial government (Heritage Conservation Act, n.d.). However, the lack of transparency about the processes for homeowners can result in accidental site desecration and associated costs which could have otherwise been avoided. The inequity of this is described by the following interviewee:

“Landowners should be aware and be open so it's not just “you should stop work and take on these costs” because there's something a bit inequitable about archaeological resources, where the landowner foots the bill for common resources. It's kind of a tragedy of the commons because it's not just inequity, it also leads to self-interest to not report stuff or say you didn't notice those sites” (participant 1).

A lack of clarity about the options available to property owners is unfortunate because there are many options that have reduced or zero financial repercussions. The highest cost for a property owner or developer results from a lack of awareness of the site and subsequent desecration during development. When this happens, an archaeological permit for inspection or investigation is required to determine the best way to proceed. This can be avoided by property owners contacting the archaeology

branch and applying to receive information about any known sites on their property through RAAD prior to starting any development. If a known site exists, then property owners can modify their development plans to avoid harming it at no cost (though RAAD doesn't have all archaeological sites recorded, and accidental alteration can still happen). However, if the property owner decides to proceed with development that will damage the site, then a permit for investigation as well as site alteration are necessary. There have also been cases in which the government has compensated landowners for not destroying a significant site. Additionally, community-based archaeology projects (such as this one) can provide people with the option to hire local experts to find the best ways to avoid damage and honour the Nation that the heritage belongs to, at a much-reduced cost.

4.4. Capacity and Resource Limitations for ICH management

Capacity and resource limits within both the local settler government and First Nations poses additional challenges for improved ICH protection. Staff shortages, limited funding, a lack of people with thorough ICH knowledge, and geographical constraints can hinder effective management. These limitations also interfere with advances in relationship building, especially when considering the number of First Nations with ancestral connections to Xwe'etay.

4.4.1. Local Government Capacity and Resource Limitations

There are 26 people who form the Islands Trust council and 14 people within the Qathet Regional District. Staff are described as being “overtaxed with a zillion things” (participant 7) and are coping with both staff availability and resource allocation challenges. Although many local government members are aware of ICH issues and want to uphold Indigenous expectations for honouring their heritage, there is a lack of internal capacity and resources to do so, which was described by one interviewee who states that “the capacity issue is a big problem for us...what we'd like to do versus what we're able to do with our lacking capacity, it's impossible, like we cannot do what we would like to” (participant 12).

Local governments are required to determine what areas or projects to allocate resources to depending on community needs. Capacity limits restrict the ability of staff and planners to spend time learning, exploring avenues for change, and relationship building. The geography of the Salish Sea islands and the multitude of First Nations within the region also presents further challenges for local governments with limited staff capacity. Building relationships with First Nations and communities requires time and money for travel and accommodation, without which local governments are restricted to narrow and detached forms of communication and consultation, such as through online platforms and email. Building relationships and advancing reconciliation requires more than “checking the box;” it requires deep engagement, education, and action – things that email correspondence on its own is unlikely to establish. It’s important that local governments also have the capacity and resources to engage with all the nations who want to be engaged with, regardless of their size and distance. Participant 5 also explained that Nations have varying engagement needs which poses additional complexity for trust staff by stating that:

“It’s a challenge in the sense that there are multiple nations and they all have different ways of wanting to be communicated with and interact with us, and we have to keep track of that and any changes” (participant 5).

Without the appropriate capacity and resources available to local governments, relationships and ICH protection can be neglected. This may perpetuate intergovernmental and cross-cultural distrust between First Nation and settler communities if it seems like First Nation concerns are not a priority.

4.4.2. First Nation Capacity and Resource Limitations

First Nations also have capacity and resource limitations. Many Nations are already inundated with an immense number of consultative documents. Some Nations are in a better position to handle the scale of referrals sent to them than others (being larger, better staffed, or more organised), but that doesn’t mean that they should be prioritised over others. The level of engagement or authority over ICH management should be determined by the Nation and supported through increased capacity and resources. However, there are currently massive challenges that First Nations are facing due to these limitations, as described by the following interviewees:

“Just checking a box is a reflection of the capacity that local [First Nation] councils have...it’s a lot to ask them to personally be reading through and understand what their historic, their ancestral, let alone their legal, obligations are to this. So, the capacity issue is huge...how do you call upon people to spend 20 or 40 hours a week reading over these applications constantly to do that? There’s no resources involved to help with that” (participant 7)

One issue that results from First Nation capacity and resource limits is how this can be interpreted by local settler governments. As one participant explained, “when the Nation doesn’t respond due to capacity issues, it is interpreted as a lack of interest or as consent” (participant 17). Not having the capacity to engage shouldn’t be interpreted as indifference or consent. Rather, the Nation may require additional support and resources to uphold the commitments they have to their communities.

4.5. Settler Culture and Systemic Barriers to ICH Protection

This section covers systemic and settler cultural barriers that participants highlighted during interviews. The topics included are the barriers to ICH protection because of property rights, settler attitudes and beliefs regarding First Nations, reconciliation, and ICH, and ends with a section on the existing knowledge gap about ICH issues from community members, industry, and local government members.

4.5.1. Property Rights

Many participants brought up the issues associated with protecting ICH on private property. As a systemic issue, property rights are a barrier to ICH protection because local government and planners have limited authority over what property owners can or cannot do on their land. Although the law is clear that all recorded archaeological sites are protected under the HCA and a permit is required for disturbance, enforcement (especially on private property) rarely happens. Local planners as well as the archaeology branch seem to be better set up to protect private property rights compared to ICH, as described by one interviewee who states that:

“If it’s private property, then the owner can basically do what they wish with it. The restrictions from the heritage conservation act is proven to not be very effective, so no, there’s no legislation with real teeth to protect it” (participant 6).

The above quote reveals acknowledgement of HCA regulations, but also shows that authorities perceive private property rights to override HCA protocols. Although technically untrue (HCA protocols do override property rights), this is a cultural issue through the perceived rights and freedoms that property owners have to their land. Perceptions of property relate to the notions of possession and ownership that are foundational to settler-colonial society (see section 2.2.4). Amidst this cultural backdrop, regulation proposals are perceived as an infringement to people's rights and freedoms. These challenges were raised during the interviews, and is described by the follow quote:

"We've got to understand that these are long-held, historic ideas, but they're also based on land ownership differences, really on fee simple land ownership. People see it being their land, they think, "I've worked my whole life, my grandfather, my mom, my parents, worked their whole life for us to have this. Why would I give it up? Why is it costing me?" (participant 7).

Cultural perceptions of property may also manifest as the so-called NIMBY syndrome (Not-In-My-Back-Yard syndrome), where landowners or community groups agree that something (typically a development) is necessary, but oppose it being situated in their "backyard" (Eranti, 2017). This issue was brought up by multiple interviewees, including participant 19 who states that:

"People are really hypersensitive to the reconciliation efforts. There's a growing body of residents who really want to be good, and they're learning and they're on this path, but then you hear, "not if it's going to impact my property values. Yeah, I'm going to be all kinds of great things and say all kinds of lovely things, but if it's going to impact my property value then all bets are off" (participant 19).

Responses from the Heritage Survey also reveal challenges for protecting ICH on private property. Although ~86% of survey respondents stated that they believe it's either "important" or "very important" to protect ICH, when asked if it should be protected on private land, ~47% answered that it should be, and ~49% answered that it should sometimes be protected, depending on context. This differs from responses regarding the protecting of ICH on public land, in which ~70% of respondents believe it should be protected and ~28% believe it should sometimes be protected, depending on context. A visual representation of these responses is shown in Figure 5.

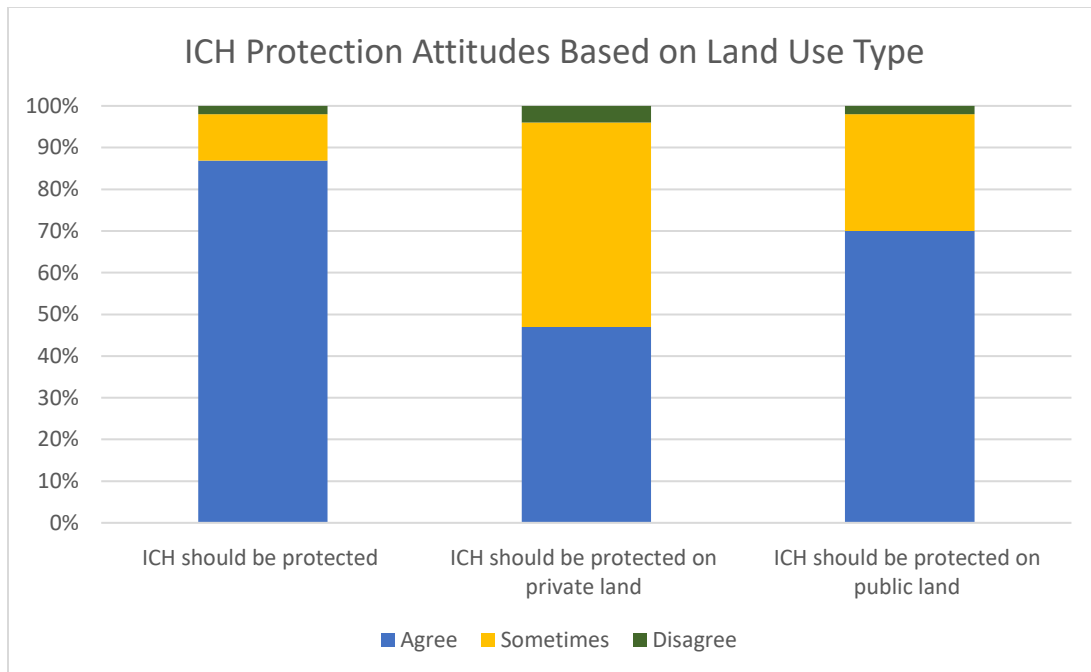


Figure 5. ICH Protection Attitudes Based on Land Use Type
 The information provided in this graph has been adapted from the 2021 Xwe’etay/Lasqueti Island Indigenous Heritage Survey so summarize responses regarding ICH protection. Although most respondents believe that ICH should be protected, this opinion is influenced by the type of land on which the archaeological heritage exists. On private property, more respondents believe the “context” is an important deciding factor for whether ICH should be protected.

The issue of property rights was brought up in the Heritage Survey in open-ended questions as well. Survey participants often added statements such as “I support protecting archaeological heritage but also respect landowner rights,” and “I think it is good to examine most archaeological sites but also important to allow people to live on “their” land as they will or as befits the whole community.”

4.5.2. Attitudes and Beliefs

In addition to settler community members’ attitudes about whether ICH should be protected, more general questions about peoples’ perceptions of First Nations, reconciliation, and cultural heritage were explored during the interviews and Heritage Survey. Some interviewees questioned the level of care that settler people have for ICH and spoke about the range of attitudes and beliefs that can be found in any community concerning these issues. The range of attitudes towards Indigenous issues also applies to members of government and local planners. One interviewee described this phenomenon as by stating that:

“That’s a big issue here, [people think] it’s just some post holes and a few arrowheads or something. But the lack of understanding, the lack of empathy, that’s a big barrier” (participant 1).

The Heritage Survey provided large set of information regarding peoples’ attitudes and beliefs about reconciliation and ICH at Xwe’etay, and the level of interest in learning about archaeological heritage. Generally, survey participants are sympathetic, interested, and enthusiastic about deepening their knowledge, protecting ICH, and supporting decolonial practices. Figure 6 breaks down some of the responses to questions that relate to these topics.

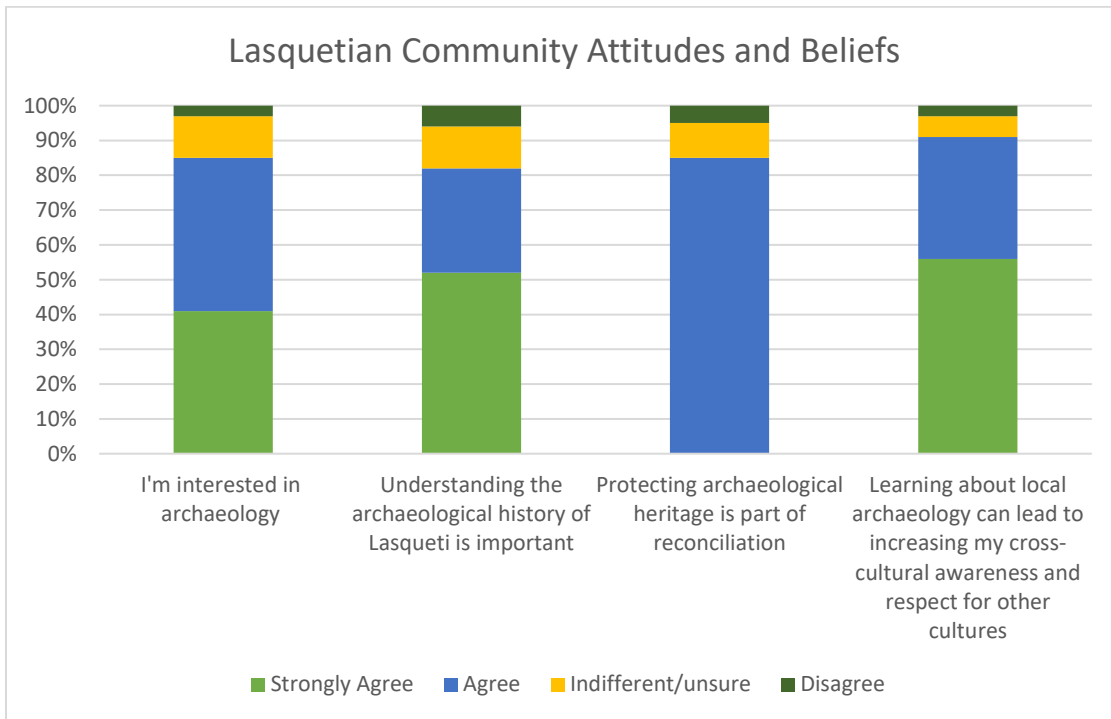


Figure 6. Lasquetian Community Attitudes and Beliefs. The information provided in this graph has been adapted from the 2021 Xwe’etay/Lasqueti Island Indigenous Heritage Survey to summarize information from questions that relate to peoples’ attitudes towards archaeological heritage. Over 80% of participants responded that they either “agree” or “strongly agree” to all four questions, meaning that over 80% of survey participants are interested in archaeology, they think it’s important to understand the archaeological history of Lasqueti, they believe protecting archaeological heritage is a part of reconciliation, and that learning about local archaeology will increase their cross-cultural awareness and respect for other cultures. Note that no option for “strongly agree” was provided in the survey for the statement “protecting archaeological heritage is part of reconciliation.”

In addition to the data provided in Figure 6., survey participants included comments to open-ended questions that are useful for better understanding Lasquetian attitudes and beliefs towards ICH and reconciliation. Statements such as “I am

interested to know how the true ancestors of these lands lived, for how long, and what they can teach us,” “We care about the history of our ancestors and so do the descendants of the First Nations who lived here. We can’t simultaneously erase that history and honour the First Nations,” and “Respect of heritage is part of reconciliation.”

In addition to the overall theme of interest and support for ICH protection that was revealed through the Heritage Survey, there were also comments scattered throughout that exposed opposing attitudes, such as “It isn’t relevant to the current way of life,” and “For the most part that archaeological heritage consists of scattered rocks, bones, and stone tools, and I do not see the value.” These comments, however, came from a small, select number of participants, and don’t reflect the overall results from the survey. Overwhelmingly, both survey and interview participants believe that ICH protection is both important and interesting. Although community and political support may not be wholly sufficient for ICH protection, it is necessary and foundational. Without support, new protection measures are unlikely to be effective or enforceable.

4.5.3. Knowledge Gap

Increased education about ICH is needed. Education can bolster community and political support for conservation strategies, and ensure measures are both effective and appropriate. Education that targets settler community members, local planners, government, and industry members (e.g., realtors) is needed. The need for education was a common topic raised during interviews. The following comment reflects one interviewees’ opinion about the gap in knowledge at the local government level, which seems to be improving with higher awareness about ICH and reconciliation issues:

“The expertise maybe wasn’t there before to be able to ask the right kind of questions, so most people wouldn’t be able to ask the appropriate questions in relation to cultural heritage. Our planners are getting better now that they’re quite well versed and able to discuss things” (participant 9).

Regarding community-level knowledge, interviewees described the need for education both in terms of understanding ICH issues and for understanding the processes and protocols in place. The gap in knowledge about ICH protocols may be a source of fear for community members, who are unsure about what is expected of them and what (if any) consequences or impacts exist for reporting archaeological heritage

sites/belongings. Participant 10 described this by stating that “I think people get a little bit timid if they possibly have an archaeological site on their property, just from misconceptions.”

In addition to emphasizing the need for education, some interviewees also described the limitations to education. Participants discussed the need for systemic transformation, regulation, enforcement, or other strategies in addition to education, so that efforts are effective and active. Essentially, education, like community and political support, is necessary but not sufficient for ICH protection. The following comment highlights this:

“So, I think education and outreach has its place, but right now we're just in a stage where that might not be timely enough and responsive enough to leverage the shift that's required for some radical change. Otherwise, a lot of folks in these professions are going to pivot out into something that's more tangible and immediate, because the pace of which change is happening in these other professions is too slow” (participant 19).

Chapter 5. Discussion

This chapter addresses the findings of my research in relation to concepts explored in the literature review. I begin with a discussion of the structural and regulatory barriers to ICH protection from the top-down. This leads into the following section Regulation and Anti-regulation, which considers the attitudes towards regulation at Xwe'etay to explore appropriate and contextual pathways for improved regulatory approaches to ICH management. The next section discusses settler perceptions of private property and ownership, followed by a section on Indigenous self-determination over heritage. Finally, I discuss decolonial planning methods and the role of descendent and settler communities and planners in improving heritage management.

5.1. Structural and Regulatory Barriers to ICH Protection

The protocols set by the archaeology branch through the HCA are insufficient for effective ICH protection. The laws are clear that recorded sites as well as pre-1846 heritage sites and belongings are protected and require assessments and permits for development and alteration. However, this system depends on development permit applications to trigger this process, and stealth development often happens even in places that do require development permits. In places where no development permits are required, enforcement of the protocols set by the HCA is rare and relies on an honour system. Developers and landowners are expected to know whether they require a permit from the archaeology branch, but there is a lack of transparency and clarity for the expectations and processes. This instills fear in landowners who are unsure of the expectations or impacts that reporting a site may have for their property.

When unrecorded sites are discovered during development, then the protocols set by the HCA are reactive. Rather than working with Nations and settlers to identify and proactively designate heritage areas and determine appropriate protection measures, the assessment, reporting, and permitting system is triggered by uncovering archaeological heritage during development. This is a backwards way of protecting ICH that often involves otherwise avoidable impacts. Sites are often damaged, causing physical, spiritual, and cultural harms to the descendant communities.

The objectives and policies regarding ICH that are included in the Island Trust's current Policy Statement, as well as the Xwe'etay/ Lasqueti OCP are vague and superficial. Although they may appear positive, they lack actionable directive. The 2006 OCP includes mention of Tla'amin Nation but disregards the many other First Nations that have ancestral connection to Xwe'etay, though this will hopefully be amended in the new version. The Policy Statement lacks acknowledgement of specific descendant communities within the Trust Area, and only includes aspirational goals (without concrete commitments or protocols) regarding heritage protection. These regulatory documents also fail to consider intangible (living) heritage or recognize and uphold the expectations of First Nations.

The regulatory barriers to ICH protection are rooted in disregard for Indigenous communities and their cultural heritage. The priorities set out in institutional objectives and mandates are centered on colonial and capitalist aspirations. Legislation established in the 19th and 20th centuries still dominate our systems today, and current policy is undoubtedly born from these same documents. Rigid legal systems don't allow for creative structural transformations or moral and ethical judgements to take precedence over the status quo, resulting in path dependency.

Local government authorities are strained in their position as a middleperson. They must act as community representatives and advocates while being constrained by higher levels of authority, leaving little space for directing their attention to ICH conservation. Although federal, provincial, and local governments are increasingly recognizing and attending to Indigenous reconciliation matters, including ICH management, the time it's taking for meaningful action to manifest is perpetuating the status quo. Though it's important to ensure amendments are comprehensive and appropriate, the sluggish rate of legislative change isn't supportive of time-sensitive issues such as ICH conservation, where the rate of destruction requires immediate attention.

5.2. Regulation and Anti-Regulation

There is a strong anti-regulation culture present at Xwe'etay, though how much this differs from other Salish Sea Island communities is questionable. Community members prefer grassroots and bottom-up initiatives over government intervention and

enforcement, which they tend to view as an infringement on their rights and independence. Resistance to regulation may impede the effectiveness of introducing new policies that could improve ICH conservation. On the other hand, strong community cohesion and the nested organization of the Islands Trust allows for deeper connection between community members and Local Trust Committees. This may provide a unique opportunity for introducing new policies that are grounded in community-engagement and support.

Porter & Barry (2015) refers to BC's local government system as "relatively autonomous," as the LGA "dictates the content of plans, but only in the broadest of terms" (p. 33). The LGA doesn't explicitly require municipalities to demonstrate how they're upholding Indigenous rights and title, though it does require municipalities to develop OCPs that guide their policies and bylaws (Porter & Barry, 2015). Traditionally, OCPs are referred to adjacent municipalities to align regional goals and plans (Porter & Barry, 2015). This relative autonomy and culture of inter-municipal coordination presents an opportunity for improved ICH protection strategies at the local level. Municipalities and local planners can work with settler and First Nation community members to develop adequate and appropriate policies. Local governments have the power to make their own commitments to neighbouring First Nations, through bylaws that ensure the needs and expectations of descendent communities are upheld.

Cross-cultural relationship building, advocacy, and education is key to transforming settler perceptions of heritage regulations. Instead of being viewed as an infringement on peoples' livelihoods, regulations can be perceived in a similar manner as environmental protections, which are largely accepted and celebrated by island communities in BC. This can be achieved through applying a cultural asset lens to ICH management, which frames ICH as a positive (an "asset") instead of a nuisance or barrier. By applying this framework to regulations for ICH management on private property, new avenues for conservation begin to arise, such as incentives programs for landowners to act as caregivers for ICH on their property. At Xwe'etay, community involvement in policy development may be the most effective strategy for approval and implementation. Although there is a persistent resistance to regulation, community members appear to be open to regulations for ICH conservation so long as they are involved in the process. Ensuring that community members are listened to and involved in policy development at the local level may alleviate the fears and uncertainty that

policies currently present. Working together with local people to find acceptable ways of protecting and celebrating ICH is crucial for ensuring their effectiveness.

5.3. Fear and Uncertainty

Fear has been a recurrent theme throughout this research and within the larger XLAP project. Landowners demonstrate a sense of fear when confronted with the possibility of new development regulations and when archaeological sites are discovered on their property. Fears may be motivated by numerous interacting factors, such as uncertainty in the processes, protocols, and impacts of heritage policies, fear of change or a loss of power or independence, or fear of dispossession or exclusion. A gap in knowledge regarding historical and ongoing Indigenous-settler relations and the importance of protecting heritage may also play a role in individual's reactions to these topics. However, these anxieties may be alleviated through engagement and education, critical reflection, and having an opportunity to be listened to and treated with respect and patience.

Results from the Heritage Survey as well as conversations and events during field weeks reveal that most community members are keen to improve the commitments and relationships with neighbouring First Nations, learn more about heritage management, and engage in community-based strategies for reconciliation and heritage protection. Hesitancy and fear tend to arise when proposed strategies are perceived to impact an individual's property. In some cases, this may be attributed to the NIMBY syndrome, though it's likely more nuanced than this. Settler peoples in many cases have worked hard to own their property and feel a sense of place attachment and care for it. It's therefore understandable that people fear a loss of their property rights and independence, particularly when expectations and impacts are unclear. Making the existing protocols and processes for archaeological heritage more transparent will relieve some of these issues. When people know what to expect, they will be more confident, open, and willing to cooperate.

Reactions to perceived threats to property rights are rooted in systemic racism and colonialism. This is not to say that individual property owners are intentionally or explicitly upholding racist or oppressive paradigms. Rather, settler people (including myself) have been raised in a capitalist culture that values ownership rights and which

operates through a colonial property grid. It can be challenging for white settlers to confront a system that has been beneficial for them, and to accept changes to deeply entrenched worldviews. However, without critical reflection of the private property system, we risk perpetuating a system that “is not only connected to the creation and maintenance of a racial hierarchy but also relies on a political ontology that relies on relations of domination and positions some racialized people as less than human” (Dorries, 2022, p. 308).

Reconciliation and decolonisation are increasingly valued goals by governments, organisations, and individuals, as revealed through the numerous discussions and commitments that are being made in Canada and around the world. Attitudes held by the Lasquetian settler community also support these sentiments, as shown through the Heritage Survey and field weeks. Education and engagement are necessary parts of furthering these commitments and reducing uncertainty and fear, but it must be followed up with resistance to harmful or oppressive systems that maintain white, colonial possession and supremacy. Bhandar (2018) states that “the racial regime of ownership requires continual renewal and reinstantiation to prevail over other ways of being and living” (p. 9). This implies that the property regime, as is the case for status-quo heritage management and colonial hegemony, is not inevitable or fixed. Rather, it requires intention to maintain and may therefore be dismantled (Bhandar, 2018).

5.4. Indigenous Self-Determination over Heritage

Self-determination is defined as the freedom and ability to live autonomously and fulfill inherent rights throughout one’s life and through generations (Boron & Markey, 2020). Indigenous self-determination has been sought by the Canadian state through a recognition-based approach in which the state recognizes the rights of Indigenous people and Nations (Boron & Markey, 2020). However, this strategy ensures the perpetuation of imperial hegemony by only accepting the rights of Indigenous people and Nations within existing colonial structures and systems rather than as autonomous Nations (Boron & Markey, 2020; Daigle, 2016). The recognition-based approach is assimilative in nature, as the Canadian state maintains decision-making power and only acknowledges Indigenous Rights when they do not threaten state power (Daigle, 2016). A relational approach to self-determination, on the other hand, is grounded in diverse Indigenous ontologies, and aims for Indigenous resurgence through autonomy, place-

based relationships, and ceremonial renewal (Daigle, 2016). ICH is deeply and necessarily connected to place and is grounded in relationships and intergenerational knowledge transmission (Daigle, 2016). It is therefore necessary that descendent communities have control over their cultural heritage (Dent, 2017; Hammond, 2009; Schaepe et al., 2020).

Confronting and resisting the barriers to Indigenous self determination over their cultural heritage is a complex task, as state powers are deeply entrenched in our institutional, legal, and cultural systems (Takeda & Røpke, 2010). The critical connection between place and Indigenous self-determination is further threatened by the extractive and possessive relationship that the imperial capitalist state has with land use (Takeda & Røpke, 2010). Colonial institutions require the perpetuation of extractive activities, private property rights, and unequal power dynamics to maintain “imperial peace” and sovereignty (Barker, 2009; Mack, 2011). This has led to the adoption of recognition-based self-determination through tokenistic negotiations and collaborative projects where terms are set by the state and Indigenous Nations merely have the ‘right’ to agree, and assimilative policies are employed to maintain imperial hegemony (Barker, 2009; Daigle, 2016; Mack, 2011).

Relational self-determination requires resurgent practices that confront the status quo. The Haudenosaunee two row wampum belt framework includes Indigenous resurgent practices by proposing that Indigenous peoples and settler-colonisers exist in parallel to one another, “living together under separate sovereignties” (Schaepe, 2018, p. 14). However, this framework often results in a one row model, in which colonial society dominates and assimilates Indigenous peoples, cultures, and places (Schaepe, 2018). It seems then that resurgent practices, if pursued in isolation, cannot dismantle state power, or alter the relationships between Indigenous Nations and imperial states (Murphy, 2019). Rather, it merely ignores the realities of the systems and structures in place and has the potential to depoliticize the unique, varied, and conflicting relationships that exist between Indigenous Nations and the settler state (Murphy, 2019). Schaepe (2018) instead proposes a three-row model, shown in Figure 7, where each group “maintains their own laws, culture, and beliefs” (two rows) with the addition of a third row where “definition and decision-making over the use of land and resources informing stewardship, caretaking, and management... a place “with” each other; not over, through, around, or against the “other” ...set against a backdrop of mutual respect”

(p. 16). This is akin to the “third space” that Matunga conceptualizes in Porter et al. (2017), as described in section 2.2.3. of this report.

‘THREE ROW’ MODEL of RELATIONSHIPS

- Each maintains their own Laws, Culture & Beliefs (I & II) – i.e., exclusive IPs.
- Each shares in managing the land (III) – shared material economy/heritage management.
- Set against a backdrop of mutual respect.

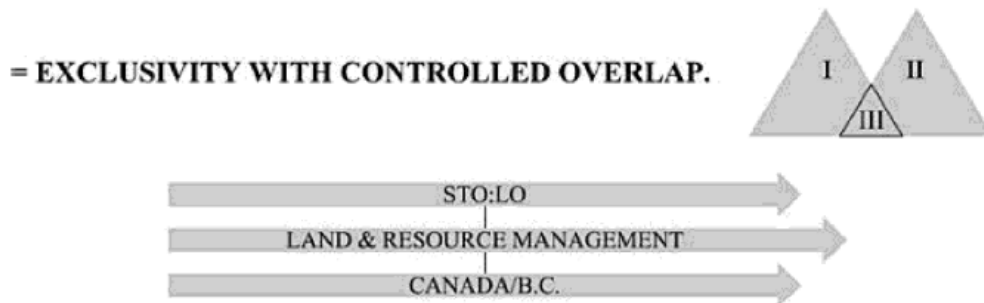


Figure 7. The “three row” model proposed by Schaepe (2018)

The “third space” and “three row” models apply a relational self-determination framework to Indigenous cultural heritage management. Heritage policies created by and for First Nations can be implemented in the third space/row, where kinship relations (blood and nonblood), allyship, respect, collaboration, and engagement are the foundation to upholding Indigenous expectations. State planners should include protocols to upholding Indigenous heritage policies in their OCPs and collaborate with Indigenous Nations to navigate the most appropriate pathways to managing cultural heritage. The examples from North Stradbroke Island, Queensland, and the Chehalis Kweh-Kwuch-Hum Spiritual area (section 2.2.3. in this report), fit into the three row/third space models that uphold Indigenous self-determination, and may provide lessons learned for additional pilot studies.

5.5. Decolonial Planning in the Contact Zone

“Planning is, almost by definition, driven by a desire for ‘settlement’: a way of inscribing the legal and regulatory order that facilitates the socio-spatial and material inhabiting of a particular lot, neighbourhood, city, or region” (Barry et al., 2018, p. 4).

Decolonial planning calls for the “unsettling” of both its theory and practice (Barry et al., 2018). Since planning is a profession that is closely linked to colonial settlement and the displacement and dispossession of Indigenous lands and bodies, transformation is necessary to alter its operations from “settlement” to “unsettlement.” There is a need for Indigenous planners to be centred within land-use planning and heritage protection as they are better equipped to manage culturally-specific complexities (Zapata & Bates, 2021). However, this may not always be possible and therefore heritage management policies that are developed by Indigenous Nations must be upheld by municipal government (Schaepe et al., 2020). Planners can employ policy intervention to re-structure land and resource management processes, aid in land claim dispute resolution, and advocate for Indigenous self-determination over their heritage (Lane, 2006).

Municipal planners in BC can implement local heritage policies in collaboration with neighbouring First Nations. They also engage with community members, making them key actors in the process of place-making and relationship building (Scott, 2019). Planners must be intentional in their role as an advocate for change, and be careful not to reproduce existing inequities (Barry et al., 2018). The “three row” and “third space” models are useful frameworks to understand decolonial planning in both theory and practice, as they force planners to be reflective and respectful in their pursuits. These models have inspired me to create a new conceptualization of the contact zone, as shown in Figure 8. In this reimagining, the contact zone becomes a place of relationship building, collaboration and engagement, advocacy, knowledge sharing, research, and reflection, that informs new policy creation.

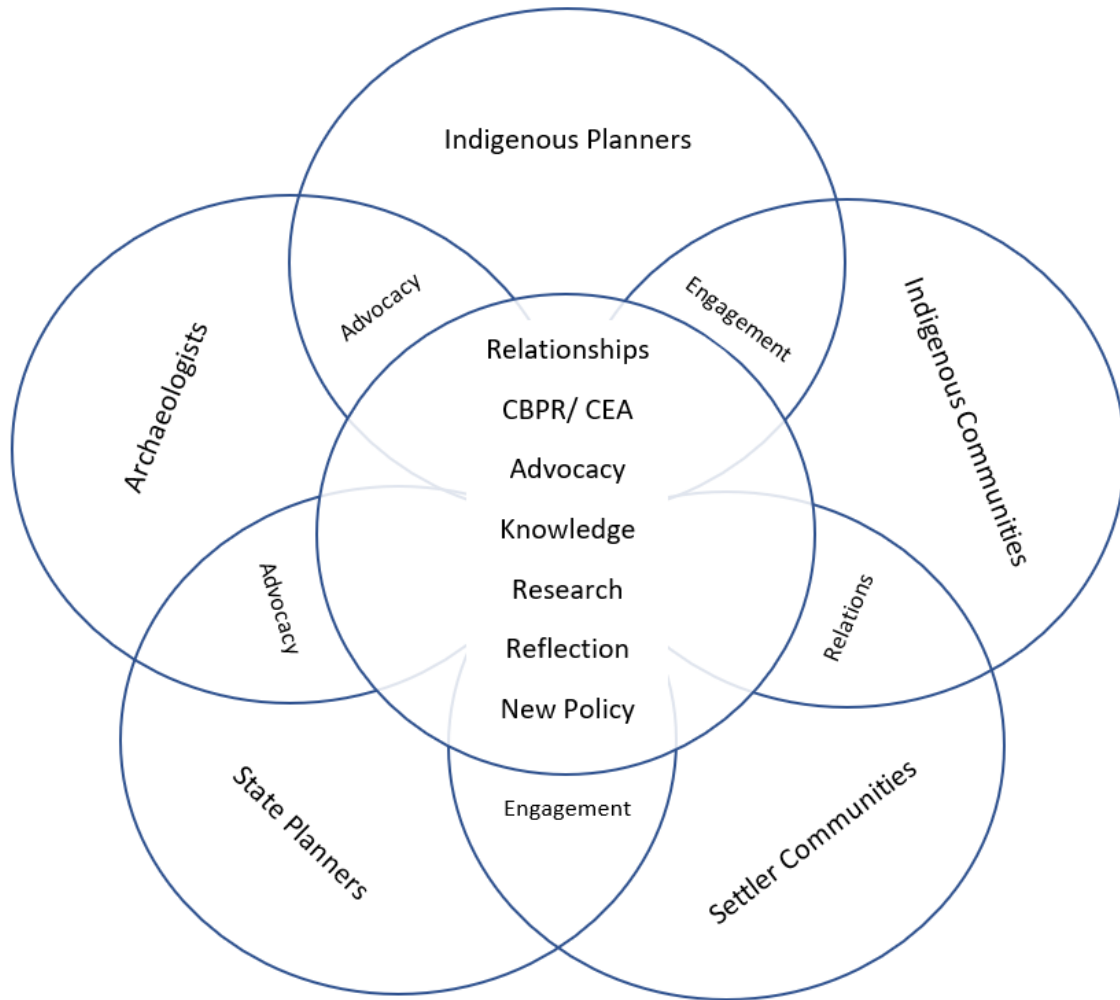


Figure 8. The Contact Zone Re-imagined around Indigenous Cultural Heritage. The outer parts of the figure show who interacts with Indigenous Cultural Heritage. These include Indigenous Planners, Indigenous communities, settler communities, state planners, and archaeologists. The first zone of overlap represents various places of contact between these groups: Planners engage with Indigenous and settler communities, who are building new relationships. Archaeologists work with Indigenous and state planners to advocate for ICH conservation. The centre of the figure reveals the fluidity of the initial zones of contact – here, all the groups are interacting, building relationships, engaging, collaborating, sharing knowledge, researching, reflecting, and creating or upholding new policy together. The shape of the re-imagined contact zone is akin to a flower, representing new beginnings, opportunities, sustainability, and friendship.

Although municipal planners shared concerns about capacity and resource limitations, constraints from higher authorities, and gaps in knowledge about ICH during our interviews, these barriers are not impenetrable. Our project has shown that CEA is a useful and effective “hook” to spur community interest in heritage conservation and reconciliation. Planners can apply a “cultural asset lens” when engaging community members with ICH, by revealing the many social, community, economic, and

environmental benefits of heritage, much in the same way that environmental protections are framed (Scott, 2019). Settler community engagement and education through CEA and other forms of community-engaged research and collaboration will/is helping to bring light to these issues. With community reinforcement and Indigenous collaboration, planners can include local ICH management plans in their OCPs and other bylaws, and demand support and resources from higher authorities. Calls for increased support may be framed in terms of provincial DRIPA commitments and the TRC calls to action. It may also be useful for municipalities to designate specific planners to ICH conservation, so that a team may focus their attention to these pressing issues.

Chapter 6. **Recommendations and Conclusion**

This section provides a brief overview of the recommendations that have emerged from this research followed by concluding remarks.

6.1. Recommendations

1. **Transparency:** existing policies and procedures should be clarified so that landowners are aware of the processes, impacts, options, and expectations for managing heritage on fee simple land. This will help in decreasing fear over archaeological reporting and will help in engaging settlers with ICH issues.
2. **Existing policy amendments:** existing heritage policies at the provincial level should be amended according to Indigenous calls for action so that they reflect the needs of descendent communities. These policies should support the implementation of regulations by First Nations and local governments.
3. **Indigenous heritage policy implementation:** local governments should work with Indigenous Nations to implement their cultural heritage policies and protocols. In cases where Nations do not have ICH policies, or do not have the capacity to create them, then collaboration in the development of new ICH bylaws will be vital.
4. **Regulation and enforcement:** new bylaws should be created at the local level. This will require advocacy for ICH conservation, community education and engagement, and framing heritage management through a cultural asset lens. New regulations must be designed in collaboration with both descendant and settler communities.
5. **Capacity and resources:** First Nations, local government, and planners should be granted additional supports from higher authorities to decrease strains, improve and streamline operations, and allow for increased attention to ICH conservation. Local government should consider introducing a cultural heritage committee. Calls for additional support from higher government can be framed as reconciliation commitments that align with DRIPA.
6. **Education and outreach:** increased community engagement regarding cultural heritage and reconciliation, as well as increased education for planners about these

issues will be critical for ensuring sensitive, appropriate, and effective ICH conservation.

7. Community – engaged archaeology: CEA initiatives should increase and continue at the local level, to bring together Indigenous and settler communities, build relationships, foster learning, and continue building the knowledge base surrounding Indigenous heritage. CEA should be supported by higher levels of government but designed and implemented at the local level.
8. Reimagining the contact zone: planners should apply a decolonial and “unsettling” lens to their practice and apply the third space/row model to planning activities. This involves working with settler communities and the state planning system while simultaneously honouring Indigenous self-determination. The contact zone will be reimagined when these two separate systems meet in the middle through CBPR and new local regulations.
9. Human rights issue: Indigenous cultural heritage loss, desecration, and destruction should be officially declared a human rights issue at the national level. This will bring increased attention to the urgency of ICH conservation, and pressure state governments to act in a timely manner.
10. Further research: It is recommended that further research takes place regarding the implementation of the previous recommendations, as well as ICH management in other contexts and places to deepen the knowledge base and find the best ways forward.

6.2. Concluding Remarks

“Heritage management policies will inevitably reflect culturally defined values and goals” (Hammond, 2009, p. 2).

The above statement is true for policies as it is for planners, archaeologists, and the wider community. Archaeologists and planners have central roles in decolonisation: archaeologists describe a history, and planners help decide how that story is incorporated into society. As Hammond writes, “cultural heritage is political” (p. 18). I agree that it is political, though it doesn’t need to be polarized. Politics helps us enact change and remain critical about the history and current context of colonialism,

capitalism, and racism. However, being open, listening to others, and understanding where peoples' fear is coming from will help us to avoid polarizing or isolating communities or individuals. When politics become polarized, enacting change becomes a much more difficult task, and relationships can be harmed.

Reimagining the contact zone takes bravery and resistance, which can be uncomfortable and difficult. However, reconciliation is not supposed to be comfortable or easy for settler people. There may be feelings of guilt, fear, or anger, but these pale in comparison to what Indigenous peoples have continued to experience since colonisation.

The decisions we make today will have lasting consequences for future generations. I implore us all to act as good ancestors, so that all people may attend to their heritage, restore their relationships, take pride in their identity, and pass their stories on to the next generations.

References

- About the qRD | qathet Regional District | Powell River. (n.d.). *Qathet Regional District*. Retrieved July 6, 2022, from <https://www.qathet.ca/about/about-the-qrd/>
- Aird, P. K., Fox, G., & Bain, A. (2019). *Recognizing and Including Indigenous Cultural Heritage in B.C.* 44.
- Angelbeck, B., & Grier, C. (2014). From Paradigms to Practices: Pursuing Horizontal and Long-Term Relationships with Indigenous Peoples for Archaeological Heritage Management. *Canadian Journal of Archaeology / Journal Canadien d'Archéologie*, 38(2), 519–540.
- Archer CRM. (2009). *Cultural Heritage Resource Identification and Management in Forestry Developments: A Supplement to the FREP Protocol*.
- Archibald, D. (2020). Indigenous Cultural Heritage: Developing New Approaches and Best Practices for World Heritage Based on Indigenous Perspectives and Values: *Protection of Cultural Heritage*, 9, 1–13. <https://doi.org/10.35784/odk.2084>
- Atalay, S. (2012). *Community-Based Archaeology: Research with, by, and for Indigenous and Local Communities*. University of California Press. <http://ebookcentral.proquest.com/lib/sfu-ebooks/detail.action?docID=962591>
- Ball, J., & Regier, K. (2021). Planning and Peace. In *Peace is Everyone's Business*. IAP.
- Barker, A. J. (2009). The Contemporary Reality of Canadian Imperialism: Settler Colonialism and the Hybrid Colonial State. *The American Indian Quarterly*, 33(3), 325–351. <https://doi.org/10.1353/aiq.0.0054>
- Barry, J., Horst, M., Inch, A., Legacy, C., Rishi, S., Rivero, J. J., Taufen, A., Zanotto, J. M., & Zitcer, A. (2018). Unsettling planning theory. *Planning Theory*, 17(3), 418–438. <https://doi.org/10.1177/1473095218763842>
- Bartlett, C., Marshall, M., & Marshall, A. (2012). Two-Eyed Seeing and other lessons learned within a co-learning journey of bringing together indigenous and mainstream knowledges and ways of knowing. *Journal of Environmental Studies and Sciences*, 2(4), 331–340. <https://doi.org/10.1007/s13412-012-0086-8>
- Baxter, J., & Eyles, J. (1997). Evaluating Qualitative Research in Social Geography: Establishing 'Rigour' in Interview Analysis. *Transactions of the Institute of British Geographers*, 22(4), 505–525. <https://doi.org/10.1111/j.0020-2754.1997.00505.x>

- BC Archaeology Branch. (2021). *Site Form Requirements*.
https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/archaeology/forms-publications/site_form_requirements.pdf
- BC Forest Services. (n.d.). *CDFmm moist maritime coastal douglas fir subzone*. Retrieved June 15, 2022, from
https://www.for.gov.bc.ca/hre/becweb/Downloads/Downloads_SubzoneReports/CDFmm.pdf
- BC Forest Services. (2018). *Biogeoclimatic ecosystem classification subzone/ variant map for the Sunshine Coast Resource District South coast region*.
https://www.for.gov.bc.ca/ftp/HRE/external/!publish/becmaps/PaperMaps/field/DSC_SunshineCoastResourceDistrict_SouthCoastRegion__field.pdf
- BC Parks. (n.d.). *Lasqueti Island*. Retrieved June 15, 2022, from
https://bcparks.ca/eco_reserve/lasqueti_er/lasqueti.pdf
- Bede, G. (2022). *LibGuides: WET 219 - Applied Water Law - Indigenous Rights: Unceded Lands*. <https://libguides.okanagan.bc.ca/c.php?g=721994&p=5175676>
- Bhandar, B. (2018). *Colonial Lives of Property: Law, Land, and Racial Regimes of Ownership*. <https://doi.org/10.1215/9780822371571>
- Blomley, N. (2017). Land use, planning, and the “difficult character of property.” *Planning Theory & Practice*, 18(3), 351–364.
<https://doi.org/10.1080/14649357.2016.1179336>
- Boron, J., & Markey, S. (2020). Exerting Sovereignty Through Relational Self-determination: A Case Study of Mineral Development In Stk’emlupsemc te Secwépemc Territory. *Journal of Rural and Community Development*, 15(4), Article 4. <https://journals.brandonu.ca/jrcd/article/view/1822>
- Brattli, T. (2009). Managing the Archaeological World Cultural Heritage: Consensus or Rhetoric? *Norwegian Archaeological Review*, 42(1), 24–39.
<https://doi.org/10.1080/00293650902904505>
- Canadian Institute of Planners. (2019). *Policy on planning practice and reconciliation*.
<https://www.cip-icu.ca/getattachment/Topics-in-Planning/Indigenous-Planning/policy-indigenous-en-interactive.pdf.aspx>
- Centre, U. W. H. (n.d.). *The World Heritage Convention*. UNESCO World Heritage Centre. Retrieved September 16, 2022, from
<https://whc.unesco.org/en/convention/>
- Chilliwack Forest District. (2008). *Government Actions Regulation Order to Identify a Cultural Heritage Resource*.
https://www2.gov.bc.ca/assets/gov/environment/natural-resource-policy-legislation/legislation-regulation/gar-ministerial-orders/dck_cultural_heritage.pdf

- Cullingworth, B. (2017). *URBAN and REGIONAL Planning in Canada*. <https://www-taylorfrancis-com.proxy.lib.sfu.ca/pdfviewer/>
- Daigle, M. (2016). Awawanenitakik: The spatial politics of recognition and relational geographies of Indigenous self-determination. *The Canadian Geographer / Le Géographe Canadien*, 60(2), 259–269. <https://doi.org/10.1111/cag.12260>
- Datta, R., & Marion, W. P. (2021). Ongoing Colonization and Indigenous Environmental Heritage Rights: A Learning Experience with Cree First Nation Communities, Saskatchewan, Canada. *Heritage*, 4(3), 1388–1399. <https://doi.org/10.3390/heritage4030076>
- Davidson, S. F., Davidson, R., & Archibald, J.-A. (2018). *Potlatch As Pedagogy: Learning Through Ceremony*. Portage & Main Press. <http://ebookcentral.proquest.com/lib/sfu-ebooks/detail.action?docID=5493224>
- Declaration on the Rights of Indigenous Peoples Act*. (2019). <https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/19044>
- Dent, J. (2017). Tailors-Made: Heritage Governance Customization in Late Modern Canada. *Archaeologies*, 13(1), 136–152. <https://doi.org/10.1007/s11759-017-9314-x>
- Dorries, H. (2022). What is planning without property? Relational practices of being and belonging. *Environment and Planning D: Society and Space*, 40(2), 306–318. <https://doi.org/10.1177/02637758211068505>
- Eranti, V. (2017). Re-visiting NIMBY: From conflicting interests to conflicting valuations. *The Sociological Review*, 65(2), 285–301. <https://doi.org/10.1177/0038026116675554>
- Fainstein, S. (2018). Urban planning and social justice. In *Routledge Handbook of Planning Theory* (1st ed., pp. 130–142). Routledge.
- Fainstein, S., & Defilippis, J. (2016). The structure and debates of planning theory. In *Readings in Planning Theory* (4th ed., pp. 1–18). John Wiley & Sons, Incorporated.
- Fereday, J., & Muir-Cochrane, E. (2006). Demonstrating Rigor Using Thematic Analysis: A Hybrid Approach of Inductive and Deductive Coding and Theme Development. *International Journal of Qualitative Methods*, 5(1), 80–92. <https://doi.org/10.1177/160940690600500107>
- Freire, P. (1970). *Pedagogy of the oppressed*. Seabury Press.
- Gandhi, V., & Freestone, R. (2008). *Problematizing Urban Indigenous Heritage in Settler-Society Countries: Australia and New Zealand*. 4(1), 16.

- Glover, F. (2020). *Indian Act (Plain-Language Summary) | The Canadian Encyclopedia*. <https://www.thecanadianencyclopedia.ca/en/article/indian-act-plain-language-summary>
- Governance. (n.d.). Islands Trust About Us. *Islands Trust*. Retrieved June 29, 2022, from <https://islandstrust.bc.ca/about-us/governance/>
- Government of Canada, S. C. (2022, February 9). *Profile table, Census Profile, 2021 Census of Population—Canada [Country];Lasqueti Island Trust Area, Island trust (IST) [Designated place], British Columbia*. <https://www12.statcan.gc.ca/census-recensement/2021/dp-pd/prof/index.cfm?Lang=E>
- Grant, J. (2005). *Rethinking the Public Interest as a Planning Concept*. 3.
- Gupta, N., Blair, S., & Nicholas, R. (2020). What We See, What We Don't See: Data Governance, Archaeological Spatial Databases and the Rights of Indigenous Peoples in an Age of Big Data. *Journal of Field Archaeology*, 45(sup1), S39–S50. <https://doi.org/10.1080/00934690.2020.1713969>
- Habkirk, A. (1990). Local government heritage planning legislation in British Columbia. UBC.
- Hammond, J. (2009). Archaeology without reserve: Indigenous heritage stewardship in British Columbia [Simon Fraser University]. https://summit.sfu.ca/_flysystem/fedora/sfu_migrate/9632/ETD4716.pdf
- HCATP Backgrounder. (2022). Heritage Conservation Act Transformation Project: Backgrounder for Phase 1 Stakeholder Engagement.
- Healey, P. (2010). The planning project. In *Making Better Places: The Planning Project in the Twenty-First Century* (pp. 139–155). Palgrave Macmillan.
- Heritage Conservation Act. (n.d.). Retrieved June 4, 2022, from https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96187_01
- History of BC. (n.d.). Retrieved June 17, 2022, from <https://www.welcomebc.ca/Choose-B-C/Explore-British-Columbia/History-of-B-C>
- Hodge, G. (1985). The Roots of Canadian Planning. *Journal of the American Planning Association*, 51(1), 8–22. <https://doi.org/10.1080/01944368508976796>
- Hodge, G., Gordon, D., & Shaw, P. (2021). Land Use Regulation Tools for Plan Implementation. In *Planning Canadian Communities* (7th ed., pp. 394–425). Nelson.
- Hodge, G., & Robinson, I. (2001). *Planning Canadian Regions*. UBC Press. <https://canadacommons-ca.proxy.lib.sfu.ca/artifacts/1870708/planning-canadian-regions/2619549/read/>

- Hutchinson, I., James, T. S., Clague, J. J., Barrie, J. V., & Conway, K. W. (2004). Reconstruction of late Quaternary sea-level change in southwestern British Columbia from sediments in isolation basins. *Boreas*, 33(3), 183–194. <https://doi.org/10.1111/j.1502-3885.2004.tb01140.x>
- ICOMOS. (2011). ICOMOS Mission—International Council on Monuments and Sites. <https://www.icomos.org/en/about-icomos/mission-and-vision/icomos-mission>
- IRSHDC. (n.d.). Indian Residential School History and Dialogue Centre. Retrieved September 23, 2022, from <https://collections.irshdc.ubc.ca/index.php>
- Islands 2050. (2021). The Islands Trust Object: Past, Present, and Future: Policy statement amendment project discussion paper. <https://islandstrust.bc.ca/document/discussion-paper-the-islands-trust-object-past-present-and-future-mar-2021/>
- Islands 2050—Programs. (2022). Islands Trust. <https://islandstrust.bc.ca/programs/islands-2050/>
- Islands Trust. (n.d.). Heritage Preservation—Programs. Islands Trust. Retrieved June 4, 2022, from <https://islandstrust.bc.ca/programs/heritage-preservation/>
- Islands Trust Act*. (1974). https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96239_01#section30
- Islands Trust Conservancy Five-Year Plan*. (2018). <https://islandstrust.bc.ca/document/itc-five-year-plan-2018-2022/>
- Islands Trust Council. (2003). *Islands Trust Policy Statement*. <https://islandstrust.bc.ca/document/islands-trust-policy-statement-bylaw-no-17/>
- Islands Trust Land Use. (n.d.). *Building Permits*. Retrieved September 10, 2022, from <https://islandstrust.bc.ca/document/building-permit-authority-information-sheet/>
- Isler, M. R., & Corbie-Smith, G. (2012). Practical Steps to Community Engaged Research: From Inputs to Outcomes. *The Journal of Law, Medicine & Ethics*, 40(4), 904–914. <https://doi.org/10.1111/j.1748-720X.2012.00719.x>
- Jorgensen, D. L. (2020). *Principles, Approaches and Issues in Participant Observation*. Routledge. <https://doi.org/10.4324/9780367815080>
- Kalman, H., & Létourneau, M. R. (2020). *Heritage Planning: Principles and Process* (2nd ed.). Routledge. <https://doi.org/10.4324/9780429431692>
- Keenan, S. (2014). *Subversive Property: Law and the production of spaces of belonging*. Routledge. <https://doi.org/10.4324/9781315794914>

- King, T. (2005). *The truth about stories: A narrative*. University of Minnesota Press.
- Klassen, M. A., Budhwa, R., & Reimer/Yumks, R. (2009). First Nations, Forestry, and the Transformation of Archaeological Practice in British Columbia, Canada. *Heritage Management*, 2(2), 199–238. <https://doi.org/10.1179/hma.2009.2.2.199>
- Klosterman, R. E. (1985). Arguments for and against planning. *The Town Planning Review*, 56(1), 5–20.
- Lamb, P. (2009). *The Islands Trust Story*. <https://islandstrust.bc.ca/document/the-islands-trust-story/>
- Land Use Application Guides & Forms—Island Planning. (n.d.). *Islands Trust*. Retrieved September 10, 2022, from <https://islandstrust.bc.ca/island-planning/salt-spring/land-use-application-guides-forms/>
- Lane, M. B. (2006). The role of planning in achieving indigenous land justice and community goals. *Land Use Policy*, 23(4), 385–394. <https://doi.org/10.1016/j.landusepol.2005.05.001>
- Lasqueti Island History | The Gulf Islands Guide*. (n.d.). Retrieved June 17, 2022, from <https://www.gulfislandsguide.com/history/lasqueti-island-history/>
- Lasqueti Island Local Trust Committee. (2005). *Lasqueti Island Official Community Plan, Bylaw No. 77, Islands Trust*. <https://islandstrust.bc.ca/document/lasqueti-island-ocp-bylaw-no-77/>
- Lepofsky, D. (n.d.). *Lasqueti Archaeology*. Xwe'etay/ Lasqueti Archaeology Project. Retrieved September 7, 2022, from <https://www.lasquetiarc.ca/about>
- Lepofsky, D. (2019). *Final Proposal: Protecting and Honouring Archaeological Heritage*. Social Sciences and Humanities Research Council of Canada.
- Life on Lasqueti*. (n.d.). Lasqueti Island. Retrieved August 14, 2022, from <https://lasqueti.ca/island-info/lasqueti-life>
- Lydon, J. (2016). Contested landscapes—Rights to history, rights to place: Who controls archaeological places? In B. David & J. Thomas (Eds.), *Handbook of Landscape Archaeology*. Routledge. <https://doi.org/10.4324/9781315427737>
- Mack, J. (2011). Hoquotist: Reorienting from storied practice. In *Storied Communities: Narratives of Contact and Arrival in Constituting Political Community* (pp. 287–307). UBC Press. https://afreeskool.files.wordpress.com/2013/02/mack_hoquotist_reorienting_through_storied_practice.pdf

- Maher, C., Hadfield, M., Hutchings, M., & de Eyto, A. (2018). Ensuring Rigor in Qualitative Data Analysis: A Design Research Approach to Coding Combining NVivo With Traditional Material Methods. *International Journal of Qualitative Methods*, 17(1), 1609406918786362. <https://doi.org/10.1177/1609406918786362>
- Mason, E. (1976). *Lasqueti Island History and Memory*.
- McLaren, D., Fedje, D., Hay, M. B., Mackie, Q., Walker, I. J., Shugar, D. H., Eamer, J. B. R., Lian, O. B., & Neudorf, C. (2014). A post-glacial sea level hinge on the central Pacific coast of Canada. *Quaternary Science Reviews*, 97, 148–169. <https://doi.org/10.1016/j.quascirev.2014.05.023>
- Ministry of Municipal Affairs. (n.d.). *Local Government Legislative Framework—Province of British Columbia*. Province of British Columbia. Retrieved June 30, 2022, from <https://www2.gov.bc.ca/gov/content/governments/local-governments/facts-framework/legislative-framework>
- Moroni, S. (2018). The Public Interest. In *The Routledge Handbook of Planning Theory*. https://web-s-ebsohost-com.proxy.lib.sfu.ca/ehost/ebookviewer/ebook/bmxlYmtfXzE1NTQzNTNfX0FO0?sid=1361e371-4c70-4043-932e-005f2bd42793@redis&vid=0&format=EB&lpid=lp_69&rid=0
- Murphy, M. (2019). Indigenous Peoples and the Struggle for Self-Determination: A Relational Strategy. *Canadian Journal of Human Rights*, 8(1), 67.
- NCTR Public. (n.d.). Retrieved June 17, 2022, from <https://archives.nctr.ca/actor/browse?page=2&place=1302&sort=alphabetic&sortDir=asc>
- Nicholas, G. (2008). Policies and protocols for archaeological sites and associated cultural and intellectual property, in C. Bell & R. K. Paterson. In *Protection of First Nations Cultural Heritage: Laws, Policy, and Reform*. UBC Press. <http://ebookcentral.proquest.com/lib/sfu-ebooks/detail.action?docID=3412621>
- Nicholas, G. (2022). Protecting Indigenous heritage objects, places, and values: Challenges, responses, and responsibilities. *International Journal of Heritage Studies*, 28(3), 400–422. <https://doi.org/10.1080/13527258.2021.2009539>
- Nicholas, G., & Smith, C. (2020). Considering the denigration and destruction of Indigenous heritage as violence. In *Critical Perspectives on Cultural Memory and Heritage Construction, Transformation and Destruction Edited by Veysel Apaydin*.
- Nichols, R. (2018). Theft Is Property! The Recursive Logic of Dispossession. *Political Theory*, 46(1), 3–28. <https://doi.org/10.1177/0090591717701709>

- Overview of Islands Trust. (n.d.). About Islands Trust | BC Government Agency. *Islands Trust*. Retrieved June 29, 2022, from <https://islandstrust.bc.ca/about-us/overview-of-islands-trust/>
- Part 2 - Municipal Purposes and Powers. (2003). *Community Charter*. https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/03026_02#part2
- Part 14 - Planning and Land Use Management. (2015). *Local Government Act*. https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/r15001_14#part14
- Part 15 - Heritage Conservation. (2015). *Local Government Act*. https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/r15001_00_multi#part15
- Patrick, R. J., Grant, K., & Bharadwaj, L. (2019). Reclaiming Indigenous Planning as a Pathway to Local Water Security. *Water*, 11(5), 936. <https://doi.org/10.3390/w11050936>
- Pokotylo, D., & Mason, A. R. (2014). Canada: Cultural Heritage Management and First Nations. In C. Smith (Ed.), *Encyclopedia of Global Archaeology* (pp. 1107–1114). Springer. https://doi.org/10.1007/978-1-4419-0465-2_1189
- Porter, L. (2010). *Unlearning the colonial cultures of planning*. Ashgate Pub. Co.
- Porter, L., & Barry, J. (2015). Bounded recognition: Urban planning and the textual mediation of Indigenous rights in Canada and Australia. *Critical Policy Studies*, 9(1), 22–40. <https://doi.org/10.1080/19460171.2014.912960>
- Porter, L., & Barry, J. (2016). *Planning for Coexistence?: Recognizing Indigenous Rights through Land-use Planning in Canada and Australia*. Routledge. <https://doi.org/10.4324/9781315600727>
- Porter, L., Matunga, H., Viswanathan, L., Patrick, L., Walker, R., Sandercock, L., Moraes, D., Frantz, J., Thompson-Fawcett, M., Riddle, C., & Jojola, T. (Ted). (2017). Indigenous Planning: From Principles to Practice/A Revolutionary Pedagogy of/for Indigenous Planning/Settler-Indigenous Relationships as Liminal Spaces in Planning Education and Practice/Indigenist Planning/What is the Work of Non-Indigenous People in the Service of a Decolonizing Agenda?/Supporting Indigenous Planning in the City/Film as a Catalyst for Indigenous Community Development/Being Ourselves and Seeing Ourselves in the City: Enabling the Conceptual Space for Indigenous Urban Planning/Universities Can Empower the Next Generation of Architects, Planners, and Landscape Architects in Indigenous Design and Planning. *Planning Theory & Practice*, 18(4), 639–666. <https://doi.org/10.1080/14649357.2017.1380961>

- Prangnell, J., Ross, A., & Coghill, B. (2010). Power relations and community involvement in landscape-based cultural heritage management practice: An Australian case study. *International Journal of Heritage Studies*, 16(1–2), 140–155. <https://doi.org/10.1080/13527250903441838>
- Related Legislation. (n.d.). Islands Trust Act—About Islands Trust. *Islands Trust*. Retrieved June 30, 2022, from <https://islandstrust.bc.ca/about-us/islands-trust-act/related-legislation/>
- Schaepe, D. (2018). Public Heritage as Transformative Experience: The Co-occupation of Place and Decision-Making (in The Oxford Handbook of Public Heritage Theory and Practice). In *The Oxford Handbook of Public Heritage Theory and Practice*. <https://doi.org/10.1093/oxfordhb/9780190676315.013.28>
- Schaepe, D., Nicholas, G., & Dolata, K. (2020). Recommendations for decolonizing British Columbia’s heritage-related processes and legislation. *First Peoples’ Cultural Council*, 73.
- Scott, M. (2019). Spatial planning and the rural economy. Routledge Handbooks Online. <https://doi.org/10.4324/9781315102375-23>
- Shingwauk Residential School Centre. (2017). Did you live near a residential school? Explore our interactive map to find out. CBC News. <http://www.cbc.ca/news2/interactives/beyond-94-residential-school-map/>
- Snelgrove, C., Dhamoon, R., & Corntassel, J. (2014). Unsettling settler colonialism: The discourse and politics of settlers, and solidarity with Indigenous nations. *Decolonization: Indigeneity, Education & Society*, 3(2), Article 2. <https://jps.library.utoronto.ca/index.php/des/article/view/21166>
- Takeda, L., & Røpke, I. (2010). Power and contestation in collaborative ecosystem-based management: The case of Haida Gwaii. *Ecological Economics*, 70(2), 178–188. <https://doi.org/10.1016/j.ecolecon.2010.02.007>
- The Chehalis Indian Band and the Chilliwack Forest District. (2008). Kweh-Kwuch-Hum (Mt.Woodside) Spiritual Areas and Forest Management.
- Tla’amin Final Agreement Appendices. (2013). https://www.tlaaminnation.com/wp-content/uploads/2016/08/TLA_AMIN_FINAL_AGREEMENT_APPENDICES_NO_V_29_2013__ENGLISH.pdf
- Tla’amin Nation. (2020). The Nation. Tla’amin Nation Official Website. <https://www.tlaaminnation.com/community/>
- Walker, R., Jojola, T., & Natcher, D. (2013). Reclaiming Indigenous Planning: Reclaiming Indigenous Planning. McGill-Queen’s University Press. <http://ebookcentral.proquest.com/lib/sfu-ebooks/detail.action?docID=3332617>

- What is Indigenous Cultural Heritage? (2019). Indigenous Heritage Circle.
<https://indigenousheritage.ca/what-is-indigenous-cultural-heritage/>
- Whittemore, A. H. (2015). Practitioners Theorize, Too: Reaffirming Planning Theory in a Survey of Practitioners' Theories. *Journal of Planning Education and Research*, 35(1), 76–85. <https://doi.org/10.1177/0739456X14563144>
- Wideman, T. J. (2021). Land use planning and the making of a 'properly propertied' Vancouver. *Geoforum*, 120, 46–57.
<https://doi.org/10.1016/j.geoforum.2021.01.019>
- Wolfe, J. M., Gordon, D. L. A., Fischler, R., & Wolfe, P. J. M. (2019). A re-interpretation of Canadian planning histories. 37.
- Zapata, M. A., & Bates, L. K. (2021). Planning Just Futures. *Planning Theory & Practice*, 22(4), 613–642. <https://doi.org/10.1080/14649357.2021.1956815>