

# **Reconciliation, Resurgence, Indigenous-led Conservation and the Helicat Canada Toolkit**

**by  
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## Abstract

Helicat Canada (HCC)'s government issued tenures stretch over the lands and waters of almost every Indigenous community in British Columbia. As a sector in a unique position of caring for, being connected to, and making profits from the land, this research investigates how HCC businesses can move forward in meaningful acts of reconciliation and support Indigenous Peoples interests within their tenure area. 19 surveys and 13 key informant interviews with HCC operators, Indigenous leaders, and provincial government officials informed the qualitative research findings that helped to shape the creation of the HCC Strategic Engagement Toolkit for reconciliation (the Toolkit). The qualitative data was also used to assess key approaches, areas for growth, and recommendations for HCC and its member operators, and helped to guide the sections of the Toolkit based on respondent's priorities and educational gaps. The information and guidance presented in the Toolkit was developed with a combination of academic literature, Indigenous history, settler-colonial studies, de-colonial research methods, government policy, and industry related best practices. Utilizing Free, Prior and Informed Consent (FPIC), best practices for engagement, and the creation of mutually beneficial economic arrangements, this research project demonstrates that Indigenous Nations in B.C. are interested in benefitting in significant ways from the Helicat industry and that mutually beneficial arrangements are both presently occurring and highly feasible.

Grounding the Toolkit in a more activist and academic angle, this paper posits that reconciliation between settler Canada and Indigenous Peoples goes beyond finalizing economic opportunities, improving individual relationships, and educating staff. For reconciliation in these lands to occur, settler-colonialism must be challenged, and settlers must centre Indigenous Knowledges and governance systems within and outside the state. Unpacking what this can look like under a system of colonial-capitalism, I argue that Indigenous-led conservation within the growing movement of Indigenous Protected and Conserved areas (IPCAs) acts as an operational pathway for meaningful and tangible actions that centre Indigenous resurgence, protect eco-cultural systems, and support settler-Indigenous processes of reconciliation. Although there are significant legal and structural challenges in securing and implementing IPCAs in Canada, Indigenous-led conservation areas are clearly in alignment with reconciliation and resurgence movements and offer immense benefits to Indigenous communities and ecosystems under threat.

**Keywords:** Reconciliation; Indigenous resurgence; Indigenous-led conservation; Indigenous Protected and Conserved Areas; Stewardship; Conservation; Heli-skiing, Outdoor tourism sector

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## Preface

I currently reside on the unceded territories of the Squamish, Tsleil-Waututh, and Musqueam Nations in the city of Vancouver - where my father's English-Scottish family settled in the late 1800's. The end of the 19th century was a time when non-Indigenous people arrived here in droves, forcing Coast Salish communities to be removed and dislocated from their ancestral homes as the colonial government made way for the newcomers. My personal family history is therefore implicit and rooted in the settler-colonial history of this region. My mother's side is primarily French Canadian and Acadian – and although from the Eastern side of Canada, they have also been here since the early days of European settlement, and thus I similarly have connections to the settler-colonial narrative on the other side of Turtle Island. My great-great grandmother on my mother's side is Indigenous, although I am still learning and uncovering this story.

I grew up on the Sylix homelands of the Westbank First Nation, yet it was not until I moved to the Yukon at age 19 that I met people who taught me about Residential Schools and the displacement of Indigenous Peoples from their lands and waters. I was extremely fortunate to become close with a Kluane First Nation man – studying Aboriginal Law at the time - who explained the Yukon modern land claims process and began to spell out the historic and ongoing battle for Indigenous rights, title, and the dishonour of the Crown. These conversations influenced my decision to pursue coursework at the University of Victoria in an interdisciplinary program of history and environmental studies where I began a deep-dive into settler-colonialism. Reading first-hand accounts of the settler mentality and Imperial encroachment that stole Indigenous People's lands while forcing them onto reserves was not an easy journey. I am eternally grateful to UVic's Dr. Wendy Wickwire and her curated curriculum of historical settler-colonialism in B.C., and the safe space she created for us to absorb, discuss, and have very difficult conversations on the violent historical reality of this region. It was also during this time that I studied ethnobotany with Dr. Nancy Turner – and her work on Indigenous ecocultural management systems and worldviews created a profound shift in my understanding of plants, people, connection to place, possibilities for eco-cultural restoration, and the need to support the resurgence of such Indigenous land practices.

These formative experiences acted as a catalyst that have informed my career choices over that last 10 years of working to increase Indigenous jurisdiction of lands and waters

in so-called Canada. It is with this lens and motivation for political and historical justice that I have researched and analyzed the themes of settler reconciliation and Indigenous resurgence outlined in this thesis. As a settler with roots implicit in the ongoing settler colonial narrative of this place, it is my responsibility to engage in this work theoretically, in practice, and in place.

# Chapter 1.

## Introduction

The process of reconciliation in Canada is beginning to receive the airtime it deserves. The population within the country at large is in the early stages of exposure to ideas about reconciliation between settlers and Indigenous Peoples. Canada recently commemorated its second National Day for Truth and Reconciliation, honouring one of the TRC's 94 Calls to Action. This is a day for settlers in Canada to think and reflect upon what reconciliation means to them, and the education and truth-telling during this time will hopefully inspire actions that challenge settler-colonialism. It is also a day for Indigenous Peoples (if they choose) to share what reconciliation and Indigenous resurgence means for them. Ultimately, I see this day as an opportunity for Canadians to learn, reflect, and take ownership of the ways they have been implicit in colonialism. My hope is that this reflection and education inspires action.

The outdoor recreation tourism sector in British Columbia (B.C.) earns profits by operating on Indigenous lands and waters. These companies are at various stages of reconciliatory actions with Indigenous Nations whose lands they operate on. This research project uses a reconciliation and resurgence theoretical framework to analyze and expand upon a paid research project funded by HeliCat Canada (HCC) to move their organization forward in reconciliation with Indigenous Peoples. HeliCat Canada's Indigenous Engagement Toolkit (the Toolkit) had several goals: to educate, provide resources, showcase underway HCC reconciliatory projects, and provide recommendations for individual operators and the organization.

HCC's government issued tenures stretch over the lands and waters of almost every Indigenous community in B.C. In this unique position of being both connected to the land and making profits off the land, this research explores how HCC specifically, and the outdoor tourism sector generally, can support reconciliation and Indigenous resurgence. The Toolkit emphasizes the important work that individuals and organizations need to commit themselves to in learning and formally acknowledging both the recent and older history of Indigenous groups and settler-colonialism. One of the first steps towards reconciliation the federal government made was to establish the National Centre for

Truth and Reconciliation; an outcome of the Indian Residential Schools Settlement Agreement (Zurba et al. 2019). Within an extensive report based on the findings of the Truth and Reconciliation Commission (TRC), 94 Calls to Action were developed that would serve as a guide to the process of reconciliation for the government and all Canadians to address the ongoing legacy of colonialism in Canada. Additionally, the 2019 B.C. Declaration of the Rights of Indigenous People's Act (DRIPA) was passed into law. DRIPA is founded on the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP), and outside of Section 35 of the Canadian Constitution, it is the second most important statute for reconciliation in British Columbia (Cox, 2019). Both the TRC 94 Calls to Action and UNDRIP recommend the private sector turn to Indigenous defined actions of reconciliation.

## **1.1. Research questions**

This research paper has three primary research questions.

1. How can Helicat Canada member operators support reconciliation and Indigenous resurgence?
2. What types of reconciliation scholarship can frame and expand upon the operational nature of the HCC Toolkit?
3. Are Indigenous Protected and Conserved Areas (IPCAs) a viable pathway forward to advance reconciliation and resurgence within the Canadian context?

## **1.2. Research project structure**

This report is structured as follows:

1. An introduction to the research project
2. Reconciliation and Indigenous resurgence: Why they are both integral to the processes of reconciliation in Canada
3. A summary of the Helicat Canada's Strategic Reconciliation Toolkit: Background, purpose, content, case-study, recommendations, and analysis
4. Indigenous Protected and Conserved Areas: Why they are a viable template for reconciliation and resurgence movements in Canada

5. The Ktunaxa Indigenous Protected and Conserved Area and its connection to Helicat Canada
6. Discussion on how Helicat Canada fits within the Indigenous-led IPCAs movement and their role more broadly within reconciliation and resurgence in Canada
7. Conclusion

## Chapter 2.

# Reconciliation & Resurgence: A Framework

## 2.1. Reconciliation and resurgence

If reconciliation is to be meaningful, we need to be willing to dismantle settler-colonialism as a system. It means repealing the most damaging aspects of the Indian Act and respecting First Nations political systems and governance. It means being accountable about the collective damage that has been done and is being done, and supporting the regeneration of languages, cultures, and political systems. It means stop fighting us in court. It means giving back land, so we can rebuild and recover from the losses of the last four centuries and truly enter into a new relationship with Canada and Canadians (Betasamoske Simpson, 2017).

Reconciliation between Indigenous Peoples and the dominant settler culture will occur over time and on many fronts (Turner & Spalding, 2019). Reconciliation has multiple meanings, and changes in definition depending on the context. For example, reconciliatory processes of justice for Indigenous Peoples can be deeply structural and involve actions for legislative change, economic equity, and returning land (King & Pasternak, 2019). The word reconciliation can also be thought of as a verb, whereby individuals reflect upon what it means to be a settler on stolen Indigenous territories and unpack racist and harmful ideologies about Indigenous People that are deeply problematic; perceptions that linger from a racism originating in Europe during the colonial period (Tully, 2018). Indigenous Nations, communities, and individuals have shared significant information about how they have been treated and there is ample historical evidence about the violence upon which the country was formed. In terms of reconciliation, settlers have been briefed, and need to be the change. This chapter outlines several ideas and actions to move settler-Indigenous reconciliation forward: as a personal journey for newcomers to Turtle Island, outward actions and structural change (such as the implementation of B.C.'s DRIPA), and how at the core of our thinking about reconciliation we must centre and support the resurgence of Indigenous knowledges, governance structures, and sovereignty (Tuck & Yang, 2012).

Because I have a strong interest in Indigenous planning, Indigenous collaborative management, and environmental stewardship, I have explored reconciliation and resurgence beyond the scope of the HCC Toolkit. I came across a professor at San

Diego State University whose ideas resonated with my thinking about settler movements of reconciliation. Esme Murdock argues that all western processes of reconciliation which fail to acknowledge the historical and present-day ecological violence in connection to land will ultimately fail in any type of real equity for Indigenous Peoples - therefore we must recognize ecological violence as being foundational to injustice (2018). When we acknowledge the historical and ongoing ecological violence inflicted upon Indigenous Peoples, actions of reconciliatory change must therefore honour Indigenous cosmologies grounded in the principle of relating to land and the natural world. This concept and framework of reconciliatory action is applicable to Indigenous-led conservation through Indigenous Protected and Conserved Areas (IPCAs). IPCAs are Indigenous land protection initiatives, and although they may have differing levels of Indigenous jurisdiction and management goals, IPCAs are always Indigenous-led, elevate Indigenous rights and responsibilities, and represent a long-term commitment to ecological conservation (Parks Canada., 2018). IPCAs offer a potential framework of deep structural change for reconciliation and Indigenous resurgence and will be explored in Chapter 4.

Murdock argues that acts of reconciliation exist along a spectrum, from shallow activities that do not create significant impacts for Indigenous People (such as superficial land acknowledgments), to deeper actions of reconciliation that create long-term positive structural change (for example, legislating the United Declaration on the Rights of Indigenous Peoples). Murdock (2018) explains that deep reconciliation exists in transcultural<sup>1</sup>, collaborative-management<sup>2</sup> types of reconciliation, such as those which attempt to repair the web of relations involved in ecological restoration<sup>3</sup> (take, for example, the restoration of lands and shorelines within the co-managed Gwaii Haanas

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<sup>1</sup> The movement of ideas, influences, practices, and beliefs between cultures and the fusions that result when the ideas, influences, practices, and beliefs of different cultures come together in a specific place, text, or contact zone (Buchanan, 2010).

<sup>2</sup> Co-management can be generally defined as power-sharing in the exercise of resource management between a government agency and a community or organization of stakeholders. Co-management arrangements are not confined to Indigenous groups with special management rights, although they may occur more frequently among such groups, especially where management rights have been clearly delineated in court decisions. Co-management agreements may be more or less comprehensive, covering one or all aspects of management activity (Pinkerton, 2019).

<sup>3</sup> Ecological restoration is the process of assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed (What is Ecological Restoration, 2023).

National Park Reserve and Marine Conservation areas on Haida Gwaii). I agree there is potential for certain frameworks of Indigenous collaborative management of lands, waters, and territories to meet such significant aspirations for reconciliation and increased Indigenous sovereignty – or, as Pinkerton (2019) has called it: complete co-management.

Structural arrangements of reconciliation must centre Indigenous cultural and environmental values, especially in relation to lands and waters. Resurgent Indigenous-led governance is the contemporary revival, strengthening, and adaptation of Indigenous governance systems that were impeded or interrupted by European colonization (Kimmermer, 2013). Throughout this paper I will attempt to demonstrate that resurgent Indigenous-led governance must not only be prioritized, but is key in our journey of reconciliation. Moreover, resurgence “increasingly provides avenues for substantial gains in both the spatial scale and effectiveness of conservation (Artelle, 2019; p.2). Honouring Indigenous Knowledges and restoring governance helps to right some of our historic wrongs and will also move the country forward in solving complex environmental / natural resource management issues.

## **2.2. Reconciliation for settlers as a personal journey**

Reconciliation means acting with generosity, care, and respect in our interactions - and acting in a diversity of non-violent, conciliatory ways in our everyday relations with each other (Tully, 2018)

According to Tully, transformative reconciliation is a movement that rejects the idea of an independent process in which elites can do the reconciliation for us (2018); he writes that we have a responsibility as settlers to not only work for structural societal change, but we must also focus on decolonizing the way we think about the past, present, and future. Reconciliation is also an internal journey that each settler must make to unpack the privileges colonization has provided, and to seek out how and where our lineage has directly been implicit in the colonization of Indigenous Peoples and lands. Essentially, Tully is arguing that reconciliatory action is for all people, and not only the responsibility of government or larger institutions and organizations. Transformative reconciliation works to build Indigenous-settler relationships through mutual responsiveness and care – essentially a description of respectful behaviours (Tully, 2018).



Reconciliation is a lifelong journey to educate oneself about past and current workings of settler-colonialism, such as the creation and implementation of the Indian Act, Residential Schools, the Reserve system, the Pass system, the Doctrine of Discovery, etc. It is vital for individuals in Canada to understand that underneath the regulations of the Indian Act is a settler-colonial system legitimized by a false assertion of Crown sovereignty and title over unceded Indigenous lands. Turner and Spalding (2018) remind us that Canadians from every part of society need to find ways to transform such loss into movements of reconciliation for Indigenous Peoples.

### **2.3. Indigenous worldviews and reconciliation**

Indigenous practices support biodiversity because they manage the land and coastal areas by applying principles whereby the health of the land is a reciprocal responsibility (King & Pasternak, 2019).

This great project of our time - to live within the bounds of ecosystems - cannot be done justly or intelligently without the ongoing consent and co-operation of Indigenous Peoples who have co-evolved and learned from ecosystems (Tully, 2018).

Tully's work in reconciliatory processes sheds light onto what it means to be a treaty person. He explains that Indigenous communities he worked with in the Great Lakes area believe a sustainable co-existence is via treaty negotiations. The peaceful and friendly relationships created are a social system modelled on lessons learned from interactions and negotiations with plants, animals, streams – their living relations and mother earth. Such relationships with their more than human relatives are also treaty relationships; teaching them how to live sustainably with the living earth by learning how the webs of non-human forms of life live together symbiotically, explaining how life sustains life. This understanding of entering into treaty relationships based on a foundation of sustainable interactions with the living earth is one reason why Indigenous Peoples ought to take the lead in collaborative management arrangements, territorial land-use and conservation planning, and environmental issues.

In the Nuu-chah-nulth Heshook-ish Tsawalk worldview, people experience themselves as apprentices within and with the living earth; they have co-evolved along with the ecosystems they inhabit and learn with, and property systems consist of responsibilities of caretaking and reciprocity (Atleo, 2004; Castleden et al., 2009). Newcomers to Turtle

Island<sup>4</sup> historically and presently misunderstand and discredit such Indigenous worldviews because they are a drastically different perspective in comparison to dominant capitalist-colonial culture. Indigenous Knowledges and interconnected resource right regimes run counter to the core of western ideologies, and the world is only just waking up to the depth of reciprocal and sustainable Indigenous land and sea management systems honed over thousands of years (Turner, 2020). In stark contrast to modern resource management systems that are focused on industrial productivity and extraction under capitalism, Indigenous communities have developed sophisticated practices that enhance the abundance and diversity of culturally preferred resources (Deur & Turner, 2005) with highly-evolved resource management techniques that enhance both species richness and overall biodiversity of ecosystems (Fisher et al., 2019).

Settlers in Canada, and specifically the older generation in settler governments, continue to misunderstand Indigenous plant use and cultivation. For example, the BC Ministry of Forests continues to allow clear-cutting practices that destroy, sometimes permanently, the cultivated plant areas (medicine and food) of Indigenous communities. Such oversight must be redressed so that settler government decision makers and bureaucrats alike will make room for Indigenous Peoples eco-cultural and traditional managements systems to rise up and “teach the larger community of British Columbians about the rich history of the anthropogenic landscapes of this region, and about Indigenous People’s sustainability and ecological resilience over time (Turner & Spalding, 2019). This work is grounded in resurgence and reconciliation, and is incumbent on personal and political actions of settlers, such as igniting a paradigm shift in the field of natural resource management.

## **2.4. Indigenous-led governance and reconciliation**

Reconciliation, much like governance, is about living the good life or living collectively in accordance with an ecological contextuality, or an ethical relationality, like what grounds Nehiyaw (Cree) teachings, practices, ethics and philosophy. Simply put, it is an ecologically grounded ethical and

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<sup>4</sup> For some Indigenous peoples, Turtle Island refers to the continent of North America. The name comes from various Indigenous oral histories that tell stories of a turtle that holds the world on its back. The turtle is therefore considered an icon of life, and the story of Turtle Island consequently speaks to various spiritual and cultural beliefs. (Robinson, 2018).

political philosophy about how we live together in the best way possible or how we live best together (Ladner, 2019).

The earth's natural systems are significantly damaged from a global political-economic system of neo-liberal capitalism. Canada's natural resource industry is founded on exploitative and extractive models of growth that continue to cause a tremendous amount of damage to the environment and Indigenous Peoples' ways of being (Artelle et al., 2019). There are multiple ways in which we can create alternatives to this powerful economic engine; one pathway most relevant to this research project is to return decision-making power to Indigenous communities. Much research points to the enhanced benefits for people and ecosystems when these communities control their lands, waters, and resources (Pinkerton, 2019). Mechanisms that enhance Indigenous-led governance provide significant benefits for meeting the planet's conservation and biodiversity targets, and in a way that supports the well-being of people historically disadvantaged by ecological degradation and protection efforts alike (Artelle et al., 2019).

Indigenous leaders, legal experts, and activists argue that increasing Indigenous jurisdiction over lands and resources is the ultimate path of reconciliation (Betasamosake Simpson, 2014; Borrows, 2018; King & Pasternak, 2019). Reconciliation in this sense means decentering power from the top and returning it into the hands of the people and communities that have a strong knowledge and connection to the area. It is only then that any type of meaningful collaborative management of resources and landscapes is possible between settler governments and Indigenous Nations (Jones et al., 2017; King & Pasternak, 2019; Pinkerton, 1992). The framework of Indigenous collaborative management where methods are employed to evenly distribute and share power (Jones et al., 2017) is also a framework that supports the weaving of traditional ecological knowledge (TEK) and western science together for resource management purposes. There has been great work in this field as of late, such as using a two-eyed seeing approach developed by Mi'kmaw Elder Albert Marshall that refers to 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 then using both these eyes together, for the benefit of all (Reid et al., 2021).

Reconciliation is impossible without acknowledging and rectifying the ecological violence settler-colonialism has imposed on Indigenous Peoples through the seizure and

degradation of land (King & Pasternak, 2019; Murdock, 2018; Tully, 2018). Any models of reconciliation that do not deal with this historical reality fail to decenter the hegemony of imperial values and systems. Albeit not sufficiently enough, we are finally beginning to see some private landowners transferring title or selling their lands back to Indigenous Nations. Colonial governments are much more reluctant to relinquish the lands they stole, although some shifts are occurring within the bureaucracy on many fronts such as the implementation of B.C.'s DRIPA.

Considering their superiority, Indigenous place-based eco-cultural governance systems and wisdom must be upheld and honoured as a primary method of planning and management in Canada. “The more that all Canadians are informed about the sustainability of Indigenous management systems, such as clam gardens, camas prairies, root gardens, and berry gardens, the more there is reciprocal learning and reconnecting with respect for true reconciliation” (Turner & Spalding, 2019). To achieve this, we must learn how to make space to centre Indigenous knowledge systems and decentre western thought through two-eyed seeing, collaborative management structures, and the growth of Indigenous led-conservation via the creation of IPCAs. As Murdock writes, such deep collaborative effort works to repair our broken web of relations (2018).

A review of Indigenous Protected and Conserved Areas (IPCAs) in the last section of this paper demonstrates that Indigenous-defined pathways of reconciliation and resurgence are possible through this modern Indigenous-led movement. I will explore how IPCAs work to address the harms of the past, and despite several profound challenges, are still an exemplary framework of increasing Indigenous jurisdiction and revitalizing TEK (Tran et al., 2020), while remaining effective frameworks for settler organizations and government to support reconciliation and resurgence.

## **2.5. Chapter summary: Reconciliation frameworks and Indigenous resurgence**

The framework for this research is underpinned by the recognition that for reconciliation in Canada to be transformative, actions must respect and recognize Indigenous jurisdiction over stolen territories and support Indigenous resurgence. According to Betasamosake Simpson (2011), reconciliation will look different and vary depending on

place and circumstance, although it generally has three features: Indigenous authority over their own territories; the restitution of lands, resources and wealth and the revitalization of Indigenous cultures. Indigenous resurgence can mean reclaiming Indigenous political structures, traditional governance, and traditional practices of land management (Borrows, 2018; Coulthard, 2014). These are bottom-up community revitalization processes that tap into local cultural resources and heals connections with the land (Smith, 2021). Betasamosake Simpson writes that for her, resurgence is a political movement and philosophy with foundations that centre Indigenous cultural and knowledge systems, land-based pedagogy, and Indigenous laws and governance (2011). Canada continues to be deeply embedded in the process of settler-colonialism, therefore decolonization and settler movements of reconciliation must support Indigenous revitalization of culture and traditions (Lemon, 2020). With forces of colonization continuing to dismantle Indigenous lifeways, Indigenous resurgence is the counter remedy and is ethically implicit and imbedded in the process of reconciliation. Returning land and supporting the revitalization of Indigenous management practices is a model of reconciliation that reduces settler-colonial power over Indigenous Peoples' lives. Resurgence will strengthen the Nations that settler companies and organizations collaborate with, and this strengthening will benefit all people, the lands, waters, plants, and animals we are in relationship with.

## **Chapter 3.**

### **Helicat Canada Indigenous Engagement Toolkit**

The creation of the HCC Indigenous Engagement Toolkit (the Toolkit) was funded by HCC through their Wildlife and Environmental Research Fund, a skier-funded initiative focused on supporting research and the Mitacs program. The Department of Resource and Environmental Management (REM) at Simon Fraser University (SFU) submitted a proposal and won the bid. For eight months and under the guidance of the three REM professors, myself and another graduate student engaged in a literature review, policy analysis, primary research, and the writing of the HCC Toolkit. Finalized in October of 2021, the Toolkit's purpose is to support the organization and individual operators in their pursuit of reconciliatory activities with Indigenous Nations, communities, and people. Our team ultimately created recommendations whereby the industry could move forward on meaningful and concrete reconciliatory actions.

#### **3.1. Introduction**

As we try to repair the relationships between Indigenous Peoples and settlers as created by the settler-colonial state, it is important that HCC member operators understand how today's dynamics came to be. The Toolkit was created with the rationale that improved relationships in B.C. will be built more successfully if HCC, and its member operators, understand the arguments, policies, and structures of power that underlay this part of Turtle Island / Canada. The purpose was to help member operators and staff navigate the legal, political, and economic landscape of reconciliation with Indigenous Peoples. The goal to advance reconciliation forward was to inform the reader with a knowledge of the past, create a set of tools to begin and grow meaningful relationships, and teach best practices for projects that create mutual benefits. Through literature reviews and primary research, we found many synergies and opportunities for collaboration that would advance Indigenous interests forward, such as ecological stewardship, protection of landscapes, and shared economic business partnerships. Ultimately, the research results demonstrate that HCC member operators are both interested in and well positioned to work with the Indigenous Nations whose land they hold tenures on and advance facets of reconciliation in numerous and meaningful ways.

### **3.1.1. Research Methods**

#### ***Literature review***

The information presented in the Toolkit was developed with a combination of academic literature in Indigenous history, settler-colonialism studies, de-colonial research methods, government policy, and industry related best practices. Best practice examples were reviewed to understand how industry and Indigenous communities are currently interacting in respectful ways, and to research benefits that HCC could provide to Indigenous Nations.

#### ***Policy analysis***

Government policy was reviewed to understand provincial engagement with Indigenous communities and guiding policies for HCC member operators. By collecting this data, gaps were identified and used to draft survey and interview questions for HCC member operators, Indigenous communities, and government officials.

#### ***Primary research***

The project team applied for an SFU Ethics research approval to conduct surveys and semi-structured interviews. Two surveys were created with the software Survey Monkey and sent to all HCC operators and Indigenous Nations within the HCC tenure area (one survey for each group). The goal of these surveys was to provide a high-level overview of how HCC member operators and Indigenous communities have engaged with one another, and identify interviewee candidates. A total of 19 surveys were completed and analyzed. The survey results were used to shape the creation of the Toolkit, identify areas of education and tools required for HCC operators to achieve aspects of reconciliation with Indigenous Peoples, and recommendations for working with Indigenous communities. Following organization and dissemination of the survey results, 13 interviews with HCC operators, Indigenous leaders, and provincial government officials were conducted. Interviews were analyzed using key themes relevant to the HCC Request for Proposal, including economic, social, cultural, and land use planning. The data gathered was also used to assess key approaches, areas for growth, and recommendations for HCC and its member operators, and helped guide the development of sections of the Toolkit based on respondents' priorities and educational gaps.

## **3.2. Toolkit Structure**

The Toolkit was designed with three 'Steps to Strengthening Relationships' categories: 1) internalize, 2) conceptualize, and 3) operationalize, which provide learned skills and education to encourage positive relationship building with Indigenous Peoples. Each category builds upon the last, culminating with actionable steps to initiate or strengthen relationships and provide resources and understanding necessary to effectively engage in mutually beneficial relationship building with Indigenous Peoples. Throughout the toolkit, we added community examples highlighting some of the innovative ways in which HCC member operators were currently strengthening their relationships with Indigenous communities. We provided these short case study examples to inspire other members as to what types of creative partnerships are possible. The four community examples are derived from the semi-structured interviews with HCC operators.

## **3.3. Internalize Section**

The internalize section provides an understanding of the history of settler-colonization and its effects on Indigenous Peoples today. It begins with a historical section called 'Know the History'; then provides several pages of interpreting legal documents and cases that influence business relationships in a section titled 'Understand Indigenous Rights and Law'. This is followed by 'Get Comfortable with Language', which supports the 'how to' of using appropriate language to reference Indigenous Peoples, and finally a section called 'Further Your Education' that is essentially a curated list of books, articles, films, videos, and podcasts to support HCC members on their journey of understanding Indigenous issues in Turtle Island.

The following sections of the Toolkit have been edited and added to this paper as they are valuable in connection to understanding the importance of reconciliation and resurgence within the Canadian context.

### **3.3.1. Settler-Colonialism**

Knowing the history of Indigenous Peoples in what many now call British Columbia (B.C.) is a vital first step towards developing a meaningful understanding of the goals of reconciliation and represents an opportunity for settlers to contribute to the process of



reconciliation personally. Understanding how Indigenous Peoples have been systematically disenfranchised will help settlers to understand where current expectations from Indigenous Nations are coming from - and provide important context for their actions and strategies. Below is an abbreviated version of the 12-page document I wrote for HCC to share with their member operators.

Mechanized skiing primarily takes place on the mountain landscapes of two ethnographic groups: The Canadian Plateau Peoples and the Northwest Coast Peoples (McMillan & Yellowhorn, 2004). Along the coast, Spanish ships arrived in 1774-1775 and made brief contact with the Haida and Nuuchahnulth. In 1778, Captain James Cook spent almost a month with the Nuuchahnulth, where most of the interactions focused on trading, opening an era of global commerce for the coastal Indigenous communities (Atleo, 2018). The Indigenous Peoples of the Plateau first encountered fur trade explorers in 1793. The fur trading companies established trading posts along the Fraser River and other major rivers. These interior trade interactions did not disrupt Indigenous Peoples livelihoods in a significant way until 1858, when gold was discovered in the lower Fraser (McMillan & Yellowhorn, 2004). While the fur traders of the early contact period worked with Indigenous Peoples as economic partners, the miners viewed them as major obstacles in their pursuit of gold (Harris, 2002). Villages and fishing sites along the rivers displaced Indigenous People, and acts of violence became commonplace. The surge in population resulted in the proclamation of B.C. as a Crown colony in 1858, and the Dominion of Canada encouraged permanent settlement. As historian and geographer Cole Harris explains, Indigenous Peoples found themselves in almost constant conflict with Europeans, who no longer needed their services but wanted their land and rejected their claims (Harris, 2002). Moreover, as contact with Europeans increased foreign disease became widespread (Harris, 2002).

The fur traders and gold seekers interested in making profits had little interest in changing the people they met; it was the next wave of settlers, post 1858, that had fundamentally different reasons: to radically transform Indigenous cultures. "Filled with the racist moral virtue of their era, the missionaries began their religious crusade into the newly formed Western territories" (Claxton et al., 2021). In collaboration with missionaries, newcomer settlement began to increase rapidly, and Indigenous communities were displaced from their land. Canada began to construct a railway from East to West to encourage agricultural settlement, and sought to extinguish any

Indigenous claims to the land and waters via treaties. The colonial government allowed a farmer to claim 160 acres of land while simultaneously forcing Indigenous Nations onto tiny reserves (Harris, 2002), primarily because the dominant view at the time was that Indigenous People did not use the land “productively”. Because they were not farming, logging, mining, or generally exploiting resources to participate in a capitalistic economy their mode of existence ran counter to the colonial government’s entire settlement project (Hanson et al., 2020). And when Indigenous communities fought to keep their stolen land, the new government frequently responded with guns and violence (Harris, 2002).

The federal government told B.C. that Aboriginal title was to be extinguished by treaty, reserves were to be ample, and annuities were to be paid (Harris, 2002). But the geographic, historical, and institutional context in the newly formed province was very different than in the rest of the country. Instead, the B.C. government ignored Aboriginal title and proposed / enforced a policy of assimilation; the pathway to achieve assimilation and settle the “land issue” was the creation of the reserve system. With only the Douglas Treaties on Vancouver Island (1854) and Treaty 8 in the Northeast (1899), the rest of the Indigenous Nations in B.C. were without any type of formal treaty and therefore ceded their lands to the Crown (Hanson, 2009a). The Indigenous lands of B.C. were surveyed for natural resources, and Indigenous communities forced onto miniscule and sub-par pieces of land within their former expansive traditional territories.

### **3.3.2. The Indian Act**

As Canada was forming, Indigenous Peoples were subject to separate and paternalistic legislation enacted in 1876 called the *Indian Act*, which defined Indigenous Peoples as legally different from all other Canadians (Claxton et al., 2021). The *Indian Act* is a piece of colonial legislation which allowed those in power to control all Indigenous Canada and authorized the federal government to regulate and administer in the affairs and day-to-day lives of registered Indigenous Peoples and reserve communities (Harris, 2022). This authority has ranged from overarching political control, such as imposing governing structures on Nations in the form of band councils, to the control over the rights of Indigenous Peoples to practice their culture and traditions. Many Indigenous scholars have articulated that the *Indian Act* had a primary purpose to assimilate Indigenous Peoples and their communities (Hanson, 2009b), although this was not always uniform

or consistent, as many government policies and laws segregated Indigenous Peoples from non-Indigenous communities. A good example of this was when Cree people became successful farmers laws were passed to restrict buying from them (Carter, 1990).

### **3.3.3. Residential Schools**

For settlers working with Indigenous communities, it is vital that a comprehensive learning of Residential Schools be undertaken. This will help to not only develop empathy for individuals but will build an awareness of the important of Indigenous cultural resurgence and healing. In practice for HCC member operators, this could look like finally supporting Indigenous programming that focuses on healing from residential schools. Another important component is the building of patience for settlers during the building of the relationship and in shared planning or partnerships with the Nation: working with Communities looks and is different than working with non-Indigenous Peoples for many reasons, a big one of which is knowing that the communities are rebuilding from the trauma and loss of culture and connection to place that the Residential schools created.

Through the *Indian Act* and other institutional and political bodies, Canada sought to eliminate Indigenous governance structures, ignore Indigenous rights, and through a process of assimilation attempt to cause Indigenous Peoples to exist as distinct legal, social, cultural, religious, and racial entities in Canada (Claxton et al., 2021). The establishment and operation of residential schools were a central element to achieve this mandate, which the Truth and Reconciliation Commission described as cultural genocide (Craft, 2016). The government pursued Indigenous cultural genocide because it wished to divest itself of its legal and financial obligations to Indigenous Peoples while gaining control over their lands, waters, and resources (Hanson et al., 2020). Canada's theory was that if every Indigenous person were assimilated, there would be no reserves, no treaties, and no Indigenous rights (Craft, 2016).

The residential school system was designed by the government but executed through partnerships with religious institutions. The first school opened in 1883, and the federal government has estimated that at least 150,000 Indigenous children passed through the system. For children, life in these schools was often horrific. Staff were limited and

poorly trained, schools were not well heated and inadequately ventilated, the diet was meagre, and the education that students received was limited due to the low regard for the intellectual capabilities of Indigenous Peoples at the time (Craft, 2016). When education was administered, it was only to the lower grades and focused mainly on prayer and manual labour in agriculture, light industry, and domestic tasks. Many parents found that when youth came back to the community at age 16, formal education was only up to a grade 5 level (Hanson et al., 2020).

It is important for settlers to understand that residential school students suffered horrendous abuse at the hands of staff: physical, sexual, emotional, and psychological, and children were reprimanded in severe ways for speaking their language. These abuses, along with overcrowding, poor sanitation, and severely inadequate health care resulted in a high death toll. This legacy has profoundly impacted survivor's partners, children, grandchildren, extended families, and communities who now share in the intergenerational effects of transmitted personal trauma and loss of language, culture, traditional teachings, and mental / spiritual wellbeing (Craft, 2016; Hanson et al., 2020).

### **3.3.4. Agency and resilience**

Learning about the agency and resilience of Indigenous Peoples, communities, and Nations during this time is important as it showcases and celebrates the continuous, courageous, and creative ways people and communities fought for their lands, children, and rights. Active resistance of assimilation occurred in tandem with the first signs of colonial oppression, and as confederation of Canada solidified, Indigenous People across the country increasingly developed complex resistance movements to Canada's systemic subjugation of their rights and autonomy (Harris, 2002). Fighting for self-determination and in opposition to the reserve system, groups organized delegations to Ottawa and England and petitioned the Queen on many occasions to oppose the federal government's policies. They organized (and continue to organize) protests, marches, sit-ins, blockades, and occupations to change legislation, advocate for the return of stolen lands returned, and demonstrate that Indigenous land title has never been extinguished over the vast majority of B.C. (McMillan & Yellowhorn, 2004). Improvements for Indigenous People in Canada are a direct result of the powerful and creative resistance of Indigenous activism. Because of their incessant activism on numerous fronts (lifting of the Potlatch ban / legal case ban, the UBCIC/AFN 1969 White Paper response, the

Calder Case, changes to the Canadian Constitution in 1982, the TRC Calls to Action, and UNDRIP, to name a few), Canada and B.C. are, albeit slowly, moving towards reconciliatory actions with Indigenous Peoples. It is the work of settlers to understand the meaning of this work and implement the actions within settler governments, businesses, and society. The following sections written for the Toolkit showcase some of the resistance mechanisms utilized in B.C. throughout the last 150 years.

### **3.3.5. Aboriginal law and Aboriginal rights**

The purpose of this section within the Toolkit was to provide HCC with the most important legal documents, concepts, court cases, and declarations of Aboriginal law in Canada. The goal is that by providing a background, the member operators will be better equipped to navigate the provincial referral and tenure system and land claim / modern treaty process.

Once the settlement of B.C. began in earnest, the British legal system dismantled Indigenous sovereignty. The journey and battle to regain rights and title within the western legal system is the journey of establishing Aboriginal law. Within the legal landscape of Aboriginal law are Aboriginal rights, which are inherent and collective rights that flow from Indigenous Peoples continued use and occupation of certain areas, practiced since before European contact (Borrows, 2018). There is no single overarching Indigenous definition of what these specific rights are because each Nation is unique - although they generally include rights to the land and subsistence resources and activities; the right to self-determination and self-government; and the right to practice one's own language, culture, and customs (Schwartz et al., 2019). Due to the activism and battle for a recognition of rights by Indigenous People in Canada, in 1982 the federal government amended the Canadian Constitution with Section 35(1), which proclaims that the existence of Aboriginal rights is recognized and affirmed (*Constitution Act*, 1982). The enshrinement of Aboriginal rights in the Canadian Constitution is the most significant legal shift that has increased Indigenous rights in the Canadian legal system. And although establishing Section 35(1) was a vital shift, federal and provincial governments continue to overrun Aboriginal rights, even when case law is expanding these rights through successive court rulings (Gunn, 2019).

Connected to Aboriginal rights is Aboriginal title, which refers to the inherent, unique, and collective rights to the use and jurisdiction over a group's ancestral territory. Aboriginal title is not granted from an external non-Indigenous system but is a result of Indigenous Peoples occupation of and relationship with their territories, as well as their social structures and political legal systems (Gunn, 2019). Since the early settler period, the B.C. government has actively opposed the assertion of Aboriginal title, arguing falsely that rights were extinguished once Britain claimed Turtle Island as its own (Borrows, 2019). As Indigenous Peoples have argued for over 150 years, title has never been officially extinguished, and they retain ownership and jurisdiction over their territories.

### **3.3.6. The Modern Treaty Process**

Historical treaties between the Crown and Indigenous Nations make up only a small percentage of the total land area of the province. The modern B.C. Treaty process, which started in the early 1990's, has been controversial and not very successful with many Indigenous Nations dropping out or refusing to participate, and the system is often considered to have failed at settling issues of Aboriginal title (Claxton et al., 2021). Instead of signing modern treaties, many Nations have opted instead to negotiate Reconciliation Agreements with B.C. and the federal government as a mechanism to further Indigenous rights and increase jurisdiction over their territories. For HCC member operators, it is recommended that they understand where Nations are at in the government-to-government negotiation process, as new agreements are meant to increase Indigenous jurisdiction and will therefore impact Crown land tenure holders. This is another area where a HCC member operator will significantly benefit from the establishment of positive relationships and solid communication with the Indigenous communities in their tenure area.

The province of B.C. has a legal responsibility to consult and accommodate Indigenous Peoples when projects may infringe on Aboriginal or treaty rights. The greater the impact to an Aboriginal right equals a greater level of consultation and accommodation. The Toolkit recommends that although B.C. is responsible for ensuring adequate and appropriate consultation and accommodation on projects, tenure applicants are encouraged to participate meaningfully in the procedural aspects of consultation. One of the most important rationales is that the proponent can learn about any impacts to the

Nation's interests and create mitigation plans accordingly. HCC member operators with *Land Act* tenures have an important opportunity in advancing reconciliation and resurgence with Nations by engaging in dialogue about how they prefer the land to be managed. Moreover, HCC member operators also have an important opportunity and responsibility to share the prosperity of the outdoor recreation business with Indigenous communities whose lands HCC member operators are benefitting from economically.

One example of an Aboriginal right HCC operators may infringe upon is in connection to caribou, because caribou are an important food source and therefore fall under the Aboriginal legal right to hunt - as well as the Species at Risk Act. Many caribou herds are on the verge of extinction in B.C., and therefore HCC operators may be subject to address and mitigate their impacts to caribou and have their tenure applications included in a regional cumulative effects assessment.

### **3.3.7. British Columbia Declaration on the Rights of Indigenous Peoples Act**

B.C. is currently conducting a sweeping review of provincial laws to protect human rights for Indigenous Peoples through the *Declaration on the Rights of Indigenous Peoples Act (DRIPA)*. Our work outlined the high-level strategic goals of *DRIPA* and how it will impact the mechanized skiing industry. B.C.'s *DRIPA* was drafted with the B.C. First Nations Leadership Council and made law on November 28, 2019. The *Act* incorporates the framework of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which works to establish a set of human rights standards for the well-being of Indigenous Peoples around the world (United Nations, 2007). Federally, UNDRIP was passed in 2007, but Canada did not remove its objector status until 2015, the last country in the world to do so (Atleo et al, 2022). UNDRIP is the product of an extensive and comprehensive process involving representatives of Indigenous Peoples from around the world, including several Indigenous leaders of Turtle Island. It is the most far-reaching universal instrument to date specifically addressing the human rights of Indigenous Peoples.

*DRIPA* combines international human rights and constitutional law with Indigenous law to strengthen the protection and rights of Indigenous Peoples by legislating *UNDRIP* into B.C. domestic law. The *Act* aims to address the province's deep history of colonial

oppression by working to change B.C.'s legal, legislative, and policy frameworks (Union of British Columbia Indian Chiefs and Canadian Centre for Policy Alternatives, 2018). Changes created via *DRIPA* legislation aim to improve Indigenous self-determination by increasing Indigenous jurisdiction and shared decision-making authority over their territories. Because *DRIPA* is still a new piece of legislation, how much of it will be achieved on the ground, and on a strategic level is yet to be determined. What we do know is that aligning B.C. laws with *UNDRIP* and pushing for Nation-to-Nation governance structures are the two most important pieces; both have long term impacts for businesses working on securing access to Indigenous territories. For example, the *Lands Act* and the *Wildlife Act*, two important guiding documents relevant to HCC, are being reviewed for their alignment with *UNDRIP*. Because a review of B.C.'s laws have not been completed to date, concrete information could not be shared. However, what has been documented by legal scholars is that aligning B.C. legislation with *UNDRIP* is a very powerful tool in attaining the far-reaching goals of Indigenous communities in significant ways (Morales, 2019).

Many Indigenous scholars, leaders, and activists believe the real path to reconciliation is one that leads to a Nation-to-Nation relationship (Grist & O'Callaghan, 2019). B.C.'s *DRIPA* outlines the possibility for such fundamental change, empowering the province to enter into high-level, strategic decision-making agreements with Indigenous governing bodies. Sections 6 and 7 of the *Act* state that Cabinet or an authorized member of the Executive Council can enter into agreements with Indigenous governing bodies relating to the exercise of joint statutory decision-making authority with an Indigenous governing body. This means mechanized ski operations will likely have their applications reviewed by a joint decision-making body of both provincial and Indigenous administrations where power is equally shared.

Article 32 of *UNDRIP* is the requirement that countries will consult with Indigenous Peoples to obtain their free, prior, and informed consent (FPIC). FPIC is highly debated and perhaps the most controversial article of *UNDRIP* for settler governments to uphold. Many argue the requirement to obtain consent implies respecting the right to say "no", which B.C. has explained that via *DRIPA*, FPIC is a consent-seeking clause, not an outright veto on projects for Indigenous communities (Brown et al., 2019). For *DRIPA* to be effective and support the reconciliation process, Indigenous communities must be empowered in law to participate in provincial decision-making processes that impact



their rights and self-determine whether projects impacting their community and territory warrant approval. FPIC is still in legal development and will be determined not only under federal and provincial *DRIPA Acts*, but also through Section 35 of the Canadian Constitution and Aboriginal case law.

HCC member operators are advised to always seek the consent of Indigenous Nations within their tenure area for any project or changes to the landscape. This section of the Toolkit was meant to showcase that forming positive relationships based on trust in HCC tenure areas must be prioritized in the industry's business practices. The literature review demonstrated relationships can support benefits to Nations while supporting their journey of resurgence. The implementation of *DRIPA* requires the province and Indigenous bodies of governance to work together in a spirit of partnership and to engage, fund, and support Indigenous leadership in a collaborative process. This will occur at the higher-level strategic alignment of B.C.'s laws with *UNDRIP*, the advancement of Nation-to-Nation partnerships, negotiated sharing of jurisdiction, changes in the consultation and accommodation requirements, and greater Indigenous agency in decisions affecting on-the-ground operations (Union of British Columbia Indian Chiefs and Canadian Centre for Policy Alternatives, 2018). Obviously, the implementation of *DRIPA* will have increasing impacts for HCC member operators in B.C.

### **3.3.8. Learning to utilize the right language**

Many of the terms used in colonial languages defining Indigenous Peoples or their ways of living carry harmful connotations that have been used to undermine their cultures and beliefs. The Toolkit provided a subsection on language to support HCC members with a respectful vocabulary for writing and dialogue. The purpose was to provide an overview of the terminology that is currently the most respectful for engagement and included comprehensive information on the following language topics: Referring to Indigenous Peoples; Addressing Indigenous Peoples in person; and Addressing Indigenous Peoples in writing. Lastly, it is not uncommon to see businesses use land acknowledgments in emails, on websites, and at the start of meetings. The Toolkit encouraged this step, and provides guidance to ensure acknowledgements are meaningful, relevant, and offers actionable steps for settlers in the process of reconciliation.

The final part of the *Internalize* section is called *Further Your Education* and provided a list and description of various resources - from training opportunities to books and documentaries that will deepen HCC member operator's knowledge beyond the information provided in the Toolkit.

### **3.4. Conceptualize**

The second section of the Toolkit aimed to help HCC member operators understand how reconciliation efforts in B.C. affect their business efforts. This step builds upon the previous *Internalize* section by expanding from an individual level of understanding to a business one in connection to goals of reconciliation. The subsections included 'Adequately Apply for Tenure Applications', 'Learn about Collaborative Management', and 'Get Familiar with Government Agreements', and each explain approaches and provide examples for how Indigenous communities and HCC member operators can interact with each other to foster and enforce positive relationships at the business level.

#### **3.4.1. Collaborative management**

*DRIPA*, iterative legal rulings, the TRC, modern treaties, and reconciliation agreements support moving toward Indigenous involvement in decision-making on lands and waters across Turtle Island. HCC operators will increasingly be subject to the approval and overarching governance of the province and Indigenous governance structures in co-management frameworks. The intent of co-management is to establish relationships that share land and resources equitably as a form of governance characterized by bundles of rights, which can foster partnerships that evolve iteratively (Peters, 2003). In Canada, co-management can be an institutional arrangement covering a specific geographical area where Indigenous Peoples and the state agree to a system of reciprocal rights, procedures, and processes for collective decision-making. Collaborative management scholars (Berkes, 2009; Houde, 2007; Pinkerton, 1992) write that co-management is based on the premise that stewardship and the sustainable management of resources are far more effective when they include the deep and meaningful participation of local and Indigenous knowledge. Such collaboration enhances the robustness of ecological management decisions and practices, and increases the efficiency of decision implementation by involving the people that are directly affected by decisions (L. King,

2004). If government relationships with Indigenous Peoples are to move forward in reconciliation, then understanding the best practices of co-management is of paramount importance to support Indigenous rights (Berkes et al., 2007). When co-management arrangements are successful, it promotes cultural and TEK resurgence, integrates Indigenous and government knowledge and management approaches, and provides frameworks for greater community participation and buy-in, all of which are vital for sustainable management of the environment and resources (Peters, 2003; Pinkerton, 2019). With such positive outcomes, one would assume that Canadian governments would be more supportive of the co-management frameworks. Unfortunately, “complete” co-management, where rights and decision-making power are equally shared are uncommon, with only a few cases effectively managing territories equally by both the state and Indigenous Nations (Pinkerton & John, 2008). Nonetheless, co-management has been mandated as a priority under B.C.’s *DRIPA*. HCC member operators can expect an increase in co-management arrangements in the years to come.

### **3.4.2. Land Use Plans, Indigenous Protected Conservation Areas, Government Agreements**

This section provided HCC members operators with an overview of existing agreements that outline various ways Indigenous Nations and governments or corporations are involved in shared decision-making processes and revenue sharing opportunities. Indigenous Protected Conservation Areas (IPCAs) are an assertion of Indigenous rights that resonate with Section 35 of Canada’s Constitution, as well as *DRIPA*. They are gaining momentum as a planning tool for the government to reach Canada’s conservation goal of 30% protection of land and water by 2030 (Sevunts, 2020). They have been shown to preserve and increase biodiversity, as well as connect Indigenous Peoples back to the land (Schuster et al., 2019). Understanding Indigenous Peoples’ aspirations for conservation and reconciliation within IPCAs will be important in recognizing how tourism can be managed and will help prepare HCC operators in dialogue and meetings should an IPCA be created in the tenured area.

### **3.4.3. Economic Agreements**

As a private company focussed on profits, supporting Nations economically is one of the best ways HCC member operators can support the Nations whose land they operate on.

Economic agreements between B.C. and Indigenous Nations focus on closing socio-economic gaps, and HCC operators can review them to help understand and highlight the community's various economic growth and engagement strategies. Additionally, this information can provide a template for drafting an economic agreement, should it be a desired outcome of relationship building efforts. Although these are government-to-government agreements, thus falling outside the scope of agreements for HCC member operators, they provide a solid template for how two parties can develop economic agreements.

Land use planning agreements are often developed using a shared-decision making model, meaning that Indigenous communities have input. Land use plans and agreements separate areas into zones with permitted and non-permitted uses. For example, wildland zones allow for backcountry recreation and tourism, so long as the activity aligns with the protection of wildlife habitat, remote wilderness characteristics, and cultural and spiritual values.

### **3.5. Operationalize**

'Operationalize' moves from education and understanding and into action. We wrote 'how to guides' titled 'Begin Initial Engagement' and 'Maintain Meaningful Relationships' to provide specific strategies and methods for creating and maintaining positive relationships with Nations whose lands HCC operates on. This well-resourced part of the Toolkit aims to inspire both creative and well-established ideas for moving long-term relationships with Indigenous Peoples forward, such as a guide for crafting communication, business ideas for economic reconciliation, and how HCC operators can support Indigenous business reconciliation through procurement and planning.

#### **3.5.1. Maintain Meaningful Relationships**

The ability of HCC operators to work collaboratively, respectfully, and in the interest of shared goals and projects is the most important way companies can support reconciliation while securing their businesses in a changing legal landscape. The information provided in this section was created with information provided from surveys and interviews, as well as a literature review and analysis.

Relationship building requires recognizing the unique history and culture of each community, as well as the varying degrees of business development and capacity potential. For example, one Nation interviewed explained that HCC operators need to understand the hereditary governance system and co-develop a communication strategy that works to engage and collaborate with this system. This interviewee also shared that taking part in community activities when inviting, and donating time and resources, is an important way to build trust and strengthen a relationship.

Creating meaningful partnerships through areas of common interest came through in interviews with some HCC operators. For example, working together to lobby on issues of shared interest such as conservation of areas at risk of exploitation, has been shown to build trust and help build a positive company profile within the Indigenous community. Additionally, many Nations are in the midst of revitalizing their traditional governance structures, a great effort in itself that can take time away from addressing requests from users on the landscape. It is important to understand that Chief and Council or traditional leadership are responsible for managing community affairs and taking part in events and ceremonies. As such, they may have limited bandwidth for deliberating on proposed development projects. As one Indigenous interviewee explained, “sometimes the time is right to connect, and sometimes it’s just not.” Settler companies need to be respectful of community timelines for consultation and decision-making.

Qualitative research revealed that joint tourism ventures are an ideal business type with the mechanized ski industry because many Indigenous communities would like to promote tourism but do not have the infrastructure due to their remoteness. Such joint partnerships could look like co-developing a ski lodge or an affiliated tourism business opportunity.

### **3.5.2. Hire, train, and mentor interested Indigenous People**

Employment, training, and scholarships were shown to provide valuable opportunities to create positive, mutually beneficial, and long-term relationships for each party. HCC operators have an incredible opportunity to create scholarships for Indigenous Peoples seeking to become ski guides, chefs, or registered massage therapists, and these students can be supported through the development of internships and mentoring. One case study showcased in the Toolkit is the HCC company Mustang Powder. I

interviewed the owner during the summer of 2021. He explained that by using large swaths of Indigenous lands to conduct a business, it is Mustang Powder's responsibility to support and involve Nations when and where opportunities arise. Mustang Powder is located on the territories of the Secwépemc Peoples. For the last several years the owner has given out scholarships each year to Indigenous recipients from this region.. Nick also provides opportunities for long-term skilled employment via Mustang Powder's mentorship program. The Adventure Guide scholarship winners gain experience and receive guidance through more experienced guides who help train and support newly graduated ski guides. Mustang Powder is currently working with Thompson Rivers University and the surrounding Secwépemc Nations to develop a Memorandum of Understanding for the scholarship program, the goal of which is to support more Indigenous youth to get involved in the mechanized ski guiding industry, as well as other forms of outdoor tourism, such as kayaking.

Mustang Powder has also established a mutually beneficial business relationship with the Skwłax Nation (Little Shuswap Lake Band) at the Quaaout Lodge and Spa. The staff at the lodge work at Quaaout in the summer months, and at Mustang Powder's lodge in the winter months; the staff are then able to maintain year-round high-paying wages, and the two lodges have successful retention of staff. Overall, the owner works in a thoughtful and open-minded way. In his words:

"The industry can do more; working with First Nations is important. There are all kinds of opportunities to collaborate, and HCC operators will feel better personally from doing good work. We are on the other end of the social-economic spectrum and need to focus on equity by giving back to the communities."

Unlike much of the activities that occur on traditional territories, HCC business operations and practices have a light footprint. Our primary research elucidated that remote Indigenous communities have shown a strong interest in developing outdoor tourism businesses. Supporting these initiatives and partnering on projects can bring concrete benefits to Indigenous communities on their own terms, thus contributing to aspects of reconciliation with Indigenous Peoples. Our research revealed the following recommendations for HCC member operators to implement into business practices.

- 1. Seek the consent of Indigenous Nations within your tenure area**

The Indigenous Nations within the tenure area must give their consent before a mechanized ski project begins or is amended. This is a vital part of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Truth and Reconciliation Calls to Action, both of which are endorsed by Helicat Canada.

## **2. Learn and use Indigenous place-names**

It is important to learn both the names of the Nations and the Indigenous names of important areas where HCC member operators run their businesses. Try and find out what the mountain peaks, valleys, and rivers are called in the Indigenous languages, and with permission from the Nation(s) share this on the businesses' website.

## **3. Conduct Indigenous cultural competency training**

Invest in cultural awareness training. Reconciliation begins with education to ensure staff have a baseline knowledge of Indigenous culture, history, and key issues. Encourage sincere and productive dialogue and develop an understanding of the lasting impacts of colonization to Indigenous Peoples. This type of education requires skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism, and should be performed by a qualified and reputable individual or organization.

## **4. Understand each Nation's capacity to engage**

Understanding a community's capacity for engagement and relationship building is important when setting expectations. Capacity building is likely required for a Nation to fulfill requirements needed to work together on larger projects, such as a co-designed business venture. When initiating conversations with Indigenous communities, ask if they have the capacity to take on this request and how to support. Work to engage with Indigenous Nations to understand their unique needs and to collaborate in support of their goals. For a community project to be successful, it must come from the community; community-driven projects are far more likely to succeed in the long-term.

## **5. Recruit, train, and support Indigenous staff and students**

Hiring, training, and mentoring Indigenous Peoples is one of the most important ways HCC member operators can provide benefits. Consider scholarships and internships for students, and a mentorship program for those new to the field.

### **3.6. HCC Toolkit Summary**

In summary, our research demonstrated that there is tremendous room to grow an industry and culture that respects and understands Indigenous rights and upholds and honours Indigenous knowledge in the regions where HCC members operate. To move actions of reconciliation forward, the guide encouraged continual learning and education of Indigenous history, settler-colonialism, Aboriginal and Indigenous law, and innovative methods for best practices. The Toolkit encouraged working a transparent, honest, curious, and genuine manner that will create benefits for the Indigenous Peoples where HCC member operators run their businesses. In the spirit of reconciliation, HCC member operators ought not to think about how their support will benefit their company, although our interviews with HCC operators make it clear how positive working relationships create significant benefits for each side. Qualitative research demonstrated that there are several areas of alignment whereby HCC member operators and Indigenous Nations can partner on actions to move reconciliation forward: economic partnerships, projects that return jurisdiction to Indigenous communities, and providing scholarships for Indigenous youth are just a few. Chapter 5 will demonstrate how the movement of IPCAs are returning the management of lands and waters back to Indigenous Nations, and showcases the successful story of a HCC member operator whose support helped the Ktunaxa Nation regain control over their traditional territories, which in turned strengthened the ability of the operator to continue their heli-ski operations within the newly created and Ktunaxa controlled IPCA.



## **Chapter 4.**

### **Reconciliation and Resurgence via Indigenous-led conservation**

The HCC Strategic Engagement Toolkit was designed to advance reconciliation with the helicopter and cat ski industry. Because it was delivered in an operational guide format, I am expanding on it to include theories of reconciliation and Indigenous resurgence. Acts of reconciliation between settler Canada and Indigenous Peoples go beyond finalizing economic opportunities, improving individual relationships, and educating the public. For reconciliation in these lands to occur, it requires a dedicated push from settlers to centre Indigenous Knowledges and governance systems within and outside the state. I have chosen to explore Indigenous-led conservation and the movement of Indigenous Protected and Conserved Areas as a pathway of meaningful and tangible actions that centre Indigenous resurgence and support settler-Indigenous processes of reconciliation. This research and analysis will posit that HCC and the outdoor recreation tourism sector writ-large must be cognizant of increasing numbers of IPCA proposals in development, as they are proving to be an avenue to reclaim Indigenous sovereignty. Without a positive and beneficial relationship with Indigenous communities in their tenure area, HCC operators and other land tenure holders may be forced to cease or alter operations when Nations become more empowered decision-makers via IPCAs. This chapter will explain the value, meaning, and challenges of IPCAs in Canada. Chapter 6 will explore the connections between the increasing prominence of IPCAs over HCC member operator tenures, and what it means for the heli-ski industry. Ultimately, my research found that there is a positive alignment between the values of HCC member operators and the goals and mandates of IPCAs.

#### **4.1. What are Indigenous Protected and Conserved Areas?**

Historically, state-led conservation (from large federal parks such as Banff National Park to smaller regional parks of only a few kilometers wide, such as Lighthouse Park in West Vancouver) have been a tool of colonial territorialization, displacing Indigenous peoples from their ancestral homelands - most often for capitalist gain (Youdelis et al., 2021a). Canada has certainly embedded itself in this legacy of colonial conservation policy. Until

quite recently, the country's protected areas were established without regard for Indigenous rights - and subsistence activities were criminalized within park boundaries, resulting in the loss of traditional livelihoods (Moola & Roth, 2019). Over the last 100 years, Indigenous activism and resistance have improved Indigenous Peoples' participation and decision making within parks and protected areas. Most of the larger parks in Canada now have collaborative management arrangements (e.g., Tombstones Territorial Park; Gwaii Haanas National Park Reserve), and there is an increase in rights-to-access subsistence activities. Unfortunately, many park co-governance agreements often maintain colonial power structures and have difficulty incorporating and upholding Indigenous knowledge systems (Nadasdy, 2005). As an alternative to the settler government parks system, Indigenous-led IPCAs are created by Indigenous communities and use a framework of Indigenous law to manage the lands and waters. Similar to Indigenous Nations themselves, IPCAs are diverse in their principles, approaches, mandates and goals (Parks Canada, 2018).

IPCAs were initially defined in 2018 by the Indigenous Circle of Experts (ICE) committee to describe land protection where Indigenous administrations have the primary governance role (ICE & IPCA Information Sheet, n.d.). The ICE was brought together as part of the federal government's Target 1 Conservation and Biodiversity Objectives, which aimed to conserve 17 percent of land and waters and 10 percent of marine areas by 2020. The ICE group of Indigenous leaders researched and wrote an extensive report titled *We Rise Together*, the goal of which is to provide guidance to settler and Indigenous governments on how to achieve the Target 1 goals through the appropriate recognition of Indigenous leadership and knowledge systems in conservation. The report is "a watershed moment in both the history of conservation and the vital need for reconciliation between the conservation community and Indigenous Peoples of Canada" (Parks Canada., 2018, p.5).

IPCAs describe a variety of Indigenous land protection initiatives including Tribal Parks, Indigenous Cultural Landscapes, Indigenous Protected Areas, and Indigenous Conserved Areas. Although they may have differing levels of Indigenous jurisdiction and unique management objectives, IPCAs generally share three core elements: 1) they are Indigenous-led; 2) they elevate Indigenous rights and responsibilities; and 3) represent a long-term commitment to ecological conservation (Parks Canada., 2018).

A review of IPCA literature finds they facilitate cultural revitalization, assert self-determination, are holistic, re-connect people to their land, protect spiritual values, revitalize Indigenous economies and livelihoods, support language rejuvenation, facilitate intergenerational knowledge transfer, address UNDRIP, and are an innovative expression of Sec. 35 of the Constitution Act, 1982 (Parks Canada, 2018; Plotkin, 2018; Tran et al., 2020; Youdelis et al., 2021a). On the environmental front, IPCAs protect and steward areas where Indigenous Peoples exercise agency to promote and foster stewardship and ecologically sustainable economies, and act to rejuvenate biocultural conservation in accordance with Indigenous Law (Parks Canada., 2018).

The rise in number and visibility of IPCAs has been influenced by Indigenous Peoples pushing against colonial frameworks to develop these areas. Although several IPCAs have been created through settler government and Indigenous partnerships, IPCAs have also been asserted through Indigenous de facto rights when the provincial and federal governments are slow or unwilling to work with Indigenous Nations to set up Indigenous protected areas (Murray & King, 2012). An early and ongoing example of an asserted IPCA established over Crown and private lands is the Tla-o-qui-aht Tribal Park, run by the Tla-o-qui-aht First Nation on Vancouver Island. The Tla-o-qui-aht asserted a boundary and developed land-use plans within that boundary to support their interests in the provincial referral process, and to exercise and negotiate rights and title (Murray & King, 2012). They have partnered with many local businesses who pay a 1% fee for operating on Tla-o-qui-aht lands, which help to fund restoration and stewardship practices of the Guardian Program as well as park administration costs (Tla-o-qui-aht Tribal Parks, 2022; Meet our Allies, 2023).

## **4.2. IPCAs support reconciliation with humans and the earth**

Since time immemorial, Indigenous Peoples in Canada have been diligent and ingenious cultivators of biological diversity through advanced economic practices that were founded on natural law (Borrows, 2018; Tully, 2018). Indigenous economies followed Indigenous world views, which understood that human systems are part of, and must remain in balance with, ecosystems. The outcome and effect of these worldviews and economic practices was abundant, thriving biological diversity (Parks Canada, 2018, p.III)

Indigenous Knowledges provide methods to manage resources far more sustainably than the vast majority of western scientific and economic frameworks currently in place in land management practices in Canada (Zurba et al., 2019). Our natural world (and the humans within it) benefit when Indigenous-led protected areas increase in size and numbers because resurgent Indigenous governance provides approaches that recognize the well-being of humans is linked to the well-being of the environment (Artelle et al., 2019). Indigenous resource-rights regimes use regenerative and ecocultural management practices / systems that are community-based and provide governance that is more holistic in approach to resource development and management (Artelle et al., 2019; Deur & Turner, 2005; Tran et al., 2020; Youdelis et al., 2021; Zurba et al., 2019).

Reconciliation in this sense means decentering power from the top and returning it into the hands of the people and communities that have a strong knowledge and connection to the area. It is only then that any type of meaningful or “complete” collaborative management of resources and landscapes is possible between settler governments and Indigenous Nations (Jones et al., 2017; King & Pasternak, 2019; Pinkerton, 1992). The framework of Indigenous collaborative management where methods are employed to evenly distribute and share power (Jones et al., 2017) is also a framework that can weave traditional ecological knowledge (TEK) and western science for management purposes.

Indigenous law, which includes Indigenous science, land management customs, obligations to the lands and waters, and the recognition that land has agency comes from thousands of years of localized knowledge accumulation (King & Pasternak, 2019; Youdelis et al., 2021a). Indigenous Peoples’ traditions of ecocultural knowledge and management systems must be prioritized and valued if we are to make the ultimate transition to sustainable relationships with the Earth (Borrows, 2018; Tully, 2018). IPCAs and their reinstatement of Indigenous knowledge systems must be a vital element of regional planning to stem the biodiversity crisis and aid in the fight against climate change.

### **4.3. IPCAs as a framework for reconciliation and resurgence**

IPCAs are about protecting land, but more importantly it's about protecting who we are as Dene, protecting our worldview – it's not just about percentages but about the areas being conserved according to Indigenous values (Cox, 2019).

An essential way IPCAs uphold reconciliatory processes is that they act as conduits for returning jurisdictional control to the original landowners, as we saw in the Qat'muk example, which I discuss further in Chapter 5. Reconciliation is also restitution, by returning things taken, and the framework facilitates components of structural reconciliation by creating physical space (hundreds or thousands of hectares) for Indigenous knowledge systems, worldviews, and laws to be re-established and restored (Zurba et al., 2019). According to the ICE Report, IPCAs are reconciliatory because they can decolonize settler management frameworks by upholding and breathing life into the 46 articles of UNDRIP (Parks Canada, 2018). On the ground, the Dena Kayeh Institute describes IPCAs as the most practical application of the inherent rights laid out in DRIPA (Cox, 2019).

IPCAs can and do act as physical geographies / zones of Indigenous resurgence. Indigenous resurgence promotes the intentional centering of Indigenous models of governance and law and moves away from western frameworks to promote the revitalization of governance practices and institutions (King & Pasternak, 2019). Betasamosake-Simpson adds that resurgence is about creating, renewing, and upholding Indigenous Peoples knowledge, culture, and people in the context of regenerating relationship with a particular place (2016). It is my opinion that reconciliation between settlers and Indigenous Peoples is not possible without Indigenous resurgence occurring simultaneously. Focusing on resurgence via the creation of IPCAs is a tool of resistance to settler-colonialism and a primary reason many communities assert them. Some Nations choose to focus on resurgence while having IPCA partnerships with settler governments, while others approach the work as a mechanism of asserting total jurisdiction. For a multitude of reasons, each community will choose its own path.

Settler governments have a role to play in supporting resurgence by working to support the building of Indigenous governance, the revitalization of Indigenous languages, and

intergenerational knowledge transfer (Tran et al., 2020); similarly, HCC and the outdoor recreation tourism sector can also play a role. Indigenous Nations were stripped of their lands and interconnected governing systems. It is a matter of justice and reconciliation that settler organizations working with Indigenous Peoples support and respect resurgence activities by funding Indigenous-led conservation and changing colonial-based systems to work in allyship more actively.

#### **4.4. Challenges to IPCAs**

Crown governments have chosen to fund certain IPCAs, while simultaneously upholding the hegemony of extractive capital that directly threaten IPCA development (Zurba et al., 2019) by continuing to grant and renew industrial forestry, oil and gas, and mining tenures. In fact, IPCAs are often created in response to intense ecological degradation in Indigenous territories from unwanted resource extraction. When settler governments approve such activities within asserted IPCAs, it undermines the jurisdiction, governance, and biocultural conservation of Indigenous Nations. A landscape of projects producing tax royalties and revenue for settler governments is perhaps the greatest challenge to the development of IPCAs. The more government-approved tenures, the more challenging it is for an IPCA to receive government funding / Crown approval. The cost of buyouts for existing tenures is a significant barrier, as is the threat of legal action from the private sector.

Today, IPCAs do provide, “glimpses of productive, alternative sustainabilities that move away from the colonial-capitalist paradigm, but are being challenged by governments and industries that fail to respect Indigenous jurisdiction” (Youdelis et al., 2021a). Asserting IPCAs for Indigenous Peoples contains the same historical struggle to have stolen lands returned, because we remain under the central economic organizing force of global imperialism and colonialism – a framework and system that is essentially extractivist (King & Pasternak, 2019). An example of Crown government resistance is the K’éh Kusān IPCA, which covers a significant area of Kaska Dene territory. B.C. has refused to participate in K’éh Kusān due to its interest in several resource extraction (current and future) activities in the region (Cox, 2019).

Although B.C.’s DRIPA and the accompanying 2022 Action Plan is mandated to indigenize all legislation in partnership with Indigenous Peoples / Leadership, the

process is slow and has been met with tremendous internal resistance. According to one interviewee, it takes a cabinet submission and decision to get a protection mandate for new protected areas, and even then, B.C. does not have an appropriate legal-regulatory designation to respect Indigenous-led conservation areas. In fact, the province's Park Act states upfront that B.C. owns the land and everything on the land. If extractive capitalism underpins forces of settler-colonialism and undermines the sovereignty, lands and waters of Nations across the country, it is no surprise Crown governments have been slow or unwilling to participate in IPCA creation.

Other major challenges undermining IPCA development and viability are settler government jurisdictional inconsistencies and the complexity of Constitutional division of powers between the federal, provincial, and territorial governments by which protected areas become formalized under Canadian law (Tran et al., 2020; Youdelis et al., 2021). Additionally, there are currently no novel frameworks or new tools to create an IPCA, and direct funding allocation for ongoing planning and management of IPCAs is inadequate (Tran et al., 2020). The province of B.C. is working on policy, but it takes a substantial amount of time. Current IPCA projects move more quickly than settler government policy development and are being pieced together from Crown tools and options that do not quite fit.

IPCA's may also face challenges in maintaining their unique social and cultural governance systems while establishing working relationships with stakeholders that have overlapping interests in the area. Conservation organizations such as the BC Parks Foundation that fund development of parks can have agendas that uphold white supremacy: wanting to protect regional ecosystems without respecting Indigenous-led management. This can challenge Indigenous communities that are rebuilding governance systems of resource and common property management regimes to reflect traditional values, due to the pressure in aligning their institutions with knowledge systems of the dominant culture (Murray & King, 2012). Under B.C.'s DRIPA, all government ministries are tasked with supporting decision-making processes to better recognize Indigenous authority and value systems to restore self-governance. IPCA's could be especially helpful in supporting such goals of reconciliation through the development and implementation of appropriate frameworks.

## 4.5. Summary

Indigenous-led conservation in the form of IPCAs is just one of multiple strategies to support Indigenous sovereignty, yet it is presently one of the best frameworks available. IPCAs are an innovative strategy in the longstanding fight for Indigenous Peoples to assert a viable alternative to colonial-capitalism. Indigenous-led conservation areas do, at times, allow zoning for natural resource activity, yet they are in line with Indigenous rights, responsibilities, economies, and worldviews (Youdelis et al., 2021). The case studies I reviewed allow for resource activity with strong cultural-ecological care and management, and run counter to the extractivist, economic model by protecting valuable eco-cultural systems and places.

The potential for resurgent Indigenous-led governance within IPCAs is becoming increasingly clear, with investment in Indigenous-led conservation already demonstrating substantial benefits for Indigenous Nations and the environment. The world is facing a major climate change and biodiversity crisis, and we need to strengthen Indigenous eco-cultural management systems in response. Indigenous Peoples possess vast knowledge-based principles of eco-cultural reciprocity and strong connections with land and natural systems (Turner, 2020); therefore IPCAs provide a key opportunity for the government to reach biodiversity goals and targets.

For many settlers, how to move forward in reconciliatory processes is top of mind. Some scholars in the field write that Canada is experiencing heightened discourse and action on reconciliation efforts (Zurba et al., 2019). IPCAs are aligned with the TRC's Calls to Action and UNDRIP (Parks Canada, 2018) and are "prototypes" for new relationships among settler society and Indigenous Peoples (Youdelis et al., 2021b). This chapter has demonstrated that, although there are significant challenges for IPCA creation and implementation, Indigenous-led conservation areas are clearly in alignment with reconciliation and resurgence movements.



## Chapter 5.

### **Ktunaxa's Qat'muk Indigenous Protected and Conserved Area**

I initially learned about IPCAs through an interview conducted with an HCC member operator in relation to the Toolkit. The business has been taking visitors on alpine ski adventures within the traditional territories of the Ktunaxa since 1970. According to the interviewee, the company has built trust with the Ktunaxa over time, sustaining a successful relationship. This is partially due to the operator being invited to respectfully learn about the Ktunaxa Peoples' culture, connection to their territory, and concerns of settler development on their ancestral homelands. Their relationship was strengthened over a united battle to cease development of a ski resort on Ktunaxa territory. The potential resort would have been the end of the company's ability to operate in this area. More importantly, the resort would have destroyed a culturally, ecologically, and spiritually significant area for the Ktunaxa: the Qat'muk Valley. Qat'muk is the grizzly bear's spirit home, and the grizzly bear plays a central role in spiritual practices of the Ktunaxa, acting as an important vector of cultural continuity (Ktunaxa Nation, 2022a).

The fight to save Qat'muk spanned thirty years. To summarize this epic saga against a business mogul, we need to start in 1991 with the dream of Italian resort architect, Oberto Oberti. When Oberti selected the Qat'muk site, he imagined a four-season development that would span the major glaciers in the region (Michelson, 2020) and planned for 5,600 vertical feet, 15,000 acres of skiable terrain, 23 ski lifts, and 6,000 condos (Jumbo Glacier Resort, 2015). In 2004, Oberti's company Glacier Resorts applied for the first stages of project approval under the B.C. Environmental Assessment Act (B.C. EA). The Ktunaxa immediately opposed the project, launched a public awareness campaign, and joined forces with local and national environmental groups (Pioneer Staff, 2015). On November 15, 2010, the Ktunaxa released the Qat'muk Declaration to the B.C. government as a formal expression of sovereignty, Indigenous self-governance via Ktunaxa Law, and an outline of Ktunaxa stewardship principles and obligations for the area (Ktunaxa Nation, 2022b).

We, the Ktunaxa, have lived in our territory since time immemorial and have a deep spiritual connection to the animal world and, in particular, to the

grizzly bear. Qat'muk is a very special place where Kławła Tukłak?is, the Grizzly Bear Spirit, was born, goes to heal itself, and returns to the spirit world. The Grizzly Bear Spirit is an important source of guidance, strength, protection, and spirituality for the Ktunaxa. Qat'muk's importance for the Grizzly Bear Spirit is inextricably interlinked with its importance for living grizzly bears now and in the future. The Ktunaxa have a stewardship obligation and duty to the Grizzly Bear Spirit and Qat'muk.

- Qat'muk Declaration

The Qat'muk Declaration was a pivotal moment as it represented a formal expression of Indigenous inherent and Aboriginal legal rights to Qat'muk. Even against these assertions of Indigenous jurisdiction and cultural / spiritual values (and combined with a joint resistance from regional settler communities), the B.C. government approved the EA certificate in 2012. The Ktunaxa took B.C. to court arguing the approval of the project would violate Ktunaxa religious rights protected under the Canadian Charter of Rights and Freedoms s.2(a) (CBC, 2020). The case went to the Supreme Court of Canada, who ruled in 2017 the development of Jumbo Glacier did not infringe upon the Ktunaxa's right to freedom of worship because the Charter only protects the Ktunaxa's right to worship, and not the object of their worship, the grizzly bear spirit (Laidlaw, 2017). This ruling was a blow to the Ktunaxa and clearly demonstrates how settler-colonial courts diminish Indigenous cultural and spiritual practices under a colonial legal framework that upholds settler legitimacy.

By 2015, the EA certificate expired. The Environmental Assessment Office ruled that construction on the project had not substantially begun due to lack of permanent infrastructure (The Canadian Press, 2015), and because the certificate had already been renewed once, could not be renewed a third time. Glacier Resorts would have to apply for a new EA certificate (BC Environmental Assessment Office, 2016). Glacier Resorts was essentially returned to an EA pre-planning phase (The Canadian Press, 2015). This marked a significant milestone for the Ktunaxa and their allies. During this time, the resort development received significant global media coverage regarding its destructive cultural and environmental elements. In 2019, Glacier Resorts was paid an undisclosed amount of money by the federal government to relinquish its interests (Local News, 2019). At this point, the federal and B.C. governments informed the Ktunaxa they would have inherent management rights returned to Qat'muk and the surrounding 700km<sup>2</sup> area through the creation of an IPCA (Page, 2020). The announcement was accompanied by a \$16.1-million government commitment to finance its development; an

amount later increased to \$21 million through private donations (CBC, 2020). The Ktunaxa are presently designing a framework management plan for the IPCA through a participatory community engagement process.

The Ktunaxa's legal, political, and other forms of organizing were enhanced by the participation of non-Indigenous groups who cared about protecting of Qat'muk. An Indigenous-settler united front to protect lands and waters has been effective in many environmental battles across Turtle Island (e.g., anti-logging forestry protests on Haida Gwaii and Meares Island). In this case, the HCC member operator interviewed was an asset because their ski guide tenure encompassed Qat'muk, thus they reported any infractions by Glacier Resorts immediately to the Ktunaxa. They worked with the Nation to lobby the province and they were active participants in legal actions against the resort company. Operator staff provided free helicopter rides to members of the Nation so they could view their lands and the proposed development area and have continued to donate flight time during the Qat'muk IPCA boundary establishment. Winning the fight against Glacier Resorts demonstrates the power of an effective and united front where Indigenous rights to land, self-determination, and Indigenous resurgence are upheld and championed by settler partners and allies.

In the HCC interviewer's words: "Our company is seen as a very strong ally in the future. The Ktunaxa work collaboratively with us and share culturally significant values that are the framework for future generations. We have been advocates for the Ktunaxa Nation in their long dispute with Glacier Resorts. Indigenous Peoples and our relationship are the future security of our tenures. Having recently renewed our tenure, they held 100% of the decision-making power, and not the government."

Many of the HCC member operators interviewed are engaged in impactful work with the Nations whose land they operate on; this heli-ski company was unique in that their tenure fell under a newly established IPCA. Had they not built a respectful relationship with the Ktunaxa and contributed to their self-determination efforts, it is possible their operations would not have attained approval under the IPCA. Relationship building, specifically for the outdoor recreation tourism sector, is becoming increasingly essential for economic success. Reconciliation and resurgence were upheld and moved forward in the journey to protect Qat'muk and within the parameters of the HCC member operator and Ktunaxa's shared activism. That the Ktunaxa now have jurisdiction over this area

and trust this HCC member operator to continue working in this sacred environment is valuable evidence that:

- 1) Cross-cultural sharing being received with open minds and hearts by a settler business can build a firm trust;
- 2) Open communication allowed the HCC member operator to support the Nation in legal action and petitioning the government where interests aligned;
- 3) An Indigenous-settler alliance to fight government and industry in reconciliatory actions had substantial benefits for both the Ktunaxa and the HCC member operator.

With the creation of the Qat'muk IPCA, the Ktunaxa will have official management of the area, with priority in decision making. The IPCA will be protected from any unwanted development plans that could place the Ktunaxa's ability to practice and participate in cultural, spiritual, and hunting / gathering activities. The Ktunaxa intend to uphold stewardship principles outlined in their Qat'muk Declaration, including balancing the economic use of land with cultural and spiritual values; following the natural law of taking only what is needed; ensuring long-term sustainability and ecological integrity take precedence; and maintaining, protecting, managing, and restoring healthy and diverse ecosystems (Ktunaxa Nation, 2022a). It is likely the Qat'muk IPCA will create Indigenous conservation economies combining cultural and subsistence economies with initiatives such as ecological restoration projects, sustainable harvesting of plants and animals, and ecotourism to enhance self-sufficiency.

In response to the newly formed IPCA, Ktunaxa Council Chief Kathryn Teneese expressed: "We have an opportunity in the region to work together, to work on something that's really positive, and it's going to be led by the Ktunaxa people. We talked about this being an act of reconciliation. It only will be if everybody chooses to think about things in a different way. My hope out of this whole thing is that we will emerge with a relationship that acknowledges who the Ktunaxa are, what our connection to our homeland is, and our ability to express our path forward in a way that is reflective of a positive and, dare I say, reconciled approach" (Jumbo Wild, 2020). Chief Teneese captures the themes to explored throughout my investigation on IPCAs – that upholding Indigenous rights with Indigenous-led conservation initiatives are acts of reconciliation and resurgence.

## Chapter 6.

### HCC and Indigenous Protected and Conserved Areas

Advancing reconciliation and resurgence within the emerging framework of IPCAs is relevant to HCC because IPCAs are increasingly asserted over government-issued tenures. The worst-case scenario for an operator would be that their tenure is not approved by the Indigenous Nation managing the IPCA. Although by utilizing Free, Prior and Informed Consent (FPIC), best practices for engagement, and the creation of mutually beneficial economic arrangements, our research demonstrates that it is likely the Nation would allow the business to continue its operation. Primary research with HCC operators demonstrated a strong culture of environmental stewardship. Increasing the number of IPCAs means more of the natural world will be protected and heavily degraded ecosystems will have an opportunity to be restored. “The beneficiaries of this work are our future generations, all living beings on Mother Earth, and the spirit of place found in every protected area” (Parks Canada, 2018). It is my opinion via our primary research and the literature review that IPCAs will not only be supported by HCC members, but that if given the opportunity, they will wholeheartedly support their design and implementation.

IPCAs are designed first and foremost to benefit Indigenous communities, but they have considerable potential to benefit all Canadians (Parks Canada, 2018). Indigenous-led protected areas can act as processes of reconciliation between HCC member operators and Indigenous Nations because they uphold and utilize local knowledge for holistic approaches to governance and planning. For HCC, learning about Indigenous law and eco-cultural management practices would act to inform the planning of helicopter paths, ski routes, and infrastructure developments. Understanding Indigenous law and land management practices would build an appreciation for Indigenous ways of knowing that could also be carried forward to guests.

The increasing prominence of Indigenous-led protected areas presents an opportunity to achieve conservation and reconciliation in parallel. IPCAs are built on a framework of Indigenous stewardship and conservation. Stewarding and protecting the areas where HCC members operate was a land ethic we heard via HCC member operator

questionnaires and interviews. Moreover, HCC member operators showed a strong interest in stewarding the land in which they operate and were seeking advice on methods and activities in which they could support the well-being of neighbouring Indigenous communities. Most HCC operators and staff would gratefully participate in any educational opportunities that would help them both improve their relationships with neighbouring Nations and provide support and advice on planning activities.

The Gitanyow's IPCA is not only about protecting the watershed, it is also about zoning areas for culturally approved sustainable economic development (Simmons, 2021). Several HCC Toolkit recommendations are for operators to support Indigenous economies – this is information we gleaned from interviews with Indigenous leadership, articles, guides, and websites. Our practical advice to engage in business partnerships, procurement, and employment - which are indeed significant benefits that Indigenous communities have called for - could be expanded upon by HCC member operators supporting the development, planning, and implementation of IPCAs.

The Indigenous Circle of Experts Report speaks of IPCAs as a bridge to building settler-Indigenous trust; this was showcased in the case study with the Ktunaxa. HCC member operators may have the opportunity to develop collaborative management type agreements or be involved in regional planning of IPCAs with the Indigenous communities where they have tenures. By following the steps developed throughout the HCC Toolkit, HCC member operators can begin to understand the importance and value of developing authentic relationships and trust through consent and co-designed project development.

## Chapter 7.

### Conclusion

The purpose of this research project was to connect reconciliatory goals of Indigenous Peoples and the work of HCC member operators by expanding on the efforts of the Toolkit. I utilized a framework of settler reconciliation and Indigenous resurgence to demonstrate how supporting Indigenous interests and their pursuit of increased jurisdiction will benefit the heli-ski industry. My research found several shared areas of interest and alignment, including a strong stewardship ethic and joint initiatives to develop sustainable businesses and projects. The growing movement of IPCAs was explored as an avenue of settler reconciliation and Indigenous resurgence after an interview with an HCC member operator proved that a strong relationship of trust, respect, and shared political activism allowed the settler company to continue its operations when decision-making authority over Qat'muk was returned to the Ktunaxa. This research project has asked three questions, which I have summarized below.

#### **7.1. How can HCC member operators support reconciliation and Indigenous resurgence?**

The Toolkit acts as an operational guide with items and activities for HCC member operators to implement that will move the sector forward in Indigenous defined actions of settler reconciliation. The educational component provided HCC member operators and staff a preliminary dive into the history of Indigenous Peoples and the country's history of settler-colonialism. A briefing on Aboriginal law, Indigenous law, B.C.'s *DRIPA*, the TRC's 94 Calls to Action, and the most important accords and agreements in connection to Indigenous relations will aid the industry to gain perspective on the tenants of Indigenous resistance to settler colonialism. This information also provided insights and knowledge of HCC member operators' legal and non-legal responsibilities towards Indigenous Nations whose land they operate on.

The Toolkit offered case studies from our interviews with HCC operators, which outlined valuable work that HCC member operators are currently involved in that have tangible actions and results, which are both reconciliatory and Indigenous-led. Based on

research from Indigenous authored guides and articles, methods to improve relationships with Indigenous communities based on trust and respect relationship were outlined. Moreover, learning about and contributing to the advancement of Indigenous rights within the field of co-management, land relationship / land use planning, and Indigenous-led conservation such as IPCAs were outlined as an important avenue for HCC member operators to advance settler acts of reconciliation and Indigenous resurgence within the outdoor tourism sector.

## **7.2. What theories and ideas from reconciliation scholarship can be utilized to frame and expand upon the operational nature of the HCC Toolkit?**

The ideas and frameworks of settler reconciliation are movements in motion whereby individuals reflect upon what it means to be a settler on stolen Indigenous territories, and to unpack racist and harmful ideologies about Indigenous People that are deeply problematic. Settlers have now been briefed - and need to be the change. I outlined ideas to move settler-Indigenous reconciliation forward: as a personal journey, outward actions and structural change (such as the implementation of FPIC and UNDRIP), and how at the core of our thinking about reconciliation we must centre and support the resurgence of Indigenous knowledges, governance structures, and sovereignty.

I also explored reconciliation and resurgence in connection to Indigenous collaborative management arrangements. This could look like co-management of ecosystems or resources that utilize a Two-Eyed Seeing approach. Utilizing Murdock's argument that all western processes of reconciliation that do not acknowledge the historical and present-day ecological violence in connection to land will ultimately fail in any type of real equity for Indigenous Peoples, I attempted to demonstrate that resurgent Indigenous-led conservation and governance is key to settler movements of reconciliation. Indigenous-led governance was further explored through IPCAs, as they centre Indigenous cultural and environmental values. Additionally, centering Indigenous Knowledges and restoring sovereignty and governance will also aid non-Indigenous governments and organizations to solve complex environmental / natural resource management issues.



### **7.3. Are Indigenous Protected and Conserved Areas (IPCAs) a viable pathway forward to advance reconciliation and resurgence within the Canadian context?**

For reconciliation in these lands to occur, it requires a dedicated push from settlers to centre Indigenous Knowledges and governance systems within and outside the state. Indigenous-led conservation within the growing movement of IPCAs acts as an operational pathway for meaningful and tangible actions that centres Indigenous resurgence, protects eco-cultural systems, and supports settler-Indigenous processes of reconciliation. Although there are significant legal and structural challenges in securing and implementing IPCAs in Canada, they are clearly in alignment with reconciliation and resurgence movements and offer immense benefits to Indigenous communities and ecosystems under threat. IPCAs have been found to facilitate cultural revitalization, assert self-determination, re-connect people to their land, protect spiritual values, revitalize Indigenous economies and livelihoods, support language rejuvenation, facilitate intergenerational knowledge transfer, address UNDRIP, and act to rejuvenate biocultural conservation in accordance with Indigenous Law. An increase of Indigenous-led IPCAs in Canada provides countless benefits to ecosystems in peril from the over exploitation of resources under colonial-capitalism. My research has demonstrated that IPCAs across Turtle Island are indeed a viable pathway to advance settler reconciliation and Indigenous resurgence and need to be prioritized by all levels of government.

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# Appendix A.

## Helicat Canada Survey

### Helicat Canada Indigenous Relations Strategic Engagement Plan Background Survey

The purpose of this project is to develop an Indigenous Relations Strategic Engagement Plan to support HeliCat Canada's efforts to build strong relationships with Indigenous Peoples, as well as relevant stakeholders and communities. In today's landscape, it is important for businesses to acknowledge the complex histories of the land on which they operate and engage with truth and reconciliation within their policies and practices. The goal of this project is to support HCC with its reconciliation efforts with Indigenous Peoples by developing a strategic engagement plan to support mutually beneficial relationships between HCC and its members and Indigenous Peoples.

The goal of this background survey is to get a comprehensive perspective of the existing relationships between HCC member operations and Indigenous Peoples on whose ancestral lands these operations are located. We acknowledge that this is a sensitive topic with many unique challenges but having an accurate overview of the present efforts as well as the existing challenges and concerns is critical for designing a project that will deliver meaningful insight and practical tools for moving forward. Hence, we encourage you to be honest and frank. Our role is not to judge but rather listen and understand so that we can propose a meaningful path forward.

### CONTACT INFORMATION

1. Name of operation:
2. Primary contact – Name, phone, and email

### RELATIONSHIP WITH INDIGENOUS PEOPLES

3. Which of the following statements describes the interaction of your operation with local Indigenous Nations the best? (Please select one)
  - We have ongoing formal interactions with local Indigenous Nations (Go to Question 4)
  - We have formally interacted with Indigenous Nations on special occasions in the past but not regularly (Go to Question 4)

- We have had contact with local Indigenous Nations, but not in a formal way (Go to Question 8)
- We have not interacted with local Indigenous Nations at all (Go to Question 8)

4. If you have had any formal interactions with local Indigenous Peoples, which Indigenous groups have you been in contact with? (Please list Nations, bands, or Métis groups and label them with a number for Question 6)

5. If you have had any formal interactions with local Indigenous Peoples, could you please briefly describe the nature of these interactions? (Please describe in a few sentences)

5.b. How would you rate your interactions with the local Indigenous Peoples you listed in Question 4? (Please select one for each row)

- Very collaborative
- Collaborative
- Neutral
- Challenging
- Very challenging

7. If you rated your interactions as challenging or very challenging, could you elaborate on why they were challenging? (Please describe in a few sentences)

8. If you have NOT had any formal interactions with local Indigenous Peoples, how important do you feel it is for your operation to establish a formal relationship? (Please select one)

- Very important
- Important
- Somewhat important
- Not important
- Other

9. Can you elaborate on your reasons why you think establishing a formal relationship with local Indigenous People is either important or not important? (Please describe in a few sentences)



10. Do you currently have any concrete plans to initiate or further enhance your formal relationship with local Indigenous Peoples and if yes what are they? (Please describe in a few sentences)

11. When you think about the formal relationship of your operation with Indigenous Peoples, what are you most concerned about in the short-term? (Please describe in a few sentences)

12. What type of insight or tools would be most useful for you for either initiating a relationship with Indigenous Peoples or advancing an existing relationship? (Please describe in a few sentences)

### **STUDY PARTICIPATION**

13. Would you be interested in being part of a working group for this study? (Please select one)

- Yes
- No

14. Would you be interested in having your operation being one of the case studies where we will explore the existing or developing relationships between mechanized skiing operations and Indigenous Peoples in more detail? (Please select one)

- Yes
- No
- Other:

### **LAST WORDS**

15. Do you have any other comments about the topic of Indigenous relations in general or the HCC's Indigenous Relations Strategic Engagement Plan initiative in particular that you would like to share with us? (Please describe in a few sentences)

**Thank You! Once you hit 'submit' you're all done.**

HeliCat Canada is hosting this survey on behalf of the SFU research team. Please note that we will have access to view your response.

By filling out this questionnaire, you are consenting to participate in our research. Your participation in this survey is voluntary, and you may choose not to respond to any

question or terminate the survey at any time. All information you provide in this survey will be kept strictly confidential in accordance with Simon Fraser University's research ethics guidelines. The completed survey including your contact information will only be accessible to the research team. Aggregate data may be included in reports, theses, academic publications, or presentations, but individual responses will not be identifiable in any publications or presentations. While the raw data collected in this study will be stored indefinitely to facilitate longitudinal research, it will never be shared outside of HeliCat Canada or the research team at Simon Fraser University.

## **Appendix B.**

### **Indigenous Nation(s) Survey**

#### **HeliCat Canada Indigenous Relations Strategic Engagement Plan - Background Survey**

The purpose of this project is to develop an Indigenous Relations Strategic Engagement Toolkit to support HeliCat Canada's efforts to build strong relationships with Indigenous Peoples, as well as relevant stakeholders and communities. In today's landscape, it is important for businesses to acknowledge the complex histories of the land on which they operate and engage with truth and reconciliation within their policies and practices. The goal of this project is to support HCC with its reconciliation efforts with Indigenous Peoples by developing a strategic engagement plan to support mutually beneficial relationships between HCC and its members and Indigenous Peoples.

The goal of this background survey is to gain insight of the existing relationships between Indigenous Peoples and HCC member operations on whose ancestral lands these operations are located. Having an accurate overview of Indigenous People's perspective is critical for designing a project that will deliver meaningful insight and practical tools for moving forward. Hence, we encourage you to be honest and frank. Our role is not to judge but rather listen and understand so that we can propose a meaningful path forward.

#### **CONTACT INFORMATION**

1. Name of Indigenous Nation:
2. Primary contact – Name, phone, and email

#### **RELATIONSHIP WITH HCC OPERATORS**

3. Which of the following statements describes the interaction of your Nation/community with heli-cat ski/HCC Operator(s)? (Please select one)

- We have ongoing formal interactions with HCC Operator(s) (Go to Question 4)
- We have formally interacted with HCC Operator(s) on special occasions in the past but not regularly (Go to Question 4)
- We have had contact with HCC Operator(s), but not in a formal way (Go to Question 8)
- We have not interacted with HCC Operator(s) at all (Go to Question 8)

4. If you have had any formal interactions with HCC Operator(s), which operators have you been in contact with? (list Operators and label them with a number for Question 6)
5. If you have had any formal interactions with HCC Operator(s) could you please briefly describe the nature of these interactions? (Please describe in a few sentences)
6. How would you rate your interactions with the HCC Operator(s) you listed in Question 4?
  - Very collaborative
  - Collaborative
  - Neutral
  - Challenging
  - Very challenging
7. If you rated your interactions as challenging or very challenging, could you elaborate on why they were challenging? (Please describe in a few sentences)
8. If you have NOT had any formal interactions with HCC Operator(s), how important do you feel it is for your Nation/community to establish a formal relationship? (Please select one)
  - Very important
  - Important
  - Somewhat important
  - Not important
  - Other
9. Can you elaborate on your reasons why you think establishing a formal relationship with HCC Operators is either important or not important? (Please describe in a few sentences)
10. Do you currently have any concrete plans to initiate or further enhance your formal relationship with HCC Operator(s) and if yes what are they? (Please describe in a few sentences)
11. When you think about the formal relationship with HCC Operators, what are you most concerned about in the short-term? (Please describe in a few sentences)
12. What type of insight or tools would be most useful for you for either initiating a relationship with HCC Operator(s) or advancing an existing relationship? (Please describe in a few sentences)
13. What would be your best-case scenario of a future relationship with HCC operators on your traditional territory? Example: Business partnership; Land-use planning (Collaborating on ski routes, mitigating impacts to the Land, protecting sacred sites); Employment opportunities; Indigenous cultural training for operators staff; Indigenous cultural education for HCC guests.

## STUDY PARTICIPATION

13. Would you be interested in being part of future engagement with respect to this study?  
(Please select one)

- Yes
- No
- Other:

## LAST WORDS

15. Do you have any other comments about the topic of Indigenous relations in general or the HCC's Indigenous Relations Strategic Engagement Plan initiative in particular that you would like to share with us? (Please describe in a few sentences)

**Thank You! Once you hit 'submit' you're all done.**

HeliCat Canada is hosting this survey on behalf of the SFU research team. Please note that we will have access to view your response.

By filling out this questionnaire, you are consenting to participate in our research. Your participation in this survey is voluntary, and you may choose not to respond to any question or terminate the survey at any time. All information you provide in this survey will be kept strictly confidential in accordance with Simon Fraser University's research ethics guidelines. The completed survey including your contact information will only be accessible to the research team. Aggregate data may be included in reports, theses, academic publications, or presentations, but individual responses will not be identifiable in any publications or presentations. While the raw data collected in this study will be stored indefinitely to facilitate longitudinal research, it will never be shared outside of HeliCat Canada or the research team at Simon Fraser University.

## **Appendix C.**

### **Example of Helicat Canada Outreach Email for Interviews**

Date \_\_\_\_\_

To \_\_\_\_\_

I hope you have been enjoying [XXX]. My name is [XXX] and I am part of the SFU research team that recently contacted you to fill out a survey regarding your Nations current relationship with HeliCat Canada operators. In the survey, you mentioned [insert specific information related to the respondent's survey] and that you were interested in being involved in further research with respect to this. I am emailing today to ask if you are still interested in pursuing this research.

#### **Your Involvement**

As a next step to the survey response, we are hoping to gain a more in depth understanding of your experience interacting with Indigenous Nations via an interview. Ideally, we would talk to you for about an hour.

#### **Seeking Permission (Consent)**

Our approach to safeguarding the knowledge shared and the knowledge holder is explained below. If you decide to participate in this key informant interview, we will set up a telephone, video-call, or in person (if Covid-19 restrictions are lifted) interview with you. We will start with reviewing the interview consent protocols and the interview will be semi-structured, following an interview guide, but it will be conversational in nature (maximum 1 hour).

Simon Fraser University Researchers will ask for your verbal consent to:

a) Have your words and responses recorded in notes and using audio/video recording for the purposes of this information gathering exercise and not beyond that.

b) You are free to not respond to questions that may be asked and are free to end the interview or leave the focus group at any time you wish.

c) You may consent to have your name included in the report back to HCC. Words and responses will not be associated with a specific individual.

### **Benefits**

We do not anticipate that you will incur any expenses to participate in this process. You will be provided with a one hundred dollar gift card as a thank you for your time.

### **Questions and Next Steps**

Should you have any questions about this project and the interview process, and to set-up an interview time, please contact:

Please do not hesitate to contact us, or Dr. Andréanne Doyon, any time before, during, or after our interview if you have any further questions about the interview or the research.

Thanks for your time, and we hope to hear from you soon.

Signed and signature

### **About the Project**

HeliCat Canada (HCC), a trade association for the helicopter and cat-ski industry in Canada, is developing an Indigenous Relations Strategic Engagement Toolkit. This project was developed in response to HCC's prioritization for research related to improving the helicat sector's application of principles found in the United Nations Declaration on the Rights of Indigenous Peoples, Truth & Reconciliation Commission Calls to Action Royal Commission on Aboriginal Peoples, and Indigenous Peoples' self-development efforts.

## Interview Questions

1. How did you develop your relationship with Nation(s) X?  
*Further questions about this topic:*
  1. Did you approach the Nation(s) or did they approach you?
  2. How long have you had this relationship?
  3. How did you get to the point where your relationship currently stands?
  4. Was anything difficult?
  5. Was there something that didn't work? (Trial and error?)
  6. What worked well?
  
2. What was your motivation for developing this relationship?  
*Further questions about this topic:*
  1. Doing the right thing
  2. Good for business
  3. Provincial legislation forced me
  
3. What was the background knowledge that guided your development of the relationship?  
*Further questions about this topic:*
  1. DRIPA Act 2019, TRC Calls to Action
  2. Awareness and education on past and current Indigenous and colonialism history and impact
  3. Did you find it difficult to educate yourself about these topics?
  4. What types of tools would be useful to assist you in this process?
  
4. From your perspective, **what** would an ideal relationship with your local Indigenous Peoples look like?  
*Further questions about this topic:*
  1. What type of an arrangement do you envision?
  2. How would the relationship benefit the local Indigenous Peoples?
  3. What type of benefits can you offer?
    - Direct payments
    - Providing jobs (direct and indirect)
    - Capacity building
    - Participation in land use planning
  
5. How would the relationship benefit your operation, your staff, your clients? What would you need from the First Nation for this?
  1. Tenure security
  2. Awareness building
  3. Enriched guest experience

How close do you think are you to establishing this type of relationship?



What is your perspective on existing provincial consultation and accommodation processes?

*Further questions about this topic:*

1. Is it helpful?
2. Is it adequate?

What would be helpful for developing this type of relationship?

*Further questions about this topic:*

1. What types of tools or information sources would be useful (toolkit)
2. In what format would this information be the easiest for your company to use? Example: training guide, a checklist, a template, a summary of historical land uses of Nations

Final thoughts - Do you have any other comments about the topic of Indigenous relations in general or the HCC's Indigenous Relations Strategy initiative that you would like to share with us?

Final thoughts - Do you have any feedback for the interviewers, the interview process, or the research project in general?

## **Appendix D.**

### **Example of Indigenous Nation(s) Outreach Email for Interviews**

Date \_\_\_\_\_

To \_\_\_\_\_

I hope you have been enjoying [XXX]. My name is [XXX] and I am part of the SFU research team that recently contacted you to fill out a survey regarding your Nations current relationship with HeliCat Canada operators. In the survey, you mentioned [insert specific information related to the respondent's survey] and that you were interested in being involved in further research with respect to this. I am emailing today to ask if you are still interested in pursuing this research.

#### **Your Involvement**

As a next step to the survey response, we are hoping to gain a more in depth understanding of your experience interacting with Indigenous Nations via an interview. Ideally, we would talk to you for about an hour.

#### **Seeking Permission (Consent)**

Our approach to safeguarding the knowledge shared and the knowledge holder is explained below. If you decide to participate in this key informant interview, we will set up a telephone, video-call, or in person (if Covid-19 restrictions are lifted) interview with you. We will start with reviewing the interview consent protocols and the interview will be semi-structured, following an interview guide, but it will be conversational in nature (maximum 1 hour).

Simon Fraser University Researchers will ask for your verbal consent to:

a) Have your words and responses recorded in notes and using audio/video recording for the purposes of this information gathering exercise and not beyond that.

b) You are free to not respond to questions that may be asked and are free to end the interview or leave the focus group at any time you wish.

c) You may consent to have your name included in the report back to HCC. Words and responses will not be associated with a specific individual.

### **Benefits**

We do not anticipate that you will incur any expenses to participate in this process. You will be provided with a one hundred dollar gift card as a thank you for your time.

### **Questions and Next Steps**

Should you have any questions about this project and the interview process, and to set-up an interview time, please contact:

Please do not hesitate to contact us, or Dr. Andréanne Doyon, any time before, during, or after our interview if you have any further questions about the interview or the research.

Thanks for your time, and we hope to hear from you soon.

Signed and signature

### **About the Project**

HeliCat Canada (HCC), a trade association for the helicopter and cat-ski industry in Canada, is developing an Indigenous Relations Strategic Engagement Toolkit. This project was developed in response to HCC's prioritization for research related to improving the helicat sector's application of principles found in the United Nations Declaration on the Rights of Indigenous Peoples, Truth & Reconciliation Commission Calls to Action Royal Commission on Aboriginal Peoples, and Indigenous Peoples' self-development efforts.

## **Interview Questions**

### **Part 1: Relationship and Perception**

*In this section, we are interested in the Nation's relationship with HCC.*

1. What is your current perception of the heli-cat ski industry?
2. Tell me about your relationship with [insert HCC operator here].  
*Further questions about this topic:*
  - a. *How long have you had this relationship?*
  - b. *Did you approach the operator, or did they approach you?*
  - c. *How did you get to the point where your relationship currently stands?*
  - d. *Was anything difficult?*
  - e. *Was there something that didn't work?*
  - f. *What worked well?*
3. What is your general opinion about the quality of engagement with your community as part of the referral process?  
*Further questions about this topic:*
  - a. *Do you have the capacity to respond?*
  - b. *Do you approve of their engagement methods?*

### **Part 2: Developing Trust**

*This section aims to understand if Indigenous Nations feel that the established relationship is built on trust and reciprocity, as opposed to necessity for operation.*

4. Do you feel that you are engaging in a relationship built on trust and reciprocity?
5. What types of activities could the operator do to build trust/reciprocity?
6. What types of behaviours could the operator exhibit to build trust/reciprocity?

### **Part 3: Engagement**

*The intent of this section is to understand how Indigenous Nations see engagement with HCC operators on the whole and what could be improved during the engagement process.*

7. How would you prefer companies begin initial engagement with respect to their heli-cat ski operations?
8. Is there anything that would make you feel more comfortable in engaging in these relationships? If so, what would they be?

#### **Part 4: Value**

*The intent of this section is to understand if Indigenous Nations see value in establishing relationships or strengthening existing relationships with HCC operators.*

9. Do you see any value in engaging with HCC operators? If so, could you elaborate on the specific values?
10. How could HCC members improve the value they provide to your community by operating within your territory?

#### **Part 5: Benefits (to the community and the land)**

*This section aims to determine if Indigenous Nations are interested in benefit opportunities with HCC operators.*

11. What benefits do you believe could come from engaging with heli-cat ski operators/industry?
12. Would you find it valuable to engage in:
  - a. Employment and training agreements with heli-cat ski operators? (i.e. gliding work, trail maintenance, ski guide training and internships, culinary school, massage therapy, avalanche training, mountain guide training)?
  - b. Terrestrial (land-use) & site specific (cultural site) planning with heli-cat ski operators?
  - c. Other types of joint land-use planning activities?
  - d. Co-management agreements?
  - e. Youth internship or employment opportunities?
13. Do you see benefit in a revenue sharing agreement between your Nation and HCC operators?

#### **Part 6: Toolkit**

*The intent of this section is to gather targeted information related to the structuring of our toolkit.*

14. Are there any protocols/methods/approaches/tools that you think would be useful for industry operators to use that are beneficial and meaningful to your community?
15. Is there any specific information related to your Nation that should be considered in the development of our toolkit?

#### **Part 7: Final Thoughts**

16. Do you have any other comments about the topic of Indigenous relations in general or the HCC's Indigenous Relations Strategic Engagement Toolkit initiative that you would like to share with us?
17. Do you have any feedback for the interviewers, the interview process, or the research project in general?