

# **NAK'AZDLI NATION**

(NECOSLIE INDIAN BAND)

***Mission Statement:***

***Nak'azdli Whut'enne are a holistic community that believes in maintaining and enhancing our traditional values by learning, living and teaching our culture and heritage. Nak'azdli is a vibrant, self-determined community made up of diverse individuals and businesses working together to promote education, health and economic progress. We challenge the future.***

**Welcome to Nak'azdli territory. This Stewardship Policy is an invitation to all governments, individuals and organizations to participate in a process of land and resource stewardship. This Policy applies to all lands and resources within the consultation area shown on the attached map. This consultation area map represents the area where the Nak'azdli Nation requires consultation to assess potential impacts of proposed land and resource policies, plans and developments on Nak'azdli interests.**

**The Consultation Area captures documented Nak'azdli use and occupancy information. It is important to note that the consultation area map was created for the sole purpose of defining where consultation is required with Nak'azdli Nation and is consistent with the current scope of Provincial consultation boundaries. This consultation area map is independent of, and does not replace Nak'azdli Nation Statement of Intent Map as submitted to the BC Treaty Commission. If you hold interests in the land, water and resources in the Nak'azdli consultation area granted to you by other governments, or if you have plans or projects that involve the use of this area, we wish to talk to you about ways in which those interests can be used to better serve your needs and those of the Nak'azdli Nation.**

**Fred Sam  
Chief, Nak'azdli Nation**

## **Nak'azdli Nation Declaration**

***We are the Nak'azdli First Nation, the People of the earth.***

***We have lived on our lands since time immemorial.***

***We have been here since the Creator made us responsible for this land. We have always been here and we will always be here.***

***Our people are here to care for our land and water. It is our obligation and birthright, to be the caretakers and protectors of our resources.***

***Our people descended from powerful hereditary leaders. We know where we come from and we know who we are. We respect our heritage and nothing can change our history and our truth. Our people travelled far and wide on our traditional territory, they paddled our waters and climbed our mountains. They understood the richness that our traditional territory held, and in understanding this, they knew our land.***

***Our ancestors were responsible for our rivers, streams, and forests, of our traditional territory. Our people knew our land well because it was for the benefit of everyone. Nak'azdli Nation is moving into our future. Our children and our land are our future. Our future will bring enough for our children's children to thrive. We are looking forward; we are ready to meet the next millennium.***

***Therefore, be it known far and wide that Nak'azdli Nation, the People of the earth, are responsible for and belong to our traditional territory.***

***Let it be known that Nak'azdli Nation is a Nation unto itself, holding traditional territory for its people.***

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## **1. Background**

**More than a decade ago, the Nak'azdli community gave the leadership direction to put the Nak'azdli's "face" back on our traditional territory. Nak'azdli began this journey by undertaking a traditional and contemporary analysis of the natural, cultural and societal conditions of the territory. The purpose of this analysis was to examine the partnership potential of working with governments and others to add the unique Nak'azdli dimension to activities taking place within Nak'azdli territory, and to create greater economic and social results that can be equitably shared.**

**Nak'azdli also began the steps necessary to resume our stewardship role for the lands and resources in the territory and our use and occupancy areas and to make every effort to engage others in rebuilding the health of the territory, and its surrounding lands.**

## **2 Nak'azdli Centre's of Services**

**As a result of Nak'azdli's initiatives to restore and rebuild our stewardship role, we have built strong internal capacity in various resource management areas over the past decade. The consulting services provided by Nak'azdli described below illustrate some of these internal capacities.**

### **A. GIS Mapping and Information Technology**

**Nak'azdli have developed an accomplished GIS Department which performs GIS analysis and mapping. As the single most comprehensive source for digital bio-physical information on the Nak'azdli traditional territory, the GIS Department has been a vital component in many projects. The department offers competitive hourly rates and will provide high quality maps as a contract service or for joint projects.**

### **B. Planning Initiatives**

**Nak'azdli offers planning advice with special focus on strategic land use planning, timber supply analysis, forest stewardship planning, and cultural and ecological value mapping.**

**Governments and others who are undertaking planning activities are encouraged to consider using Nak'azdli planners as a key part of your**

**program or project. Nak'azdli culture is intertwined with our relationship to the waters of the territory. Industrial development and urban growth have led to levels of pollution in freshwater environments making the harvest of resources for food and economic purposes impossible. To help restore the health of these systems, Nak'azdli will develop a Program involving systematic water quality testing. These tests measure water quality, and potential impacts on human health. Unlike other water testing organizations, Nak'azdli's program will incorporate traditional knowledge, thereby offering a unique, comprehensive, and well-rounded service to other businesses.**

### **C. Cultural Heritage and Archaeological Research**

**Nak'azdli traditional territory includes numerous archaeological and heritage sites and resources. To ensure the preservation, protection and appropriate management of these sites and resources, Nak'azdli, will develop an in-house archaeology department. Special focus has centered on land use and occupancy studies, land claims/treaty negotiations, policy development and archaeological assessments. The archaeological expertise developed by Nak'azdli will be offered to the business sector, other First Nations and other governments.**

### **D. Stewardship Services**

**Nak'azdli owns a number of companies that were created for the purpose of providing sustainable resource management services and providing economic development and employment opportunities for the Nak'azdli community.**

**These services include:**

- **Elementary School (known as Nak'albun Elementary)**
- **Youth Center**
- **Gas Station**
- **Gymnasium**
- **Band office <http://www.nakazdli.ca/>**
- **Sawmill, and**
- **Shopping Center**
- **There are future developments towards a Recreation Center, and Community Pool.**

**Nak'azdli Centres are a contemporary dimension of our stewardship role. They operate in accordance with our own commitment to this Stewardship Policy. They are also a valuable component of Nak'azdli economic development strategy. We encourage groups and individuals to consider utilizing these resources.**

### **3. Nak'azdli Stewardship Policy**

**We are pleased to provide this Stewardship Policy to all governments, businesses and individuals that may have interests within the consultation area. Nak'azdli Stewardship Policy is based on Nak'azdli aboriginal rights and title and our relationship with the land. We have been taught by generations of our Elders that we have a responsibility to steward and share the land. We have been marginalized over the past 150 years and confined to our reserves. It is our intention to reverse that pattern and once again fulfill our obligation to take care of the land and share its bounty.**

**This Policy acknowledges the obligation of governments to consult with and accommodate Nak'azdli interests and provides a collaborative and non-adversarial means for fulfilling that obligation. This Policy does not constitute a blanket approval for land, water and resource decisions that have been made in the past in which Nak'azdli did not participate. Those decisions, and the tenures or interests that have been created from them, need to be dealt with through individual processes involving Nak'azdli, the traditional stewards, the responsible governments and the various tenure holders in the consultation area.**

**We want this Policy to be a mechanism to further the growth of the relationships that we have built in recent years and to provide a certainty of purpose and intent that will invite and enable new partnerships and relationships. It is an invitation to work together with the full, up front and transparent knowledge of our needs and expectations.**

## **4. Scope of Policy and Stewardship Framework**

**This Policy applies to all of the surface and subsurface air, land, water, cultural and other natural resources within the Nak'azdli consultation area. The following goals apply to all proposed land and resource policies, planning initiatives and all projects planned, designed, and implemented within the consultation area:**

- Assurance that the proposed policy, plan, development or land and resource use will not pose a threat of irreparable environmental, cultural or resource damage;**
- Assurance that all such policies and projects contain an element that can contribute to the restoration of the natural and/or cultural health of the territories;**
- Assurance that any proposed policy or project will provide more positive than negative social impacts for Nak'azdli people and the traditional stewards;**
- Assurance that these policies and projects will not jeopardize, prejudice or otherwise compromise Nak'azdli Nation and the traditional stewards aboriginal rights, titles and interests;**
- Provision for the widest possible opportunity for education and direct employment- related training for Nak'azdli people and the traditional stewards in connection with any agreed upon project;**
- Provision for economic participation by Nak'azdli Nation and the traditional stewards where possible, in commercial and industrial development projects;**
- Assurance that any development will maximize and promote the development of new Nak'azdli business opportunities and the utilization of existing Nak'azdli businesses which may be associated with that development; and**
- Provision for the proponent and the regulators to assist Nak'azdli Nation and the traditional stewards to accomplish the objectives stated above by providing financial assistance where necessary to mobilize Nak'azdli's and the traditional stewards' capacity to engage.**

## **5. Stewardship Policy – Principles and Provisions**

**The Policy is divided into five sub categories:**

- i) Consultation and Accommodation**
- ii) Land Alienation**
- iii) Planning**
- iv) Development Assessment**
- v) Resourcing Requirements for Nak'azdli Engagement**

### **5.1 Consultation and Accommodation**

#### **Introduction**

**Consultation with Nak'azdli, the traditional stewards and the accommodation of Nak'azdli and the traditional stewards interests where required is the over-arching theme of this Policy. It touches all of the other specific provisions in the Policy related to planning, development and resourcing. It provides direction for governments and others on how to engage with Nak'azdli and the traditional stewards and sets out specific steps to achieve what Nak'azdli and the traditional stewards define as “meaningful consultation”. Governments have a legal obligation to avoid the unjustified infringement of aboriginal rights and title, to mitigate impacts and to accommodate First Nation interests. Nak'azdli and the traditional stewards is committed to participating in consultation processes that reflect the principles described in this Policy where adequately resourced to do so.**

#### **Principles for consultation and accommodation:**

**The following principles frame Nak'azdli's and the traditional stewards approach to consultation and accommodation:**

- In all cases, consultation with Nak'azdli Nation and the traditional stewards should seek to achieve our informed consent.**



- **Governments have the legal obligation to consult with Nak'azdli and the traditional stewards and accommodate where there is potential for adverse impact or infringement.**
- **Nak'azdli and the traditional stewards will cooperate with proponents and others whom government has enlisted to engage with First Nations; however Nak'azdli and the traditional stewards is clear that governments cannot “contract out” of their legal responsibility for consultation and accommodation.**

### **Steps for meaningful consultation**

- **The consultation process will focus on identifying means for involving Nak'azdli and the traditional stewards as early in the planning process and decision-making process as possible.**
- **Consultation with the Nak'azdli Nation means:**
  - **Provision of notice by the responsible agency to the Nak'azdli Nation and the traditional stewards of the matter to be decided;**
  - **Provision by the responsible agency and/or proponent of the resourcing required for the Nak'azdli Nation and the traditional stewards to participate effectively in the consultation process (see Section 5 – Resourcing and the accompanying fee schedule);**
  - **Provision of information about the matter to be decided in sufficient form and detail to enable Nak'azdli and the traditional stewards to understand the nature of the matter to be decided and its potential impact on Nak'azdli and the traditional stewards interests and to prepare and present their views on the matter;**
  - **Provision of a reasonable period of time in which the Nak'azdli Nation and the traditional stewards may prepare and present**

**their views of the possible impact of the matter to be decided on their values, asserted aboriginal rights, and interests;**

- **Provision for the responsible agency and the proponent to respond to the issues raised by Nak'azdli and the traditional stewards; identifying those areas where the responsible agency agrees to incorporate Nak'azdli's and the traditional stewards views and identifying those areas of disagreement;**
- **Establishment of an issue resolution process to deal with any disagreements arising from Nak'azdli and the traditional stewards views and the response of the agency and proponent;**
- **Provision for full and fair consideration by the responsible agency and the proponent of the information provided by Nak'azdli and the traditional stewards including a specific response to any outstanding issues not resolved through the issue resolution process referred to above.;**
- **Responsible agencies must notify Nak'azdli and the traditional stewards in writing of the proposed decision by the statutory decision maker identifying how Nak'azdli and the traditional stewards interests were considered and addressed;**
- **Nak'azdli and the traditional stewards must be provided with an opportunity to address any outstanding issues prior to a final decision by the statutory decision maker.**

## **Steps for Accommodation**

**The consultation procedures outlined in the previous section will include an accommodation process to address Nak'azdli's and the traditional stewards' interests arising from potential adverse impacts or infringements. Accommodation arrangements may include, but are not limited to:**

- **Economic accommodations;**

- **Cultural accommodations;**
- **Social accommodations;**
- **Stewardship accommodations.**

**Nak'azdli and the traditional stewards will take a flexible approach to structuring accommodation provisions. Depending on the nature of the proposed policy or project, Nak'azdli and the traditional stewards may agree to offset stewardship initiatives, such as habitat restoration, carbon sequestration enhancement or other such projects, which contribute to the long term health of the territory.**

## **5.2 Land Alienation**

### **Introduction**

**Nak'azdli and the traditional stewards have been excluded from government processes that enable the acquisition of so called “Crown land” from the early 20th century to the late 1950s. Since those laws were changed, a combination of federal fiscal policies for Indian Bands and a general level of poverty in these communities have made it very difficult for First Nations and First Nation citizens to acquire land. This makes the need for land a critical element of First Nation socio-economic development. Nak'azdli and the traditional stewards have acknowledged this need and have taken steps to begin to address land requirements.**

### **Principles and Steps for Land Alienation**

- **Land ownership together with appropriate jurisdiction is a key element of Nak'azdli's community development strategy. Nak'azdli is prepared to hold land in a number of ways, as 91(24) lands “reserved for Indians,” fee simple, leasehold and through other mechanisms. Nak'azdli land requirements include the need for rural land and, most importantly, for urban land for community expansion.**

- **Any proposed alienation of provincial or federal land must first be the subject of meaningful consultation as set out in this Policy.**
- **Where the Crown proposes a sale, lease, license or other disposition of Crown land in the traditional territory, Nak'azdli Nation and the traditional stewards must have priority opportunity to acquire those lands or equivalent lands within the traditional territory.**
- **Existing tenure holders and licensees are invited to contact Nak'azdli and the traditional stewards. We wish to work with you to structure a more effective working relationship that will add value to your activities and at the same time, contribute to achieving Nak'azdli Nation and the traditional stewards objectives.**

## **5.3 Land, Resource and Other Planning Initiatives**

### **Introduction**

**Land and resource planning has been one inter-governmental function within which Nak'azdli and the traditional stewards believes First Nations and other governments have made significant strides.**

### **Principles to guide planning initiatives in the consultation area:**

- **Effective planning is an important tool for the sustainable use of lands and resources.**
- **Planning processes must be structured to reflect Nak'azdli's and the traditional stewards participation on a government-to-government basis.**

- **All current planning processes and land use plan implementation processes should be evaluated and adjusted to be consistent with this policy.**
- **New planning processes should consider Nak'azdli's and the traditional stewards potential role as:**
  - **process facilitator;**
  - **the entity best suited to provide a balanced perspective on development and the environment;**
  - **adding a cultural and historical perspective; and**
  - **participating on the basis of our aboriginal rights and title.**

### **Specific Steps for Successful Planning Processes**

- **Any proposed planning initiative should first consider incorporating Nak'azdli and the traditional stewards knowledge and proprietary information as a principal component of the data base for the plan. Nak'azdli and the traditional stewards have collected and analyzed more information about the lands and resources of the traditional territory than any federal or provincial government agency, any local government or any present user of lands and resources. Nak'azdli has built a highly competent planning and mapping function that is available to assist with undertakings throughout the consultation area.**
- **The effectiveness of any planning initiative depends on the quality of the terms of reference for the plan. Nak'azdli and the traditional stewards expect planners to engage Nak'azdli and the traditional stewards prior to the completion of the terms of reference to ensure their thoroughness, relevance and applicability.**
- **Nak'azdli has demonstrated its ability to lead planning processes. Nak'azdli suggests that planners consider using Nak'azdli and the traditional stewards expertise in this role.**

- **Nak'azdli and the traditional stewards may participate in “round table” stakeholder processes at their discretion provided that the government-to-government relationship has been established at the terms of reference stage and as an element of the final drafting and approval stages.**
- **When a plan is near completion, Nak'azdli and the traditional stewards needs to be involved in reviewing and providing input into a final draft before it is reviewed by other decision makers. The planning process needs to have a stage wherein Nak'azdli, the traditional stewards and the planning agency can meet and resolve any outstanding issues on a government- to-government basis before approval.**
- **Any plan that adversely impacts Nak'azdli and the traditional stewards aboriginal rights, titles and interests, must be referred to Nak'azdli and the traditional stewards with the intent of seeking Nak'azdli's and the traditional stewards consent and must include provisions to accommodate any such impacts.**

## **5.4 Assessment of Proposed Developments**

### **Introduction**

**Nak'azdli and the traditional stewards use two “lenses” to analyze land use decisions, proposed projects and new or amended government policy that may impact our traditional territories and our traditional use areas.**

**First, is the decision proposed a good land use decision?**

**Does it represent the best use of lands and resources for the present and for the future?**

**What impact does it have on the natural and cultural resource base within which it is proposed?**

**What does it contribute to the cumulative effect of past land use decisions and what implications does it have for future development to which it may be linked or that it may enable?**

**The second “lens” looks at impacts and benefits.**

**Will the proposed decision, project or policy have the ability to provide benefits to the Nak’azdli community and the traditional stewards that are commensurate with the impacts that it will have? In this context, Nak’azdli and the traditional stewards take a holistic view of the project, decision or policy in context with the alienation of resources, lands and economic opportunities that have occurred throughout the traditional territory since contact and the assertion of sovereignty by settler governments. Nak’azdli and the traditional stewards will not endorse, approve or otherwise remove their objection to proposed decisions, projects or policies until Nak’azdli and the traditional stewards have conducted a diligent assessment of the project through these two “lenses”.**

### **Principles for Assessing Policy and Project Development**

- **Sustainable development is a key to supporting the social and economic objectives of the Nak’azdli Nation, the traditional stewards and others.**
- **Development assessment processes need also to reflect the government-to-government relationship between Nak’azdli, the traditional stewards and the project review and approval processes. Key elements of that relationship are:**
  - **Early Nak’azdli and the traditional stewards involvement in the development of the scope of assessment documents.**
  - **Nak’azdli and the traditional stewards involvement that is voluntary and without prejudice in “round table” processes with stakeholders**

- **An “end of process” decision forum between Nak’azdli the traditional stewards and government decision makers to ensure that adequate consideration has been accorded Nak’azdli and the traditional stewards suggestions and concerns.**
  
- **The Stewardship Policy requires that projects provide commensurate benefits to the community in consideration of the impacts that it will have. Accommodation and impact and benefit arrangements can take many forms and Nak’azdli and the traditional stewards will take a flexible and creative approach to discussions related to accommodation, impacts and benefits.**
  
- **Specific Steps for Successful Development Assessment**
  - **Proposed projects should be referred to Nak’azdli and the traditional stewards as early in the development process as possible. Nak’azdli and the traditional stewards will be able to assist with compilation and verification of the data base which will inform project assessment decisions.**
  
  - **Project proponents are invited to contact Nak’azdli Nation and the traditional stewards prior to submitting projects for municipal, regional, federal or provincial approval. We are interested in negotiating arrangements which may serve to strengthen proposals and contribute to achieving shared objectives.**
  
  - **It is very important that Nak’azdli and the traditional stewards review and support the scope of review document or terms of reference. If consensus is achieved at the outset, the chances of an appropriate project assessment**



**are greatly increased. If we get it wrong at the outset, it is much more difficult to correct.**

- **Nak'azdli and the traditional stewards will need to engage with government and/or the proponent to canvass the possible opportunities for benefit to come from the project and to negotiate the necessary understanding for those benefits to be realized.**
- **Nak'azdli and the traditional stewards will monitor the environmental performance of the proponent as well as the regulatory performance of the government. Nak'azdli has only one traditional territory. Critical mistakes with respect to its integrity cannot be allowed to happen as they have in the past.**

## **5.5 Resourcing Requirements for Nak'azdli Engagement**

### **Introduction**

**Nak'azdli is currently funded only to participate in the management of our reserve lands. We have no resources dedicated or available to participate in the land, water and resource planning and management processes outside our reserve land base. This creates a serious imbalance. Up to now, we have been participating in dialogue with governments and proponents using borrowed treaty negotiation funding or trying to use other administration or program funding from already overstretched budgets.**

**Consequently, under this Policy, agencies and proponents will be expected to assist with resourcing needs on a case-by-case basis. Nak'azdli and the traditional stewards have established a fee structure for various levels of consultation. This fee structure is not intended to create a barrier to consultation and accommodation, but is necessary**

**to enable Nak'azdli members including the traditional stewards to engage in these processes.**

### **Principles to Guide Resourcing**

- **There must be complete cost recovery for all Nak'azdli and the traditional stewards activities associated with consultation and accommodation.**
- **Invoices are issued with payment due on receipt.**
- **Specific Steps for Successful Resourcing**

#### ***Step 1: Referral set up fee (\$250.00)***

**This fee establishes a specific project file in the Nak'azdli Natural Resources Department. It covers costs of diarizing, distribution, and initial screening by Nak'azdli staff and must accompany any letter initiating consultation.**

#### ***Step 2: Information Sharing***

**Information sharing may take the form of a meeting or an exchange of information via other means and is an opportunity for questions of clarification and additional information to be addressed. During this step, Nak'azdli and the traditional stewards can assess the need for additional information on the initiative to be proposed, as well as outline any additional resourcing requirements for the analysis and preparation of Nak'azdli and the traditional stewards response. Additional costs are to be estimated at this stage and the estimated costs are to be submitted with additional information by proponent or decision maker. A Cultural Heritage Investigation Permits may be required from Nak'azdli for certain projects to identify, protect, conserve and manage cultural heritage resources. (Permit fee \$200-\$400)**

### ***Step 3: Review of Additional Information and Technical Analysis***

If required, this step is dependent on the estimate in Step 2. The estimate may have to be adjusted depending on level of complexity and need for contract technical or professional reviews.

### ***Step 4: Follow-up Meetings***

The number of meetings will vary by project. Meetings will be organized to present Nak'azdli Nation and the traditional stewards analysis results, work to resolve any outstanding issues, and to review and provide final remarks with respect to notification by decision maker. This step covers Nak'azdli's staff time, the traditional stewards and any contracted technical or professional services.

## **6. Fee Schedule Summary**

### **Specific Fees**

- Referral Set-up Fee - \$250
- Cultural Heritage Investigation Permit - \$200-\$400

### **Rates for Nak'azdli Staff**

- Resource Technicians and Administration - \$50/hour
- Senior Resource Technicians - \$75/hour
- GIS Technicians and Mappers - \$75/hour
- Resource Managers - \$100/hour

### **Contracted Technical or Professional Services**

- At cost + 15% administration

### **Travel Expenses**

- At cost + 15% administration

\* All prices are subject to change.