

Exploring Ethical Space for land use planning in the Upper Columbia region of British Columbia

by
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Abstract

In 2019, British Columbia (BC) adopted Bill 41: *The Declaration on the Rights of Indigenous Peoples Act (DRIPA)*. *DRIPA* committed BC to developing a new planning framework, modernized land use planning (MLUP), that involves ethical collaboration with Indigenous Peoples. Planning theorists have long called for planning practices that interrogate dominant power imbalances. However, planning policy and practice is missing clear frameworks to implement ethical decision-making in land use planning. Ethical Space, a conceptual approach used to balance power between Indigenous and non-Indigenous people, may prove to be a promising framework to ethically advance land use planning. This thesis examines how Ethical Space could be applied to land use planning, through an exploratory application in the Upper Columbia. Research methods include semi-structured interviews with practitioners and government representatives, document analyses, and reflective practices. Research findings present theoretical and practical applications of Ethical Space in land use planning.

Keywords: Ethical space; Land use planning; Decision-making; Indigenous planning; Planning theory; Governance

Dedication

I dedicate my work to planners around the world that dream of making a difference. May this ignite a passion that propels you to keep going.

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Thank you, Dr. Andréanne Doyon, my supervisor, and the person who helped me turn grandiose ideas and incomprehensible words into a thesis that truly means something. You have been a source of continual encouragement and inspiration throughout this journey, and I feel honoured to know someone as talented as you.

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Chapter 1. Introduction

In Canada, a planner's role is to "practice in a manner that respects the diversity, needs, values, and aspirations of the public" (Canadian Institute of Planners, 2016, 2019; Planning Institute of British Columbia, 2016). Planners implement laws and associated plans which aim to change how people act and connect to place (Baum, 2015).¹ In particular, land use planning is intended to regulate land and resources through long-term strategic directions for social and environmental objectives of a given area. Planners are in a position of tremendous power and responsibility to uphold their obligations to the people their work affects. Power imbalances have permeated planning and decision-making, resulting in inequities to marginalized groups (Porter & Barry, 2016). Land use planning perpetuates harmful colonial practices through laws, policies, and plans that regulate use of public land.² Land use planning is used to dominate, control, dispossess, and remove Indigenous communities from their land. Dominant land use planning practices spatially oppress Indigenous communities through laws, zoning, the reserve system, assumed jurisdiction, and formal policies, which further alienate their management practices (Porter et al., 2017; Porter & Barry, 2016; Ugarte, 2014).³ Leanne

¹ Laws can be understood as something that guides behaviour. They can be formal and legally binding, informal and non-legally binding, or exist as a combination. There is a spectrum to the range of meanings behind laws in dominant and Indigenous ways of knowing. Throughout this thesis, the term law is used to refer to a variety of meanings.

² Land use planning is the general term used by non-Indigenous practitioners to define the management of land and water to achieve a future vision (Kehm et al., 2019). The history of land use planning promotes a belief that land, and its resources are available for use, including economic benefits. Although it is inadequate in capturing the meaning of the modern approach to planning which promotes a holistic perspective, it will be used throughout this paper to provide clarity in terminology.

³ I chose to use the term 'dominant' to describe non-Indigenous planning practices, systems, and governance structures. This choice reminds the reader of the power imbalances that perpetuate society today. Wilson's (2008) book, "Research is Ceremony: Indigenous Research Methods" provides an apt definition of the term. Wilson says, "Dominant is used as an adjective to describe the culture of European-descended and Eurocentric, Christian, heterosexist, male-dominated Canada or Australia. The term dominant, like the culture that it describes, and the society created by this culture, is not meant to include those who fall "outside" the powerful majority, such as people who are not men, heterosexual, physically or mentally perfect or white, or any other people who for whatever reason do not "fit in" to the dominant culture" (Wilson, 2008, p. 35). With this understanding, dominant captures the overarching systems use to shape planning and governance in BC, while recognizing not every individual occupies space or sees the world through this lens.

Betasamosake Simpson speaks to the importance of addressing the harmful effects of dispossession in Canada. In the CBC Documentary, *Colonization Road*, Simpson states,

I don't think we are having the right conversations in this country. We are talking about reconciliation... [and w]e are talking about missing and murdered Indigenous women and girls, but we are not talking about the land. Where the root causes of every issue that Indigenous Peoples are facing in Canada comes from dispossession and it comes from erasure, and it comes from the system of settler colonialism that keeps us in an occupied state (McMahon, 2019).

Planners are reflecting on the broader implications of their work, including the harmful legacies associated with many practices. The Canadian Institute of Planners (CIP) adopted the Policy on Planning Practice and Reconciliation, which outlines the roles planners play in advancing reconciliation (Canadian Institute of Planners, 2019). To become a professional planner in Canada, one must pass a professional examination which contains questions related to responsibilities and professional goals surrounding reconciliation. Slowly, planners are recognizing their positions of power and privilege to facilitate positive change.

1.1. Context

British Columbia's (BC) planning practices have historically focused on maintaining social order, stability, and certainty, with decisions made for the greatest economic yield (M'gonigle, 1989; Sandercock, 2004). Planning is rooted in colonial ideologies that seek to assimilate, segregate, and disposes Indigenous populations (Harjo in Zapata & Bates, 2021; Howitt & Lunkapis, 2010). Legislative requirements for decision-making in BC perpetuate Indigenous and dominant power imbalances that devalue Indigenous planning, law, and cultures. As planning theory evolves, planners in BC have adopted new methods for decision-making. However, these methods continue to undermine Indigenous protocols to perpetuate a hierarchy that favours the dominant voice.

BC has hit a tipping point in its land use planning practices. With the Supreme Court of Canada ruling in favour of multiple Indigenous communities' rights and title, governments are responding to the racist and oppressive forces within their systems of decision-making. In 2019, the provincial government of BC (the province) committed to reconciliation through the adoption of Bill 41: *the Declaration on the Rights of Indigenous Peoples Act (DRIPA)* (Bill 41 - 2019: Declaration on the Rights of Indigenous Peoples

Act, 2019).⁴ This bill has solidified a new era of reconciliation, nation-to-nation relationships, and industry response to Indigenous communities and priorities. As part of *DRIPA*, BC committed to developing a new planning framework, through the modernized land use planning (MLUP) program, that involves deep collaboration with Indigenous Peoples to conduct ethical decision-making on land. However, since *DRIPA* was passed, land use decisions are still made without meaningful Indigenous involvement. This is especially salient when considering old growth logging and pipeline developments across the province (Owen, 2021; Smart, 2021; The Narwhal, 2021).⁵ For BC to successfully commit to *DRIPA*, the current tools and conversations surrounding land use planning are not enough. BC must adopt an innovative approach to planning that considers Indigenous rights and governance structures.

The Upper Columbia is in particular need of dedicated land use planning efforts. Due to challenges associated with the recent heterogeneity of demographic perspectives, overlapping jurisdictions, and conflicting land use objectives, minimal planning has been conducted in the region. These challenges resulted in many historical provincial land use planning processes excluding the Upper Columbia from their efforts. Currently, the region is experiencing an influx in population, tourism, and other industries. In addition, studies show the Upper Columbia may become a refuge for plants and wildlife as the effects of climate change become more extreme (Utzig, 2016a, 2016b). Communities in the region are expressing a need for updated land use planning, yet the provincial government has allocated little staff time and funding through MLUP.

Planning theorists continue to seek ways to address the power imbalances expressed through decision-making (Coulthard, 2010; Porter, 2013; Porter & Barry,

⁴ I chose not to capitalize dominant forms of government and capitalize Indigenous governments. This choice reminds me and the reader of the historical and existing power imbalances that this work is focused on addressing. I found this critical when reading foundational work such as Wilson's (2008) book, "Research Is Ceremony: Indigenous Research Methods" and Liboiron's (2021) book, "Pollution is Colonialism".

⁵ Activists and concerned citizens have conducted multiple protests across the province to call for an end to old-growth logging. These blockades, rallies, and other calls to action have been ongoing for decades but received major support within the past two years, specifically at the Fairy Creek blockade on southern Vancouver Island. To date, more than 1,100 people have been arrested, making it the largest act of civil disobedience in Canada. Additional protests have occurred across BC to put an end to new pipeline developments including the LNG and Coast GasLink pipeline. Community members are calling out BC's practices to defend both Indigenous and environmental rights.

2016). Indigenous planning, although a practice in existence since time immemorial, is being reclaimed by Indigenous planners as a means to carve out both a theoretical and practical space for Indigenous Peoples to plan for Indigenous Peoples (Harjo in Zapata & Bates, 2021; Jojola, 2008; Matunga, 2013). Indigenous planning challenges dominant systems of land use planning, including issues of Indigenous sovereignty, self-determination, and land rights and title (Coulthard, 2010; Snelgrove, 2014; Wildcat et al., 2014). Indigenous cultures and protocols for decision-making are being reclaimed through Indigenous planning efforts. However, little practical applications of Indigenous planning have been witnessed in modern land use planning because dominant powers do not value Indigenous systems. Coexistence planning provides a theoretical mechanism to uphold Indigenous planning practices (Howitt & Lunkapis, 2010; Porter, 2013; Porter & Barry, 2016). The practice is centred on considerations of justice, equity, and ethics. Coexistence argues for the actualization of reconciliation by questioning power and hegemony in the planning process (Porter & Barry, 2016; Ugarte, 2014). However, there is need for deeper engagement in this space, from both a theoretical and a practical perspective. More research is required to theorize how planners can achieve coexistence through practical applications.

Ethical Space, a conceptual approach used to balance power dynamics and meaningfully develop relationships between Indigenous and non-Indigenous people, may present a practical framework to respond to this need. Ethical Space balances power relations through respectful and deep engagement between Indigenous and non-Indigenous Peoples. Operating under the fundamental understanding that all knowledge systems are distinct and equal, Ethical Space provides a venue for collaboration and ethical decision-making (Bridge et al., 2020; Littlechild, 2020).

The aim of this thesis is to theorize how Ethical Space can be adopted in land use planning. Through an exploratory application of the Upper Columbia region of BC, this thesis presents practical and theoretical recommendations for enacting and maintaining Ethical Space in land use planning. In learning the mechanics of an Ethical Space framework, planners can become equipped to implement it themselves.

1.2. Research Aims

This research has two aims:

1. To investigate how an Ethical Space framework could be adopted in land use planning; and
2. Offer an exploratory application of Ethical Space for land use planning in the Upper Columbia region of BC.

To achieve the first aim, I addressed the following three research questions:

- What is Ethical Space?
- What are the key requirements to enact and maintain Ethical Space?
- How can Ethical Space be applied to land use planning and advance planning theory?

To achieve the second aim, I addressed the asked the following four research questions:

- How is the Upper Columbia governed and planned?
- What relationships exist among/across Upper Columbia governments?
- What are Upper Columbia governments long-term goals for the region?
- What opportunities exist to enact Ethical Space in land use planning in the Upper Columbia?

1.3. Research Significance

Truth and reconciliation in land use planning requires measures are taken to promote the use of an ethical decision-making process. Decision-making impacts other aspects of colonization and Indigenous assimilation. For example, removal of cultural ties to the land and family members through segregation. Further, with BC's formal adoption of *DRIPA*, planners and decision-makers have a legal obligation to restitution and reconciliation, which will require an upheaval of current systems of land use planning. Developing new decision-making processes reflects dominant planners' capacity and desire to respond to intergenerational trauma, inequities, and other issues surrounding Indigenous dispossession. Through investigating how decisions are made, planners are better equipped to implement changes with lasting effects.

The confluence of planning and recognition provides an opportunity to address power imbalances in a way that historical and current dominant decision-making tools,

such as laws, have failed to do. As expressed in The Indigenous Circle of Experts' (ICE) Report (2018b), which outlines a potential pathway to achieving Canada's reconciliation goals, reconciliation means healing both the relationship between Crown and Indigenous Peoples, and between Indigenous Peoples connection to the land. This is reiterated by Sandercock (2004, p. 120), "sovereignty is of symbolic and practical importance, as a means of rebuilding community and culture and ameliorating the pernicious legacies of contact and dispossession".

This thesis demonstrates the need for radical revisions of BC's current land use planning practices to achieve the goals of MLUP and legal obligations as stated in *DRIPA*. Through this thesis, I examine how Ethical Space could be adopted to land use planning. In focusing on the Upper Columbia region of BC, I present an exploratory place-based case study to better understand the key requirements to enact Ethical Space. The results of this case study set the stage for innovative and ethical approaches to land use planning in BC. Findings presented in this thesis will be of particular relevance to planners engaged in land and natural resource decision-making, as well as scholars advancing planning theory.

1.4. Positionality

Social science research is seldom value-free, which makes an acknowledgement of views, values, and beliefs a critical component of this thesis (Holmes, 2020). This section describes my personal positionality and the ways it informed and biased my research. I engaged in a reflexive approach with respect to my research. The further I embarked, the more my engagement with theory and data findings differed. I recognize that I am not separate from the social processes that I studied and my personal views, privileges, and experiences have shaped my understanding of the world in a way that impacted my research differently than any other single person (Holmes, 2020).

I am a white scholar. My ancestry is a mix of European, American, and Guyanese decent. I was born on Dënéndeh and Tsa'tinne lands, in what is commonly known as Chetwynd, BC. At one year old, I moved to Ktunaxa lands, in what is commonly known as Sparwood, BC, where I spent my formative years. I currently reside on Syilx, Sinixt, and Ktunaxa lands, in what is commonly known as Nelson, BC. As a non-Indigenous person who has resided on numerous Indigenous territories, I have

participated in settler colonialism. I continue to be mindful of my actions and I hope to use this experience to create a more just way of planning.

Throughout my research, I was supported by two settler scholars: Andreanne Doyon, a planner who focuses on equity and justice in sustainability transitions; and John Welch, a social archaeologist with research interests grounded in broad questions about how culture- and place-based communities define, protect, use, and sustain their biophysical and cultural heritage. Additionally, I was guided by my mentor, Gwen Bridge. Gwen is Cree and the owner of an Indigenous consulting company that specializes in negotiating mutualistic agreements that recognize Indigenous law application in natural resource management. Building upon the work of Dr. Reg Crowshoe, Gwen has developed a conceptual framework of Ethical Space, which I used to guide my thesis. These supports questioned and further pushed my understanding of how my bias affected my research.

This research uses examples of historical Indigenous decision-making through multiple Indigenous perspectives. I do not speak for the Indigenous communities I have learned from. My work is intended to support Indigenous self-determination and pulls from these examples as presented in academic literature, grey literature, and through interviews to strengthen my case. I position this thesis in such a way to provide tangible contrasts to settler decision-making, which exemplifies the need to adopt Ethical Space in land use planning.

1.5. Thesis Structure

Subsequent sections of this report are arranged as follows:

Chapter 2 frames reconciliation in BC. Three foundational documents outlining standards necessary for advancing reconciliation are reviewed. Further, a scholarly literature review outlines historical and current decision-making from dominant and Indigenous worldviews, then presents Indigenous planning, coexistence, and Ethical Space.

Chapter 3 describes my research methodology, as well as a description of the case study area.

Chapter 4 and 5 present the results of the research as they apply to both sets of interview participants (Ethical Space practitioners – Chapter 4, and government officials in the Upper Columbia – Chapter 5). These chapters introduce the emergent themes and critical aspects of this research.

Chapter 6 responds to my second research aim, the application of an Ethical Space framework to land use planning in the Upper Columbia. In this chapter, I present potential actions to appropriately implement Ethical Space.

Chapter 7 relates the findings back to my first research aim as presented in section 1.2. I discuss the contributions Ethical Space can make to academic planning discourse.

Chapter 8 readdresses my findings in relation to the research questions and presents final conclusions regarding how this research may apply to a larger audience.

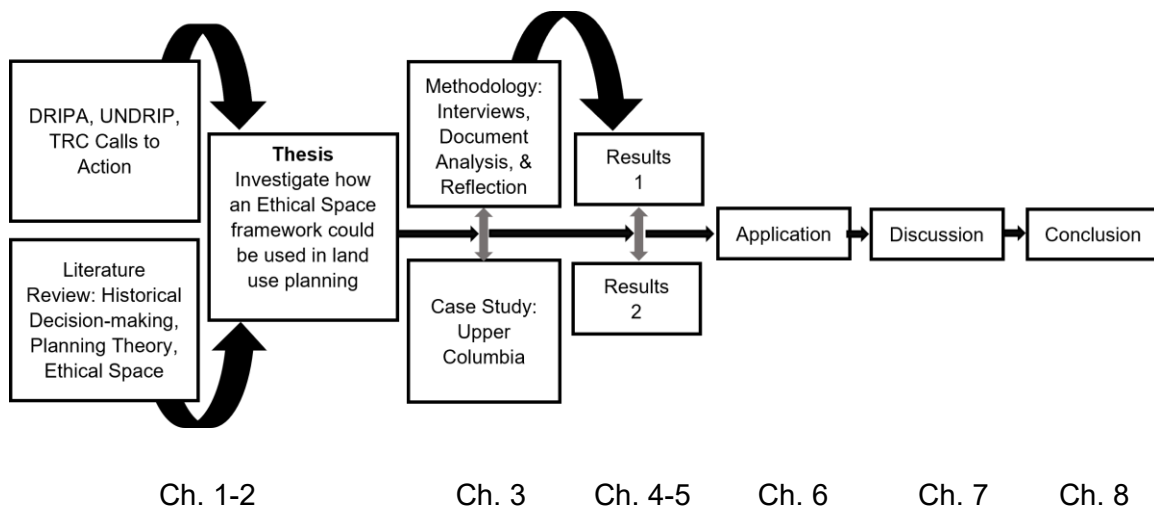


Figure 1.1. Thesis structure.

Chapter 2. Framing Reconciliation in BC

2.1. Guiding Frameworks

Colonization and land use planning has left an insidious legacy of intergenerational trauma and dominant governments have yet to make serious, concentrated efforts to break this legacy. For BC to meaningfully reconcile with Indigenous Peoples in the province, it must first understand the history of colonization and its impacts to modern decision-making processes. The United Nations Declaration on the Rights of indigenous Peoples (UNDRIP), the Truth and Reconciliation Commission's 94 Calls to Action, and *DRIPA* acknowledge the need to uphold Indigenous law for reconciliation. Adopting the actions recommended in these documents is crucial to advance reconciliation goals in BC. In this chapter, I present a review of each document, outlining their importance for land use planning.

2.1.1. United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

UNDRIP is an internationally recognized document that sets out the rights that “constitute the minimum standards for the survival, dignity and well-being of the Indigenous [P]eoples of the world” (as per Article 43) (The United Nations General Assembly, 2007). It is the most comprehensive piece of work in establishing a universal framework of minimum standards for Indigenous People's. Created in 2007, UNDRIP is comprised of 46 articles, which convey a range of both individual and collective rights for Indigenous Peoples. These articles promote Indigenous Peoples rights to self-determination, self-organization, autonomy, and self-governance, with specific reference to making decisions regarding their land and natural resources (Porter & Barry, 2016). Numerous articles refer to Indigenous decision-making power and rights to the land (Table 2.1). Canada officially endorsed UNDRIP on May 10, 2016, after initially refusing to sign the document (Coppes, 2016). Although UNDRIP is a non-legally binding document, Canada's formal adoption can have profound effects on reconciliation work in the future.

Table 2.1. UNDRIP articles that describe Indigenous Peoples rights to participate in land use planning and decision-making.

Article	Description
Article 18	Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
Article 25	Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
Article 26	<ol style="list-style-type: none"> 1. Indigenous peoples have the right to the lands, territories, and resources which they have traditionally owned, occupied or otherwise used or acquired. 2. Indigenous peoples have the right to own, use, develop and control the lands, territories, and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired. 3. States shall give legal recognition and protection to these lands, territories, and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.
Article 27	States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open, and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.
Article 29	<ol style="list-style-type: none"> 1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination. 2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior, and informed consent.
Article 32	<ol style="list-style-type: none"> 1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources. 2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

The articles listed in Table 2.1 outline the importance of Indigenous Peoples relationships with the land and their rights to make land use and natural resource management decisions. Indigenous governments must equally contribute to decision-making regarding land use. Implementing such commitments requires new forms of thinking and organization in land use planning. BC's MLUP program could serve as a

primary mechanism to support this achievement. MLUP aims to ethically incorporate Indigenous contributions in decision-making. However, little information is publicly available regarding its process.

2.1.2. Truth and Reconciliation Commission's Calls to Action

Released on June 2, 2015, the Truth and Reconciliation Commission's (TRC) 94 Calls to Action outline specific action items for Canada to adopt to advance reconciliation. The Actions were developed following the TRC's six-volume report documenting residential schools' survivors experiences (Truth and Reconciliation Commission of Canada, 2015a). This work was mandated by the Indian Residential Schools Agreement (Truth and Reconciliation Commission of Canada, 2015a). The TRC spent 6 years travelling to various areas of Canada to hear first hand accounts from survivors, collecting nearly five million archives (Truth and Reconciliation Commission of Canada, 2015a). The reports provide historical records of close to 7,000 accounts of the experiences of residential school survivors and the ongoing impacts from these experiences to their families (Truth and Reconciliation Commission of Canada, 2015). These reports were foundational in defining the term reconciliation and putting a call to government to acknowledge the injustices caused to Indigenous Peoples in Canada. In the TRC report it states:

Reconciliation between Aboriginal and non-Aboriginal Canadians, from an Aboriginal perspective, also requires reconciliation with the natural world. If human beings resolve problems between themselves but continue to destroy the natural world, then reconciliation remains incomplete. This is a perspective that we as Commissioners have repeatedly heard: that reconciliation will never occur unless we are also reconciled with the earth (Truth and Reconciliation Commission of Canada, 2016).

Indigenous Peoples re-connecting with the land is a persistent theme among reconciliation efforts. "To reconcile, the first relationship that must heal is the relationship of Indigenous Peoples to their land" (Bridge, 2021b). Shifting how governments make land use decisions is of utmost importance to achieving reconciliation. In shifting land use planning conversations, planners can come together to reimagine what a reconciled future could look like.

The TRC 94 Calls to Action showcase how all levels of governments should adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples' (UNDRIP) as a framework to achieve reconciliation. The Calls to Action are

separated under two major categories: Legacy and Reconciliation. Legacy recommendations reflect on the impacts of residential schools and what was lost to Indigenous communities (Truth and Reconciliation Commission of Canada, 2015b). Reconciliation recommendations focus on building an ethical future that identifies opportunities for relationship building through an acknowledgement of Canada's harmful colonial past (Truth and Reconciliation Commission of Canada, 2015b). Call to Action number 47 is foundational for recognizing the necessity of upheaving current land use planning processes. It states:

We call upon federal, provincial, territorial, and municipal governments to repudiate concepts used to justify European sovereignty over Indigenous peoples and lands, such as the Doctrine of Discovery and terra nullius, and to reform those laws, government policies, and litigation strategies that continue to rely on such concepts (Truth and Reconciliation Commission of Canada, 2015b).

This Call to Action clearly demonstrates the need to reform dominant laws to reject historical concepts used for Indigenous dispossession. In much of BC, questions surrounding land ownership remains central to advancing reconciliation. Land use planning, while not specifically a process of law reform, has power in supporting systemic changes to current land management and decision-making, which will likely result in legal reforms through *DRIPA* commitments. It is paramount that dominant governments respond to Call to Action 47 through land use planning. Land use planning could demonstrate the commitments of Call to Action 47 as an impetus for legislative change or as a symptom of legislative change in BC.

2.1.3. Declaration on the Rights of Indigenous Peoples Act (*DRIPA*)

In 2019, BC became the first province in Canada to adopt UNDRIP into legislation through Bill 41: *The Declaration on the Rights of Indigenous Peoples Act* (Declaration on the Rights of Indigenous Peoples Act, 2019). Through a unanimous decision, BC committed to upholding Indigenous Peoples rights. *DRIPA* “provides a legislative framework for recognizing the constitutional and human rights of Indigenous Peoples” (Government of British Columbia, 2020). The purpose of this bill is to pave a path forward for reconciliation that is guided by transparency and relational accountability. *DRIPA* mandated provincial government to align current laws with the objectives of UNDRIP, develop an Action Plan to adhere to said objectives, and provide annual

reports on the progress of aligning BC laws with UNDRIP and achieving the goals of the Action Plan. Further, it provided government departments the authority to conduct shared decision-making with Indigenous governments, which is a momentous step towards truth and reconciliation in BC. This Bill places emphasis on decision-making as a joint venture with Indigenous governments.

On March 30, 2022, BC released the *DRIPA* Action Plan which identifies 89 priority actions for the provincial government to implement over the next five years. The Action Plan was developed in deep collaboration with multiple Indigenous Peoples, including political leadership, organizations, Treaty Nations, and the First Nations Leadership Council (Government of British Columbia, 2022a). Actions in the Plan are categorized under four themes: 1) Self-determination and Inherent Rights of Self-Government, 2) Title and Rights of Indigenous Peoples, 3) Ending Indigenous-specific Racism and Discrimination, and 4) Social, Cultural and Economic Well-being (Government of British Columbia, 2022a). Table 2.2 outlines the most pertinent actions for the changing context of land use planning and decision-making.

Table 2.2. List of *DRIPA* Action Plan articles that pertain to land use planning and decision-making.

Action	Description
1.1	In partnership with the government of Canada, establish a new institution designed and driven by First Nations to provide supports to First Nations in their work of nation- and governance-rebuilding and boundary resolution in accordance with First Nations laws, customs, and traditions.
1.2	Shift from short-term transactional arrangements to the co-development of long-term agreements that recognize and support reconciliation, self-determination, decision-making and economic independence.
1.11	Support inclusive regional governance by advancing First Nations participation in regional district boards.
2.4	Negotiate new joint decision-making and consent agreements under section 7 of the Declaration Act that include clear accountabilities, transparency and administrative fairness between the Province and Indigenous governing bodies. Seek all necessary legislative amendments to enable the implementation of any section 7 agreements.
2.6	Co-develop strategic-level policies, programs, and initiatives to advance collaborative stewardship of the environment, land and resources, that address cumulative effects and respects Indigenous Knowledge. This will be achieved through collaborative stewardship forums, guardian programs, land use planning initiatives, and other innovative and evolving partnerships that support integrated land and resource management.
2.7	Collaborate with First Nations to develop and implement strategies, plans and initiatives for sustainable water management, and to identify policy or legislative reforms supporting Indigenous water stewardship, including shared decision-making. Co-develop the Watershed Security Strategy with First Nations and initiate implementation of the Strategy at a local watershed scale.
2.11	Integrate traditional practices and cultural uses of fire into wildfire prevention and land management practices and support the reintroduction of strategized burning.

The Action Plan recognizes that Indigenous laws and legal orders are, in fact, law, with distinct authorities and responsibilities (Government of British Columbia, 2022a). “These actions are intended to support changes in understandings, behaviours and systems to shift the status quo, address Indigenous-specific racism and establish new foundations of government that respect and uphold the human rights of Indigenous Peoples” (Government of British Columbia, 2022a). Joint decision-making models must adopt innovative and ethical methods for collaborating. As Indigenous and provincial governments work to implement the Action Plan, planners must be ready and willing to adopt new methods of collaboration and decision-making.

2.2. Conceptualizing Land Use Planning in BC

2.2.1. Dominant Decision-Making Practices

Western imperialist expansion began in North America as early as 1415, although conscious and defined policy advocating for colonization did not appear until the 1800's (Ashcroft et al., 2007; Lemon, 2020). Between 1800-1858, settlers came to BC in search of export resources and land (Begg, 2007). A path was carved for change and development that prioritized competition, extraction, and order through fur trading, the gold rush, and laying the transcontinental railway (M'gonigle, 1989; Sandercock, 2004). Reinforced by the imperial state, the dispossession of Indigenous land was codified through two colonial ideologies: the *Doctrine of Terra Nullius* and the *Doctrine of Discovery*.^{6,7} Through these, colonizers established a framework to assimilate Indigenous Peoples and destroy their cultures, which were believed to infringe on colonial pursuits. This framework valued humanity as the highest level of importance, giving authority to a human entity. In the British Colonies this entity was the monarch, and in Canada today, it is the Queen. Through God and this human entity laws were formed to guide science and the management of natural resources.

Establishing settler colonies depended upon the erasure, or when proven unsuccessful, the 'systematic containment' of Indigenous populations (Harris, 2004; Jacobs, 1996; Sandercock, 2004). In Canada, settlers developed policies and planning practices that asserted control over Indigenous domains and concepts of place to affirm their land based interests and segregate Indigenous Peoples (Gunder et al., 2017; Sandercock, 2004). The *Indian Act*, established by the Canadian government in 1876, sought to control and assimilate Indigenous populations, with rules related to Indian status, natural resource use, land ownership, and education (Bartlett, 1978; Leslie, 2002; Provar, 2003). Through the *Indian Act*, the Canadian government established reserve land, areas often of low agricultural value, where Indigenous populations were forced to live (Bartlett, 1978; Leslie, 2002; Provar, 2003). Indigenous populations were not

⁶ The Doctrine of Terra Nullius, defined as "nobody's land", was a legal term used to affirm that European settlers were the first to populate North America, rationalizing the lawful removal of Indigenous Peoples from their territories (Alfred, 2009; Johnson & Lawson, 2005).

⁷ The Doctrine of Discovery was the legal means used by colonizers to claim property rights, trade, and sovereignty over Indigenous Peoples (Reid, 2010).

consulted and did not consent to the establishment of the reserve system, and they were not compensated for the lands that were taken from them during this time (Leslie, 2002; Provat, 2003). Further, the *Land Act* was established to grant tenures on land that was not privately owned or designated through a Treaty within BC (Land Act, 1979). Settlers defined this unceded land as a public asset, resulting in its use and development by non-Indigenous Peoples. Under the *Land Act*, ‘improvements’, which granted tenure, were defined as developing or altering the land to serve a purpose for its inhabitants (Land Act, 1979). Both the *Land Act* and the *Indian Act* fundamentally shaped decision-making on public land in BC, furthering the assimilation and subjection of Indigenous Peoples.⁸

Planning emerged as a profession in the early 1900s, in an attempt to respond to the growing population and its associated demands. Earlier theories of planning, including technocratic planning, placed decision-making power in the hands of technical experts who are trained to solve a problem using rational, scientific information, without input from stakeholders or the public (Penrose et al., 1998; Peter, 2007; Whittemore, 2015). Planning was results driven, adopting methods that influenced private companies or governments to obtain an end product, rather than focusing on the process used to achieve said results (Fainstein & DeFilippis, 2016; Whittemore, 2015). Efficiency was critical in technocratic planning, with planners adopting the scientific method to achieve goals, which were often related to least-cost ideologies (Fainstein & DeFilippis, 2016; Gunder et al., 2017). Initially, technocratic planning seemed logical – the people with the most knowledge made decisions. It was efficient and affordable to enact, and provided a rational, systems approach to planning (Whittemore, 2015).

BC adopted technocratic planning to regulate land and resources. It helped establish the hierarchal structure and regulatory system of decision-making that still exists today. However, technocratic planning is critiqued for its failures to recognize social and economic factors that contribute to an increase in user conflict between stakeholders and resulting mistrust of the government (Penrose et al., 1998; Peter, 2007). Technocratic planning instruments focus on “maintaining... existing social order”

⁸ Historically, the term ‘Crown land’ has been used to define land that is not privately owned or designated through a Treaty within British Columbia (BC) (Bunnell, 2013). It defines land as a public asset, for all citizens to use, and is rooted in colonization. The term has been removed from this thesis due to its legal inaccuracy. Indigenous Peoples have not surrendered their land to Canada, or BC. This land remains unceded. More recently, ‘public land’ has replaced ‘Crown land’ in popular usage, with the Government of BC using this term as part of the MLUP Process.

rather than transforming society to better reflect the emerging concerns and dynamics of the people and places being planned for (Albrechts, 2018, p.28). This method is concerned with stability and certainty (Albrechts, 2018). In the 1980's, the public pressured BC to move away from technocratic planning. The public wanted economic, ecological, and social factors, including greater public participation and the recognition of Indigenous voices considered in decision-making (Gunton et al., 2003).

In the early 1990's, BC implemented new approaches to decision-making, modelled through collaborative planning techniques. Collaborative planning is a process by which decisions are made through consensus-seeking methods with stakeholder and public involvement (Margerum, 2002; Sager, 2018). It acknowledges different interests on the land and places emphasis on establishing an outcome that achieves a positive and fair result for everyone (Gunton et al., 2003; Peter, 2007). Planners are not responsible for prescribing the methods or results; instead, they act as negotiators to develop plans that are inclusive, transparent, and aim to improve the livelihood of marginalized groups (Fainstein & DeFilippis, 2016; Sager, 2018).

BC developed the Commission on Resources and Environment (CORE) and Land and Resource Management Plans (LRMPs) as collaborative planning methods to conduct strategic regional and sub-regional planning across the province (Government of British Columbia, 1993; Integrated Resource Planning Committee, 1993). This was the first time that diverse stakeholders had an opportunity to contribute to land use conversations through shared decision-making. Both processes aimed to ameliorate the foundational injustices of Indigenous land dispossessions through increased Indigenous involvement and enhanced consensus building (Frame et al., 2004; Gunton, 1998; Sandercock, 2004). However, BC's engagement remained limited to Indigenous governments and communities with clarified legal duties for consultation (Gunton et al., 2003). Indigenous voices, including Nations who agreed to be stakeholders, were largely excluded from CORE and LRMP.

Colonial 'development' practices were prioritized, using dominant laws to guide decisions which trumped Indigenous values (Sandercock, 2004). BC remained in a position of power to unilaterally impose decisions that infringed upon Indigenous rights and title regarding specific grounds (Gunton et al., 2003; Sandercock, 2004). CORE and LRMP resulted in greater polarization among stakeholders, enhanced power imbalances

between groups, and inadequate public representation (Frame et al., 2004; Gunton et al., 2003; Peter, 2007; Wondolleck & Yaffee, 2000). CORE was abandoned in 1996 due to growing mistrust among participants and an inability to reach consensus. BC began focusing efforts on LRMP planning. Most CORE and LRMP plans were completed by 2001. To date, approximately 90% of public lands are managed using Land Use Plans developed through these processes (Government of British Columbia, 2012).

A new provincial governing body was elected in 2001, resulting in a shift away from collaborative planning into a more formal consultation model, with provincial agencies having stronger control over land use planning decisions (Gunton et al., 2003). The BC government developed the Ministry of Sustainable Resource Management as the central leader for land use planning (Gunton et al., 2003). This Ministry committed to a “new government-to-government relationship based on respect, recognition and accommodation of aboriginal title and rights”, asserting that their “shared vision includes respect for our respective laws and responsibilities” (Government of British Columbia, 2005, p. 1). Operating under the Duty to Consult and Accommodate, this new direction attempted to commit to reconciliation with Indigenous Peoples (Forest Practices Board, 2008). Institutional arrangements, known as co-management, were deployed to define, negotiate, and guarantee a fair process by which the management of a particular area of resource could be agreed upon between two or more social actors (Borrini-Feyerabend et al., 2000). The goal of co-management is to share both authority and responsibility of a particular resource (Mills & Nie, 2020; Pinkerton, 2003). Co-management establishes equal partnerships between governments, local communities, resource users, and other stakeholders (Carlsson & Berkes, 2005). Agreements define decision-making for resources and land use. Planners act as negotiators between stakeholders, as opposed to technical experts through technocratic planning.

Reducing a planner's role to that of a negotiator was criticized in its effectiveness to achieve ethical results (Fainstein, 2010). Planners' expertise was no longer used to make informed decisions for the community. More concerning, Indigenous Peoples were treated as a stakeholder and consulted to provide awareness without legal rights to decision-making (Gunton et al., 2003). BC retained veto power, the ability to unilaterally cease any specific action surrounding law and decision-making duties. Although BC attempted to accommodate Indigenous Peoples concerns during consultation, there was no legal obligations to do so. This new relationship resulted in stricter control and

regulatory authority associated with decision-making, thus ensuring power remained in the hands of settlers. Co-management focused largely on achieving objectives for economic efficiency at the expense of ethical outcomes, further marginalizing Indigenous governance systems and cultural practices (Ostrom et al., 1994).

Most collaborative planning efforts have systemically undermined Indigenous governance and belief structures, emphasizing conformation of Indigenous practices within a pre-existing colonial system (Walker et al., 2013a). They de-value Indigenous ways of knowing through dispossession and oppression, keeping communities in an occupied state (Walker et al., 2013a). These structures operate solely in the dominant system, asking Indigenous experts to provide input into decisions in a structured way that attempts to mask itself as reconciliation. The cultural blueprints that codify law and protocols in Indigenous culture are recognized as art, undeserving of weight within legal systems (Fernández-Llamazares & Lepofsky, 2019). Inclusion means nothing if power lies in the hands of the settler decision-maker, perpetuating oppressive and hierarchal forces.

The MLUP program is BC's most recent attempt to reflect their reconciliation and public land stewardship goals for land use planning. The program is part of a provincial mandate, established through *DRIPA*, to work collaboratively with Indigenous governments. MLUP is led by BC, in partnership with Indigenous governments. It aims to provide "a transparent and public-facing process that respects the values, knowledge, and traditions of Indigenous Peoples" (Government of British Columbia, 2022f). BC is engaging with Indigenous communities to inform MLUP. However, it is unclear if this approach will move beyond 'duty to consult' to an ethical approach for shared decision-making. *DRIPA* legislation requires the latter is implemented. To effectively implement MLUP, Indigenous and dominant law must be equally valued.

2.2.2. Indigenous Decision-Making Practices

Indigenous Peoples have managed their territories, operating under their own governance structure and set of laws since time immemorial (Matunga, 2013). Indigenous organizational strategy delegates the highest level of authority to the Earth and Creator (Bridge et al., 2020). Traditional stories form laws, protocols, and management principles which guide decision-making in a way that is consistent with

Earth-based authority (Bridge, 2021b). This guidance founds a basis of interaction that seeks to act in the best interest of the land, air, water, and all inhabitants collectively. “Land and people are neither separate nor separable” (Johnson, 2010, p. 2). For the Gitksan, the health of the land and humanity are intertwined, resulting in actions on the land reflecting actions to people (Johnson, 2010). Personal histories and oral narratives are passed from Elders to community members to guide their relationships and relational accountability with other life on the land (Johnson, 2010). While each Indigenous community has distinct cultures, laws, and protocols developed through their own traditional stories, this delegation is expressed in many Indigenous systems.

Relationships amongst animals, plants, and all living things on Earth are of utmost importance in Indigenous systems. Land use is an interactive process of building relationships as opposed to an extraction model, commonly displayed in colonial practices (Webber, 1995). For example, the Secwépemc make decisions related to resources and land that is grounded in the balancing of responsibilities, rights, and relationships that people have with the land, their communities, and others (Asch et al., 2018). Secwépemc people have four groups of decision-makers, individuals and families, communities, Elders, and leaders, with varying degrees of authoritative power regarding land and resources (Asch et al., 2018). Two Secwépemc laws, founded in story, guide relationships with the land and the resulting decisions made by these four groups. The first, “qwenwent” states that “humility and human dependence informs the relationships between humans, non-human beings and the environment” (Asch et al., 2018, p. 38). The second, “interconnection”, asserts that “humans, land and non-human beings are interconnected and interdependent within a larger ecosystem” (Asch et al., 2018, p. 40).

Many Indigenous communities characterize societies through consensual decision-making and the autonomy of individuals (Webber, 1995). Relationality and kinship are at the epicentre of futures planning (Zapata & Bates, 2021). Connections to Earth are directly tied to relationships and decision-making. Laws are manifested through ceremony such as sweat lodges, peace pipes, sundances, fasting, and smudging, depending on the community (Borrows, 2005; Richmond et al., 2003). These ceremonies promote reflection and relationship building, which allow Indigenous communities to come to agreements and overcome conflict. (Borrows, 2005; Richmond et al., 2003). Drawing upon the Syilx Okanagan People, this relationship is further

understood. The Syilx Okanagan developed practical methods to transfer and maintain their values of social and environmental sustainability to result in a “one hundred percent land regenerative model” (Armstrong, 2009, p. 48). They operate under a stable distributed system of economy and authority between villages and Bands. Each village had its own culture and Chiefs were recognized as a leader for their village area (Armstrong, 2009). There was no war culture, and no hierarchal or centralized authority model (Armstrong, 2009). Communities worked together to make decisions based on the stories they learn, including those of the four chiefs who make decisions about humanity (Armstrong, 2009; Bridge, 2021c).

2.3. Indigenous Planning

Through the adoption of Indigenous planning, Indigenous Peoples are working to renew their cultural and political processes and assert their rights to the land. In this space, planning is conducted by Indigenous Peoples for Indigenous communities. Indigenous planning provides a new paradigm within contemporary planning discourse that strives for a reclamation of planning processes oriented through historical, contemporary, and future lenses (Prusak et al., 2015). Indigenous planning provides opportunities for Indigenous Peoples to consider their future economic and social objectives, through the assertion of decision-making authority within government (Porter et al., 2017). A key characteristic of Indigenous planning is “a strong tradition of resistance, therefore commitment, to political change” (Matunga in Walker, et al., 2013, p. 5). It is a political strategy, rather than a theoretical approach to planning that necessitates commitment to enacting change (Matunga in Walker, et al., 2013). The central beliefs of Indigenous planning are place-based understanding and “community/kinship” (Matunga in Walker, et al., 2013, p. 5). Indigenous Peoples’ experiences are linked to the places Indigenous communities call theirs (Matunga in Walker, et al., 2013). Planning is conducted in the particular place and with the people of that place to ground planning in tradition (Matunga in Walker, et al., 2013). Relational accountability across all temporal and spatial scales is adopted to connect Indigenous Peoples to place through planning processes (Harjo in Zapata & Bates, 2021).

It is paramount to remember that Indigenous planning has always occurred, although it may not have directly been described as such. Matunga (in Walker, et al., 2013) describes Indigenous planning through three traditions: Classic Tradition (pre-

contact), Resistance Tradition (post contact to late 1970's), and Resurgence Tradition (1980's to present). The Classic Tradition is based on Indigenous worldviews prior to dominant contact. Through this approach, planning uses traditional approaches for decision-making. Mainly, the "interconnections between humans and their environment" and "kinship-based planning" (Matunga in Walker, et al., 2013, p. 10). The Resistance Tradition is defined by "active and passive Indigenous resistance" to dominant governance (Matunga in Walker, et al., 2013, p. 9). During this period, dominant governments dispossessed Indigenous Peoples, resulting in little ability for Indigenous planning. As put by Matunga (in Walker, et al., 2013, p. 11), "the planning was often covert and subversive". The Resurgence Tradition represents Indigenous Peoples' resurgence through the Indigenous rights movement (Matunga in Walker, et al., 2013). The Resurgence Tradition came when protests regarding Indigenous rights to land and resources emerged. Through a resurgence of Indigenous rights and sovereignty, planning approaches advocate for Indigenous tradition, culture, and identity to influence decision-making.

It is through resurgent Indigenous planning that Indigenous Peoples are "writ[ing] themselves back into planning history, planning theory, and planning practice" (Porter et al., 2017, p. 641). Spirituality, Earth observation, and a responsibility to relations who occupy past, present, and future temporalities inform decision-making (Porter et al., 2017; Prusak et al., 2015; Harjo in Zapata & Bates, 2021). Indigenous stories emphasizing human-land interactions are placed at the forefront of decision-making, with reciprocity and trust building as foundational components to this process (Berkes et al., 2007; Irlbacher-Fox, 2014; Lane, 2006; Tiakiwai et al., 2017). Indigenous planning offers a holistic approach to land use planning that considers the Earth and all its inhabitants as a collective system, with the land having legal authority.

However, the current dominant governance regimes in place reinforce the hierarchy of the Canadian legislative framework and do not equally assert Indigenous law. Indigenous Peoples are constrained to supplying input to decision-makers (Jojola, 2008). Guiding documents, policies, and decisions are developed by dominant governments with minimal to no reference of Indigenous languages or law (Porter & Barry, 2016). This discourse results in monological recognition which reinforces existing power relations where the dominant governing body assesses the issue, and the Indigenous group subjects itself to scrutiny (Porter & Barry, 2016). Furthermore, the

values and practices of some Indigenous groups are not compatible with dominant governing procedures and public bureaucracies (White, 2006). Indigenous planning procedures operate in some jurisdictions, yet the ideologies of colonialism are still pervasive and continue to lead discourse within these relationships (Porter & Barry, 2016). To resolve issues of land use planning, it is critical to understand the divergent perspectives regarding the origin and relevance of law. There can be no ethical decision-making process if planners continue to operate using systems that perpetuate hierarchal decision-making. Dominant decision-making tools, such as the veto option, only exacerbate these power imbalances. How, then, do Indigenous governments strive for ethical decision-making within a system that is so entrenched in dominant ways of knowing?

2.4. Coexistence

Coexistence offers practical approaches to land use planning that reframe relationships between Indigenous and dominant governance structures to facilitate ethical decision-making among planners. Coexistence is broadly used to convey a more ethical, sustainable, and just way of sharing space (Howitt & Lunkapis, 2010; Porter & Barry, 2016), and provides the recognition, support, and accommodation for Indigenous rights, title, and cultural aspirations alongside a dominant society. Coexistence acknowledges the ways in which people use and attach meaning to place, how they claim space, and how these interactions must be used to re-create the dominant societal views of space (Howitt & Lunkapis, 2010; Porter, 2013; Porter & Barry, 2016). In acknowledging the varied relationships to place, coexistence supports “just, equitable and sustainable decision-making in planning systems” (Howitt & Lunkapis, 2010, p. 109).

Modern dominant planning practices, including land use planning, are used to assert control and order in governance through the rejection and erasure of Indigenous Peoples connections to place (Howitt & Lunkapis, 2010). Coexistence challenges dominant understandings of Indigeneity and places emphasis on being comfortable with conflict and the possibility of reaching incommensurability, as opposed to consensus within the decision-making process (Porter, 2013). It argues that to effectively redistribute power within Indigenous and dominant governance structures, collaborative governance mechanisms must be established which accept multiple overlaps of jurisdiction and equally value all governance systems (Lightfoot & MacDonald, 2017;

Porter & Barry, 2016). Coexistence makes a case for adopting agonistic pluralism in planning (Barry & Porter, 2012; Brand & Gaffikin, 2007; Foucault, 2002; Mouffe, 1999; Porter et al., 2017). Agonistic pluralism embraces conflict and accepts multiple governing bodies to encourage planning practices that move away from ‘inclusion’ and ‘regulations’ and into mobilizing passions (Porter & Barry, 2016). In coexistence, Indigenous planning processes are distinct from dominant planning processes and equally valued.

Coexistence presents an overarching vision for planning that supports multiple authoritative structures. Theoretically, coexistence can be enacted in multiple ways. More research is needed to develop a practical framework that implements coexistences’ call to uphold multiple distinct governance structures in planning. Reflecting on planning theory in practice offers an opportunity to positively advance decision-making.

2.5. Ethical Space

An adoption of Ethical Space to land use planning could strengthen coexistence. The concept of Ethical Space has existed for a long time. Some say it may date back over 150 years, when colonization first occurred in Canada (Indigenous Circle of Experts, 2018b). Others say it is rooted in the work of Homi Bhaba’s third space, the interface of cultures (Kalua, 2009). Ethical Space was first formally coined in 2007 by Willie Ermine, an Assistant Professor with the First Nations University of Canada, from the Sturgeon Lake First Nation.⁹ Ermine (2007, p. 193) calls Ethical Space, a space “formed when two societies with disparate worldviews, are poised to engage each other”. This term continued its emergence in 2017, when Dr. Reg Crowshoe, a Piikani Blackfoot Elder, worked with employees at Alberta Energy Regulator (AER) to write, *Voices of Understanding: Looking Through the Window* (Alberta Energy Regulator, 2017). AER hired Crowshoe to help their organization better respect the knowledge and cultures of Indigenous communities (Alberta Energy Regulator, 2017). Crowshoe describes Ethical Space using the following analogy: “...the importance of a window through which we can

⁹ Ethical Space has not largely been studied within academia. As such, the references throughout this section draw upon the knowledge of both academics and known practitioners. This is an emerging field, rendering it pertinent that I include recent and relevant information to paint a deep understanding of the framework.

see two sides, and of a door that we can open to enter a new space, an Ethical Space” (Alberta Energy Regulator, 2017, p. 3). Ethical Space describes an abstract space where worldviews come together to meet as equals (Nelson & Wilson, 2018).

Ethical Space is an intangible cultural resource that seeks to redefine the “lines of power” in dominant society (Brunger et al., 2014, p. 26). The framework is both legislative and philosophical in that it describes and establishes a space for ethical decision-making (Brunger et al., 2014; Ermine, 2007). By emphasizing the role of ethics, Ethical Space brings people together through moral obligations surrounding institutions, organizations, and people (Brunger et al., 2014; Ermine, 2007). Ethical Space serves as a method for organizations to learn their responsibilities, while “connecting people to place” (Nikolakis & Hotte, 2022). It is a process of transformation and innovation developed through collaboration between Indigenous and non-Indigenous peoples (Indigenous Circle of Experts, 2018a). Ethical Space establishes cultural safety, creating more just spaces where power and worldviews are equalized (Brunger et al., 2014; Longboat, 2008).

At the heart of Ethical Space is a willingness to engage with one another to develop a deep understanding of each other’s knowledge, law, culture, and practice (Littlechild & Sutherland, 2021). Ethical Space does not encourage the integration of Indigenous and dominant worldviews or processes. Instead it operates under the premise that this deep understanding will facilitate new ideas and generate respectful solutions through dialogue (Figure 2.1) (Bannister, 2018). Ethical Space considers interactions between governance structures that respects the fundamental integrity of all knowledge systems, and prevents one knowledge system from interfering, overtaking, or diminishing the other (Alberta Energy Regulator, 2017; Ermine, 2007; Longboat, 2008). Through Ethical Space, no one system has more weight or legitimacy than the other. This evolving space explores multiple methodological approaches and worldviews to achieve goals (Nikolakis & Hotte, 2022). It acts as an intermediary between knowledge systems, upholding mutual trust, respect, kindness, and generosity (Ermine, 2007; Indigenous Circle of Experts, 2018b). The space created through this framework encourages respectful collaboration across participants through upholding diversity (Brunger et al., 2014).

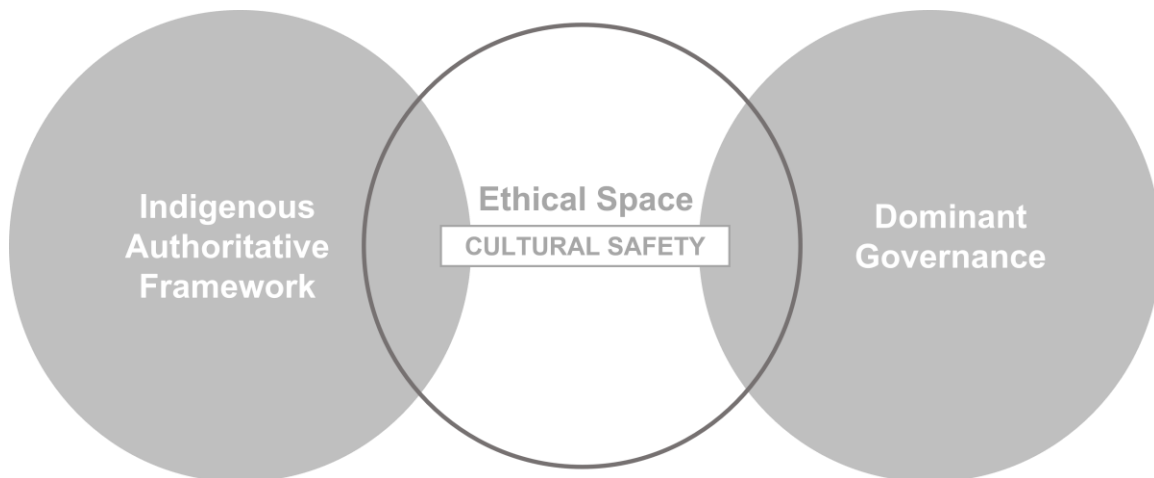


Figure 2.1. Theoretical Framework of Ethical Space. This rendition of the theoretical framework is adapted from Gwen Bridge’s design. Bridge’s work builds upon the work of Dr. Reg Crowshoe to offer an understanding of Indigenous legislative framework in this space.

To develop a collective consolidation of multiple worldviews, Ethical Space sees all visions concurrently (Bridge et al., 2020; Bridge, 2021b). One system does not need the other to validate it. There is no need for archaeological or written ‘proof’ of decision-making because all practices are accepted (Indigenous Circle of Experts, 2018b). The goal of Ethical Space is not to blend governance models, it is to bridge models through shared understanding. As stated by Porter, “no amount of inclusive, radical or democratic planning practice will shift the effects of (post)colonial structures and relations of power on Indigenous Nations without a fundamental recognition of rights” (Porter, 2004, p. 105-109 as cited in Sipe & Vella, 2017, p. 287). Ethical Space recognizes law is more than a written document. All forms of law, whether it be oral, community-based eco-cultural reference books, or Indigenous story, are upheld (Fernández-Llamazares et al., 2021; Hobson et al., 2010). Chloe Dragon Smith (2020) provides a representation of the meaning of land to Indigenous Peoples that grounds Ethical Space. Dragon Smith says:

Intrinsic learning comes from the laws of the Land... Our Dene Laws are codified and inextricably rooted in natural laws of the Land, as are the Indigenous laws from other cultures. Perhaps most importantly, Land is an equalizer between all peoples... When we are on the Land, we naturally meet each other through our humanity. This is where we find Ethical Space (Dragon Smith, 2020, p. 12).

Practitioners of Ethical Space have developed key competencies to implement the framework (Alberta Energy Regulator, 2017; Bridge, 2021b; Ermine, 2007; Littlechild & Sutherland, 2021; Nikolakis & Hotte, 2022). The competencies centre around the themes of pre-engagement, relational accountability, and reflexivity. Pre-engagement requires consent from all parties. Consent means all parties are adequately informed about the process, with an opportunity to prepare, and have “equal roles in setting out the structure and framing of the space [they] enter into together” (Littlechild & Sutherland, 2021). Consent is equally important for non-Indigenous people. They must move past an obligation or duty to conduct to work with Indigenous Peoples to practicing meaningful engagement. Relational accountability in Ethical Space involves the use of dynamic and continuous engagement through dialogue (Bridge et al., 2020; Ermine, 2007; Indigenous Circle of Experts, 2018b; Littlechild & Sutherland, 2021; Nikolakis & Hotte, 2022). For dialogue to be meaningful, it is critical for participants to actively listen and develop a deep understanding of one another. Emphatic and rational approaches to understanding may be applied. Making space for everyone to voice their thoughts in an open and supported way facilitates ethical sharing and promotes relational accountability. Elder Ira Provost of the Piikani First Nation says, “when we talk about Ethical Space with Indigenous [P]eople[s] and Indigenous Nations, we need to recognize it takes time to build long lasting relationships...” (Elder Provost, 2020). Maintaining reflexivity is integral to dismantling the power imbalances and hierarchies that exist in current dominant planning processes (Nikolakis & Hotte, 2022). Reflexivity encourages participants to adapt, change, and accept new information as it becomes available (Nikolakis & Hotte, 2022). The information brought into Ethical Space is used to transform decision-making through developing new systems that uphold ethical practices. Power imbalances and dominant hierarchies are disrupted to transform decision-making (Nelson & Wilson, 2018; Nikolakis & Hotte, 2022)

Ethical Space is not a panacea. There is no one blueprint for Ethical Space – it will look different for each group or project that engages in this work (Bridge, 2021b; Indigenous Circle of Experts, 2018b; Littlechild & Sutherland, 2021). It is not a prescriptive tool and its purpose is not to fulfil the obligations of consultation and accommodation that currently exist in dominant government procedures (Indigenous Circle of Experts, 2018b). It does not satisfy the fulfillment of Indigenous rights as outlined in UNDRIP, *DRIPA*, or treaties, although these documents frame Ethical Space

(Indigenous Circle of Experts, 2018b). Finally, Ethical Space is not meant to offer a place for critique (Indigenous Circle of Experts, 2018b). Rather, it provides guidelines for relationship building and understanding that promotes ethical engagement.

Ethical Space frameworks have been adopted in education, health care, and resource conservation settings, with few applications in planning (Brunger et al., 2014; Longboat, 2008; Nelson & Wilson, 2018). The aim of this thesis is to assess whether and how Ethical Space could be applied to land use planning. Using an exploratory application in the Upper Columbia region of BC, this research presents practical recommendations for enacting Ethical Space and advances planning theory.

Chapter 3. Research Methods

Chapter 3 presents the methods of data gathering and analysis, and the structural approach followed to conduct this research. To reiterate, my thesis has two research aims. First, to investigate how an Ethical Space framework could be adopted in land use planning. Second, to offer an exploratory application of Ethical Space for land use planning in the Upper Columbia region of BC. My goal is to bring insight to the mechanisms of Ethical Space and how these may be applied in land use planning. In conducting this research, planners may be better equipped to advance reconciliation through land use planning.

Through my research I was not only attempting to better understand Ethical Space, but I was committed to adopting it in practice. My research is framed through a constructivist, grounded theory practice. A constructivist approach to research recognizes systems as emergent and in continuous states of reconstruction through social interactions (Burr, 1995). Constructivism appreciates human experiences, interpretations, and situational knowledge to construct an idea that is better informed than it was before (Wilson, 2008; Yin, 2018), which supports Ethical Space principles of deep understanding and respect for distinct knowledge systems (Ermine, 2007). Grounded theory is a systematic, yet flexible theory where both data collection and analysis are used to inform one another and are conducted concurrently (Charmaz & Bryant, 2019). The iterative nature of grounded theory promotes reflexivity and the evolution of research as data is collected and analysed. My research does not shape the data, rather I present what I learned in a manner that upholds the beliefs and lived experiences of the interview participants, and other data collection. Through this approach, I committed myself to cultivate a methodological protocol that was guided by Ethical Space principles of mutual trust, relational accountability, respect, and reciprocity (Ermine, 2007; ICE, 2018b).

3.1. Methodological Approach: Case Study

To conduct my research, I employed a single community-based case study methodology. A case study explores a contemporary set of events within the real world that will inform how to move forward (Yin, 2018). Case studies are suited to investigate

context specific topics, often focusing on the examination of institutions and social relationships (Yin, 2018). This thesis investigates how an Ethical Space framework could be adopted in land use planning, and more specifically applied to the Upper Columbia region of BC. With the recent implementation of the *DRIPA* Action Plan and BC's MLUP program, a case study methodology is perfectly suited to implement theory to practice.

One limitation of conducting a case study is argued to be the lack of generalizability due to the context specific nature of the research. However, a case study allows for a deeper connection to Ethical Space, as its framework is built upon place-based knowledge and understanding. As a result, the research findings can be understood specifically for this case, while maintaining relevance in the generalization of a broader implementation of Ethical Space for land use planning around the globe.

3.1.1. Case Selection: Upper Columbia, British Columbia

The case study site for this research is located on lands within the territories of the Syilx, Secwépemc, Sinixt, and Ktunaxa, in what is commonly called the Upper Columbia region of BC. The Upper Columbia boundary is used by local actors in the region, it is not formally recognized by governments (Figure 3.1). It is located at the headwaters of the Columbia River, stretching North near Valemount, down South to Kaslo, and staked between Invermere on the East, and Revelstoke on the West. This region is a growing concern for many groups. There is an increase in conflicts between users, an inundation of commercial tenure applications and public use, as well as immense pressures to wildlife and ecosystems from human-related use, including climate change (Mitchell & Bullen, 2020; Utzig, 2016a, 2016b; Yellowstone to Yukon Conservation Initiative, 2022). Further, BC's limited staff capacity and available funding has slowed the advancement of the MLUP program, meaning the Upper Columbia has not yet been recognized as a priority project. As a result, communities within the region remain without modern and relevant guidance on how to coordinate land use across the landscape, and no clear timeline on how to participate in the process. Communities are expressing an interest and need in coordinated land use planning, making the Upper Columbia a novel and timely case for this research.

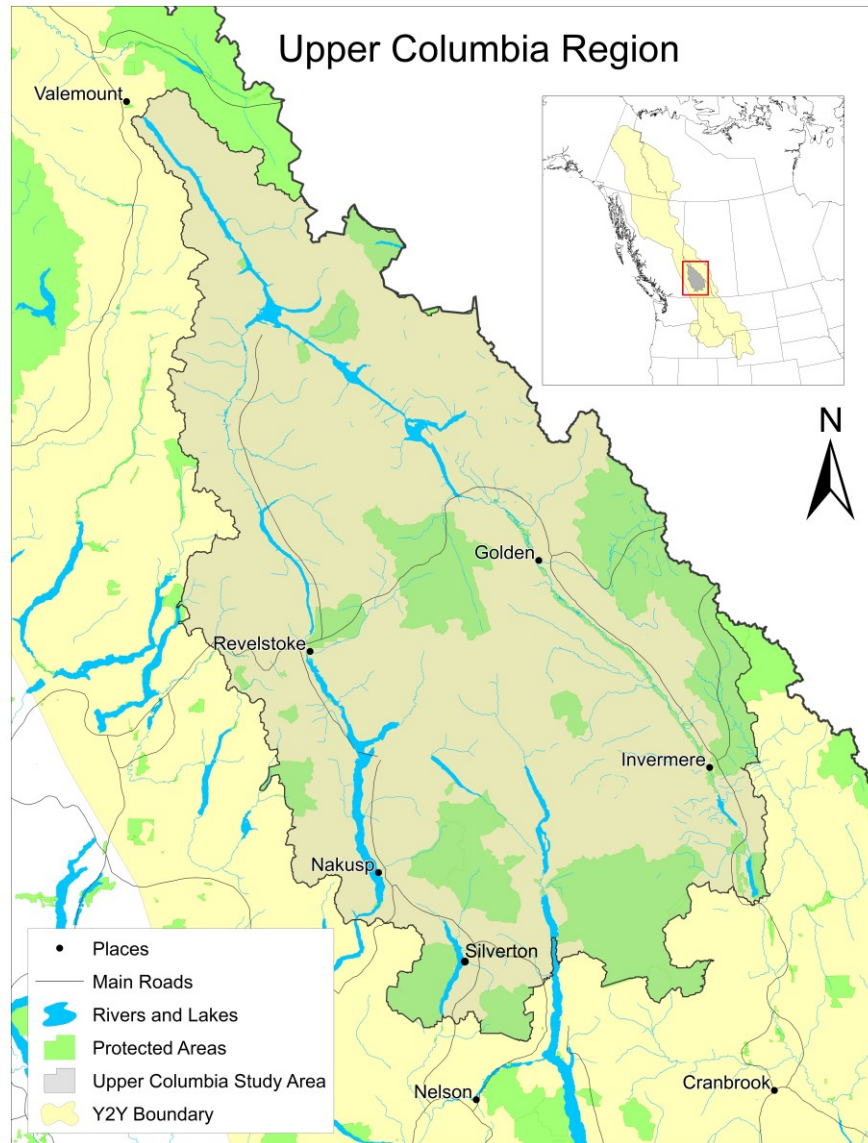


Figure 3.1. The Upper Columbia Region of British Columbia (case study area and map provided by the Yellowstone to Yukon Conservation Initiative).

The Upper Columbia is unique in that it is one of the world's only inland temperate rainforests. Preliminary studies have indicated that the Upper Columbia will experience greater climate resiliency compared to other locations in BC, providing a refuge for multiple species (Utzig, 2016a, 2016b). In particular, at-risk species, including the southern mountain caribou and wolverine, depend on deep snow within the region to den and find food (Barber et al., 2018; Fisher et al., 2022). The Upper Columbia may offer a reliable snowpack to keep these species alive.

In 1964, Canada and the United States (US) ratified the Columbia River Treaty, a transboundary water management agreement on the Columbia River to provide assured annual flood control (Columbia Basin Trust, 2022; Government of British Columbia, 2022j). As part of the Treaty, four hydroelectric dams were established, three in BC and one in the US. The dams provided downstream power benefits that are shared equally between Canada and the US. The four dams and their associated reservoirs flooded roughly 110,000 hectares of land within Canada, displacing more than 2,000 residents, including many Indigenous communities, and severely impacting agriculture, tourism, and other pre-existing ventures (Columbia Basin Trust, 2022; Government of British Columbia, 2022j). Of the four dams established, one dam – the Mica Dam – is located within the Upper Columbia, North of Revelstoke. Both Indigenous and non-Indigenous communities received little to no consultation or mitigation efforts during negotiations (Columbia Basin Trust, 2022; Government of British Columbia, 2022j). Many constituents have negative feelings associated with the dams and most proceeding planning efforts conducted by the province. Currently, Canada and the US are in negotiations to modernize the Treaty (Government of British Columbia, 2022b). The Canadian negotiation team includes members of the federal and provincial government, as well as Ktunaxa, Syilx Okanagan, and Secwépemc governments (Government of British Columbia, 2022b). These negotiations may result in drastic differences in how water and land along the Columbia River is managed. The Treaty and its resulting dams are only a subsection of the dams located within the Upper Columbia, and impacts associated with damming are constant points of contention among governments and communities.

Not only has the Upper Columbia experienced impacts from damming, but numerous other uses have negatively affected the ecosystem and caused conflicts among users. The Upper Columbia witnessed a recent surge in public and commercial recreation, resulting in greater impacts to the land and heightened conflicts over its use. Old-growth logging has become an increasing point of contention, culminating in protestors establishing a blockade during the summer of 2021 on the Bigmouth Forest Service Road, located 120 kilometers north of Revelstoke. Further, it is a major transportation route, with Highway One running through the middle of the region, and various roads providing links to less populated areas of BC.

The multitude governments with jurisdiction in the Upper Columbia only add to the difficulties associated with this region. There are currently 18 governments that operate within the region:

- Ktunaxa Nation (and associated Bands)
- Secwépemc Nation (and associated Bands)
- Syilx Okanagan Nation (and associated Bands)
- Autonomous Sinixt
- Government of British Columbia
- Regional District of the Central Kootenays (Electoral Area D, H, and K)
- Columbia Shuswap Regional District (Electoral Area A and B)
- Regional District of the East Kootenays (Electoral Area G and F)
- City of Revelstoke
- Town of Golden
- District of Invermere
- Village of Nakusp
- Village of Kaslo
- Village of New Denver
- Village of Silverton
- Village of Radium Hot Springs
- Village of Slocan
- Village of Canal Flats

Of these governments, there are multiple visions, goals, and pressures that are seen as priorities within the region. Some governments have less decision-making power compared to others. For example, the Sinixt were forcefully removed from their territory in Canada in 1956 and declared 'extinct' by the federal government. The Sinixt lost jurisdictional power in decision-making within dominant government frameworks and access to their lands for years. In 2021, the Supreme Court of Canada revoked this

declaration, confirming Sinixt's legal right to the land (R. V. Desautel, 2021). These complexities have caused conflict and uncertainty in planning within the region.

With differences in opinions, and limited staff capacity and funding, communities in the Upper Columbia are seeking ethical land use planning. This thesis facilitated initial conversations surrounding ethical land use planning for the region.

3.2. Methods

To conduct case study research, it is critical to include multiple methods or sources of information gathering to ensure its validity (Yin, 2018). I employed a variety of methods to obtain a balanced perspective to inform my findings. This form of data collection accounts for bias within communities and mitigates the methodological inconsistencies that often arise when integrating dominant and Indigenous methods (Kovach, 2005; Kovach, 2009). To conduct ethical research with Indigenous Peoples, it was important that I maintained reflexivity, respect, reciprocity, and relational accountability (Wilson, 2008; Yin, 2018). The following methods were chosen based on their approaches to research that promote a deep understanding of each participant's voice and relevant work, a foundational component of Ethical Space.

3.2.1. Semi-structured Interviews

Semi-structured interviewing is a method that collects data using a set of pre-established questions to guide open-ended discussion with selected participants. The method allows for the "improvis[ation of] follow-up questions based on the [subject's] response" (Kallio et al., 2016). Semi-structured interviewing encourages participants to speak about their experiences without the rigidity of adhering to specific questions, which can be uncomfortable. This flexibility, coupled with the comparability of responses provides data that is consistent with the overall research aims. Further, this method of interviewing promotes storytelling, a form of intergenerational knowledge transfer used by Indigenous communities (Kovach, 2009; Sium & Ritskes, 2013). Stories play an important part in communicating knowledge within Indigenous systems, making them essential in gaining a contextualized understanding of a particular happening (Kovach, 2005; Kovach, 2009). Taking time to listen to interview participants share stories upholds Ethical Space principles of open dialogue, relationships building, and respect.

I conducted semi-structured interviews with 20 key informants. Participants were categorized into two groups: Ethical Space practitioners (Group I), and government representatives (Group II). I conducted eight interviews with Group I (Table 3.1) and 12 interviews with Group II (Table 3.2). Additionally, I exchanged emails with one government representative that confirmed permission to use the knowledge he provided in my thesis. Some of the participants wished to remain anonymous in Group II. General descriptions have been used in place of their names and they have not been provided a role description. Group I interview candidates were not limited to the Upper Columbia. I sought expertise from outside the case study site because Ethical Space is an emerging framework, with little practitioners actively implementing it in their work. By increasing the scope of potential candidates, I acquired more relevant information to understand Ethical Space. Practitioners may not explicitly label their work as Ethical Space. Candidates were selected based on the following criteria which embodies Ethical Space principles: respectful collaboration between Indigenous and dominant participants, equitable decision-making processes, open dialogue, and reflective practices.

Table 3.1. List of Ethical Space practitioner interview participants (Group I) and their associated working roles.

Interview Participant	Role
Michele Sam	Ktunaxa and an “official band member” of ʔaɣám. Owner of Michele A Sam Consulting, an Indigenous woman-owned consulting company, providing advice and facilitation services to organizations and individuals attempting to engage with Indigenous Peoples and their self-development.
Elder Rob Edward	Syilx Elder, knowledge holder, consultant, and former Chief of Lower Similkameen Indian Band.
Gwen Bridge	Cree owner of Gwen Bridge Consulting, an Indigenous woman-owned consulting company, conducting negotiations surround land use planning and natural resource management.
Danika Littlechild	Cree from Ermineskin Cree Nation, Neyaskweyahk, Maskwacis (Alberta) in Treaty No. 6 territory. Assistant Professor at Carleton University in the Department of Law and Legal Studies.
John Chenoweth	Syilx Okanagan Nation member. Vice President of Academic and Community Education at the Nicola Valley Institute of Technology.
Anna Usborne	Principal Owner of Usborne Environmental. Conducts projects for Metlakatla First Nation regarding land and resource management.
Elaine Alec	Syilx (Okanagan) Nation and Secwépemc (Shuswap) Nation. Member of the Penticton Indian Band. Partner and Senior Planner at Alderhill Planning Inc., an Indigenous-owned and operated company of leading experts in Indigenous community planning.
William Nikolakis	Assistant Professor at the University of British Columbia in the Department of Forest Resources Management.

Table 3.2. List of Indigenous and dominant government interview participants (Group II) and their associated working roles

Interview Participant	Role
Robyn Laubman	Territorial Water Manager for Splatstin
Provincial Government Representative	N/A
Tom Zeleznik	Mayor of Nakusp
Nelson Wight	Planning Manager for the Regional District of Central Kootenay
Sangita Sudan	General Manager of Development and Community Sustainability for the Regional District of Central Kootenay
Karen MacLeod	Planning Coordinator for the Regional District of East Kootenay
Revelstoke Government Representative	N/A
CSRD Government Representative	N/A
Arne Dohlen	Interim Chief Administrative Officer for the Village of Radium Hot Springs
Cailyn Glasser	Natural Resource Manager for the Okanagan Nation Alliance
Naya Duteau	Land Stewardship Planner in the Strategic Initiatives Quadrant for the Ktunaxa Nation
Christopher Horsethief	Ktunaxa Research Ethics Committee Chair for the Ktunaxa Nation
Shuswap Nation Tribal Council Representative	N/A

The aim of these interviews was to engage in a constructivist approach that incorporated perspectives from a variety of participants. To select participants, I used a combination of purposive and snowball sampling methods (Cohen & Arieli, 2011). Participants for Group I were initially selected due to their direct involvement enacting Ethical Space in their work. I determined these candidates from various workshops and webinars I had previously attended, as well as desktop research. As Ethical Space is an emerging concept, multiple practitioners engage in this work without labelling it as such. Bridge provided introductions to additional relevant participants that conduct Ethical Space related work. Participants provided further introductions to additional candidates. To select participants for Group II, government representatives with jurisdictions within the Upper Columbia were contacted. The participants initially contacted either agreed to participate or provided contact information for those best suited.

Interview guides were developed for both groups of participants (See Appendix: Sample Interview Guides). The questions were structured to provide insight to my two research aims. For Group I, questions were asked to understand how Ethical Space is

enacted and maintained, including questions regarding strengths, weaknesses, and barriers. For Group II, the goal of the interviews was to understand each government's long-term vision for the region, providing an informed perspective on community needs. Interview questions changed over time to address gaps in data as more information was gained from participants.

Interviews for Group I and II were conducted over three months, from December 2021 to March 2022. Interviews took place both in-person and via online video conferencing (Zoom) due to the COVID-19 pandemic restricting travel and public safety. One interview was conducted in-person and 19 interviews were conducted via Zoom. The duration of the interviews ranged from 40 to 90 minutes. All interviews were conducted in accordance with Simon Fraser University's ethics protocol and approved under study 30000690. A consent form was provided to each participant and verbal consent was received to record the audio and/or video. In-person interviews were transcribed using the mobile app, Otter. Zoom videos were transcribed using the auto-transcription function within its software. Transcriptions were sent to each participant, providing an opportunity to make suggestions. During this time, initial data analysis occurred, allowing the reflexive adaptation of interview questions. This method of analysis is supported through the grounded theory methodology by allowing me to shift my assumptions as more data was collected and respond to emergent themes (Heath & Cowley, 2004).

3.2.2. Textual Analysis

As Yin (2018) states, "for case study research, the most important use of documentation is to corroborate and augment evidence from other sources". Texts verify spelling and titles of the people, places, or organizations that are mentioned during interviews (Yin, 2018). Further, they are critical in corroborating information and filling in gaps in understanding from interviews. Relevant texts were separated into two groups (Group I and Group II), to compliment the groups as defined through the semi-structured interviews.

A review of Group I participants Ethical Space projects was conducted to further understand methods of implementation and/or how the projects have contributed to ethical decision-making. Seven projects were reviewed, supplementing the critical

perspectives of practitioners (Table 3.3). Although many projects were discussed during the interviews, the following were selected based on the volume of accessible and in-depth information provided by the documents and interviews. Documents were identified through an online search or through a direct request to the participants. For each project, one to three documents were reviewed, depending on their relevance.

Table 3.3. Group I participants selected projects for document analysis.

Ethical Space Projects
Provincial Action Plan for the Inquiry into Missing and Murdered Indigenous Woman and Girls
Indigenous Health Indicators
Coastal First Nations Reconciliation Framework Agreement
South Okanagan Similkameen National Park Reserve
Bringing the Salmon Home Initiative
Northern Australia Water Rights Allocation Framework
Nicola Valley Institute of Technology – Academic and Community Education Department

An analysis of pertinent government information related to Group II was reviewed to understand the existing landscape and concepts that are shaping future land use planning decisions through MLUP. For this review, a combination of government websites and documents were examined. Documents were identified through interviews and web searches. Government-to-government documents were inventoried to gain a better understanding of relationships between Indigenous and provincial governments. Government specific documents (e.g., Land Use Plans, Official Community Plans, and Community Comprehensive Plans) were the main focus of this document review. Table 3.4 provides an outline of the general types of documents that were reviewed. The full list of documents will be further presented in Chapter 5, with specific reference to the government(s) they relate to.

Table 3.4. Pertinent Indigenous and dominant government documents reviewed in conjunction with Group II interviews.

Indigenous and dominant Government Documents
Official Community Plan
Community Comprehensive Plan
Land Use Plan
Declaration
Syilx Strategy to Protect and Restore siwtkw
Forest Revenue Sharing Agreement
Forest Tenure Opportunity Agreement
Mountain Pine Beetle Agreement
Economic and Community Development Agreement
Reconciliation Agreement
Memorandum of Understanding and Cooperation on Environmental Protection, Climate Action, and Energy
Treaties
Local Government Act
Constitution Act
Community Charter

Some governments use websites to convey essential information, making this review an essential component of data collection. Websites may include information not found in publicly available documentation. Table 3.5 outlines the websites reviewed for this research.

Table 3.5. Pertinent Indigenous and dominant government websites reviewed during data collection.

Government	Website
Ktunaxa Nation	ktunaxa.org
Ktunaxa Nation	ktunaxahakqiyit.org
Ktunaxa Nation	bcfndgi.com
Ktunaxa Nation	fnha.ca/about/fnha-overview/directives
Tk'emlúps te Secwépemc	tkemlups.ca/profile/history/our-land/
Shuswap Nation Tribal Council	shuswapnation.org/about/council-of-chiefs/
Northern Shuswap Tribal Council	nstq.ca/northern-shuswap-tribal-council/
Secwépemc	secwepemcstrong.com/secwepemc-governance-4-pillars-overview/
Okanagan Nation Alliance	syilx.org
Penticton Indian Band	pib.ca/?page_id=1728
Provincial Government	engage.gov.bc.ca/columbiarivertreaty/
Provincial Government	www2.gov.bc.ca/gov/content/data/geographic-data-services/land-use
Provincial Government	www2.gov.bc.ca/gov/content/industry/crown-land-water/land-use-planning/modernizing-land-use-planning#mlup_why
Provincial Government	welcomebc.ca/Choose-B-C/Explore-British-Columbia/Understanding-Our-Government
Provincial Government	engage.gov.bc.ca/columbiarivertreaty/the-treaty/
U.S. embassy	ca.usembassy.gov/conclusion-of-the-twelfth-round-of-the-columbia-river-treaty-negotiations/

Websites and documents expressed in Table 3.4 and 3.5 were analysed prior to interviews with Group I and II to facilitate deeper conversation during interviews with pertinent questions being asked. Following the interviews, the documents and websites were re-reviewed to corroborate any information learned during interviews and to identify critical themes.

3.2.3. Reflection

Reflection is a method used to provide the researcher an opportunity to turn their research “back onto... self” and conduct a self-inquiry that promotes a deeper understanding of the topic (Steier, 1995). In Ethical Space, reality is determined through participants experiences, making a reflection of my research critical in obtaining meaningful evidence. Mortari (2015) states, “reflection is a crucial cognitive practice in the research field.” Reflexivity is commonly practiced in qualitative research as a means

of validating research as it requires researchers to not only report the findings of research but explain and question these findings. Guillemin and Gillam (2004) believe that reflexivity provides a tool for ethical research practice, through putting the researcher under scrutiny and acknowledging the ethical dilemmas that could arise from such research.

Throughout the duration of this work, I was mentored by Gwen Bridge. Not only did Gwen engage in conversations surrounding my own research, but I assisted her in the work she was conducting on the ground with various Indigenous communities. Through this relationship, I was provided an opportunity to practice working within Ethical Space. Further, I practiced Ethical Space as my guiding theoretical framework to conduct this thesis. Together, these experiences provided instrumental insights into realizing the mechanics of Ethical Space.

3.3. Analytic Procedures

The aim of my analysis was to theorize how Ethical Space could be adopted in land use planning, through an exploratory application in the Upper Columbia. To achieve this, it was pertinent that I understand current practitioners' methods for implementing Ethical Space and how land is currently managed in the Upper Columbia.

Grounded theory guided the data analysis. I followed Glaser's (1978) methods for data analysis as presented in Heath & Cowley's (2004) comparison of grounded theory analyses (Table 3.6). Grounded theory involves situating and re-situating my work within the results of original data analyses. I took the role of an active researcher, placing importance on reflection as themes were presented within the data. This method of analysis requires researchers to compare data, develop analytic questions early on, and deeply interrogate their findings (Charmaz & Thornberg, 2021).

Table 3.6. Glaser's (1978) grounded theory data analysis as presented by Heath & Cowley (2004).

Stage	Analysis
Initial Coding	<i>Substantive Coding</i> Data Dependent
Intermediate Phase	Continuous with previous phase Comparisons, with focus on data, become more abstract, categories refitted, emerging frameworks
Final Development	<i>Theoretical</i> Refitting and refinement of categories which integrate around emerging core
Theory	Parsimony, scope, and modifiability

Nvivo, a qualitative data software program, assisted in the analysis of my data. Through Nvivo, I coded interview transcriptions and texts into nodes. The nodes, which are defined as a container for references about a topic or opinion, acted as a containment system for the themes that emerged from my data. Within the nodes, I was able to see all text that was categorized into each theme separately. Nodes assisted in data visualization of emergent themes. Nvivo data visualization also supported the recognition of any gaps in data as I was able to visually highlight themes with little coding.

I employed inductive coding, a ground-up approach that derives codes from the available data. This method worked within the parameters of Ethical Space because it does not start with preconceived notions of what the codes should be. Rather, the narrative emerged from the raw data. As Ethical Space is grounded in upholding all information as truth, this method provided an apt way of analyzing my data.

To analyze data from Group I and II semi-structured interviews, I deployed the following procedures. I first listened to each semi-structured interview to ensure text transcribed via Otter was complete and accurate. Data from Group I and II were kept separate as they each contain distinct participants, texts, and information to achieve my research aims. Once the transcription process was complete, I read and re-read each interview, coding any key information that stuck out. To recognize emergent themes or differences in opinions, I coded similar responses from multiple participants into a single node. From the coded information, I grouped my data into a set of general themes. As the collection and analysis of the data was conducted concurrently, themes evolved as I conducted deeper coding and reflective practices. Initial themes for Group I included:

what is Ethical Space, benefits of Ethical Space, challenges of Ethical Space, enacting Ethical Space, and recommendations to implement Ethical Space. Initial themes for Group II included: Indigenous, provincial, regional, and municipal. As I worked through the iterations of coding, I began to look for patterns between the overarching themes. Themes were then categorized into sub-themes and re-coded into their appropriate categories. See below for a step-by-step approach of my interview coding process.

Step	Action
------	--------

- | | |
|----|--|
| 1. | Listened to semi-structured interviews and completed the transcription process |
| 2. | Read entire transcript of semi-structured interviews |
| 3. | Re-read transcripts, highlighting key information |
| 4. | Generated themes based on re-occurring key information on transcripts |
| 5. | Coded transcripts using themes |
| 6. | Coded themes into relevant sub-themes |
| 7. | Reflected on themes and sub-themes as more data was collected |
| 8. | Identified any emergent themes or sub-themes and re-categorized data appropriately |

To analyze Group I and II documents and websites, I first scanned the entire webpage or document to find information related to the key themes initially established in the interview process. As the documents and websites provided supplementary material to my semi-structured interviews, it was important to review the information with these key themes in mind. I categorized the documents based on themes and sub-themes in NVivo and began a deeper scan to identify any gaps in data from semi-structured interviews. As themes and sub-themes emerged, I re-categorized the data appropriately. See below for a step-by-step approach of my document and website analysis coding.

Step Action

1. Reviewed documents and webpages for information related to semi-structure interview themes
2. Further categorized themes into relevant sub-themes
3. Reviewed data in themes and sub-themes, identified any missing information for specific governments
4. Reflected on themes and sub-themes as more data was collected
5. Identified any emergent themes or sub-themes and re-categorized data appropriately

It is important to note that I did not follow this process with government-to-government agreements. These documents were not reviewed in depth. Instead, they were used as a gauge to identify the level of relationships that exist between Indigenous and provincial governments. Government-to-government agreements proved a useful tool to visually highlight these relationships (see Table 5.5).

My data evolved numerous times through the reflective analysis. Table 3.7 highlights Group I initial coding themes and sub-themes. For Group II data, each theme had the same initial sub-themes of: Challenges, Ethical Space, Responsibilities, Goals, Relationships, Engagement, and MLUP.

Table 3.7. Initial themes and sub-themes from Group I data analysis.

Theme	Sub-theme
What is Ethical Space	Respect Building Upon Current Systems Relationship Building
Benefits of Ethical Space	Not Re-Inventing the Wheel Achieve MLUP Objectives Indigenous Law
Challenges of Ethical Space	Understanding the Space Written World Dominant Governments Compartmentalization Funding Right to Land
Enacting Ethical Space	Pre-Engagement Relationship Building Initial Engagement Relational Accountability Reflection
Recommendations to Implement Ethical Space	N/A

With all interviews and texts transcribed and appropriately categorized, the coded information was re-reviewed to further highlight any emergent themes or restructuring of the results that may better convey the data. I repeated this process numerous times, until I had a full picture of the entire data set. In Group I, some of the initial the sub-themes were merged due to overlaps in coding or were removed because other themes adequately captured the relevant data. Table 3.8 highlights the final themes and sub-themes identified for Group I data.

Table 3.8. Final data coding for Group I (Ethical Space practitioners).

Theme	Sub-theme
Ethical Space Definition	Co-Creation
	Building Relationships
	No One Size Fits All
Enacting Ethical Space	Pre-Engagement
	Relationship Building
	Reflexivity
Challenges Adopting Ethical Space	Commitment
	Dominant Government Systems
	Funding
	Indigenous vs. non-Indigenous
	Right to Land
	Understanding the Space
	Written World

The themes of Group II underwent a transformation through the reflexive practice of my data analysis. I realized that I was representing information in a way that perpetuated power imbalances by breaking down each dominant government in their own theme, while failing to do the same with Indigenous governments. Through this recognition, I took time to better understand all governments and identify the most appropriate way to convey data. This proved a valuable reminder of the importance of reflexivity in Ethical Space. I re-categorized data for Group II into three themes: Indigenous governments, dominant governments, and all governments. Data for all governments included their perceptions of the MLUP program and Ethical Space, as well as current challenges they are experiencing with land use planning in the region. Table 3.9 highlights the final themes and sub-themes identified for Group II data. Compilation was the final process of translating my data analysis into written results, which are shown in Chapters 4-7.

Table 3.9. Final data coding for Group II (Upper Columbia governments).

Theme	Sub-theme
Dominant Governments	Management Tools Indigenous Relationships Community Engagement Long-term Vision Current State
Indigenous Governments	Management Tools Indigenous Relationships Community Engagement Long-term Vision Current State
All Governments	Challenges Ethical Space Modernized Land Use Planning (MLUP)

The reliability of my findings was addressed using multiple strategies. The methodological triangulation of multiple data sources determined internal validity in my findings – those data sources being semi-structured interviews, document analysis, and reflection (Hussein, 2009; Yin, 2018). The use of multiple sources of data presents an opportunity to develop converging evidence to form themes and corroborate information (Hussein, 2009; Yin, 2018). This provided greater confidence in the results of my research.

Adopting grounded theory as a methodological approach to my research increased the analytic power of the emergent themes. Grounded theory is rooted in reflexivity and questioning assumptions, making it useful in obtaining prominent themes and critical results throughout research. To ensure the validity of this approach, I adopted Strauss and Corbin's (1998) four general criteria: the adequacy of the research process; the issue of the empirical grounding of the theory; the plausibility of the theory developed; and the quality of the data being collected. Through these criteria, I reflected on my choices and findings to ensure methodological consistency and awareness, a clarity in purpose, self-awareness, and a desire within myself to conduct sound research (Charmaz & Thornberg, 2021).

3.3.1. Limitations

One limitation of this research is that I was unable to interview all governments with jurisdiction in the case study site. I attempted to achieve as high of a representation of various levels of government in numerous locations throughout the Upper Columbia as possible. Sinixt Nation chose not to participate in this work as there were differences in the recognition of territorial jurisdiction and control. I would like to humbly acknowledge this as an opportunity of learning for me and point out the many challenges in territorial acknowledgement as we work towards truth and reconciliation in this country.

Through my research, I learned of the complexities at the Nation and Band governance level. I engaged both Nations and Bands in my research and was able to hear from various perspectives of both. However, some Bands are explicit in identifying their decision-making is distinct and unique from that of the Nation, while others are not. In addition, Bands have varying degrees of decision-making authority associated with land use depending on the Indigenous group in question. Speaking to Bands enabled access to information and knowledge on the ground, which provided a rich understanding of the goals, visions, and challenges associated with this work. I did not speak to every Nation and Band with jurisdiction in the Upper Columbia. As such, I am unable to speak on behalf of all Indigenous governance structures. In my results, I chose to draw conclusions of a broader audience, while recognizing that all Indigenous governments are unique.

The first three chapters of my thesis provided pertinent background, context, and analytical information to frame my research. Chapter 1 outlined my research aim, significance, and purpose. Chapter 2 presented key literature related to my research. Chapter 3 introduced the research methods employed in my thesis. The following four chapters present an analysis of my results in Chapters 4 and 5, followed by a discussion pertaining to my two research aims in Chapters 6 and 7. The thesis ends with a conclusion in Chapter 8.

Chapter 4. Results: Ethical Space

In Chapter 4, I respond to the following research questions:

- What is Ethical Space?
- What are the key requirements to enact and maintain Ethical Space?

In this chapter, I present the findings from Group I interviews and seven Ethical Space-based projects to define Ethical Space and argue for its relevance in land use planning. Building off the literature review, I offer three key requirements (pre-engagement, relational accountability, and reflexivity) to enact and maintain Ethical Space. The three requirements are treated as essential components for entering and maintaining Ethical Space between partners. Finally, I present challenges in adopting an Ethical Space model in land use planning.

4.1. Defining Ethical Space

When asked to define Ethical Space, most interview participants had similar responses that centred around three main themes: using existing systems to co-create something new, building meaningful relationships with all parties, and there being no one size fits all approach to Ethical Space.

4.1.1. Co-Creating New Procedures Using Existing Systems

Ethical Space is founded on the co-creation of a new framework to promote ethical decision-making between all parties. Ethical Space upholds pre-existing laws, policies, and procedures in dominant and Indigenous societies to develop this new decision-making framework. Dr. Reg Crowshoe calls this ‘cross validation’, a process by which different systems (i.e., Indigenous and non-Indigenous) come together to “see if there is any convergence” [Danika Littlechild, Interview Participant]. The space that is formed is not a tangible space [William Nikolakis; Michele Sam, Interview Participants]. Rather, it provides an avenue to explore the convergences that emerge from cross validation.

The goal of Ethical Space is to “create something new” [Gwen Bridge, Interview Participant]. As mentioned by Danika Littlechild, “Ethical Space cannot be created

unilaterally by non-Indigenous people... Indigenous Peoples have to be equal partners from the get-go". Ethical Space does not contain hierarchies for decision-making, rather it promotes multilateral co-creation for engagement to uphold ethical principles (Littlechild & Sutherland, 2021). In Ethical Space, standards and laws are decided collaboratively with all participants. For land use planning, decision-making processes are developed together. William Nikolakis reflected on the social constructions of decision-making stating, "they exist because [society] allows them to exist". Processes can be transformed just as easily through social construction. Ethical Space offers an opportunity to bridge the divide between a variety of social constructions and ways of knowing.

In order to develop a new process, current processes must be halted. For example, Rob Edward outlined the importance of this within the forestry sector. If annual allowable cut is being discussed in a particular area, there must be no cutting until an agreed value is established. If continued cutting occurs, the process is not Ethical Space because it does not embody joint decision-making.

4.1.2. Building Meaningful Relationships with All Parties

Ethical Space is founded on deep relationship building between all parties. Ethical Space is intended to be a trusting and safe space for all. The process of building meaningful relationships means that parties do not come together to fulfil consultation or legal obligations. Interview participants agreed that all parties must be willing and committed to entering this space because they are committed to building meaningful relationships with one another.

An ethical approach must be taken to build meaningful relationships. Ethical Space recognizes the impacts of inequities between not only decision-makers, but the entire community. Building relationships between all who will be affected is a vital component of Ethical Space. Most interview participants and Ethical Space-based projects touched on themes of equity in building lasting relationships.

Ethical Space around land use planning, from an Indigenous lands perspective, I think it's every community member right down to the very, very marginalized, tiniest member of the community, they often have the most powerful song to sing... You cannot be a community without everyone, including the most marginalized... Ethical Space has

the most marginalized at its core [John Chenoweth, Interview Participant].

When Anna Usborne reflected on her work conducting negotiations on behalf of the Metlakatla Nation she mentioned,

There are other folks who need to be recognized who may not be within decision-making processes, who are also peripheralized and... vulnerable groups... for example, gender diverse peoples.

Relationship building within Ethical Space is founded on establishing trust. To create trust, parties must feel a responsibility and commitment to their work, and genuine interest in the community. This relationship promotes an ethical and balanced perspective that forms the basis of Ethical Space's multilateral decision-making structure. When all parties feel respected, they are often more committed to the work. For example, the Nicola Valley Institute of Technology Academic and Community Education Department continues to ask how their work supports the community and use the answers to guide their motivations moving forward. John Chenoweth, Vice President of Academic and Community Education at the Nicola Valley Institute of Technology, said, "when I think about the responsibility we have as a school, especially an Aboriginal school, our Ethical Space lies in – are we having relevance with the communities and the students we serve?"

4.1.3. No One Size Fits All Approach

A key point expressed by all eight interview participants was the notion that Ethical Space will vary depending on who is involved, the topics being discussed, and how the participants choose to establish their relationships and design their process [Michele Sam; Gwen Bridge; Danika Littlechild, Interview Participants]. There is no step-by-step guide or procedure to enact or maintain Ethical Space.

For example, Michele Sam shared Ktunaxa Ethical Space, which has "a fifth space or a six space even" that connects dominant society and Ktunaxa worldviews through "good, bad and indifference" (Figure 4.1). In this model, the inner circle includes the community, family, extended family, and the Nation. This inner circle influences the individual (I) through a Ktunaxa worldview. The outer circle contains the social systems developed through colonialism which can include, welfare, addiction, politics, the environment, education, and more. The social systems are formed through a human

centric approach, which puts people at the center of life and decision-making [Michele Sam, Interview Participant]. This is fundamentally different than Indigenous perspectives, which follow cosmic centric approaches to equally value non-human entities [Michele Sam, Interview Participant]. The two approaches to life are in “inherent intractable conflict”, requiring Ethical Space for coexistence [Michele Sam, Interview Participant].

The space between the inner and outer circles is the Ethical Space. Here it acts as a barrier to protect the individual, community, family, and Nation from the vicious circle perpetuated in social systems that exist in dominant society today. For the Ktunaxa, Ethical Space is created “as a result of interaction of people and place which has long been the focus for assimilation” [Michele Sam, Interview Participant]. By increasing this ‘buffer’, ‘barrier’, or ‘protective’ Ethical Space, the inner circle, the Ktunaxa worldview is kept intact, and cultural continuity is maintained.

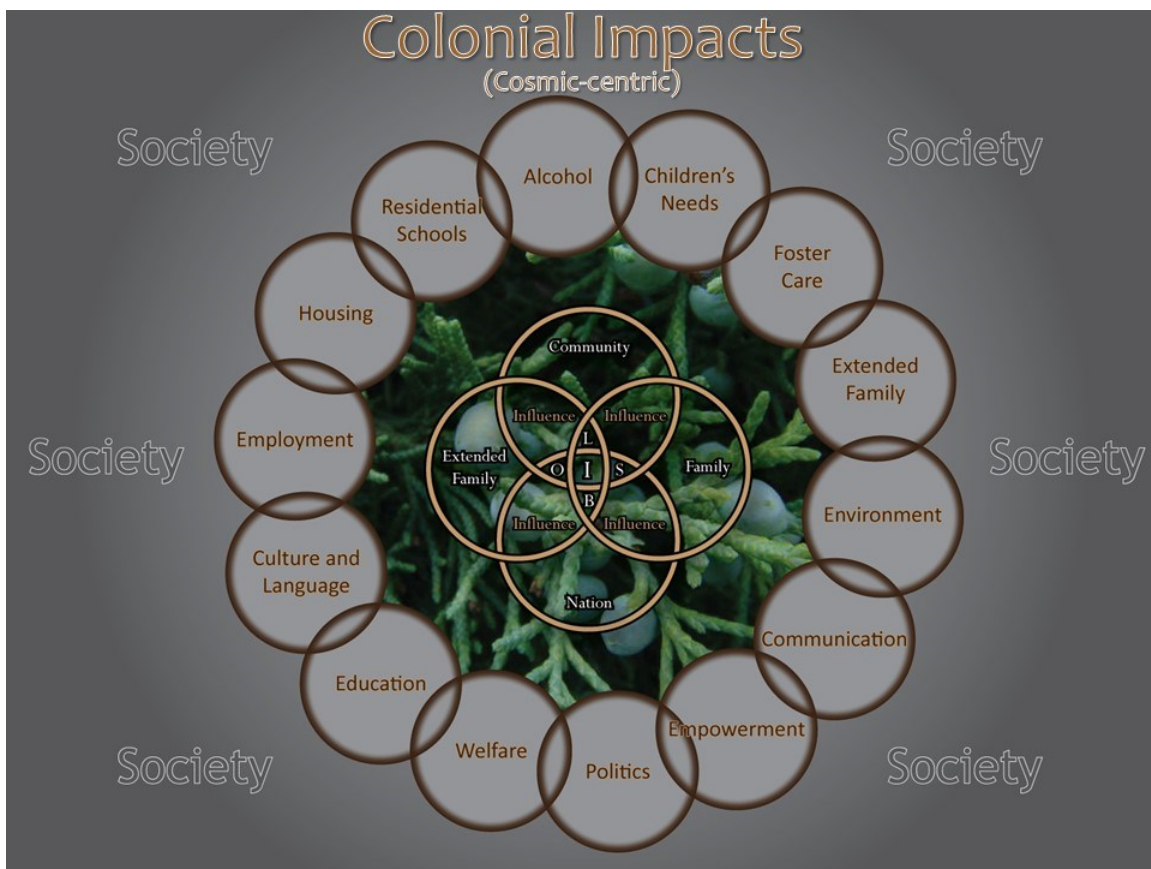


Figure 4.1. Ktunaxa Ethical Space concept as defined by Michele Sam.

Elaine Alec's interpretation of Ethical Space follows her practice of cultivating safe spaces (Figure 4.2). For Elaine, Ethical Space is created once you can fulfil the necessary requirements of understanding yourself, your family, community, and the land. Ethical Space is a personal journey because "it is up to everyone to decide how they want to be in this space" [Elaine Alec, Interview Participant]. The power is not held by one person and patience, discipline, love, and listening must be practiced to generate safe spaces for everyone. The four outside circles of well-being, inclusion, validation, and freedom are promoted when all Ethical Space requirements are fulfilled.

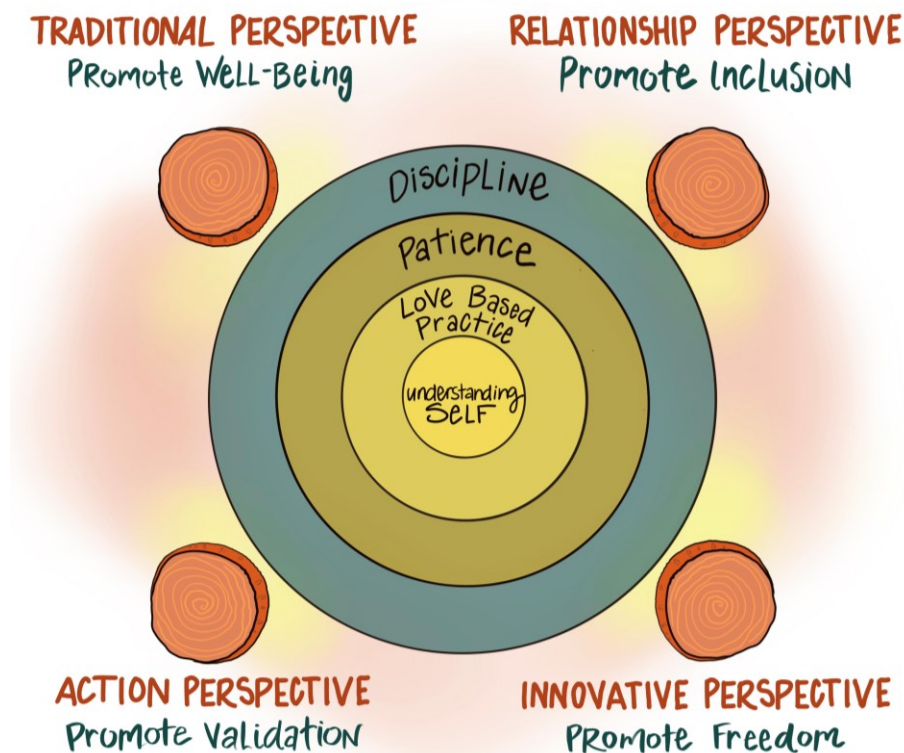


Figure 4.2. Elaine Alec's Ethical Space concept.

4.2. Key Requirements to Enact and Maintain Ethical Space

Three themes emerged from this research as key requirements to enact and maintain Ethical Space: pre-engagement, relational accountability, and reflexivity (Table 4.1). To enter Ethical Space, each competency must be upheld.

Table 4.1. Key requirements to enact and maintain Ethical Space.

Ethical Space Requirements	Qualities
Pre-Engagement	Understand your motivations and vision for the partnership prior to coming to another party.
Relational Accountability	There is a duty to act in good relations with one another through developing and maintaining deep and meaningful relationships.
Reflexivity	Continuous reflection must occur throughout the process. Is there anything that is no longer working? How can processes be updated to better reflected current needs?

4.2.1. Pre-Engagement

Ethical Space requires self-reflection and learning. Participants need to understand the personal ethics, morals, and responsibilities that drive each participant to pursue this process, including their own. The divergence and convergence of each persons' motivations will shape engagement in Ethical Space. Anna Usborne reflected on the importance of pre-engagement, stating,

If you're coming to talk planning... and you're coming to the table to put lines on a map and make rules about how we are using land or resources, you're also going to have to do work within your own community to identify what the priorities are... Very rarely would a community, First Nations or non-First Nations, be able to walk to the table and say, our current needs are this, this and this. Our community [supports this a]nd this is what we want to implement. You got to go do that work... And maybe you've done it 20 years ago, but you have to update it.

John Chenoweth says the core of pre-engagement is asking, "Who are you coming from ...[and] who are you coming to?" For Littlechild and Sutherland (2021), pre-engagement work involves asking the following questions:

- 1) Who are you as both an individual and a representative?
- 2) How will you balance this?
- 3) What are your constraints and freedoms?

Once these questions are answered, participants are better equipped to reflect on why they are engaging in Ethical Space. If the answer is because there is a legal obligation or duty to do so, Ethical Space cannot be achieved. There must be no ulterior motives guiding your interest in entering this space [Rob Edward, Interview Participant].

Participants must be committed to the work because they wish to develop respectful, reciprocal relationships and new processes for working together. Elaine Alec asks her clients why they want to participate in this work at every initial meeting as a gauge to determine if they are equipped to meaningfully engage in this work.

Pre-engagement work not only allows for reflection and an understanding of personal ethics, but it encourages the deep understanding of one another that is fundamental to enact Ethical Space. As Anna Usborne says, “how do you have a deep understanding of one another, if everyone... doesn’t know... about themselves and their goals?” Rob Edward drew upon his deep understanding of Syilx values to highlight the importance of pre-engagement within Ethical Space. He underscored,

I have complete faith in my ceremony. When I look at that and the things that we’re doing is not something that you know we’re making up... But it’s ours it’s already here it’s been here, and we’re just waking it up. And I tell my people that. Don’t get scared of it, because like I said my dad still visits. He’s been gone since ‘83. My other elders that I’ve met throughout the Nation – they visit in my dreams. Because in our story, you know, the creator dreamt about us before we were here... We know who we are. We’re Similkameen. We’re Syilx. We know our territory. We know who resides in our territory and ceremony is... important.

By bringing his values and stories to the table, Rob Edward ensures decision-making respects his values, cultures, and beliefs. Further, these stories provide an opportunity for dominant governments and planners to better understand Syilx motivations and laws. This understanding allows all parties to effectively communicate with one another and understand each other, thus opening the door for ethical engagement [Gwen Bridge, Interview Participant].

The pre-engagement phase is not a quick process. It can take a lot of time, as reiterated by Elaine Alec through her planning work, as well as her work surrounding the Inquiry to the Missing and Murdered Indigenous Women and Girls, “A Path Forward: Priorities and Early Strategies for BC”. Elaine pointed out that the pre-engagement phase also means you must “spend a lot of time on planning and prep and then think about how to move forward.” Planning and preparation include developing an internal strategy for engaging with other governments [Michele Sam, Interview Participant]. In addition, this stage involves mapping out company responsibilities, including social, economic, and environmental responsibilities [Michele Sam, Interview Participant]. This

notion was echoed through many interviews, as well as reviewed projects. For example, both Gwen Bridge and Rob Edward's work negotiating for the South Okanagan—Similkameen National Park Reserve has been a lengthy process, but one that they say is slowly resulting in a jointly developed plan because they have been provided the time to assess their motivations and deeply understand how they want to move forward in this work.

William Nikolakis discussed how land use planning serves as an opportunity to conduct pre-engagement with the community. Land use planning is centred on long term visioning and community building. Most projects require developing a deep understanding of the community needs, thus conducting pre-engagement. The challenge of land use planning is ensuring ethical pre-engagement and community building is upheld throughout the process.

When discussing the pre-engagement phase, Michele Sam spoke about her conflicts in using the word 'settlers', stating,

As soon as people start calling themselves settlers, you have removed yourself from your inherent relationships to place and experience your ancestors had leaving your homelands, your spiritual beliefs, your attachments to place, your ethics... and have dehumanized yourself. So how are we going to have an ethical conversation? If you have removed yourself and dehumanized yourself in our conversation, if you're not coming in with your own ethics.

This conversation reiterated the importance of connecting personally to place. Michele Sam noted the significance of relationship to place and how place influences how individuals behave. Connections to place are of utmost importance for land use planning because decision-making can impact everyone's connection to place. If personal connections are not reflected upon through pre-engagement work, it becomes much more challenging to recognize the questions that are relevant to ask communities about their connections to place.

Michele Sam also noted the value of using pre-engagement as a catalyst for propelling the process. Pre-engagement must focus on why the work is taking place and how goals will be achieved. This phase involves determining how parties want to foster relationships. This includes documents, oral agreements, or ceremonial processes that clearly outline intended relationships and communication requirements should be

developed [Gwen Bridge, Interview Participant]. Pre-engagement work is not intended to be entirely prescriptive, rather it establishes effective dialogue and relationship guidance to further foster respect for one another. The pre-engagement phase encourages operation within each parties' respective systems, a vital component of Ethical Space.

4.2.2. Relational Accountability

Ethical Space is founded on building respectful and lasting relationships. All interview participants and projects reviewed stated the importance of accountability and continued communication to successfully achieve Ethical Space. While reflecting on dialogue and relationship building in Ethical Space, William Nikolakis said,

If you talk with others, if you engage in conversation, ...there's a natural space that's created between you, that allows trust to be built... You're able to understand... their interests, their goals and then perhaps you can start building a shared understanding of the world and each other and start to put into place goals and strategies to achieve those goals in that Ethical Space.

Relationships can be further enhanced by taking time to get to know one another. Ethical Space is not a process that ends when a project finishes. It is ongoing work that requires continuous dialogue and engagement. For Anna Usborne, some of the most meaningful relationships developed when dominant governments visited the Metlakatla community after a project was implemented to understand how they were affected by it on the ground. Visits to community promote trust and highlight that parties are interested in seeing a project through long-term. When asked about the process of relationship building in William Nikolakis' work, he reflected,

[W]e learn from others... we can read all the books we want... but until you've walked a mile in someone else's shoes and really spend time to connect with people, it's very difficult to understand someone else's... worldview perspective, interests, wants for the future. So Ethical Space... forces us not to lose the human dimension... It forces us to think and then look inward by engaging with the other. And then... deconstruct what we think we know, and what we think is right and what we think is the way forward... It allows us to deconstruct those belief systems, and recognize that there's broader set[s] of beliefs and way[s] of thinking about the world... That's the promise that Ethical Space offers is to go beyond just kind of going... we heard First Nations and we recognize that they've got unique interests around wildlife and we're going to put in wildlife corridors and put retentions in for logging. We've heard them and we've acted, so everything's good. It goes beyond that,

to think about the intricacies of why people believe what they do and to rethink how we do things in a very meaningful system substance.

Relational accountability places importance on critically thinking about the human dimension involved in decision-making and assists in dismantling hierarchal structures surrounding land use planning.

4.2.3. Reflexivity

Maintaining reflexivity is the final key requirement to enact and maintain Ethical Space. Reflecting on the process provides an opportunity for parties to check in with one another and determine if there are components that are no longer working or require updating due to societal transformations or a change in values. This is particularly salient when considering land use planning as the landscape can dramatically change in a brief period of time, necessitating the need to update how land is managed. When asked about reflexivity in relation to land use planning, Danika Littlechild said, “I think it's really important to be so diligent in our reflexivity and in how we think through some of these major problems. And when it comes to land, it is really touchy”. This comment was echoed in other interviews. The topic of land can be a traumatic conversation amongst many Indigenous Peoples due to the history of colonization and ongoing oppressive forces in dominant systems. Reflecting on these processes promotes continual dialogue and provides an opportunity for all parties to check in with one another.

Elaine Alec offered a simple question for reflecting on partners feelings throughout Ethical Space work: “Does this feel good or bad?” If the work does not sit well with some members, changes must be made. Checking in with one another allows all parties to feel understood throughout the process and provides an opportunity to adapt as values change over time. Ethical Space is a long journey, and it is likely that changes will occur. Anna Usborne echoed this sentiment in our interview. She mentioned,

If you're developing... a formal agreement about how you're going to work together, I think there always needs to be some piece in there that recognizes... it will likely need to be revisited and tweaked in some way. Changes are almost inevitably needed. And your relationship with the people you're working across the table with changes all the time too as you get to know each other.

Further, many interview participants mentioned the importance of reflection being used as a means to provide balance to projects. John Chenoweth underscored,

We must do better all the time. And I think, by us looking at our own belly buttons all the time, around Ethical Space, and our ethics and our reason for being does keep us honest and keep us on a trajectory toward bringing balance to all the people who work here.

Reflexivity opens an opportunity for conflict resolution. Through introspection within Ethical Space, parties engage in a safe space to further “deconstruct hierarchies and power asymmetry” without feeling intimidated or coerced to make decisions [William Nikolakis, Interview Participant]. In reflection, it is important to continue engaging one another, even if the work becomes challenging. Conflict is inevitable when discussing power imbalances and decision-making processes that affect land use. Reflection in Ethical Space offers an opportunity to respectfully engage with complex feelings and emotions that may arise.

4.3. Challenges of Ethical Space

Ethical Space can be a challenging process. Almost all interview participants indicated that Ethical Space is not easy, comfortable, or even the right framework for certain projects. The following section highlights the main challenges expressed by participants and discovered through the review of projects.

...there could be conflict in this space. It doesn't always have to be a feel-good space... Even if everybody tries it, there's a possibility that it doesn't work. And that's alright, because it's only one approach [Danika Littlechild, Interview participant].

4.3.1. Tendency to Compartmentalize Indigenous vs. Non-Indigenous

Within coexistence frameworks, there is a tendency to compartmentalize Indigenous and non-Indigenous people as existing in separate worlds, with only two ways to exist within said worlds [Michele Sam, Interview Participant]. Having one single process to account for all relationships, cultures, and objectives for various land use planning projects can lead to inequitable results [Gwen Bridge, Interview Participant]. Ethical Space presents an opportunity to address the compartmentalization of Indigenous and non-Indigenous governments in land use planning. In Ethical Space, every individual is encouraged to

share their beliefs and motivations. Incorporating all voices is fundamental to enacting Ethical Space.

Individuals, organizations, and governments have different influences that direct their behaviours, beliefs, and motivations. Many Indigenous Peoples work for dominant governments and organizations, or have dominant worldviews, and vice versa. It can be challenging to incorporate this fluidity; however, it is incredibly important. Danika Littlechild commented on the challenges in compartmentalizing Indigenous and non-Indigenous Peoples. She said,

it's... a danger of Ethical Space to be too much in a binary mode, to think of it as Indigenous [and] non-Indigenous, because, in fact, lots of Indigenous Peoples' work in planning, maybe they work in governments, they work in private sector.

The Nicola Valley Institute of Technology (NVIT) provides a valuable example of the fluidity within our society today. As a provincially funded, Indigenous post-secondary school, the NVIT has obligations to both Indigenous and dominant systems. NVIT made the decision to become a public institution in 1995 [John Chenoweth, Interview Participant]. They are one of two schools in Canada that are “publicly funded, but Indigenous controlled”, with an “Indigenous serving mandate” [John Chenoweth, Interview Participant]. NVIT teaches Indigenous and dominant worldviews to all students. Their work is not without challenge. Complications arise when making cases for funding Indigenous-based education tools, such as “cedar root basket technology” [John Chenoweth, Interview Participant]. As a practitioner of Ethical Space, John Chenoweth has worked hard to bridge this gap and teach BC the importance of supplying funding for this technology, alongside that of dominant technology, such as geographic information system mapping [John Chenoweth, Interview Participant]. NVIT is committed to upholding Ethical Space principles of coexistence through providing learning opportunities from all worldviews. As said by Sue Sterling-Bur, Assistant Vice President of Students and Registrar, “we teach... students to navigate the academic world by having a textbook in one hand and a hand drum in the other. This ensures they learn the western societal ways, but also the Indigenous ways of knowing, being, and doing” (Sterling-Bur, 2022).

Compartmentalization promotes pan-Indigeneity. All Nations are unique in their priorities, cultures, and ways of managing land and natural resources. Ethical Space

encourages this uniqueness. However, land use planning tends to work using check lists and procedures. It is necessary to uphold the heterogeneity of all Indigenous governments and communities when enacting Ethical Space. This will mean having no set process in how engagement is conducted. Anna Osborne points out,

[D]epending on your scale... you're going to be working with multiple First Nations, not just one, and... I'll bet the Nations' priorities are actually different... [Y]ou are not working with a homogenous First Nations body, you're working with [multiple] ... First Nations for an area and everybody's got... competing priorities with each other... [S]o you have to figure out how to engage with them [at a] government to government level... Not just between two governments, but you know, eight governments, if you count federal and provincial governments who are going to have some level of jurisdiction in whatever area you pick so you know, government to government is kind of a misnomer.

Indigenous Peoples are place-based, with unique interests, cultures, and values. Previous dominant government procedures for engagement have treated all Indigenous Peoples as a homogenous group. When discussing the tendency to pan-Indigenize, Michele Sam recalled,

When I have two people coming in with two eyed seeing like, this is the model... [T]hat's a mi'kmaq model for a mi'kmaq question and a mi'kmaq problem. And that is a mi'kmaq answer. I'm not mi'kmaq. I appreciate that... it can help your people. We're trying to figure out how to answer it for our people, which is contextual and every time we get other people's models... we have to unpack it at the expense of our language and culture.

For Ethical Space to function, planners must recognize all Nations laws and guiding principles for decision-making have authority and equal weight. Planners must also recognize that all cultures and laws exist together, in one world.

4.3.2. Dangers in the Written World

The current dominant system operates almost entirely in the written world. Planning policy, legislation, bylaws, and land use plans guide the processes by which planners and decision-makers operate. These documents are entrenched in a system that was founded on Indigenous oppression and dispossession. They do not value the oral cultures and histories that Indigenous Peoples often use to guide their decisions and ways of life. There are many problems associated with the written world to be aware of. Danika Littlechild reflects,

It's not something that you can say... do your land planning and use Ethical Space throughout it. Here's your template and checkbox. Ethical Space is really not at all about unilateralism. Like, it's not about one party... setting an agenda and saying... comply with this so we can proceed ethically. You can hear the conflict there between these concepts already... But that is in fact, what a lot of people do. A lot of people go to Indigenous Peoples with a pre-existing agenda and say, please come and comply with this and we can say that we fulfilled all of our obligations, legal and ethical. And I think it requires parties, especially governments, and in the context of land use planning, I would imagine municipalities, private actors, all kinds of folks would have to agree to give appropriate space to Indigenous systems. And this potentially could be a huge challenge because you're asking people to take ceremonies seriously. You're asking people to take Indigenous systems seriously and to treat Indigenous Peoples as experts of that land... If you're already seeing... missives that don't make space for Indigenous knowledge, then that's a big red flag for me right away... Can you say that you've engaged in an Ethical Space? I don't think so.

William Nikolakis adds to this point by mentioning the challenges with written, bureaucratic processes in the dominant world. He talks about how meeting minutes, agendas, and other written documents commonly used in negotiations do not create space for relationship building or story sharing. Using rigid processes maintains power imbalances which favour the dominant voice and do not fit with “Indigenous perspectives and worldviews” [William Nikolakis, Interview Participant].

To exist within a space where Indigenous Peoples are treated as experts on the land, oral Indigenous law must be upheld to the same decision-making authority as written dominant law. When discussing this, Elaine Alec said, “can you do work with someone without asking or validating why? You need to be ok with not receiving proof.” She further added, “Anytime we uphold written law and science as authority to make decisions on the land, but only include Indigenous input where we see fit – right there it is not upholding UNDRIP, it is tokenizing Indigenous Peoples.”

Elaine Alec’s conversation highlights the importance of upholding both laws and the dangers that can come from existing solely within the written world. Ethical Space is grounded in relationship building and dialogue to promote oral learnings and law. Expert knowledge must be upheld within Ethical Space as well. For many Indigenous knowledge holders, training comes from oral teachings and learnings from the land. Rob Edward often reflects on his learnings from the land and his ancestors. These stories help guide his negotiations of the South Okanagan Similkameen National Park Reserve. Some negotiations surround wildlife and population dynamics within the area. He spoke

about using story as a guide for hunting and how being mindful throughout the seasons helped his community recognize population counts of deer and other animals [Rob Edward, Interview Participant].

Negotiations are generally conducted in English as it is a universal language. However, many Indigenous languages have deep meaning attached to words and phrases that are not captured in English. Indigenous values and concepts can become lost during translation. Multiple interview participants reflected on this as a barrier. They spoke about the need to incorporate all languages into any written documents. Gwen Bridge spoke about the humour and life of Cree language. After reflecting on her personal experience, she said,

It's imperative that understanding being drawn for it and it be drawn forward in a way which reflects the Indigenous values, principles, concepts, [and] language as much as possible, even though... discussion... [is] usually conducted in English because people don't know... Cree... So, there's compromises in that they're written down.

Another challenge of the written world involves the ways in which previous legislation and policy has influenced oppressive decision-making. For example, Danika Littlechild says,

you can't ask Ethical Space framework to implement Indigenous rights. That's not the purpose of the framework... this is an approach that can be transformative in places where it's really needed, but it's not going to solve all problems, and it's not going to magically make governments implement rights of Indigenous Peoples.

Ethical Space is intangible. It is “translucent” or “ethereal”, making it challenging for some to conceptualize [Michele Sam, Interview Participant]. Planners may struggle to understand Ethical Space because they cannot see a physical space or read physical documents that outline these conversations [William Nikolakis, Interview Participant]. There is an “ontological divide between people [making decisions] and how they learn and understand the world” [William Nikolakis, Interview Participant]. Ethical Space must be created from the beginning in a way that recognizes its intangible nature. Doing so can be incredibly challenging within dominant worlds. As seen in previous sections, planners often follow strict guidelines to implement tangible actions. This is not the case when operating within Ethical Space.

Planners must be willing to address the challenges of bridging oral, written, and other forms of expression to adopt Ethical Space in land use planning. This challenge presents itself during many stages of Ethical Space. When developing guiding documents for project frameworks, to initial relationship building efforts. Respecting one another's ways of working is a fundamental aspect of Ethical Space.

4.3.3. Dominant Government Systems

"The problem isn't the plan or the people, it's the system" [Elaine Alec, Interview Participant].

It can be hard to enter Ethical Space if dominant governments are not willing to step outside of their comfort zones. Power imbalances will perpetuate if existing policy and legislation remain unchanged. Wanting to reconcile the past and meaningfully doing so are vastly different. Decisions must be made together, and engagement cannot occur because of the need for consultation. Ethical Space is not a unilateral process, it is co-created. Negotiations must include meaningful actions that will be taken to address the issue at hand. This may not fit within dominant government cycles. When speaking on this topic Gwen Bridge mentioned it was the biggest challenge in bringing Ethical Space from theory to practice. She said,

What I see sort of provincially, federally, organizationally from those people is the systemic impediments on that side to change to reflect this new understanding. So, it's not even getting them to have a new understanding of who Similkameen or whomever are. That is a challenge for sure, but it's been rectified by the work that... communities are doing on... reclaiming our sovereignty... [P]eople can wrap their heads around that. If you do take the time to explain and share and fulfil your obligations to the colonial immigrants. But then the challenge is...what... the western side... [does] with that information because the structures of power are not only disempowering to Indigenous people but disempowering to those individuals who are participating in that system to make any kind of change. So, what changed their means is changes in legislation, changes in policy. You know, fundamentally, for me it would be changing in all the distribution of authority through human entities. People are really challenged when they try to position themselves in a way, even once they have this understanding to make those changes.

The MLUP program has been in development since 2018, but at the time of writing there is still no finalized action plan or implementation strategy. Some interview participants mentioned concerns with what remains unknown. They compared it to the

LRMP process, stating that MLUP seems like another lengthy and time-consuming process, with little enforceability. LRMPs and their associated inputs (e.g., Indigenous Land Use Plans) are outdated and no longer provide accurate representations of the current landscape [Anna Usborne, Interview Participant]. The outcomes and next steps taken as a result of LRMPs and associated processes are still used today (e.g., Reconciliation Protocols, establishment of conservancies and associated Co-Management Agreements) [Anna Usborne, Interview Participant]. MLUP must become a living process, with commitment to updates as changes affect the landscape and society. Further, there was concern over the process being designed by BC, and uncertainty if it included meaningful engagement. If Indigenous Peoples are not engaged at the beginning, it cannot be Ethical Space.

Dominant governments deeply entrenched hierarchal systems offer challenges to creating change. To make a system change, as is required of Ethical Space, you “also need the support of a whole chain above them” [Anna Usborne, Interview Participant], and not just lower-level staff. Interview participants reflected on upper-level staff and managers in dominant governments limited time availability and varied priorities [William Nikolakis; Anna Usborne; Gwen Bridge, Interview Participants]. Their priorities are based on political will [Anna Usborne, Interview Participant]. In addition, when constituents are interested in a project, there is more incentive to support it. MLUP may suffer from limited time and public interest.

However, the projects reviewed show some positive steps to governments working together. For example, The Bringing Home the Salmon Initiative: Columbia River Salmon Reintroduction is an “Indigenous-led collaboration of the Syilx Okanagan Nation, Ktunaxa Nation, Secwépemc Nation, Canada and British Columbia” (Bringing the Salmon Home Initiative: The Columbia River Salmon Reintroduction, 2021). Governments are jointly developing innovative ways to address the specific issue of bringing salmon back to the Columbia River. This partnership draws upon Indigenous knowledge and dominant science to develop strategies to reach their goal (Bringing the Salmon Home Initiative: The Columbia River Salmon Reintroduction, 2021). Shared principles guide all parties in collective, Ethical Space-based decision-making (Bringing the Salmon Home Initiative: The Columbia River Salmon Reintroduction, 2021).

4.3.4. Commitment

Ethical Space can be challenging because it does not have a finish line (Littlechild & Sutherland, 2021). As mentioned by Gwen Bridge, “this is life work” and those who wish to enter Ethical Space must be committed to continual engagement. Once this commitment is lost, Ethical Space is as well. Relationships within Ethical Space are constantly changing and growing over time, in practicing reflexivity, commitment can remain meaningful and lasting.

Not only does Ethical Space require long term commitment, but it also requires commitment from the right people. Willing participants that have the capacity to enact change are critical for Ethical Space [Anna Usborne; Danika Littlechild, Interview Participants]. Many Ethical Space practitioners reflected on the importance of having the right people in the room. This includes those in policy roles, with an understanding of negotiations who can assist in the implementation of the work, something that is often overlooked. William Nikolakis said, “if you don’t have the change makers involved in the process for change, then you’re not going to get change”. William Nikolakis’ studied participatory backcasting, a tool used to enhance dialogue and develop shared visions between Indigenous and non-Indigenous participants. Nikolakis found that involving change makers in the planning process propelled the actions required to “create a reconciled future” (Nikolakis, 2020).

In a discussion about commitment, Danika Littlechild reflected on the Ethical Space workshops she has been involved in. She spoke about the importance of having willing participants show up every time. Danika said,

Ethical Space is not something that you can enact in a couple of weekends... [It won’t] work if you have people who don’t want to participate in Ethical Space, which sometimes happens with governments... You can’t say that you’ve enacted Ethical Space if you’ve had unwilling participants who don’t want to talk... [or] engage. I’ve been in Ethical Space workshops... where we’ve had unwilling government partners, people who don’t feel that they can contribute because of their job descriptions or what they feel the constraints are of their positions within their governments. If people are not willing to engage, if they go silent, if they shut down, then you have to admit that you have exited Ethical Space.

Having committed participants can be a challenge because Ethical Space may “deconstruct or de-legitimate” the positions of people in power [William Nikolakis, Interview Participant]. William Nikolakis asked,

How do you bring people in, that can make change, recognizing that the changes may... not be positive for them? That's a conceptual challenge... that one needs to confront. But you do need those people involved, too, to make those changes.

4.3.5. Funding and Capacity Building

Indigenous governments have limited capacities. Dominant government systems add to these limitations by increasing workload through consultation and protracted litigation, generally without the provision of funding, or time to conduct this work. Participants must determine if there is a real opportunity for change and advancement that will positively impact the Nation(s) to participate in the pre-engagement phase. Dominant governments must be able to commit funding for Indigenous governments to engage.

When discussing funding and staff capacity, Michele Sam spoke about how colonization removed intellectual interpreters from many Indigenous communities. Intellectual interpreters within Indigenous culture understand Indigenous protocol and ethics [Michele Sam, Interview Participant]. Indigenous communities do not have research infrastructure to guide their ethics or develop protocols for practicing within new research concepts, such as Ethical Space [Michele Sam, Interview Participant]. This capacity challenge was mentioned among multiple Ethical Space practitioner representatives [Gwen Bridge; Rob Edward; Michele Sam, Interview Participants]. To combat this challenge, Michele Sam argues, “we need more of our people to recognize [the work of Ethical Space]. It is not just a simple walking in two worlds. We need the intellectual interpretation; we need the intellectual investment to re-emerge our thinking systems”.

William Nikolakis discussed the pressure of making “decisions for the collective”, without funding and staff capacity to complete the necessary work of community engagement [William Nikolakis, Interview Participant]. Planners making decisions for a community need to feel confident in what they know about the community. Making decisions without this knowledge “puts a lot of undue pressure on people personally and takes a physical toll on them” [William Nikolakis, Interview Participant].

Funding and capacity limitations are major barriers to enacting Ethical Space. These limitations present themselves in multiple ways. For example, a key requirement of enacting Ethical Space is a deep understanding of all participants and community members affected by a project. Without completing pre-engagement and relationship building requirements, there is no foundation to enact Ethical Space. Further, Ethical Space is a continuous process, as mentioned in Section 5.3.4. If funding and staff capacity is limited, it can be challenging to continue the reflective work necessary for maintaining Ethical Space. Key considerations must be made to ensure adequate funding and staff capacity prior to entering Ethical Space.

4.3.6. Land Rights and Associated Complexities

Ethical Space from a land use planning context is particularly complex. Concerns surrounding laws, the implications of land rights, and “concepts of consent, which... snowball into consultation” may emerge [Danika Littlechild, Interview Participant]. Ethical Space cannot be part of the consultation and accommodation process [Danika Littlechild; William Nikolakis; Michele Sam, Interview Participants]. There is no way to build relationships and offer two-way learning through existing online consultation spaces. Dominant governments retain power by requesting comment on a project without first asking to discuss the project together [William Nikolakis, Interview Participant].

Many Indigenous governments are reluctant to engage with dominant governments because of the historical trauma associated with dispossession, and other colonial negotiations surrounding land, such as Treaties and the *Indian Act* [Michele Sam, Interview Participant]. Signing agreements could lead to the loss of land rights. Conducting land use planning within Ethical Space may make Indigenous governments “feel quite vulnerable” because “something they say could be used against them by the non-Indigenous peoples who are coming in... with ulterior motives...” [Danika Littlechild, Interview Participant]. For example, Rob Edward reflected on his involvement in developing Memorandums of Understanding (MOU). Rob said,

...we can't give up our sovereignty on an MOU. [Dominant governments] are not going to acknowledge anybody's sovereignty because it's not law abiding... You know in there it says we can't be disrupting [different] activities. Everything is legal to us. Everything is political to us. Because everything [dominant governments] do is to assimilate us. So that's why

we're so strong and we're so diligent about not signing stuff that doesn't include our sovereign right because to us it's a sovereign right, for them it's a privilege... [W]hen I look at MOU's... it is a contract, [but] what do you want from our land? What are you going to pay for that land?

Land use planning decisions can lead to major changes in how land is managed, and conflict quickly arises when discussing who has the right to be part of decision-making. Danika Littlechild reflected on the land related projects she engaged in, saying “they’ve only worked where there has been certainty around land tenure amongst all the parties”. Dominant governments overlapping jurisdiction increases engagement requirements for Indigenous governments. Understanding overlapping jurisdictions is challenging and requires capacity, something many Indigenous governments do not have. Further, Indigenous territories have been defined on maps as part of colonization, to aid in consultation requirements for dominant governments. These boundaries often do not capture the true territory. Requiring Indigenous governments to prove their territory has led to developmental trauma that opposes most Indigenous cultural beliefs [Michele Sam, Interview Participant]. “For us to have to prove we were here is in complete opposition to our worldview and our covenant... which is leave no trace” [Michele Sam, Interview Participant]. “In doing so, it is creating the context for strategic regional competition” among Indigenous governments [Michele Sam, Interview Participant].

Dominant governments conduct negotiations with Indigenous Peoples through a colonial lens. It is a “continued compromise” to draw boundaries that enable dominant governments to understand Indigenous histories [Gwen Bridge, Interview Participant]. Ethical Space means Indigenous governments have land rights over the territory that they claim outside of previously defined boundaries. The biggest “systemic impediment” for dominant governments will be “to reflect this new understanding” [Gwen Bridge, Interview Participant]. Capacity is required from dominant governments to incorporate this understanding into their systems. Capacity is also required from Indigenous governments to take the time “to explain and share” protocols to dominant governments [Gwen Bridge, Interview Participant]. The challenge here becomes changing legislation, policy, and systems to reflect this change [Elaine Alec; Gwen Bridge; Danika Littlechild; Rob Edward; Anna Usborne; William Nikolakis, Interview Participants]. This requires changing the distribution of authority and the system of current land use planning. It can be incredibly challenging to create such a major change.

Land use planning involves decision-making that affects all residents in an area. Changing how BC defines land rights and title may be challenging for the public to grapple with. Many Ethical Space practitioner representatives spoke about the need to educate the people of BC alongside these changes. John Chenoweth spoke about the fear among BC residents through acknowledging unceded territories of BC. If it is unceded, “what does that mean? Who owns it then? ... How would it work?” [John Chenoweth, Interview Participant]. There are worries that dominant governments, BC residents, and current tenure holders may have to change how they operate on the land. “You can’t mine it, you can’t log it, you can’t build on it without First Nations consultation or approval” [John Chenoweth, Interview Participant]. Ethical Space will ultimately impact others and care must be taken to adequately inform the public.

In addition, Indigenous and non-Indigenous governments often consider the land in fundamentally opposing ways. William Nikolakis’ work developing a water rights allocation framework for Indigenous communities in North Australia reinforced this idea (Nikolakis & Grafton, 2014). For dominant governments he found that “water [wa]s for productive uses [and] ... people... [W]ater that goes to other places is unproductive. Whereas [for] Indigenous People’s, water is ceremony. Water is its own spiritual life form.”

Chapter 5. Results: Upper Columbia Region

In Chapter 5, I respond to the following research questions:

- How is the Upper Columbia governed and planned?
- What relationships exist among/across Upper Columbia governments?
- What are Upper Columbia governments long-term goals for the region?

This chapter presents an overview of current land use decision-making structures within the Upper Columbia region of BC. I present a summary of group II's interviews and pertinent publicly available documents and webpages. In Section 5.1.1 and 5.1.2, I present the governance landscape of the Upper Columbia. These results were a requirement of the necessary pre-engagement work for enacting Ethical Space. In addition, in planning it is imperative to understand governance arrangements to recognize how land use planning decisions are made (Porter & Barry, 2016). Planners use governance structures to determine next steps for community engagement, possible avenues for making changes, and appropriate contacts to develop working relationships with. In developing a full picture of governance in the Upper Columbia, I reflected on opportunities for planners and decision-makers to enact Ethical Space. These results frame the recommendations for enacting and maintaining Ethical Space as outlined in Chapter 6.

Through an identification of intergovernmental relationships, management tools, and community engagement, I locate emerging themes for Upper Columbia land use planning in the context of Ethical Space. Finally, I define Indigenous and dominant governments' long-term goals for the Upper Columbia, highlighting commonalities and differences that may present themselves in future land use planning negotiations. This thesis finds that not all governments are equipped to enact Ethical Space in their current state. Regional and municipal governments have limited relationships with Indigenous governments, working together primarily on an 'as required or mandated' basis. These findings offer an entry point for Ethical Space-based land use planning within the Upper Columbia.

5.1. Indigenous Governance

As iterated earlier in this thesis, all Indigenous governments are unique, with complex mechanisms that guide decision-making. This section describes the high-level organizational structures of Indigenous governments within the Upper Columbia. In the spirit of not taking a pan-Indigenous approach, I sought to engage with all Nations with territory in the Upper Columbia. I spoke with three of the four Nations. As I was unable to speak to members of all Communities within the four Nations, I have chosen not to provide specifics on their individual means of decision-making. Instead, I provide an overview of how Communities and Nations work together to make decisions. I recognize that the information provided by interview participants was not on behalf of their Nation or Community. Each participant spoke only from and about their personal and professional experiences. Their words offer an entry point to better understand Indigenous government operations of the Nations and Communities they work for. Readers must understand this context and acknowledge the shortcomings associated with speaking to a limited number of staff.

5.1.1. Current Landscape of Governance

Indigenous governments consist of Nations and Bands. Nations encompass multiple communities with the same cultural ties. They speak to the provincial government on behalf of all communities. Although Communities make up Nations, there is no hierarchy to their decision-making. Communities and Nations act together to make collective decisions. As mentioned by Cailyn Glasser, “title is held at the Nation level, [but] we’re a collective”. Multiple Indigenous government representatives believe if we do not have strong Communities or Bands, we cannot have a strong Nation [Naya Duteau; Shuswap Nation Tribal Council Representative, Interview Participants]. Bands were created to control and dispossess Indigenous populations [Shuswap Nation Tribal Council Representative, Interview Participant]. They were defined as part of the *Indian Act* in 1876 as a “body of Indians”:

- a) for whose use and benefit in common, lands, the legal title to which is vested in Her Majesty, have been set apart before, on or after September 4, 1951,
- b) for whose use and benefit in common, moneys are held by Her Majesty, or

- c) declared by the Governor in Council to be a band for the purposes of this Act (The Indian Act, 1951).

Bands are defined as Communities or Campfires in many Nations [Shuswap Nation Tribal Council Representative, Interview Participant].¹⁰ Communities were forced to relocate to what BC labelled as “reserves” during colonization. The reserve system determined Community boundaries and many Communities with territory in the Upper Columbia no longer reside there (Ktunaxa Nation, 2021b).

Four Nations have territory within the Upper Columbia: Ktunaxa, Secwépemc, Syilx, and Sinixt. Each Nation is comprised of different Communities, with a variety of ties to the Upper Columbia. Communities within Nations each have different sets of needs and they manage their own affairs, including infrastructure development, social services, and education [Naya Duteau, Interview Participant]. Communities are required to provide financial reports annually to the federal government to remain a status government.

The Ktunaxa Nation contains four Bands. These Bands are: ʔakisq̓nuk First Nation, Yaq̓it ʔa·knuq̓iʔit – Tobacco Plains Indian Band, ʔaq̓am – St. Mary’s, and Yaq̓an Nuʔkiy – Lower Kootenay Band (Ktunaxa Nation, 2022b). “Ktunaxa leadership is a hybrid, that engages Band leadership with a generalized leadership through the Ktunaxa Nation Council” [Christopher Horsethief, Email Communication]. The Ktunaxa/Kinbasket Tribal Council (KKTC) was the predecessor of KNC, serving “both Ktunaxa and Kinbasket communities in the capacity of an *Indian Act* Tribal Council” (Carleton University Centre for Community Innovation, 2005). As part of ongoing nation rebuilding and Treaty negotiations, the Ktunaxa have returned to a governance model that reflects the principle of individual, family, and community accountability to the Nation, along with balancing pre-determined responsibilities (Carleton University Centre for Community Innovation, 2005). The Ktunaxa Nation Council is governed by an Executive Council, comprised of five Sector Council Chairs and the Chiefs from each four Bands (Ktunaxa Nation, 2022a). The sectors are: Economic Investment, Education & Employment, Lands & Resources, Social Investment and Traditional Knowledge & Language (Ktunaxa Nation, 2022a). Together, these members “integrate community-based decision-making

¹⁰ Unless specifically preferred by Indigenous governments, I have chosen to use the word Communities as opposed to Bands for the remainder of my thesis.

and organizational communication” in their work [Christopher Horsethief, Email Communication] (First Nations Health Authority, 2022).

The Ktunaxa are currently in stage five Treaty negotiations with the province (Government of British Columbia, 2022c). The negotiations are expected to change current decision-making models in their territory. Their “goal moving forward is Ktunaxa community-based, Ktunaxa driven outcomes” [Christopher Horsethief, Email Communication] (British Columbia First Nations’ Data Governance Initiative, 2015). “These include issues of fiscal and fiduciary identity, membership/status decisions, land-based initiatives, band sovereignty/Nation sovereignty issues, [and] cultural and linguistic distinction, [among others]” [Christopher Horsethief, Email Communication]. Some Ktunaxa assert the Band system has outgrown its original colonial purposing [Christopher Horsethief, Email Communication]. “Bands were originally arranged around our historical communities, and [Ktunaxa has] adapted the original *Indian Act* Band structures to be more capable, self-directed, better informed by [Ktunaxa] culture and more responsive to local issues” [Christopher Horsethief, Email Communication]. The Ktunaxa “have spent the last three decades adapting away from federal and provincial expectations (deeply rooted in the original *Indian Act* Band structure), to a formal contemporary governance structure capable of calibrating our activities to our specific needs” [Christopher Horsethief, Email Communication]. Ktunaxa’s contemporary governance structure portray their evolution, resilience, and revitalization of their culture and communities [Christopher Horsethief, Email Communication] (Horsethief, 2021).

The Secwépemc Nation is comprised of 17 Communities and three dialects, although this number is contentious and dynamic (Tk’emlúps te Secwépemc, 2022). Historically, the Secwépemc was a self-governing Nation with 32 separate and independent Communities with four dialects (Tk’emlúps te Secwépemc, 2022). After the smallpox epidemic of 1862, populations dwindled, and Communities were desecrated or forced to join one another to ensure survival (Tk’emlúps te Secwépemc, 2022). Today, the remaining 17 Communities are either part of two Tribal Councils or remain unaffiliated. The Shuswap Nation Tribal Council is composed of nine Communities: Adams Lake Indian Band, Tk’emlúps Indian Band, Shuswap Indian Band, Neskonlith Indian Band, Skeetchestn Indian Band, Splatśín First Nation, Bonaparte Indian Band, Whispering Pines/Clinton Indian Band, and Simpcw First Nation (Shuswap Nation Tribal Council, 2022). The Northern Shuswap Tribal Council is made up of four Communities:

Canim Lake Band, Xatśúll First Nation, Williams Lake First Nation, and Stswēcermc/Xget'tem First Nation (Northern Shuswap Tribal Council, 2022). The Communities unaffiliated with a Tribal Council are: Esk'etemc First Nation, Ts'kw'aylaxw First Nation, High Bar First Nation, and Little Shuswap Lake Band.

The Shuswap Nation Tribal Council is “responsible for directing the political and administrative goal of the Tribal Council, for overall planning and policy setting and, in particular, for the financial management of the fiscal resources and assets of the Tribal Council for the benefit of all member communities” (Shuswap Nation Tribal Council, 2022). The Council includes one Chief from each Community who are responsible for communicating any business back to their Community (Shuswap Nation Tribal Council, 2022). The Northern Shuswap Tribal Council similarly provides advisory series to its four member Communities, and works collaboratively with Communities on areas of common concern including natural resources and Treaty negotiations (Northern Shuswap Tribal Council, 2022). The Council is “governed by a Board of Directors, that is comprised of the elected Kúkwpi7's (Chiefs) of the four member bands” (Northern Shuswap Tribal Council, 2022).

Throughout the Secwépemc Nation, Communities employ several types of electoral governance models as approved by their membership, leadership is not through hereditary chief systems [Secwépemc Nation Email Response]. The Northern Shuswap Tribal Council is currently in Stage five Treaty negotiations with the province (BC Treaty Commission, 2022b). ¹¹ No other Treaty negotiations are known at this time. “The four pillars of Secwépemc society, as identified by Secwépemc members from across Secwépemcúlcw, are: Secwépemc Laws and Jurisdiction; Secwépemctsin (Language); Tmicw (Land and Territory); and Letwíl (Healing). Just as the four pillars of a pit-house provide structure and stability to the home, these pillars provide structure and stability to the Secwépemc (Secwépemc, 2022). A fifth priority area, Aboriginal Title and Rights, is seen as the overarching roof and its many beams and structures which connect to form the protective house which safeguards the people within” (Secwépemc, 2022).

¹¹ Stage five of the Treaty negotiation process is the stage of finalization. The Treaty is agreed upon, technical and legal issues are resolved, and it is signed and formally ratified (BC Treaty Commission, 2022a).

The Syilx Okanagan Nation is comprised of seven or eight member Communities depending on circumstances. These Communities include: “Okanagan Indian Band, Upper Nicola Band, Westbank First Nation, Penticton Indian Band, Osoyoos Indian Band and Lower and Upper Similkameen Indian Bands and the Colville Confederated Tribes on areas of common concern” (Okanagan Nation Alliance, 2022a). All Communities share the same land, language, and culture (Okanagan Nation Alliance, 2022a). They are part of the Okanagan Nation Alliance (ONA), who operates to provide services for member Syilx Okanagan Communities [Cailyn Glasser, Interview Participant]. ONA’s Chiefs Executive Council includes a Chief or Chairman of each member Community (Okanagan Nation Alliance, 2022a). The Executive Council operates using a consensus-based practice, ensuring the decisions are made as a collective. “Each Community also has an area of interest within the Nation that they are... responsible for... but then there are areas... [with less] community support... where the Nation has taken [more] initiative” [Cailyn Glasser, Interview Participant].

The Okanagan Nation Alliance and its member Communities are negotiating outside of the provincial Treaty process. The Westbank First Nation was previously involved in Treaty negotiations with the province. However, in 2009, they suspended negotiations and now work with the province on specific land and resource issues (Government of British Columbia, 2022h). Syilx Communities are located far from the Upper Columbia. “It is a function of the *Indian Act* that our Communities are in the West... and we’re struggling to establish a presence in our Eastern territory” [Cailyn Glasser, Interview Participant]. It can be challenging for the Syilx to assert decision-making power in the region because of this. However, steps are being made to have a stronger voice.

The Autonomous Sinixt chose not to participate in this research, therefore, there is a gap in understanding their perspective on the state of land use planning within the region and their long-term goals. I have conducted a brief review of publicly available information regarding the Autonomous Sinixt. The information presented provides the reader with an understanding of the current legal landscape to better situate decision-making in the Upper Columbia. However, the themes and findings discussed in this thesis do not speak for the Autonomous Sinixt.

The Sinixt were declared extinct in Canada under the *Indian Act* in 1956 (Autonomous Sinixt, 2022). The decision was made by the federal government during the damming of the Columbia River. The Sinixt lost all decision-making rights and access to their land. The supreme court of Canada has since revoked this declaration, in a 2021 decision confirming the Sinixt on both sides of the border have rights to their land (*R. v. Desautel*, 2021). The Autonomous Sinixt have begun to re-establish ties to their territory and are internally discussing how they will conduct decision-making in BC in the future.

Some Nations have partnerships with other Nations to guide decision-making and others do not. For example, the Ktunaxa, Secwépemc, and Syilx, have partnered together, along with the federal and provincial government to work on the Columbia River Salmon Reintroduction Initiative. Additionally, as upgrades to Highway One occur near Golden, field workers from associated Nations are coming together to conduct archaeological assessments of the area [Naya Duteau, Interview Participant]. Rather than consult one another, Nation and Community staff are sharing stories on site and learning together. These relationships have helped staff from neighbouring Nations recognize their shared values and aspirations, assisting in a deeper cross-cultural understanding [Naya Duteau, Interview Participant].

5.1.2. Management Tools and Guidance Documents

For many Indigenous Nations in the Upper Columbia, land management decisions are made using a combination of Indigenous and non-Indigenous tools. Stories and teachings from ancestors, are coupled with technical expertise [Naya Duteau; Cailyn Glasser, Interview Participants]. Most interview participants spoke less about having formal management tools and more about how current information and relationships were used to guide their decision-making. Indigenous Communities are rebuilding their Nations, and they are all at varying degrees of this process. As such, many Nations do not yet have outward facing documents to guide their land management. Publicly available documents generally include Community Comprehensive Plans, which are written at a Community level, encompassing only reserve land. Land Use Plans encompass a broader territory and are developed at a Community or Nation level.

Ktunaxa Nation has been conducting internal work recently to restructure their governance. They are developing a constitution that will determine the powers and duties of their collective government (Ktunaxa Nation, 2021b). Ktunaxa's Nation Vision states, "we are striving towards becoming a self-governing [N]ation" (Ktunaxa Nation, 2021b). The constitution will serve as a foundational document to achieve this vision. One guiding tool the Ktunaxa use in the Upper Columbia is their "stewardship obligation and duty to the Grizzly Bear and Qat'muk", an area where the Grizzly Bear Spirit was born and goes to for healing (Ktunaxa Nation, 2021b). Qat'muk encompasses the Jumbo-Toby Creek watershed area, roughly 55 kilometres west of Invermere, BC. This location was in the proposed Jumbo ski resort. In 2010, the Ktunaxa Nation Council signed a declaration stating their laws in relation to Grizzly Bear and Qat'muk. The ski resort was not approved, and Ktunaxa is currently working to establish an Indigenous Protected and Conserved Area on this land.

Naya Duteau, Land Stewardship Planner in the Strategic Initiatives Quadrant with the Ktunaxa Nation, spoke about her experiences bridging Indigenous and non-Indigenous tools for working with the land. Naya mentioned, "we try to make sure that all of our employees are...learning... every time we have our meetings, we say prayers, and we incorporate... stories." This is an important part of the rebuilding work Ktunaxa is conducting. Naya spoke about the beauty of hearing technical views and Elder views come together in conversations. "In our office, we learn as much... from the biologist... [as] the Cultural Knowledge Holders" [Naya Duteau, Interview Participant]. Currently, Naya and the rest of her team are working on a collaborative stewardship plan with BC. It is only for a small portion of their territory outside of the Upper Columbia, but they hope the plan will encompass the entire territory when completed [Naya Duteau, Interview Participant].

Three Ktunaxa Communities, the ʔakisq̓nuk First Nation, the ʔaq̓am, and the Yaq̓it ʔa·knuq̓i'it have land use plans that guide their decision-making (Table 5.1) (ʔakisq̓nuk First Nation, 2017; ʔaq̓am, 2016). The Yaq̓it ʔa·knuq̓i'it land use plan is not publicly available. The ʔakisq̓nuk First Nation and the ʔaq̓am Plans set forth visions on how their lands will be used (ʔakisq̓nuk First Nation, 2017; ʔaq̓am, 2016). They include laws and policies specific to their Communities, including Natural Law, which speaks to keeping land for generations to come and using land similar as their ancestors had

(ʔakisq̓nuk First Nation, 2017; ʔaq̓am, 2016). The ʔakisq̓nuk First Nation reserve lands are located within the Upper Columbia.

Table 5.1. Ktunaxa management tools for land use planning.

Document Name	Nation/Band
Land Use Plan	ʔakisq̓nuk First Nation
Community Land Use Plan: Our Lands ka ʔamaknaʔa	ʔaq̓am
<i>Community Comprehensive Plan – In Development</i>	Yaqaṇ Nuʔkiy
<i>Land Use Plan – Not Publicly Available</i>	Yaq̓it ʔa·knuq̓tiʔit
<i>Territory Wide Plan – In Development</i>	Ktunaxa Nation Council

The Secwépemc Nation does not have any publicly available documents that speak to land use planning at a Nation level. However, they do have a law book which outlines their land laws and subsequent decision-making practices (Asch et al., 2018). Secwépemc Communities determine how they wish to implement the law book. Many Communities have developed specific plans that guide their decisions (Table 5.2). For example, Splatsin, the southernmost Community of the Secwépemc Nation, developed a Community Comprehensive Plan in 2013 [Robyn Laubman, Interview Participant]. This plan is the first of it's kind for Splatsin (Splatsin, 2013). It is intended to plan for the future, through all aspects of the Communities' life, including resource management, sustainability, self-sufficiency, and improved governance (Splatsin, 2013). The Shuswap Indian Band, located near Invermere, established a land use plan to guide decision-making (Shuswap Indian Band, 2020). The plan is also the first of its kind for the Community. This plan is “not a rules-based document, but rather a tool and catalogue of [their] starting point in [their] exciting journey forward” (Shuswap Indian Band, 2020). The plan is used to provide information related to land and development on their reserve lands (Shuswap Indian Band, 2020). Other Secwépemc Communities, including the Little Shuswap Lake Band, are in the early stages of developing a land use plan (Shuswap Indian Band, 2020). The Shuswap Indian Band is the only Community located within the Upper Columbia.

Table 5.2. Secwépemc management tools for land use planning.

Document Name	Nation/Band/Community
Community Comprehensive Plan	Splatsin First Nation
Land Use Plan	Shuswap Indian Band
<i>Land Use Plan – In Development</i>	Little Shuswap Lake Band
<i>Land Use Plan – In Development</i>	Adams Lake Indian Band
<i>N/A</i>	Tk'emlúps Indian Band
Comprehensive Community Plan	Neskonlith Indian Band
Comprehensive Community Plan	Skeetchestn Indian Band
Economic Zone Land Use Plan	Skeetchestn Indian Band
<i>N/A</i>	Bonaparte Indian Band
Policy and By-law Development and Implementation – WP001	Whispering Pines/Clinton Indian Band
<i>Community Economic Development Plan - Draft</i>	Simpco First Nation
<i>Land Use Plan – In Development</i>	Canim Lake Band
<i>N/A</i>	Xat'súll First Nation
<i>N/A</i>	Williams Lake First Nation
<i>N/A</i>	Stswécerm/Xgat'tem First Nation
<i>Not Publicly Available</i>	Esk'etemc First Nation
Strategic Plan	High Bar First Nation
Land Code	Ts'kw'aylaxw First Nation
<i>N/A</i>	Shuswap Nation Tribal Council
Agreement In Principle	Northern Shuswap Tribal Council

Syilx law guides decision-making on their land. The Syilx govern their land according to principles learned from stories, teachings, ceremonies, the arts, and traditional knowledge (Okanagan Nation Alliance, 2022b). These principles carry “inherent responsibility to care for tmx^wulax^w (land) and siw^tk^w (water)” (Okanagan Nation Alliance, 2022b). However, they are “often not seen as on par with the political tools that are being applied in existing infrastructures, so... there are very important tools and teachings that” are not being applied in formal contexts [Cailyn Glasser, Interview Participant]. Cailyn Glasser, Natural Resource Manager for ONA, said

there's not a lot for direction on formal process... it's based on relationships. That's [the] Indigenous way... it's all about relationships... Communities come together and apply their collective Indigenous knowledge, but also technical knowledge and all of the knowledge that they bring to the table to try and establish collaborative processes [Cailyn Glasser, Interview Participant].

The ONA have developed a “Syilx Strategy to Protect and Restore siw^tk^w” which “recognizes [their] collective, sacred responsibility to siw^tk^w and to enhance syilx

Okanagan siwłk^w governance” (Okanagan Nation Alliance, 2021). In addition, most Syilx Communities use land use plans or community comprehensive plans as management tools for decision-making. The Plans provide direction on the development of Community reserve lands. They document current knowledge to evaluate and assess land development from a range of lens including residential homes, recreation opportunities, agriculture, industrial, and environmental. Communities with Plans include: the Lower Similkameen Indian Band, the Okanagan Indian Band, the Osoyoos Indian Band, Westbank First Nation, Penticton Indian Band, and the Colville Confederated Tribes (Table 5.3) (Colville Confederated Tribes, 2020; Osoyoos Indian Band, 2022; Penticton Indian Band, 2012, 2020; Westbank First Nation, 2007, 2015). The reserve lands are located outside of the Upper Columbia region; however, they provide a helpful opportunity to understand Syilx community values.

Table 5.3. Syilx Okanagan management tools for land use planning.

Document Name	Nation/Band/Community
Planning Our Lands Shaping Our Future: Lower Similkameen Indian Band 10-year Vision for Land Use	Lower Similkameen Indian Band
Land Use Plan	Okanagan Indian Band
Corporate Plan 2018-2022	Osoyoos Indian Band
Comprehensive Plan 2020-2040	Colville Confederated Tribes
Syilx Strategy to Protect and Restore siwłk ^w	Okanagan Nation Alliance
Community Comprehensive Plan	Westbank First Nation
Land Use Plan	Westbank First Nation
Comprehensive Community Plan	Penticton Indian Band
Subdivision, Development and Servicing Bylaw No. 2020-01	Penticton Indian Band
N/A	Upper Similkameen Indian Band

Tools for land use planning vary between all Nations and Communities. The formal documents and information provided via website search allows for a deeper understanding of where each Nation and Community is in their process. However, Nations and Communities make decisions as a collective, acting in the best interest of their members. This ultimately guides their decision-making.

5.1.3. Relationships with Dominant Governments

Knowing current relationships is important to determine the level of pre-engagement necessary to enact Ethical Space. Each Nation and Community in the Upper Columbia

have varying levels of relationships with dominant governments. Indigenous government representatives have working relationships with the provincial government. Little to no formal relationships exist between Indigenous governments and regional districts and municipal governments. Provincial governments have more decision-making power, and Nations have limited capacity for establishing additional relationships.

The Ktunaxa Nation is developing a strong working relationship with the province through their Collaborative Stewardship Planning in the Southeast corner of BC (Ktunaxa Nation, 2021a). The Elk Valley has historically been an important location for the province due to its high economic output from mining activities. Representatives involved in the project have expressed positive experiences in this engagement. Both parties are open to listening, with the intent of “support[ing] shared decision-making and collaborative co-management of land and natural resources” (Ktunaxa Nation, 2021a). The objective of this work is to establish a model that embodies UNDRIP principles and the TRC Calls to Action to support the Ktunaxa Nations’ re-building aspirations and support long-term ecosystem health on the land (Ktunaxa Nation, 2021a). Time will be the best indicator of the success of the relationships formed.

Secwépemc Communities, including Splatshin, have been working with the provincial government on caribou recovery in the Upper Columbia [Robyn Laubman, Interview Participant]. This relationship has sparked a conversation surrounding old growth logging that Secwépemc and provincial governments are exploring [Robyn Laubman, Interview Participant]. In the Upper Columbia, both caribou recovery and old growth logging are pressing concerns for the Secwépemc and other Nations. Currently, no outward facing documents describe these relationships.

The ONA has witnessed a desire from the province to partner and collaborate on natural resource related projects. However, these partnerships have not led to the adoption of a formal government-to-government co-governance model because “the right model just doesn’t exist for us” [Cailyn Glasser, Interview Participant]. Cailyn Glasser, Natural Resource Manager for the Okanagan Nation Alliance (ONA) stated that the ONA has “partnerships and relationships with [dominant] governments at all levels”. Through their partnerships, they have established collaborative practices to work together on natural resource management including forestry and water stewardship [Cailyn Glasser, Interview Participant].

The Columbia River Salmon Reintroduction Initiative is a critical government-to-government relationship within the Upper Columbia. This initiative brings together, Ktunaxa, Secwépemc, Syilx, provincial, and federal governments to explore salmon reintroduction in the Columbia River [Robyn Laubman, Interview Participant]. As mentioned in the Ethical Space results chapter of this thesis (Chapter 5), this Initiative embodies Ethical Space principles and has worked to establish meaningful methods of collaboration and decision-making. All five governments exist as “lead partners” to implement a set of principles and perspectives to their work (Bringing the Salmon Home: The Columbia River Salmon Reintroduction Initiative, 2022). The principles include: “Indigenous Leadership, One Columbia, Application of Standards, Urgency, Respect, Equity, Accountability, Transparency, Trust, Excellence, Unity, Informed Decision-Making, Resilience, and Integrity” (Bringing the Salmon Home: The Columbia River Salmon Reintroduction Initiative, 2022).

Another critical relationship between Indigenous and dominant governments in the Upper Columbia is the current Columbia River Treaty negotiations (Government of British Columbia, 2022b). The province, Ktunaxa, Secwépemc, and Syilx governments are currently engaged in negotiations with the United States. The Treaty was negotiated originally without Indigenous input, and this new negotiation arrangement presents a positive advancement to reconciliation. As discussed in the methodology section of this thesis (Chapter 4), the Columbia River Treaty and resulting dams caused extensive damage to the lands in the region. “The United States aims to modernize the Treaty regime to reflect enduring values, especially relating to ecosystem priorities and our commitments to the basin’s people, including to support a healthy and prosperous Columbia River basin” (U.S. Embassy, 2022). The outcome of these negotiations may have significant effects on how water is managed within the Upper Columbia.

5.1.4. Community Engagement

‘Community-based’ decision-making is a prevalent theme in Indigenous land use planning and visioning. In interviews, documents, and on websites, Indigenous Communities were explicit in their management involving deep community engagement. Indigenous governments use a variety of mediums when engaging their communities.

For the Ktunaxa, each Community “want to be engaged differently on different levels”, making it critical to have “an adaptive approach to community engagement” [Naya Duteau, Interview Participant]. Ktunaxa is focused on ensuring they uphold these differences when conducting large scale community engagement, such as for their collaborative stewardship planning. Through this initiative, they are exploring new engagement methods [Naya Duteau, Interview Participant]. One recently developed engagement tool is their website, “Ktunaxa Hakqyt” [Naya Duteau, Interview Participant]. Ktunaxa Hakqyt provides Ktunaxa members an opportunity to “learn about, and contribute to, engagement opportunities such as surveys, stories, forums and ideas” on projects in their Community (Ktunaxa Nation, 2022c). Previously, Ktunaxa used Facebook as their primary source of online engagement [Naya Duteau, Interview Participant]. Their new website will reach a wider audience.

In addition to online engagement, Naya spoke about in-person community engagement. Some of these methods include calls to gather, Community focus groups, handing out flyers’ door-to-door, and visiting Community offices to speak with the public or specific committees [Naya Duteau, Interview Participant]. Deploying multiple approaches to community engagement has enhanced participation from Ktunaxa members who no longer live within their territory [Naya Duteau, Interview Participant]. They have been using Zoom to equitably engage people who are unable to drive to Ktunaxa lands for meetings. Currently, Ktunaxa is undergoing conversations to ask how to better engage their youth, including children who attend school off reserve [Naya Duteau, Interview Participant]. Naya believes youth engagement is “absolutely necessary... because [they will]... be the next generation coming in [to work] for the Nation”.

The Secwépemc Nation are similarly committed to deep community engagement. The Secwépemc host regional gatherings using a “Nation-based but Community-driven” model to assist in Nation visioning and decision-making (Shuswap Nation Tribal Council, 2018). Each session offers opportunities to speak, grow relationships, heal, and advocate for every members points of view (Shuswap Nation Tribal Council, 2018). Secwépemc Communities use various tools to engage with community. Robyn Laubman at Splat sin spoke about their community engagement efforts from the lens of the Community Comprehensive Plan. The engagement process during plan development has become a foundation document that they “refer back to as [their] trail map” [Robyn

Laubman, Interview Participant]. Some of the tools used during this process included: posting notices in Splatsin newsletters, delivering notices to homes, hosting meetings with live polling, an online survey, Facebook updates, and a community tour (Splatsin, 2013). The variety of engagement methods help capture multiple viewpoints and ensure everyone can provide input.

ONA's natural resource sector conducts community engagement in "all the ways" [Cailyn Glasser, Interview Participant]. As the manager, Cailyn Glasser is in constant contact, both formally and informally, with all community representatives working in the sector [Cailyn Glasser, Interview Participant]. For the ONA, community engagement is critical for all aspects of the work they do, they ensure the community is aware and provides input.

5.1.5. Long-Term Goals

This section highlights emergent themes from Indigenous governments for their long-term goals, not formal visions, of the Upper Columbia. Many Indigenous government representatives expressed their uncertainty with explicitly stating a vision for the Upper Columbia. There are unknowns surrounding decision-making, natural resource use, and other growing complexities on the landscape. Cailyn Glasser spoke about the challenges that present themselves in even defining Ethical Space and land use planning in the long term. She said,

in my experience, people have this... habit of seeing Ethical Space as a place where they come and meet Indigenous Peoples, to help them. And that's not what it is. It's a place where we all come together. And we recognize and hold up the different ways of knowing as equals... We're not coming to get something from somebody or to give something to somebody... That's consultation and engagement and accommodation... So first, the recognition of what Ethical Space actually is. And then a conversation about what the vision for the relationship with the land can be and what the potential is there without calling it land use planning. I know that's ultimately what it is. But without calling it that, because that's such a Western term.

The results indicate each Indigenous government has interest in exerting decision-making power within the Upper Columbia in the long-term. There is an interest in co-governance, but a hesitancy in its development. Further, all organizations currently working within the Upper Columbia must be identified and engaged in this work. From

Naya Duteau's perspective, a long-term vision for the Ktunaxa involves developing the territory wide plan discussed in earlier sections of this chapter. This Plan will hopefully provide "high level principles that apply... everywhere, and high-level values that are throughout the whole territory", as well as offering specific direction to key areas [Naya Duteau, Interview Participant]. The Plan is a step toward achieving Ktunaxa's vision of "strong, healthy citizens and communities, speaking our languages and celebrating who we are and our history in our ancestral homelands, working together, managing our lands and resources, within a self-sufficient, self-governing Nation" (Ktunaxa Nation, 2021b). Other Indigenous governments envision the development of a regional plan that recognizes Indigenous responsibilities to steward the land, maintains cultural connections to the area, and ensures natural resources are sustained well into the future [Robyn Laubman; Cailyn Glasser, Interview Participants].

There was discussion that the process of land use planning must be updated to remove jurisdictional boundaries. Jurisdictional boundaries were developed by dominant governments and are rooted in colonization. The inherent nature of defining jurisdiction provides dominant governments the upper hand. Cailyn Glasser mentioned,

in my limited experience, I think the minute you take away boundaries and jurisdictions and talk to each other, as people who are going to come up with a plan for a land base, then you're having a very different conversation, if you can put the politics aside.

Planning with watershed boundaries presented an opportunity to remove jurisdictional boundaries in land use planning. When discussing this, Robyn Laubman said,

waters really need to be the focus, because... it's the lifeblood... If water isn't... the centre... the rest of it is going to fall off to the side. So, it's a vital component of any sort of place-based work or assessment or relationship... looking at things at a watershed scale... makes sense to me. [It] present[s] some sort of geographical divide that... people feel more comfortable working with.

Land use planning without jurisdictional boundaries has occurred in regions outside of the Upper Columbia. For example, Cailyn spoke about the ONA's involvement in Grizzly Bear recovery in the North Cascades. This project was a collaboration of five Nations, the province, and multiple municipalities. Cailyn said the terms of reference explicitly stated, "we are there for the bears and we recognize that bears don't really care about

our boundaries and lines and land use planning goals”. This reframing made a difference in how decisions were made because it turned all members at the table into stewards “and people who are there for Grizzly Bears instead of political agendas” [Cailyn Glasser, Interview Participant].

Finally, Indigenous governments expressed a need to better understand the impacts of industry in the region.

The rate of development has exceeded the rate that cultural health and wellbeing can withstand and adapt to in order to remain resilient. There is an appetite, to stop some of these existing ongoing activities in order to get informed, you know... reconnecting all of these... moving pieces into a more holistic perspective, that’s more representative of an Indigenous worldview [Robyn Laubman, Interview Participant].

5.2. Dominant Governance

This section presents an overview of dominant governments (municipal, regional districts, and the province) within the Upper Columbia. For this research, I spoke with eight dominant government representatives with a range of jurisdictional responsibilities. Each government is distinct, with similar management techniques that guide their work.

5.2.1. Current Landscape of Provincial and Local Governance

Provincial, regional, and municipal governments make up dominant governance systems. Under section 92.8 of the *Constitution Act*, all responsibilities for authorities over regional and municipal governments lies with the province (Constitution Act, 1876). The provincial government sets mandatory functions for local governments, authorizes all activities local governments may undertake, and can create and change local governance structures (Bish & Clemens, 2008). With respect to land use, the provincial government “develops, manages, and maintains the fundamental datasets for determining land ownership, rights and jurisdiction in BC” (Government of British Columbia, 2022d).

Regional districts and municipal governments are products of provincial statutes, characterized jointly as local governments. They are responsible for providing local services to communities, such as recreational facilities and fire protection (Government of British Columbia, 2022k). The *Local Government Act* and *Community Charter* “define

the core authority of local governments and guide decision-making” (Government of British Columbia, 2022e). The *Local Government Act* is the primary legislation used to lay the framework for structure, operations, and responsibilities (Government of British Columbia, 2022e). The *Local Government Act* contains planning and land use procedures that local governments must follow. It includes requirements for adopting land use bylaws or official community plans (OCPs), land use permit matters, contracts, and land use regulation powers (Local Government Act, 2015). The *Community Charter* sets the statutory framework for municipalities core areas of authority which include: broad powers, property taxation, financial management, procedures, and bylaw enforcement (Government of British Columbia, 2022e). For land use, bylaws serve as means of enforcing land use management tools.

Planning, zoning, and subdivision control are the main regulatory activities undertaken by local governments for land use management (Bish & Clemens, 2008). Local governments have much less ability to enact large scale land use planning decisions. Even within municipal or regional jurisdiction, provincial governments have guidelines for local governments to follow [Arne Dohlen, Interview Participant]. A Columbia Shuswap Regional District (CSRD) Government Representative noted that although the CSRD does not “have the authority to make the final decisions on items such as subdivision and the agricultural land reserve... the province will check with us about different applications that they received related to subdivision or using agricultural land for non agricultural uses. The province will seek the CSRDs feedback or opinion about that.”

Although local governments are governed by the province in similar manners, they serve different areas and operate separately. Regional districts have three roles. They are the “general-purpose” local governments that serve unincorporated areas of the Upper Columbia (Bish & Clemens, 2008). Second, they are responsible for creating intermunicipal cooperation frameworks (Bish & Clemens, 2008). Third, they serve as regional governments through provincially mandated acts as expressed in the *Local Government Act* and *Community Charter* (Bish & Clemens, 2008). In the Upper Columbia, there are three regional districts: The Columbia-Shuswap Regional District, the Regional District of the Central Kootenays, and the Regional District of the East Kootenays (Figure 5.1).

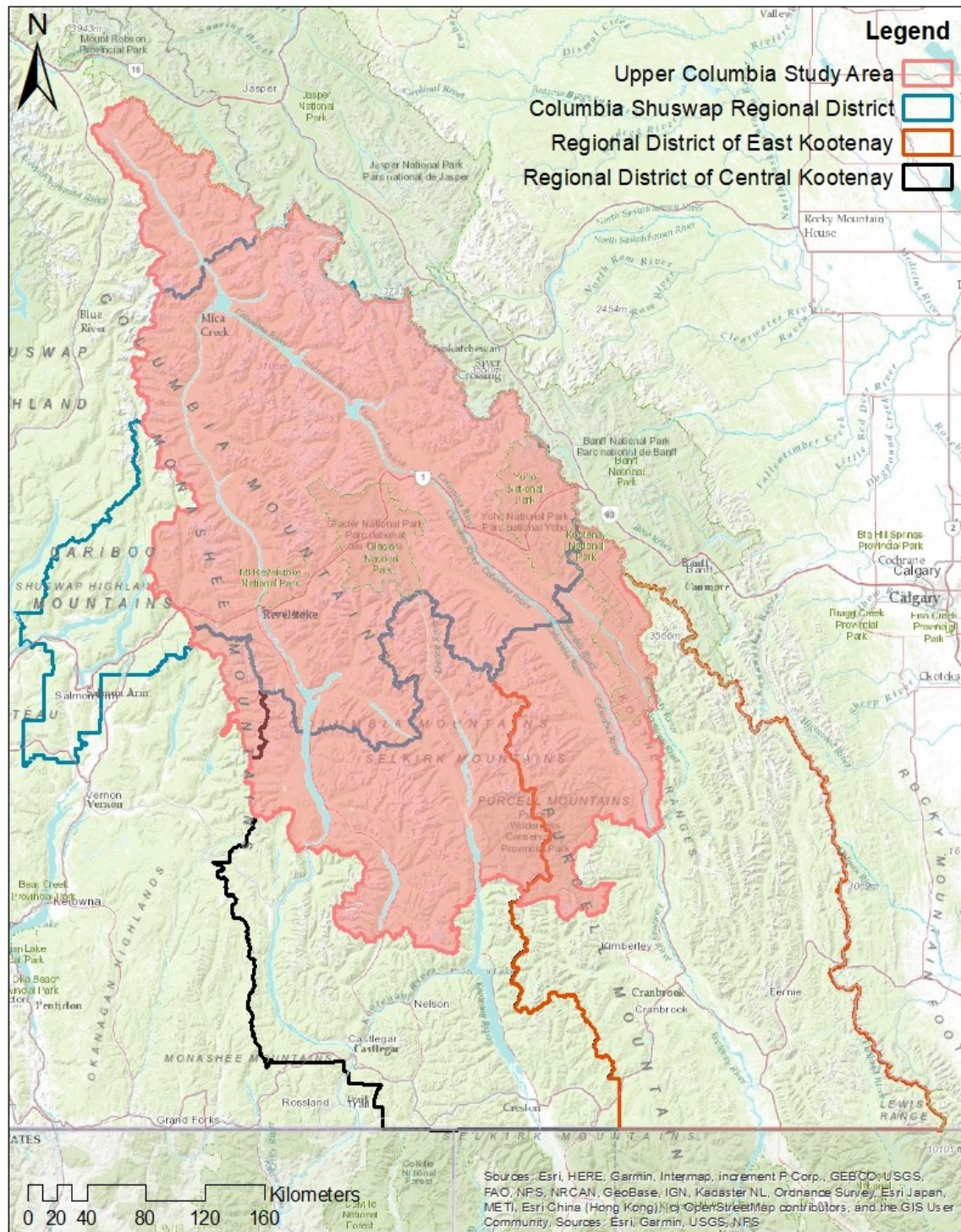


Figure 5.1. Regional Districts located within the Upper Columbia region of British Columbia. Data acquired from the BC Data Catalogue, April 22, 2022.

Municipal governments serve the incorporated areas of the Upper Columbia. They provide services solely within boundary limits. Ten municipalities are located within the region. They include the City of Revelstoke, Town of Golden, District of Invermere, Village of Nakusp, Village of Kaslo, Village of New Denver, Village of Silverton, Village of Radium Hot Springs, Village of Slocan, and Village of Canal Flats (Figure 5.2).

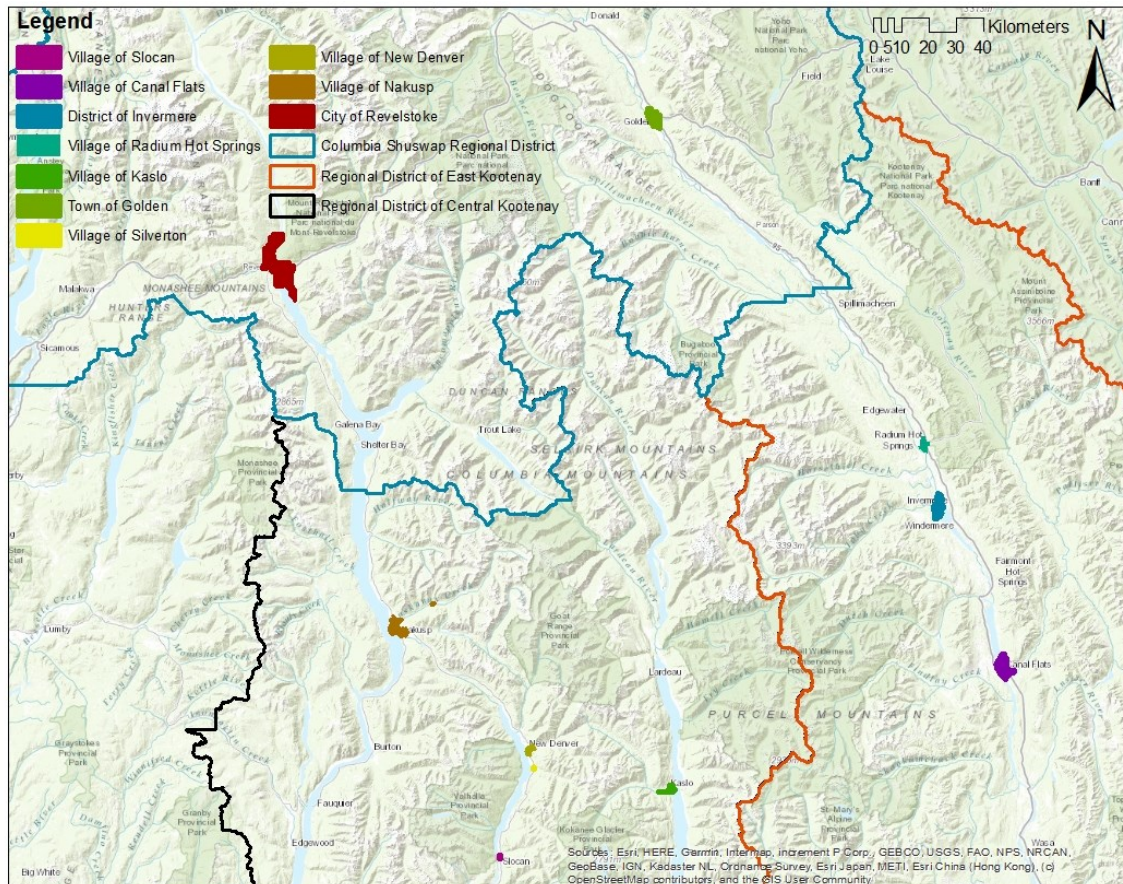


Figure 5.2. Municipalities and Regional Districts within the Upper Columbia region of British Columbia. Data acquired from the BC Data Catalogue, April 22, 2022.

In BC, there is no mandate to conduct intermunicipal planning. Regional districts and municipal governments in the Upper Columbia have varied levels of relationships with one another. Much of the relationships exist from a need to coordinate on a specific development project. In the East Kootenays, which extends South of Golden and East of Kootenay Lake, loose relationships exist. One mayor from each municipality serves on the board of directors for the Regional District of the East Kootenay [Arne Dohlen, Interview Participant]. The board informs its members of various issues (including

planning) within the region to make joint decisions [Arne Dohlen, Interview Participant]. The City of Revelstoke and the CSRD have strong working relationships [CSRSD Government Representative; Revelstoke Government Representative, Interview Participants]. This relationship exists because of the proximity of jurisdictional boundary and development projects in each jurisdiction near the boundary. Nakusp currently has no working relationships with the RDCK [Tom Zeleznik, Interview Participants].

Relationships between provincial and local governments are strained. Local government representatives have little to no provincial contacts, due to staff turn over or non-existent working relationships. Local governments engage with provincial governments as per the legislative mandates of the *Local Government Act* and *Community Charter*.

5.2.2. Management Tools

Dominant government systems use multiple tools to guide land use planning and decision-making. This section outlines the main management tools used by the provincial government, and the regional districts and municipal governments in the Upper Columbia. Each government is unique in its tools and the power these tools have to enact change.

The “Land Use Objectives Regulation: Policy and Procedures” is used by the province to guide decision-making (Government of British Columbia, 2008b). This document outlines the procedures for ministries to take when establishing land use objectives. Specifically, it links land use objectives to the *Forest and Range Practices Act*, an act recognized by the province as the highest order of legislation for land use objectives (Government of British Columbia, 2008b). The document also outlines areas where other government agencies and people outside of government may contribute to the establishment of land use objectives (Government of British Columbia, 2008b). Through MLUP, the province is developing an updated version of this document. MLUP will set “strategic direction to guide sustainable resource stewardship and management of provincial public land and waters that meets economic, environmental, social, and cultural objectives” (Government of British Columbia, 2022g). In addition, specific policy and guidance documents for MLUP are currently in the later stages of development [provincial government representative, interview participant]. These

documents will include items such as criteria and assessment protocols for MLUP, how to onboard new projects, and how to engage with communities and stakeholders [provincial government representative, interview participant].

Three provincial land use plans have been developed in the Upper Columbia to assist decision-making. The Kootenay-Boundary Land Use Plan provides strategic direction for land and natural resource use in the Upper Columbia (Government of British Columbia, 1997). The Plan was developed in 1997, amalgamating the East and West Kootenay-Boundary Land Use Plan to a single implementation strategy (Government of British Columbia, 1997). The plan includes direction on protected areas, geographically specific natural resource management issues, and socio-economic development measures (Government of British Columbia, 1997). The Golden Backcountry Recreation Access Plan (GBRAP) provides additional guidance to land use in the Upper Columbia [provincial government representative, interview participant]. Approved in 2003, GBRAP outlines recreational patterns of use and opportunities in the Golden Timber Supply Area (Government of British Columbia, 2008a). Finally, the Revelstoke and Area Land Use Plan, first released in 1995, provides strategic direction for land and natural resource use within the Community of Revelstoke and its surrounding areas (Government of British Columbia, 1999). This Plan mainly focuses on conservation related values. These include forestry, wildlife, biodiversity, industry, and population stability values (Government of British Columbia, 1999).

Regional growth strategies (RGS), defined by the Local Government Act (Local Government Act, 2015), are land management tools specifically designed for regional districts. They outline the long-range planning direction for regional districts and municipal official community plans. Regional districts are responsible for the development and coordination of a regional growth strategy on behalf of its member municipalities [Nelson Wight, Interview Participant]. In the Upper Columbia, there are no regional growth strategies.

Zoning bylaws and OCPs are the main tools municipal and regional districts in the Upper Columbia use to make land use decisions within the community [Arne Dohlen, Interview Participants]. Bylaws are formal rules that regulate, prohibit, or impose requirements (Government of British Columbia, 2022e). Local governments use zoning bylaws to govern land use and implement long-term visions illustrated through their

OCPs and RGSs. Some bylaws require provincial approval, including those under the *Community Charter* (Government of British Columbia, 2022c).

OCPs guide land and development issues and objectives in municipality or region over a set period of time, usually between 15-30 years (Regional District of East Kootenay, 2020, 2021). They are long-term strategic planning documents that direct decision-making through a collective vision as determined by community needs (Regional District of East Kootenay, 2020, 2021). Policies outlined in OCPs are legally adopted through bylaws and objectives within the plan area are subject to all relevant local, provincial, and federal legislation and regulations (Local Government Act, 2015). OCPs mainly contain information related to private land, however some documents include policies regarding public land [Nelson Wight, Interview Participant]. “There is a minimum amount of planning that would need to be put in place in order to consider it planning as part an official community plan. There... [are] minimum requirements in terms of scope and it couldn't be targeted for one particular topic” [CSRD Government Representative, Interview Participant].

In the Upper Columbia, 18 OCPs were identified among local governments, which encompasses most of their associated planning area (Table 5.4). The CSRD electoral Area A (rural Golden) is the only CSRD electoral area that does not have a zoning bylaw or OCP [CSRD Government Representative, Interview Participant]. The CSRD is waiting for the community to identify a desire to develop an OCP and zoning bylaw [CSRD Government Representative, Interview Participant].

Table 5.4. Official Community Plans and Bylaws of local governments within the Upper Columbia region of British Columbia.

Document Name	Municipality/Regional District	Year
Official Community Plan Bylaw No. 254	Village of Radium Hot Springs	2002
Official Community Plan Bylaw No. 611	Village of New Denver	2007
Official Community Plan Bylaw No. 1222	Town of Golden	2008
Electoral Area 'K' - The Arrow Lakes: Official Community Plan Bylaw No. 2022	Regional District of Central Kootenay	2009
Slocan Lake North Portion of Electoral Area 'H' Community Plan Bylaw No. 1967	Regional District of Central Kootenay	2009
Official Community Plan	Village of Silverton	2010
Lake Windermere Official Community Plan - Bylaw No. 2929	Regional District of East Kootenay	2011
Official Community Plan	Village of Slocan	2011
Electoral Area 'C' Official Community Plan	Columbia-Shuswap Regional District	2015
Official Community Plan	District of Invermere	2015
Electoral Area 'D' Comprehensive Land Use Bylaw No. 2435	Regional District of Central Kootenay	2016
Fairmont Hot Springs & Columbia Lake Area Official Community Plan	Regional District of East Kootenay	2017
Official Community Plan Bylaw No. 1098	Village of Kaslo	2018
Official Community Plan Bylaw No. 1950	City of Revelstoke	2019
Official Community Plan	Village of Canal Flats	2019
Panorama Area Official Community Plan	Regional District of East Kootenay	2020
Steamboat – Jubilee Mountain Official Community Plan	Regional District of East Kootenay	2021
Nakusp Official Community Plan	Village of Nakusp	2021

OCPs ranged in age from 20 years old to less than one year old. While some interview participants were in the process of updating their OCPs, others expressed interest but mentioned lack of funding and capacity to update their OCP. When updating OCPs, local governments must be aware of how their documents present themselves next to neighbouring OCPs [Karen MacLeod, Interview Participant]. OCPs are not read as standalone documents or even as standalone sections, because in legal cases these documents are likely to be read in conjunction with one another [Karen MacLeod, Interview Participant].

5.2.3. Relationships with Indigenous Governments

Interviews with BC provincial government representatives revealed that a new approach to land use planning relationship building is emerging. The approach moves from standard provincial consultation to a collaborative engagement approach. One provincial government representative said,

There's an expectation now that we aren't... doing land use planning... as BC led and then intending to consult [Indigenous governments], whether through the process or towards the end of the process is what typically was done in the past... Now we're really trying to do... early engagement so that [Indigenous governments], whenever there's going to be any potential perceived impact or... interest that they may have related to land use... then the expectation is we would need to engage [Indigenous governments]. [The province is] really striving to have a true partner relationship, which ultimately means coming to a place... to define what a shared decision-making process may look like that can support the planning and subsequent implementation, including decision-making outcomes from land use planning [provincial government representative, interview participant].

Indigenous and provincial government relationships are said to be strengthening among some communities. In the Upper Columbia, government-to-government agreements guide Indigenous-provincial relationships.

The provincial government and Ktunaxa government have five agreements which regulate land use management. The agreements cover topics of forest revenue sharing, wildfires, mountain pine beetle, economic and community development, climate action, and strategic engagement (Government of British Columbia, 2022c). All agreements have been signed at the Nation level.

The Secwépemc government and provincial government have 17 government-to-government agreements that guide their relationships and provincial decision-making. The agreements fall under three categories: forest revenue sharing, economic and community development, and reconciliation (Government of British Columbia, 2022i). Agreements have been signed at both Community and Nation levels.

Syilx Nation and its associated Communities are at varying levels of relationship building with the province. As earlier mentioned, the Westbank First Nation is currently in stage four of Treaty negotiations, which involves determining the agreement-in-principle (Government of British Columbia, 2022h). No other Community is in Treaty negotiations.

The Nation is also not in Treaty negotiations. The Lower Similkameen Indian Band and Upper Similkameen Indian Band have signed Economic and Community Development Agreements with the province. These are the only formal government-to-government agreements between Syilx and provincial governments. Table 5.5 outlines provincial and Indigenous government-to-government agreements in the Upper Columbia.

Table 5.5. Provincial and Indigenous government-to-government agreements in the Upper Columbia Region of British Columbia.

Agreement	Ktunaxa	Secwépemc	Syilx
Forest Revenue Sharing Agreement	Ktunaxa Nation	Adams Lake Indian Band Bonaparte Neskonlith Shuswap Indian Band Simpco First Nation Skeetchestn Indian Band Splatsh Tk'emlúps te Secwépemc	
Forest Tenure Opportunity Agreement	Ktunaxa Nation		
Mountain Pine Beetle Agreement	Ktunaxa Nation		
Economic and Community Development Agreement	Ktunaxa Nation	Tk'emlúps te Secwépemc Skeetchestn Indian Band	Lower Similkameen Indian Band Upper Similkameen Indian Band
Reconciliation Agreement		Adams Lake Indian Band Little Shuswap Indian Band Shuswap Indian Band Simpco First Nation Splatsh Skeetchestn Indian Band Tk'emlúps te Secwépemc	
Memorandum of Understanding and Cooperation on Environmental Protection, Climate Action, and Energy	Ktunaxa Nation		
Treaty	Ktunaxa Nation <i>Stage Five</i>		Westbank First Nation <i>Stage Four</i>

While some local governments acknowledged being on Indigenous territories within their OCPs. Recognition was usually as far as these documents went. No OCP reviewed identified how local governments aimed to build relationships with Indigenous governments or implement UNDRIP principles and the TRC Calls to Action.

Most local government interview participants use the provincial consultative database to determine which Indigenous governments they are required to engage with. Local governments largely engage on an as required basis or as part of their consultation duties. Some governments are interested in deeper engagement. Sangita Sudan said, “we engage... with whoever we can and with other levels of government... including engaging with [Indigenous] governments”. All local governments have minimum obligations to engage with Indigenous governments under the *Local Government Act*. When referral packages are sent to Indigenous governments, as per legal consultation obligations, the CSRD “leaves it up to the individual [Indigenous government] as to whether they want to respond or... follow up with any specific questions, comments, discussions, or concerns” [CSRD Government Representative, Interview Participant]. Karen Macleod mentioned the RDEK was interest in engaging Indigenous governments, however they want to be respectful of Indigenous governments limited capacity.

If we can align... what we’re doing, it’s much more successful... because they have limited resources and they have their own fish to fry. If it lines up, great. If not, we’ll give you what we can [Karen MacLeod, Interview Participant].

Municipal governments in the Upper Columbia have small jurisdictional boundaries. As such, there is little development and, according to them, need for consultation. If more development occurred within their boundaries, municipalities said they would engage deeper with Indigenous communities for consultation and archaeological assessments. A hesitation to engage also comes from the rigid policies in dominant governance structures that are not often used by Indigenous governments. When discussing this difference, Karen MacLeod said,

they are fine trying to find their footing with respect to self-governance, and where they fit within these processes in the same way as we're trying to figure out how to recognize their interests and their processes, and their traditional territory, and, you know, rights to traditional use, and all those other sorts of things. And they aren't necessarily complimentary in these rigid policy documents that we do.

5.2.4. Community Engagement

Many dominant government representatives outlined community engagement as the hardest part of conducting any land use visioning or tool development. The Upper

Columbia is comprised of many seasonal homeowners. This is particularly prevalent on the eastern side of the region. For example, Windermere has a usual residency rate of 36% as per the last census [Karen MacLeod, Interview Participant]. Governments often design public engagement strategies to determine how and who they wish to engage when drafting their OCPs or bylaws [Nelson Wight, Interview Participant]. Engagement is tailored to online mediums or hosting in-person open houses during long weekends when more people are in town. Some platforms include social media, community websites, and surveys. Creative engagement has included art contests and school contests.

For local governments in the Upper Columbia, engaging all demographics is a challenge. Some governments create steering committees or choose community champions to bring an equitable voice to the community. If not, local governments draft their policies with this bias in mind [Karen MacLeod, Interview Participant]. Nelson Wight found that the most successful engagement involved personalized contact with people. “I’ve had far greater success at a kitchen table” [Nelson Wight, Interview Participant].

Within the case study site, CRSD engagement only occurs in Electoral Area B near Revelstoke because there is an OCP and zoning bylaw in place. Engagement in Electoral Area A near Golden does not have any zoning bylaws or an OCP in place, meaning engagement does not occur to a greater extent with community members. CSRD Government Representative described how the CSRD involves the community in the land use efforts. He said,

There’s quite a bit of public consultation that goes into creating... official community plans, zoning bylaws, and subdivision servicing bylaws. But... the subdivision process [the review and approval of a subdivision application] doesn’t have any [consultation]. It’s not set up for [it] provincially... to have public input. Basically if you meet the technical requirements, you’ll be approved...There’s no decision making by an elected person. It’s really a technical process approved by technical staff people.

The Revelstoke local government is using different planning strategies to further community engagement. A Revelstoke Government Representative is currently updating their OCP to include “robust action items” to hold the city and community accountable to the items they identified as important during engagement sessions. The action items are also intended to keep council updated on the status of the work. Their OCP will apply

three lenses – equity, sense of community, and climate action – to its development. These lenses will be used to draft any policy or action items. The Revelstoke Government Representative believes this is a step in the right direction to achieving the community's long-term vision.

5.2.5. Long-Term Goals

The provincial government envisions a world in which they conduct shared decision-making with Indigenous governments [provincial government representative, interview participant] and see municipalities and regional districts as stakeholders [provincial government representative, interview participant]. The province has completed an internal scan of key stakeholder groups and other government representation in the Upper Columbia [provincial government representative, interview participant]. They are also in the preliminary stages of internal engagement with Indigenous governments in the region to determine key stakeholders. Prior to this engagement, the province would like to identify the “issues and values and interests” that need to be addressed first with Indigenous governments [provincial government representative, interview participant]. Once these have been identified, they intend to understand all other community members desired future states for an area [provincial government representative, interview participant]. Together, this understanding will help coordinate commonalities, alongside the identification of the issues, values, and interests [provincial government representative, interview participant]. When discussing regional scale planning, the provincial government representative stated,

I don't think that there is any strong direction from the provincial perspective right now to... reopen full regional or large sub regional high level, land use plans that already exist.... [T]hat may change, but that's the case right now. That's why we went to seek cabinet mandate back in 2019, for a focused area, which was in the southeast part of the Kootenays. So that includes... a little portion of the upper Columbia.

A common long-term goal among all dominant governments was the hope that deeper, more meaningful relationships with Indigenous governments would develop. Some local governments referenced that it was up to the province and Indigenous governments to first develop those relationships and later communicate guidance [Sangita Sudan, Interview Participant]. For local governments, more time is needed to develop trust, along with increased funding and capacity to deepen relationships [CSRD

Government Representative, Interview Participant]. In addition, differences in worldviews were brought up as a challenge to developing these relationships.

For local government... timelines are always tight and there's a real... push to make things happen or make it happen quickly... and from the [Indigenous] end of it, there's more interest in slowing things down and taking time to communicate, develop trust, and those sorts of things. Those two structures don't always complement each other [CSRD Government Representative, Interview Participant].

Municipal governments within the Upper Columbia are small, with fairly remote communities and small jurisdictional boundaries. They are limited in staff capacity, making it challenging to conduct any major new projects outside of those they are legally required to do [Karen MacLeod, Interview Participant]. With the Covid-19 pandemic, many communities are facing an influx of population at a rate they are unable to manage. These substantial changes have had profound effects on their limited capacity. There are issues with housing availability, limited services, and the need for more robust trail systems and active transportation as population increases.

Another long-term goal identified by local governments is more effective recreation planning, specifically related to public and commercial backcountry use. As tourism surges, so do stresses to the environment. Understanding the cumulative effects associated with recreation use was a common theme discussed during interviews. Most government representatives mentioned the importance of planning for recreation from a lens of protection for riparian areas and wildlife corridors for large carnivores, specifically caribou. The province was identified as being responsible for leading these planning efforts.

Finally, performing regional planning at a watershed level was discussed as critical for the long-term goal of the Upper Columbia. People living within regional districts struggle to feel accepted in communities and community planning endeavours. Using watersheds to define planning boundaries would help communities feel more involved and connected to the process. Watershed planning also removes the dominant and colonial boundary lens to ensure governments do not come to the table with preconceived ideas that someone has already set up the system and determined the boundary. "Over the years, it's often been promoted as the best way of planning... instead of some artificial boundary that someone laid on the landscape or laid on a map one hundred plus years ago" [CSRD Government Representative, Interview Participant].

When envisioning larger regional planning, Sangita Sudan acknowledged “it has to be led by [Indigenous governments] in partnership with the province and local governments. Not necessarily led by the province or local governments”.

Chapter 6. Applying an Ethical Space Framework to the Upper Columbia

This chapter responds to the research question:

- What opportunities exist to enact Ethical Space in land use planning in the Upper Columbia?

Based on the results presented in the two previous chapters, I provide recommendations to enable Indigenous and non-Indigenous governments to conduct Ethical Space-based land use planning. These recommendations speak specifically to the Upper Columbia. They cannot be exactly replicated to other areas because the government structures will be different in each region. However, this discussion is relevant for planners to recognize opportunities for enacting and maintaining Ethical Space. The information provided in this chapter is not intended to become an action plan or strategic implementation plan. Rather, it reflects the current state of governance in Upper Columbia and provides a critical review of potential entry points for Ethical Space in land use planning. It is important to remind the reader that Ethical Space does not come with a step-by-step process or set of protocols. Procedures will look different for every relationship that develops under Ethical Space. Rather than provide specific next steps, this section identifies common goals between governments that may foster the relationship building and growth required prior to entering Ethical Space.

6.1. Performing Pre-Engagement in the Upper Columbia

Pre-engagement is a key requirement of Ethical Space. This section addresses this requirement and recommends changes needed for MULP to enact Ethical Space.

6.1.1. Recommendation: Governments Outline Motivations and Engagement Strategies

As noted in Chapter 6, there is little formal guidance to support Indigenous and dominant intergovernmental engagements. No interviewee mentioned using a code of conduct to guide relationship building with other governments.

I recommend that all governments develop an engagement strategy outlining how and why each government would like to develop relationships with other governments. Developing a transparent engagement strategy will encourage Indigenous and non-Indigenous communities to work together in respectful, multilateral decision-making processes. Specificity is best, knowing that governments are all unique. For dominant planners, this strategy must specifically outline how they intend to uphold UNDRIP principles, the TRC Calls to Action, and the *DRIPA* Action Plan. No local governments currently outline how their work will uphold these documents. To advance reconciliation in land use planning, this is a critical component of pre-engagement. Additional reflection should include reviewing management tools, conducting self-reflection, and recognizing how personal and professional duties and values may differ.

Current structures limit information sharing. Many government documents and action plans remain internal, only shared publicly when required. In addition, governments have outdated land use planning documents, which inhibits transparency across governments. Within the Upper Columbia, Indigenous governments have more current documents compared to dominant governments, largely because they have only recently had the capacity and funding to develop these documents. Local visioning documents, including OCPs, Community Comprehensive Plans, and RGSs, are usually developed on a 20–30-year time frame, with little capacity to provide updates as priorities change. Most provincial tools do not reflect the current landscape and offer outdated visions for the Upper Columbia that no longer reflect the needs of the community or environment. Some provincial tools, such as the Kootenay-Boundary Land Use Plan, date back as early as 1997. Provincial decision-makers must still adhere to the legal objectives outlined in these documents. Maintaining up to date documents that outline visions, workplace responsibilities, and direction is essential to enact Ethical Space.

Pre-engagement requires all parties to not only understand their motivations, but to understand each other's motivations. Governments must share engagement strategies. Openly available engagement strategies, with detailed information outlining pertinent pre-engagement material, would enable governments and planners to work towards establishing strong relationships. Planners can conduct their own research first to understand other parties' motivations without investing in lengthy meetings which drain time and capacity. This places onus on governments to better understand other

jurisdictions and determine if a working opportunity exists. Engagement strategies support better decision-making practices that centre all communities' needs, rather than following existing dominant procedures (i.e., duty to consult).

6.1.2. Pre-Engagement and MLUP

One way the province can advance pre-engagement is through establishing more transparency in the MLUP program. MLUP was created to adopt *DRIPA* in land use planning practices. However, current provincial land use planning takes place behind closed doors, leaving little opportunity for ethical decision-making that upholds *DRIPA* in practice. Indigenous and local government representatives have minimal understanding of the intentions of MLUP. Details surrounding MLUP processes must be shared with Indigenous and local governments to aid in understanding what is required of them and any proposed changes. In addition, the province must outline their expected outcomes of MLUP and provide other governments an opportunity to comment on these outcomes or jointly develop them. These outcomes may support Indigenous-provincial decision-making, with local governments providing comments and expertise, as identified through interviews as the likely objective of MLUP. Regardless of the objective, for MLUP to enact Ethical Space land use planning, it must uphold transparency throughout the entire process of land use planning.

6.2. Building Relationships in the Upper Columbia

To enact Ethical Space in the Upper Columbia all governments must build deeper relationships with one another. This section provides two recommendations that may enhance relationship building: "Finding Common Ground" and "Outlining Perceived Relationships Through MLUP". The first recommendation proposes three themes found between governments that may be used to assist in building initial relationships. The second recommendation argues that the provincial government needs to identify the working relationships MLUP intends to establish. Adopting the following recommendations may strengthen relationships among all governments in the Upper Columbia.

6.2.1. Recommendation: Find Common Ground

Finding common ground is important to building relationships. Planning for and around common interests enables cross jurisdictional strategies. In BC, there are no requirements to conduct cross jurisdictional planning. RGSs offer the closest opportunity for multi-governance planning. The Upper Columbia does not have an RGS, resulting in little knowledge of how governments engage with one another to resolve conflicts, address issues, or envision a collective future. Cross jurisdictional strategies can provide more sustainable long-term planning for the Upper Columbia. This is especially important given the region's current issues of water security with Columbia River Treaty negotiations, possible climate change refugees, and conflicts between tourism and wildlife. The following headings outline three themes identified through this research to help governments find common ground on land use planning in the Upper Columbia.

Theme One: Understand Backcountry Use

All government representatives identified the need to better understand backcountry use and plan for changes in the region. In the Upper Columbia, backcountry use has been an area of constant concern, with little guidance on how users should proceed. As backcountry use increases, so do human-wildlife issues. Developing a plan that identifies current and future issues associated with increased backcountry use may help governments build relationships as they work towards a common goal.

Theme Two: Adopt Watershed Boundary Planning

Land use planning must move away from using dominant jurisdictional boundaries to determine who can and should participate in the process. Planning at the watershed scale was discussed as a promising method to remove the inherent messaging behind jurisdictional boundaries and the colonial land claims process. With Columbia River Treaty negotiations underway, the Upper Columbia is in a unique position to holistically address long term planning in the area. Provincial and Indigenous governments have already dedicated staff time and funding to Treaty negotiations. There may be an opportunity to continue working with the same members that are part of this process.

Theme Three: Address Housing Issues

Housing was identified as an issue for most Band/Communities, regional districts, and municipal governments. There are multiple reasons Communities in the Upper Columbia are experiencing housing issues. Communities have a long history of inadequate housing on reserve lands. The federal government has not provided adequate opportunities to develop supportive infrastructure, maintain access to clean drinking water, and address other shortcomings that have led to a housing crisis. Non-Indigenous communities within the Upper Columbia are experiencing a vast influx of population with more people able to work from home. In addition, a high number of people own second homes in the Upper Columbia. Governments have little ability to support the housing demands required in their communities. There is an opportunity for Communities, regional districts, and municipal governments to jointly discuss how housing issues can be addressed. Governments may consider jointly developing plans or sourcing funding opportunities to ease time and staff capacity limitations.

6.2.2. Building Relationships and MLUP

The MLUP program is “led by the [province]... in partnership with Indigenous governments and with engagement of communities, local governments, industry and other stakeholders” (Government of British Columbia, 2022g). In its current form, MLUP does not embody Ethical Space principles, nor does it uphold the legal obligations of *DRIPA*. The province is choosing specific Nations to engage in discussion with and developing protocols that are used internally, without Nations. Both Indigenous and provincial governments must jointly lead the process. Meaning that all documentation and processes developed through MLUP, regardless of if the document is intended to be distributed internally, must be co-developed, and agreed upon.

The province also states MLUP is a “transparent, public-facing process that respects the values, knowledge, and traditions of Indigenous Peoples” (Government of British Columbia, 2022g). However, there is little publicly available documentation outlining the process of MLUP, current negotiations that are underway, and how all parties will be involved. Most Band/Communities, regional districts, and municipal governments are unaware of the extent they will be involved in MLUP decision-making. MLUP will affect all communities in the Upper Columbia, and it is pertinent that local,

place-based governments are part of the process. These governments may be involved to a lesser degree than Nations and the province. However, they must be aware of this level of involvement and their ability to participate in MLUP.

I recommend the following: 1) the province pause all MLUP related processes and documentation that are not being co-created with Indigenous governments, and 2) the province clearly outlines its intent to engage at a Nation-provincial partnership level to first establish goals. Only once these recommendations are enacted, can MLUP begin adopting an Ethical Space framework.

6.3. Enacting Relational Accountability in the Upper Columbia

Planners must maintain a responsibility to the relationships built through Ethical Space. This section recommends two actions to assist Upper Columbia governments in upholding relational accountability through land use planning: “Dominant Governments Build Relationships Outside of the Provincial Consultative Database” and “Communities and Local Governments Jointly Conduct Community Engagement and Planning”. This section also comments on adopting relational accountability in the context of the MLUP program. Adopting these recommendations will encourage long-term relationships and more ethical outcomes.

6.3.1. Recommendation: Dominant Governments Build Relationships Outside of the Provincial Consultative Database

Most dominant governments use the provincial consultative database to identify Indigenous governments within their proposed project requiring engagement. No additional research is conducted to determine which Indigenous governments should be part of project planning. The consultation database may provide a starting point to determining Indigenous territories within planner’s boundaries; however, it is inaccurate in representing all Indigenous territories. The database operates under a colonial framework, forcing Indigenous communities to draw lines on a map to make Treaty negotiations and other processes easier for dominant governments. This is particularly troubling in the Upper Columbia region because the Sinixt Nation is not recognized in this database. The Sinixt Nation was only recognized as having rights in the area in

2021, with ongoing legal conversations being conducted behind closed doors. As such, Sinixt boundaries are still not part of the database. Current boundaries listed on the consultative database are outdated and do not represent accurate Indigenous territories in the region or possible Treaty boundary negotiations. Further, there is no obligation to maintain relational accountability in consulting Indigenous governments - instead, engagement is only subject to project development.

I recommend dominant governments move away from conducting engagement exclusively through the provincial consultative database. Instead, dominant governments must conduct their own research to understand the territories they are located on and engage with Indigenous communities because there is an interest in building a relationship, not a requirement to approve a project. Dominant governments can begin this work by utilizing Native-land, a non-partisan, Indigenous-led website that maps “Indigenous territories, treaties, and languages across the world in a way that goes beyond [dominant] ways of thinking in order to better represent how Indigenous People[s] want to see themselves” (Native-land, 2021). Through Native-land, dominant governments can find links to Nation, Band, and Community websites where they may learn more. This shift will place relational accountability at the forefront of planning in the Upper Columbia.

6.3.2. Recommendation: Communities and Local Governments Conduct Cross-Jurisdictional Planning

For the Upper Columbia, many residents work, live, and engage in day-to-day activities in different jurisdictions. Most services are not established on reserve, yet reserve lands are required to be located within a specific distance from essential services, such as hospitals. Indigenous populations largely conduct business and personal affairs in nearby non-Indigenous communities. Economic input in dominant communities is connected to Indigenous Peoples use, such as grocery shopping, banking, and others. Some Indigenous Peoples also live off reserve, within municipal boundary limits. Similarly, populations living in regional districts in the Upper Columbia (RDEK, RDCK, and CSRD) tend to work and conduct general business in municipalities. Other entities also move between jurisdictional boundaries, including water, fire, and wildlife. To plan without recognizing this movement of people and other entities has historically presented challenges. For example, if a municipality has no fire control measures in place and are

located within an area that is more susceptible to fire, neighbouring communities will be at considerable risk of forest fires because the fire can catch and spread outside the municipality. Since individual OCPs are not read as standalone documents, yet are planned separately, these risks can present challenging legal outfall.

Community engagement and long-term land use planning would benefit from more collaborative processes. Plans should reflect the needs of multiple populations and better recognize movements between jurisdictions. Cross-jurisdictional planning ensures efforts are not duplicated and aligns legal requirements between jurisdictions. From an Ethical Space standpoint, cross-jurisdictional planning is necessary to uphold relational accountability, build relationships among governments, and obtain a holistic picture of how decisions impact communities.

6.3.3. Relational Accountability and MLUP

MLUP has increased relational accountability between Indigenous governments and the province. The province is committed to working with Indigenous governments first to establish a place-based planning protocol agreed to by Nations collectively. In developing these processes jointly, governments will be held accountable to one another through reporting, development, and other duties. In addition, provincial governments and Indigenous Nations are developing stronger relational accountability in MLUP through *DRIPA*. *DRIPA* requires annual reporting of progress related to the Action Plan, released March 2022. Many actions are related to MLUP (see Table 2.2). Although *DRIPA* obligations establish relational accountability through guidelines and protocols, ideally the province would be enforcing this because of an earnest desire to maintain accountability to their Indigenous counterparts.

As Nations and the province develop deeper relationships through MLUP, this may result in limited time and staff capacity to engage with Communities and local governments. Indigenous and dominant governance structures are changing both internally, and with one another. Communities and local governments may have more power to influence change if they work together to conduct community engagement and planning efforts. Developing shared community engagement and planning strategies places importance on maintaining relationships in the long term.

Chapter 7. Advancing Ethical Space in Land Use Planning

Chapter 7 responds to the first aim in my thesis, by addressing the following research question:

- How can Ethical Space be applied to land use planning and advance planning theory?

Planners are in a unique position to fundamentally shift relationships between Indigenous and non-Indigenous people and inherent connections to place. “When we make plans, we choose whose futures matter” (Zapata & Bates, 2021). Planning theory and practice are in constant states of flux as scholars and practitioners learn more about their work and its impacts. Theorists have moved from one concept to the next, in search of methods to advance planning. As societies values adapt, so do our methods of planning. Chapter 7 considers concepts of land management and Indigenous and dominant decision-making, while also offering planners opportunities for reflection in their own work. In engaging with planning theory and reflecting on my research and lived-in experiences, this chapter presents a practical opportunity to advance planning theory towards actualizing ethical decision-making. This chapter distills my work into the most important pieces of Ethical Space in relation to advancing academic discourse.

7.1. Recognizing Rights Through Pluralism

The CIP Professional Code of Conduct states planners must “practice in a manner that respects the diversity, needs, values, and aspirations of the public” (Canadian Institute of Planners, 2016, 2019; Planning Institute of British Columbia, 2016). Further, the CIP’s policy on planning practice and reconciliation “envision[s] a future in which reconciliation is meaningfully embedded in planning practice in Canada and planners build relationships with Indigenous peoples based on mutual respect, trust, and dialogue” (Canadian Institute of Planners, 2019). Planners have an obligation to work on behalf of the public, but they are also bound by the constraints of the code of conduct, existing legislation, and the institutional setting that guides their practice (Fainstein & DeFilippis, 2016), as dominant systems guide planning practices.

A fundamental recognition of Indigenous rights and title is imperative to engage in ethical decision-making in land use planning. Ethical approaches to planning move away from fixing Indigenous Peoples to defined actions to improve planning systems (Barry & Porter, 2012; Brand & Gaffikin, 2007). Recognition does not “fix or stabilize the content and scope of Indigenous claims” (Barry & Porter, 2012), instead, space must be created for Indigenous self-determining autonomy to exist alongside dominant practices (Berke et al., 2002; Held, 2019; Irlbacher-Fox, 2014; Porter, 2013; Porter et al., 2017; Porter & Barry, 2016; Prusak et al., 2015; Sandercock, 2004; Simpson, 2014; Zapata & Bates, 2021). In other words, to adopt a just planning praxis, planners and decision-makers must uphold legal pluralism. Indigenous sovereignty is necessary to restructure ethical relationships with dominant planning systems. Writing by Prusak et al. (2015) drives home this message,

Though the sovereignty entwined with the right of self-determination continues to reside with [Indigenous Peoples], it is silenced through the “pernicious ignorance” (Dotson, 2011) of settler institutions and actors, including planners and the public, and the power and privilege built into planning processes, resources, and time frames. This ignorance disallows Indigenous worldviews, protocols, and practices from being heard and understood by mainstream planning and public institutions, sustaining the epistemic violence suppressing First Nations as subjects and the application of Indigenous self-determining autonomy— though not its existence by right—vis-à-vis the settler state (Spivak, 1988).

Ethical Space fundamentally opposes dominant hierarchal decision-making. Ethical Space is founded on all participants deeply understanding one another’s guiding ethics, morals, and responsibilities. The process cannot begin without first recognizing that all laws and practices are provided equal weight in decision-making processes. This understanding prepares planners to productively engage with various worldviews and decision-making schematics. Ethical Space envisions an evolution of planning theory and practice that supports the co-creation of new processes among multiple worldviews. The space is developed together, providing an opportunity to understand how processes are currently framed. Parties collaboratively decide the standards and laws that will inform decision-making. This approach ensures planners work in the best interest of all, while operating under multiple authoritative bodies.

As was shown in Chapter 5, Ethical Space will look different every time it is entered. This difference is grounded in the acknowledgement of multiple ontologies and

epistemologies in the world, a fundamental component of coexistence theory. The divergence and convergence of each persons' motivations shape how Ethical Space is established. Motivations are inherently tied to relationships to living and non-living beings. For example, some Indigenous participants may have duties to the land that motivate how they make decisions. Ethical Space offers an opportunity to bridge multiple social constructions and promote multiple authoritative bodies. Current dominant concepts are "socially constructed", only existing "because we allow them to exist" [William Nikolakis, Interview Participant]. In Ethical Space, new constructs for decision-making are established that recognize the dynamic nature of laws and protocols used to guide different participants.

In 2022, while drafting my thesis, BC rolled out the Declaration Act Action Plan – complete with 89 specific actions to hold individual ministries accountable through yearly reporting duties. The adoption of *DRIPA* and its associated Action Plan marks the beginning of a critical paradigm shift. BC has an opportunity to alter its practices using MLUP in ways that recognize Indigenous sovereignty and legal pluralism in decision-making. However, it is uncertain whether the province is committed to dissolving 'veto power' in the spirit of reconciliation. Creating a planning praxis that embodies *DRIPA* demands a new trajectory. Dominant actors must be committed to operating within a space of legal pluralism, and not be skeptical of Indigenous governing authority. Dominant laws should no longer guide Indigenous decision-making. Ethical planning requires dominant planners increase their capacities in locally contextualized knowledge, cultural environmental systems, and intercultural situatedness (Walker et al., 2013a). Dominant planners must be willing to expand their understandings of Indigenous cultures and contexts for decision-making. A quote from Elder Rob Edward provides a formidable reminder, "UNDRIP and *DRIPA* mean nothing to me. Story guides the decisions made by my people" (Edward, 2021). When differences in concepts, laws, and ways of seeing the world are upheld, planners are presented with a tremendous opportunity to shape environments to benefit all individuals. Adopting an Ethical Space framework presents an opportunity to achieve the stated goals of *DRIPA* through MLUP that no longer uphold dominant law to a higher degree.

7.2. Shifting Power Dynamics

Planning has moved away from conducting strategic planning without public input. Theorists and practitioners have adopted processes that respond to public input in decision-making. These necessary advances in planning gave rise to planning discourse that focuses on balancing power dynamics (Assche et al., 2018; Fainstein, 2016; Fishman et al., 2016; Gunder et al., 2017; Roy, 2018; Sager, 2018; Thomas, 2016). However, most contemporary planning praxis maintains imbalances by operating under a hierarchal decision-making schematic that favours the dominant voice. Dominant law and practices are seen as superior, while Indigenous law and practices are categorically ignored or manipulated for inclusion in pre-existing dominant processes. Oppressive forces reign supreme in decision-making regarding land use. In BC, the legacies of CORE and LRMP highlight these power imbalances. Indigenous governments were not seen as of having decision-making authority and were instead requested to supply input only. Dominant governments not only uphold their own laws and protocols to a higher degree, but they do not create space for coexistence with Indigenous governments.

Coexistence scholars reject hierarchal decision-making, stating that without balancing power dynamics first, planners run a risk of replicating oppressive tactics (Porter, 2004, p. 105-109 as cited in Sipe & Vella, 2017, p. 287). Theories of coexistence have initiated a complex recognition of the necessary ways planning must adapt to better balance power dynamics through asking the right questions to the right people – those who have historically been excluded from these processes (Barry et al., 2018; Zapata & Bates, 2021).

Where Ethical Space advances planning theory is through its ability to honour Indigenous and dominant systems without decolonizing dominant planning praxis. Ethical Space appreciates fundamental differences among all planning systems and offers an opportunity to co-create a new space that incorporates both. Power imbalances are removed from the start, as all parties are equal partners.

Ethical Space recognizes that practices, laws, and cultures can exist alongside one another. My mentor, Gwen Bridge, assisted in my epiphany that dominant practices are, and always will be, colonial. They have been designed through a colonial regime. To decolonize decision-making in land use planning would mean to completely alter the

system that non-Indigenous people know and live within. Ethical Space does not intend for dominant systems to give up their methods, as it does not force Indigenous systems to fit inside pre-determined boxes. All systems must be equally valued and upheld to jointly make decisions. This rhetoric does not suggest that dominant laws remain oppressive and assimilative; outdated and racist practices must be radically updated. Rather than focusing efforts on fitting a “square peg in a round hole”, parties must accept one another for who they are and work towards a deeper understanding of each other to collaboratively develop new processes that make space for all systems.

7.3. Adopting Agonism

Inspired by theorists Foucault and Mouffe, agonism has become critical vocabulary in planning discourse (Mouffe, 1999; Pløger, 2004). Coexistence theory opposes inclusionary politics and suggests the adoption of agonism to reframe hierarchal power imbalances in planning (Barry & Porter, 2012; Brand & Gaffikin, 2007; Porter et al., 2017; Porter & Barry, 2015, 2016). Planning theorists call for a messy space where conflict is embraced and “passions [are] to be mobilized, rather than risks to be tamed and problems to be regulated away” (Porter & Barry, 2016). This call moves away from traditional concepts of collaborative planning that emphasize consensus building through rational deliberation (Fainstein, 2010; Frame et al., 2004; Gunton, 1998; Gunton & Day, 2003; Margerum, 2002; Sager, 2018), such as was done in BC through CORE and LRMP processes. In adopting an agonistic approach, planners are required to improve current processes through interrogation (Barry & Porter, 2012).

The Ethical Space framework embodies an agonistic approach that openly embraces conflict to enable transformation. Dialogic processes in Ethical Space acknowledge the perpetuity of contest between multiple governing bodies. Through all interviews with Ethical Space practitioners, I was reminded that doing this work is not easy. It is messy and opposes conventional practices which aim for consensus. Ethical Space is not intended to be a “feel good space” [Danika Littlechild, Interview Participant]. It is intended to be an equitable space. These terms cannot always exist alongside one another. As said by Gwen Bridge (2022a),

[planners think] now we're supposed to reconcile, so okay let's just jump out and engage and start talking to people and because we're well intentioned, [Indigenous Peoples will] roll over and [allow any decision],

right?... Well, you can't do that because you don't know who you are, what you represent, [and] what you're bringing to the table.

Professional reflection is important for planners to practice, but is not routinely done (Willson, 2020). Ethical Space incites conflict resolution through reflexivity. Agonistic planning urges reflexive practices (Porter & Barry, 2016), recognizing that knowledge is endless and must be deliberately revisited (Brand & Gaffikin, 2007). One of the key requirements of enacting and maintaining Ethical Space is relational accountability. Participants are required to check in with one another and ask if the processes they have adopted feel good or bad. Continual dialogue is encouraged and if one participant feels there have been imbalances or inconsistencies in a decision, space is made to engage with these feelings in a respectful manner. Ethical Space responds to agonistic politics not only in the co-creation of a new space that balances power and embraces conflict, but in the call for reflection in planning processes.

7.4. Supporting Indigenous Planning Theory and Practice

An ethical planning praxis cannot emerge without Indigenous planning theorists and practitioners' involvement (Jojola, 2008, 2013; Prusak et al., 2015; Zapata & Bates, 2021). Indigenous planning is coined as an emerging paradigm in contemporary planning practices (Jojola, 2008, 2013; Prusak et al., 2015; Walker et al., 2013b), yet it has been practiced since time immemorial. For Indigenous planning to advance planning praxis, space must be opened for Indigenous planning to coexist alongside dominant practices, rather than the status quo of operating under the umbrella of dominant planning. Part of this crucial work involves Indigenous resurgence in planning theory and development, alongside an understanding of the gaps in contemporary planning. In particular Harjo (in Zapata & Bates, 2021) posits,

We need approaches theorized from Indigenous peoples' lived experiences by Indigenous peoples, but even before taking that step, we need to ask the right questions about futures, time, and the gaps that planners can detail and solve.

Ethical Space responds to this call. The framework of Ethical Space was founded by Indigenous researchers, some specifically in the planning field (Bridge, 2021a; Bridge et al., 2020; Dragon Smith, 2020; Ermine, 2007; Indigenous Circle of Experts, 2018b;

Littlechild & Sutherland, 2021). Ethical Space advances Indigenous planning by establishing a method for Indigenous practices to exist on their own.

Indigenous protocols centre love in land use decision-making (Simpson, 2014; Wildcat et al., 2014) and are directly tied to kinship, place, and time (Jojola, 2008, 2013; Prusak et al., 2015; Zapata & Bates, 2021). These principles are uncommon in dominant planning practices, which tend to focus on fear, regulation, and control (Alec, 2022). To adopt Indigenous theories and practices in planning, space must be made in the planning framework itself. Ethical Space creates this necessary space. Protocols are centred on love-based practices, connecting communities through kinship and relational accountability (Alec, 2022). The self-reflection and learning requirements of Ethical Space offer opportunities for all planners to understand the various, separate planning practices necessary for their project or region.

7.5. Connecting to Place and Time

The fragile boundaries connected to place and time have long been points of discussion in planning theory (Howitt & Lunkapis, 2010; Innes & Booher, 2004; Jojola, 2008; Porter, 2013; Porter et al., 2017; Porter & Barry, 2016; Zapata & Bates, 2021). Dominant planning techniques, including that of collaborative and justice planning, are inadequate in capturing Indigenous cultural identities and protocols (Jojola, 2008, 2013). Indigenous planning has emerged as a means to carve out both a practical and theoretical space for Indigenous Peoples to plan (Jojola, 2008, 2013; Porter et al., 2017). However, Indigenous planning is often not realized in land use planning because dominant practices do not create space for both methods to concurrently make decisions. This is particularly important to address in a land use planning context in the Upper Columbia – an area with multiple Indigenous governing bodies. In Indigenous communities, spiritual, physical, and emotional connections to land are deeply important. Yet, dominant decision-making does not account for Indigenous connections. Planning systems require radical change to make the ethical planning conditions necessary of a new era. Ethical Space presents an opportunity to transform planning praxis through recognizing the fundamental differences between place and time boundaries in Indigenous and non-Indigenous planning theory and practice.

7.5.1. Physical Location

Place can be understood as a location with a physical and measurable geography (Cresswell, 2014). Place is important in planning because it acknowledges where events happen. From a dominant perspective, jurisdictional boundaries guide planning process, thus situating place in a specific location. For Indigenous Peoples, these jurisdictional boundaries do not have the same meaning. Boundaries are fuzzy or non-existent, they are defined through relationships and cultural ties to the land (Jojola, 2008; Simpson, 2014; Zapata & Bates, 2021). Strict boundaries do not account for flows of people, ideas, objects, and other entities. Plants and animals, such as caribou, do not make decisions based on dominant jurisdictional boundaries. Even people move and connect across places, it is not uncommon for people to live in Silverton, work in Nakusp, and have family or friends in New Denver. Society moves between places, especially in a modern era where driving is a part of most people's day to day lives, making it integral that planners account for movement in their practice. How planners consider place has significant impacts on people's lives and the environment. Planning can impact how people value the environment, economy, and one another. Planning for the public interest is a major component of planning, yet dominant politics works within narrow definitions of public interest.

Ethical Space works outside of traditional jurisdictional boundaries to facilitate dialogue that upholds the adherences to all societal frameworks, including laws, governance structures, and identified territorial boundaries. Ethical Space is a place-based practice which emphasizes the importance of incorporating culturally significant differences to guide planning models and decision-making. Through Ethical Space, diversity is encouraged in co-creating relevant frameworks, which are dependent on the parties involved and the place in question. For land use planning, place may require physical grounding, such as watershed boundaries, to delineate how large a project will be. However, through dialogue and relationship building, participants ensure reframed connections to place are not only grounded in the physical.

7.5.2. Connection and Meaning

Considerations of place-based planning offer another opportunity to advance land use planning through implementing Ethical Space. In Indigenous and dominant planning

theory, there is a necessity to attach meaning to place – known as placemaking or place-based planning. Planning is a spatial exercise, where the “general objective is to provide for a spatial structure of activities” (Hall & Tewdwr-Jones, 2019, p. 3). Friedmann argues that place is deeply entrenched in cultural, political, and economic societal identities (in Madanipour et al., 2016). There exists a shared aspect of centering people in a location. Planning must be spatialized in a context-specific manner to achieve ethical results. In planning, place “relate[s] to both a materiality and an identity” (Madanipour et al., 2016, p. 7). Places do not have a singular meaning – they connect with multiple boundaries (Madanipour et al., 2016).

Coexistence acknowledges the variety of ways people use and attach meaning to space and how they claim space (Howitt & Lunkapis, 2010; Porter, 2013; Porter & Barry, 2016). Yet there is little knowledge of how to enact this understanding on the ground. Theorists conceptualize the need to attach meaning to place, yet planners may struggle to embrace subjectivity in spatial planning. Although dominant theorists conceptualize placemaking as an integral component of planning, decisions are often made from more static and physically grounded point of view. In dominant planning, meaningful place-based planning does not often happen, although it is desired. Dominant rules or guidelines can inhibit localized land use decisions. In addition, in many small rural or remote communities, land use plans such as OCPs are often written by consultants, who may not incorporate local meanings or cultural connections.

For many Indigenous Peoples, place is relational and “open to change predicated on the positionality of the individual or community” (Harjo in Zapata & Bates, 2021, p. 617). Place includes the dynamic relationships that are occurring within that place. “When Indigenous Peoples talk about a place, it is alive; the rocks are alive, the trees have spirits, and all these things are interacting in relationship” (Bridge, 2022b). Indigenous planners have a responsibility to plan for this relationship. The interplay between the intangible – including energy and spirit relationships – and the tangible – what people can see and touch – forms the place for decision-making in Indigenous planning (Bridge, 2022b). These relationships, or kinship ties, in Indigenous planning is not adequately accounted for in dominant planning systems (Harjo in Zapata & Bates, 2021).

Non-Indigenous planning regulates and transforms place, meaning it must account for a multiplicity of perspectives/viewpoints and interests. As said by Madanipour et al. (2016, p. 3), planning systems “will only be successful if spatial planning is seen as a socio-spatial process”. Human interactions and perceptions of place must be considered in land use planning. Ethical Space provides much needed advancements to co-create subjective spatial boundaries to guide decision-making. Fundamentally, Ethical Space is a place of exploration to come together and find resolution on a particular topic. Ethical Space is an abstract space – or blank universe – which can be populated with the conceptions of place each participant identifies with. There is no judgement of how parties decide to define place as all definitions are equally valid and discussed jointly. In Ethical Space, parties operate under a reflexive process to redefine place as more information is learned. Each Ethical Space defines place differently, which shapes how the particular space will look. Ethical Space encourages Indigenous planners to actualize planning theories and frameworks which have historically been removed from the narrative. When planners recognize the subjectivity surrounding place, opportunities open for multiple overlapping jurisdictions to work together (Porter & Barry, 2016).

7.5.3. Time

An understanding of temporal boundaries in planning presents further opportunities to advance land use planning through Ethical Space. Temporality relates differently to Indigenous and non-Indigenous people, though these differences are not accounted for in dominant planning practices. Harjo (in Zapata & Bates, 2021, p. 616) argues linear orders of “past/present/future” planning fails to recognize “Indigenous kinship relationships”, and writes about Indigenous responsibilities to their “kin who inhabit many temporalities”. Planning fails to address these responsibilities when envisioning a future because dominant methods plan in a linear fashion, with minimal connections to kinship. For example, much of the dominant world sees history as static – something in the past that can shape how planners make decisions now. There is no responsibility to act in the interest of the past. Dominant planning practices engage with community members to ask about their future goals, but this is not aligned with Indigenous futurity. Indigenous futurity is not limited to a future temporality – one can enact future thinking in the present. This same thought is used when considering the past. Harjo’s (2019) work

interrogates contemporary planning theory and practice to suggest a need for praxis which encompasses Indigenous thought.

In Ethical Space, temporal boundaries are not limited or defined. Founded by Indigenous practitioners, Ethical Space offers a framework in which kinship and relational accountability are key requirements to enacting and maintaining the space. Establishing boundaries together is encouraged, with emphasis placed on a deep understanding of one another and a necessity in acting from a place of love. With these as requirements, planners are forced to consider their connections to kin, place, and time to conduct decision-making.

A connection to place and time establishes the foundation for Ethical Space. Ethical Space advances planning theory and practice by enabling Indigenous planning efforts to coexist alongside dominant efforts to create a new planning praxis that does not contain one inside the other. There is no commitment to exist within one another's laws, cultures, or protocols. Further, love-based practices, a condition that commits relationality and kinship to planning, guides Ethical Space. Meaning is jointly connected to areas or regions being planned for. In doing so, decisions are made with a primary consideration of acting in the best interest of one another. Moving away from historical and contemporary planning practices to practical advancements for more just and ethical decision-making.

Chapter 8. Conclusion

This thesis explored how Ethical Space could be adopted in land use planning in BC. Using a place-based approach, this research identified possible theoretical and practical applications of Ethical Space for land use planning in the Upper Columbia region of BC, an area in expressed need of planning efforts.

Two research aims guided this thesis. The first aim involved investigating how an Ethical Space framework could be adopted in land use planning. Building upon the growing body of coexistence and Indigenous planning and coexistence literature, this research questioned how Ethical Space could make necessary advancements to planning theory and practice. The origins of planning within dominant and Indigenous contexts were explored to better understand both approaches. Modern planning discourse poses coexistence as a possible entry point for ethical planning. Coexistence reframes relationships to convey more ethical ways of sharing space. Multiple overlaps in jurisdiction are equally valued, encouraging collaborative governance mechanisms for decision-making. However, the literature related to coexistence planning remains primarily theoretical. This thesis presents advancements to planning theory and practice through the adoption of Ethical Space as an applicable framework to achieve the expressed goals of coexistence. Further, in focusing on regional land use, this thesis facilitates ethical thought in an underrepresented sector of planning theory.

The second question explored how Ethical Space could be applied to land use planning in the Upper Columbia. Adopting a case study approach grounded this research in place and time, a critical aspect of Ethical Space. The Upper Columbia is a growing area of concern for many groups due to its increase in human-related use and pressures to wildlife and the ecosystem. Communities expressed a need to coordinate land use planning in the region, offering a timely opportunity to conduct this case study. The current legal landscape in the Upper Columbia was reviewed to understand how land use planning decisions are made by all levels of government. Connections between government priorities, concerns, and respective authoritative bodies were drawn out to make recommendations for enacting and maintaining Ethical Space.

This case study adopted three primary research methods to analyze Ethical Space and its use in the Upper Columbia. Semi-structured interviews were conducted

with two groups (Group I and Group II). Group I participants were Ethical Space practitioners. Participants were involved in a range of projects, from scholarly to land and resource management. Group II participants were government actors from jurisdictions in the Upper Columbia. Participants included Indigenous, provincial, regional, and municipal government staff. Document analysis contributed to a better understanding of answers and context provided by both Group I and II. Document analysis for Group I drew from seven Ethical Space-based projects to further conceptualize the framework. Document analysis for Group II primarily focused on strategic planning documents and management tools used to make decisions in the Upper Columbia. Finally, personal reflections informed this research. Using grounded theory, new themes and concepts were developed through self-reflection and deeper research.

Case studies are often cited as having limited generalizability to further research. However, given that this research is situated within the larger theorization of coexistence in planning, a case study was suitable for researching practical applications of theory. Further, Ethical Space is a place-based practice. To research Ethical Space, studies must be grounded in place. The research findings do not suggest their generalizability related to specific concerns, tools, or legal landscapes. Rather, these findings maintain relevance in providing critical requirements for the broader implementation of Ethical Space in land use planning.

The results of this research defined Ethical Space, focusing on three critical aspects. These aspects included co-creating new procedures using existing systems, building meaningful relationships with all parties, and recognizing that Ethical Space will look different depending on the place, people, and topic of discussion. Three key requirements – pre-engagement, relational accountability, and reflexivity – for enacting and maintaining Ethical Space were discussed. Finally, I presented six challenges of implementing Ethical Space in a land use planning context. Adopting an Ethical Space framework responds to planning theorists call for re-structuring power imbalances, situating planning in place and space, supporting Indigenous planning theory, and increasing planners' capacity to understand possible differences in Indigenous planning needs (Barry et al., 2018; Hibbard et al., 2008; Jojola, 2008, 2013; Lane, 2006; Porter et al., 2017; Porter & Barry, 2016; Simpson, 2014; Zapata & Bates, 2021). This thesis demonstrates that Ethical Space provides necessary advancements to planning theory that uphold ethical decision-making principles.

Finally, this research discussed possible entry points for governments in the Upper Columbia to enact and maintain Ethical Space. This research is not intended to serve as a prescriptive tool, rather the recommendations in this thesis present opportunities to begin Ethical Space-based conversations with planners. Each key requirement of Ethical Space was analyzed through the case study to provide recommendations specific to the Upper Columbia. Recommendations for entering pre-engagement focused on all governments developing and sharing engagement strategies, including how and why they would like to develop deeper relationships with one another. Building relationships, the second key requirement of Ethical Space, in the Upper Columbia may be strengthened by conducting joint planning efforts through expressed areas of interest or concern. This research found commonalities among the following planning related topics: understanding backcountry use, addressing housing issues, and adopting watershed boundary planning. Two recommendations were presented to enact the third key requirement of Ethical Space, relational accountability. Dominant governments must engage with Indigenous governments outside of the provincial consultative database and legislative requirements. Communities and local governments may strengthen their planning efforts and accountability to one another through conducting community engagement and plan development jointly. Adopting the recommendations presented through this research may help implement Ethical Space-based land use planning in the Upper Columbia. The case study results of this research are relevant for planners with interest in updating their practices to better incorporate the key requirements necessary to enact and maintain Ethical Space. In learning from these recommendations, planners are better equipped to practice Ethical Space using appropriate, place-based contexts.

8.1. Future Research

There is much work ahead for planning theorists and practitioners to advance ethical decision-making through Ethical Space. More Ethical Space case studies are needed on a variety of scales, locations, and participants. Place-based applications of Ethical Space will strengthen its understanding and application in practical settings. Future research might also consider how Ethical Space can be applied to an urban planning context. Planning scholars may wish to draw upon previous case studies to compare and contrast Ethical Space with other coexistence frameworks.

This research was guided by foundational reconciliation documents, including UNDRIP, the TRC Calls to Action, and *DRIPA*. However, my work does not analyze the documents to identify specific actions planners can take to implement the actions identified. Conducting a thorough analysis of these documents in relation to the planning sector may provide more context for planners to achieve these goals. Further, a deeper understanding of reconciliation documents co-developed by Indigenous and non-Indigenous people is part of pre-engagement work, a necessary requirement of Ethical Space.

8.2. Concluding Remarks

Planners can play a pivotal role in addressing ethical issues around the globe. As said by Porter and Barry (2016), “planning is a site of both resistance and resurgent possibility”. The practice of planning is rooted in creating a better, more sustainable world for the people who inhabit it. To walk in solidarity with Indigenous Peoples, non-Indigenous planners and decision-makers must deeply understand Indigenous governance structures and their guiding protocols. Plans must acknowledge traditional and cultural Indigenous processes of knowledge acquisition and analysis. Although planning theory advocates for coexistence, there have been little on the ground advancements in planning practice. With an increase in user conflict and the resurgence of Indigenous sovereignty, BC, and specifically the Upper Columbia, is faced with the need for new planning practices that promote ethical collaboration in decision-making. Understanding the historical methods of decision-making practiced by Indigenous Peoples and settlers highlights how these differences have resulted in BC’s current power imbalance. To achieve the goals of the MLUP program and legal obligations as stated in *DRIPA*, it is imperative that a recalibration of institutional power relations occurs. Planners must move away from dominant approaches, hierarchies, and central authorities to conduct ethical decision-making.

This thesis presents both theoretical and practical insight for engaging in Ethical Space through land use planning. The theoretical and practical contributions of this thesis co-exist because Ethical Space is both a way of seeing the world and a way of doing work. Ethical Space is an emerging concept that promotes relationship building and balancing power dynamics to establish an innovative space for decision-making. It recognizes fundamental differences between dominant and Indigenous authoritative

structures and decision-making models, to present a new way forward for land use planning. The joint authoritative hierarchy conceptual framework of Ethical Space delivers pragmatic steps for acknowledging the conflicts associated with previous decision-making models. Planners are encouraged to understand the theory of Ethical Space to engage in its practice themselves.

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Appendix. Sample Interview Guide

To Note

- Participants recruited for 60-minute interview via zoom, phone, or at set location, pending COVID-19 restrictions

Introduction

- Welcome and thank participants
 - *“Thank you so much for taking the time to chat with me today. I really appreciate the opportunity to discuss this topic and am looking forward to learning from your experiences. My intent of this interview today is to ask questions related to your use of Ethical Space and/or challenges in the Upper Columbia region of BC with respect to land use planning.”*
- Background information on the research
 - *“The aim of my research is to examine how meaningful participation can occur at the intersection of Indigenous and dominant knowledge and governance systems to ensure ethical land management in British Columbia. This research will identify Ethical Space as a viable option for land use planning that considers new methods for joint governance. Lessons learned from this research will be used to inform my thesis and academic journal contributions, as well as training and/or workshop materials for planners to better educate themselves on Ethical Space. I hope to specifically recognize Ethical Space within the Upper Columbia to provide recommendations to advance planning and reconciliation within the region.”*
- Outline interview logistics: interview will last no longer than 60 minutes
- You can take a washroom break or get some water at any time
- Conduct verbal consent process (refer to verbal consent document)
 - *Confirm they read the written consent form via email.*
- Reassure participants that this is more of a conversation than an interview and they may opt out at any time.
 - *“Please remember, that this is more of a conversation than an interview. I’m excited to hear from your perspective and learn more about your experiences. I want to ensure that you feel comfortable throughout the interview and share only what you wish. If at any point you are uncomfortable with the interview, we can skip a question and move on to the next one or stop entirely. There are no wrong answers! I am not interested in testing your knowledge, I’m interested in hearing your thoughts.”*
- Prompt participants that you will begin recording the interview.
 - *“Before I begin, I want to ask if you are ok with me recording the interview, this will be done so that our team can use the information we have gathered from our talk and apply it to our research. By recording the interview, we can ensure that we are not missing any of the important information or suggestions you share with us today.”*

BEGIN RECORDING

- 1) Can you confirm the following information?
 - a. Your name
 - b. Your affiliation
 - c. Your role in the affiliation

QUESTIONS

The following set of questions will be used for Ethical Space practitioners.

“As you are aware, my research specifically focuses on the coexistence framework of Ethical Space. Ethical Space was coined by Willie Ermine in 2007 to describe the theoretical space between Indigenous and dominant systems to promote relationship building through designing a new system that equally values multiple ways of knowing. This concept is similar to many other concepts or frameworks, although they have different names. I’m hoping that our interview today will touch on your understanding of the coexistence framework that you implement.”

- 1) Tell me about your experience collaborating between Indigenous and non-Indigenous people to come to fair and just agreements. How did you become a practitioner of this work? Can you point to a specific project that you are involved in?

Possible prompting questions:

- a. Do you have a term that you use to define this work?
- b. Do you find this method has resulted in more ethical outcomes as opposed to previous methods you’ve practiced? Can you expand?

- 2) What does Ethical Space [or other term] mean to you?

Possible prompting questions:

- a. Why do you use Ethical Space [or other term]?
- b. How would you make a case for Ethical Space [or other term] to others?
- c. How does Ethical Space [or other term] facilitate conversation in your field?

- 3) Have you found any challenges in implementing Ethical Space [or other term]?

- 4) Do you experience resistance from governments, decision-makers, planners, etc. regarding implementing Ethical Space [or other term]?

Possible prompting questions:

- a. If yes, how do you obtain buy in?

- 5) What do people need to know when creating an Ethical Space [or other term]?

Possible prompting questions:

- a. How do you ensure reciprocity?

- b. How do you ensure that there is commitment to the work?
 - c. How do you determine responsibilities such as funding, monitoring, and reporting of a project?
 - d. How do you quell conflict/cut tension in the room?
- 6) What does Ethical Space [or other term] look like over time? How does this work change when considering longer term expectations and commitments?
- 7) Do you see Ethical Space [or other term] as a tool for planning? How so?
- 8) How would you define land relationship planning?
Possible prompting questions:
 - a. What do you see as the major difference between Land Use Planning and Land Relationship Planning?

The following set of questions will be used for government officials.

- 1) What is your long-term vision for the Upper Columbia based on your community's needs?
Possible prompting questions:
 - a. Can you describe this vision from the following standpoints?
 - i. Environmental
 - ii. Economic
 - iii. Cultural
 - b. Why do you think this "vision" hasn't been realized yet?
- 2) How did you develop that vision within your community?
Possible prompting questions:
 - a. Who participated in the process?
 - b. Was there a process you followed to hear from the community?
 - c. Was anyone/group actively included or excluded?
- 3) How are lands and resources managed? Do you use tools, policy, legislation, zoning, bylaws, OCP's, etc.?
Possible prompting questions:
 - a. How are these tools used to support the development and implementation of community plans?
 - b. Do these tools enable you to support your long-term vision for the Upper Columbia?
- 4) What do you see as the greatest hurdle to effectively implementing a land use plan within the Upper Columbia?
Possible prompting questions:
 - a. Why do you see this as a hurdle?
 - b. What do you think could be done to address this hurdle?
- 5) What sort of practices do you employ when working with (non-)Indigenous communities, Nations, Bands, and individual people? Tell me about these

experiences.

Possible prompting questions:

- a. What have you found works well in your practice?
- b. What are the challenges of this practice?
- c. Is there something more you wish you did? Can you expand?
- d. **Do you have any guiding documentation that outlines how you conduct this engagement?**

6) **Do you engage, partner, or work with other jurisdictions? If so, how and to what extent?**

7) Tell me about your understanding of the modernized land use planning (MLUP) program being deployed by the BC government.

Possible prompting questions:

- a. Is there anything you particularly like or dislike about this approach?
- b. **How is MLUP currently impacting how you do your work?**
- c. Do you see this as a mutually beneficial program for Indigenous and non-Indigenous people in BC? Why or why not?

8) Are you familiar with the concept of “Ethical Space”?

Possible prompting questions:

- a. Can you explain what it means to you?
- b. Do you see this being used in large scale planning processes?
- c. If you have not heard of it, I will explain this concept [Moe to explain here]
 - i. How do you see this in the context of addressing land use planning issues in the Upper Columbia?
 - ii. Do you see it as valuable?

The following set of questions will be used for provincial government representatives.

1) Does the province have a vision for how they will determine new projects they are willing to take on?

2) What is the timeline for BC adding new projects to the MLUP program?

3) Does the province have a vision of how they would like to see land use planning conducted in the Upper Columbia? Or an idea of what they are hoping the area will look like?

4) How are lands and resources managed? Do you use tools, policy, legislation, zoning, bylaws, OCP's, etc.?

Possible prompting questions:

- a. How are these tools used to support the development and implementation of community plans?
- b. Do these tools enable you to support your long-term vision for the Upper Columbia?

- 5) What do you see as the greatest hurdle to effectively implementing a land use plan within the Upper Columbia?

Possible prompting questions:

- a. Why do you see this as a hurdle?
- b. What do you think could be done to address this hurdle?

- 6) **Do you engage, partner, or work with other jurisdictions? If so, how and to what extent?**

- 7) Are you familiar with the concept of “Ethical Space”?

Possible prompting questions:

- a. Can you explain what it means to you?
- b. Do you see this being used in land use planning processes?
- c. If you have not heard of it, I will explain this concept [Moe to explain here]
 - i. How do you see this in the context of addressing land use planning issues in the Upper Columbia?
 - ii. Do you see it as valuable?

The following set of questions will be used for all interviewees.

- 1) Do you have any other comments surrounding the use of Ethical Space to conduct land use planning that you would like to share with us?
- 2) Do you have any feedback for myself, the interview process, or the research project in general?

STOP RECORDING

Part 6: Conclusion

Thank participants for their time and participation

COMPLETED INTERVIEW CHECKLIST

- Saved audio file in SFU Vault
- Transcription file saved in SFU Vault