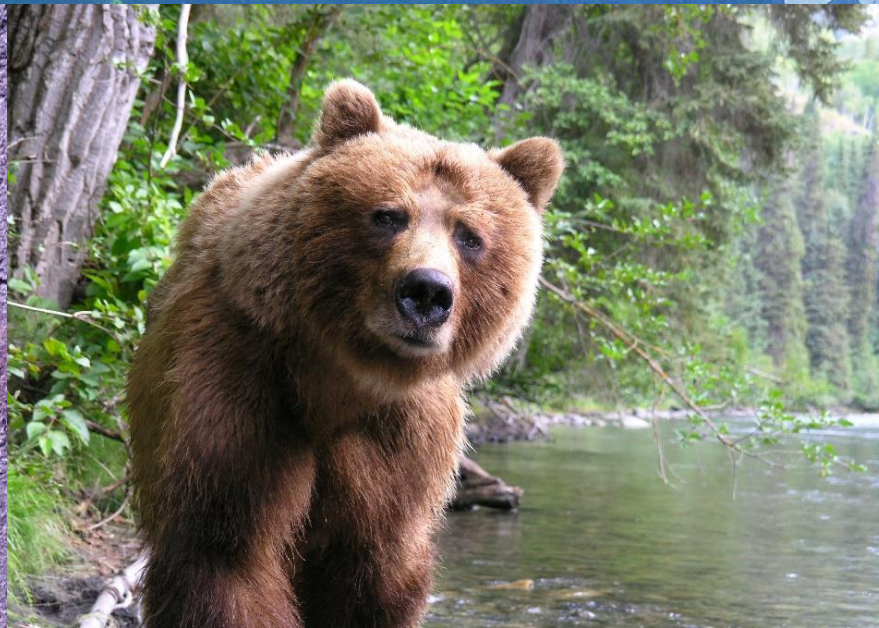


The Taku River Tlingit Land Use Plan

A brief overview and discussion



Overview of Taku River Tlingit Traditional Territory

- approx. 40,000 sq. kilometers (15,400 sq. miles)
- Located primarily in NW British Columbia and Yukon
- Includes Taku R and portion of upper Yukon R drainages
- Extending from coastal temperate rainforest to boreal interior
- Includes largest natural lake in BC (Atlin Lake)
- Population (Atlin only permanent community pop. 350)





How the Plan came about

- **Proposal to reopen historic Tulsequah Chief including a 160 km road**
- **TRTFN opposed the project because:**
 - **No Land Use Plan existed for area**
 - **No Treaty settlement in place**
 - **TRTFN not adequately consulted**
- **Went to Supreme Court of Canada resulting in the Province of BC being compelled to negotiate a LUP**



- **With help from NGO's a Conservation Area Design (CAD) developed based on science and Traditional Ecological Knowledge**



- **Tlingit Tlatsini ('places that make us strong') map produced**



- **This formed basis of TRT negotiation for protected areas**



- **TRT sought 55%, protected areas and got 28%**





***Wóoshtin Yan Too.Aat*: Land and Resources Management and Shared Decision Making Agreement:**

- signed by BC and the TRT in July, 2011

2 components:

- 1. Government to Government Agreement (G2G)**
- and**
- 2. Land Use Plan**

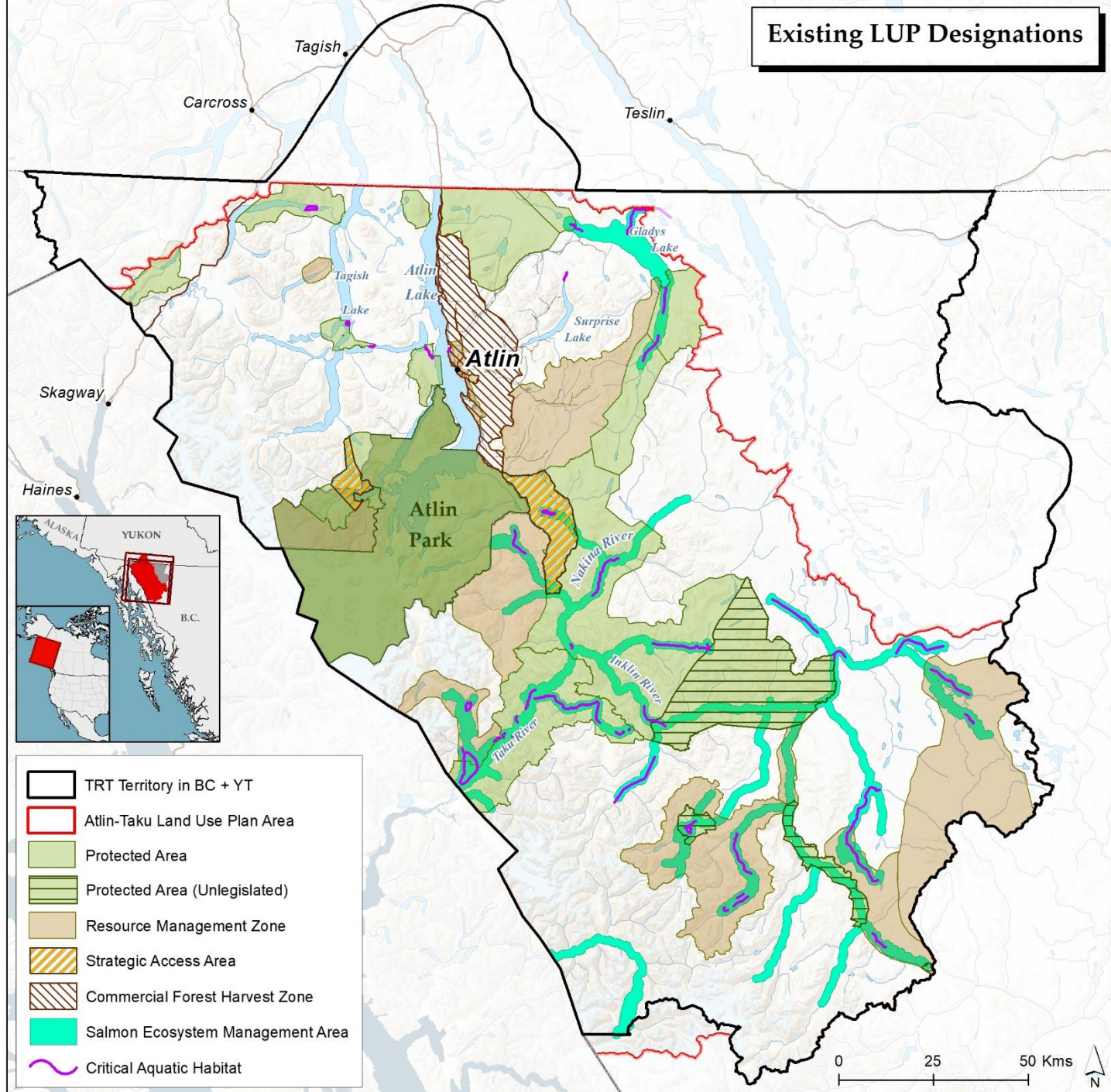


Wóoshtin Yan Too.Aat Land Use Plan

Establishes 13 protected areas (approx. 560,000 ha) as well as Special management areas with Implementation Direction

- Resource Management Zones (RMZ)*
- Cultural areas*
- Salmon Ecosystem Management Areas*
- Critical Aquatic Habitat Areas*

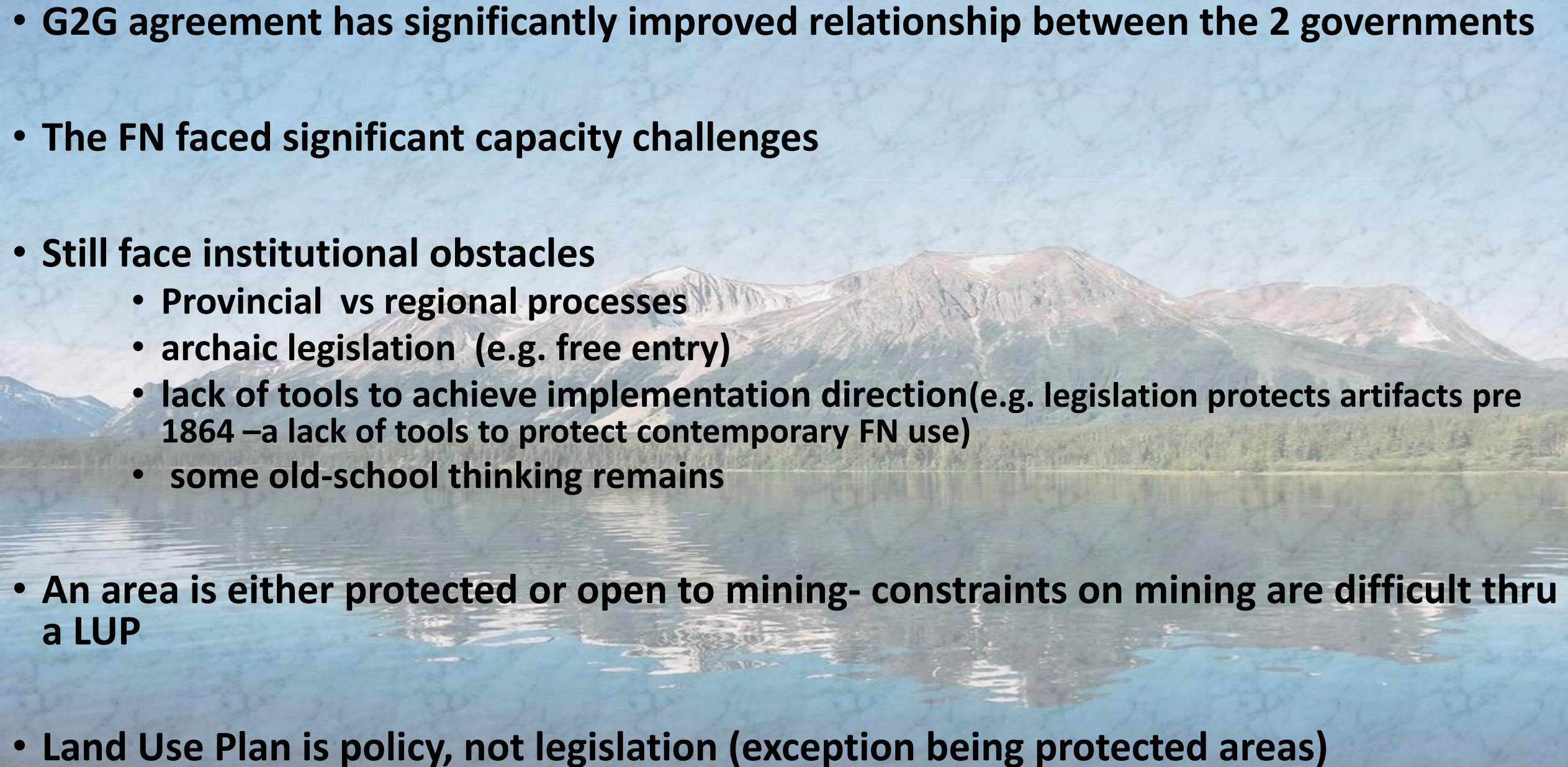
Existing LUP Designations



Government to Government Agreement:

- **Outlines how the 2 governments will engage on shared decision making**
- **Engagement Model that outlines how the 2 governments engage re development applications – a matrix based on the nature and location of proposed activity**
- **Overseen by the G2G Forum (3TRT, 2BC, 1local rep)**
- **Established several working groups (Mineral WG, Fish and Wildlife WG, Protected Areas WG,) that report to G2GF**

Discussion – lessons learned - G2G

- G2G agreement has significantly improved relationship between the 2 governments
 - The FN faced significant capacity challenges
 - Still face institutional obstacles
 - Provincial vs regional processes
 - archaic legislation (e.g. free entry)
 - lack of tools to achieve implementation direction (e.g. legislation protects artifacts pre 1864 –a lack of tools to protect contemporary FN use)
 - some old-school thinking remains
 - An area is either protected or open to mining- constraints on mining are difficult thru a LUP
 - Land Use Plan is policy, not legislation (exception being protected areas)
- 

Discussion:

- Be clear on legislative 'tools' available for policy implementation when developing a LUP
- Implementation Direction (policy) should lend itself to being permit conditions or tied to other existing legislation
- Implementation direction may leverage development of new legislative tools/approaches? (e.g. cumulative affects, cultural areas)
- Ability to implement policies is relative to the user group being affected (e.g. free entry = 3rd party rights)
- Province lacks capacity to oversee policies

Case Study :Blue Canyon RMZ



- Major placer area – ‘legacy sites’
- ‘breadbasket’ for TRT and Atlin



Blue Canyon RMZ Implementation Direction includes:

“Monitor and manage cumulative effects from land use activities to ensure risk to high value wildlife habitat and terrestrial biodiversity values does not increase over time”

“Manage mineral exploration and placer mining operations so as to reduce from present levels the net land area disturbed”

Challenges to implementation include:

- A lack of legislative tools to implement
- Technical/scientific challenges

Technical challenges

- What constitutes disturbed?
- When does an area that was previously disturbed recover enough to be considered no longer disturbed?
- How much of a given area (%) needs to be disturbed to define the whole tenure as disturbed (or recovered for that matter)?
- How to develop a relatively simple, cost effective evaluation?



Future Considerations....

- United Nations Declaration of the Rights of Indigenous People (UNDRIP)
 - FPIC: Free and Prior Informed Consent
- Indigenous Protected Areas Strategy
- RELAW: revitalization of Tlingit Laws based on traditional stories
- TRTFN objective is true co-management – internal capacity remains a challenge

A brown bear stands on a rocky bank, looking down at a fish jumping in a stream. The stream is shallow and clear, revealing many smooth, moss-covered rocks. The bear is positioned in the upper left quadrant of the frame. The fish is in the lower right quadrant, captured mid-jump. The background consists of a forest floor with fallen branches and some green plants.

Gunalchéesh/Thanks