



# Nxekmenlhkálha Iti tmícwa

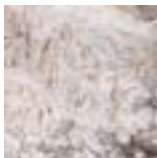
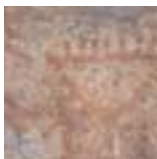
ST'ÁT'IMC PRELIMINARY  
DRAFT LAND USE PLAN, PART 1

MARCH 2004



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# ST'ÁT'IMC TERRITORY



The St'át'imc are the original inhabitants of the territory which extends north to Churn Creek and south to French Bar; northwest to the headwaters of Bridge River; north and east toward Hat Creek Valley; east to the Big Slide; south to the island on Harrison Lake and west of the Fraser River to the headwaters of Lillooet River, Ryan River and Black Tusk.<sup>1</sup>

The St'át'imc way of life is inseparably connected to the land. Our people use different locations throughout our territory of rivers, mountains and lakes, planning our trips with the best times to hunt and fish, harvest food and gather medicines. The lessons of living on the land are a large part of the inheritance passed on from St'át'imc elders to our children.

As holders of one of the richest fisheries along the Fraser River, the St'át'imc defend and control a rich resource that feeds our people throughout the winter, and serves as a valued staple for trade with our neighboring nations. The St'át'imc can think of no other better place to live.<sup>2</sup>

Tsuwalhkálh ti tmícwa (the land is ours). The St'át'imc hold Title, rights and ownership to our territorial lands and

resources. We are úcwalmicw (the people of the land). We are a nation, not an interest group. As proclaimed by our ancestors in the Declaration of the Lillooet Tribe, May 10, 1911: "We claim that we are the rightful owners of our tribal territory and everything pertaining thereto. We have always lived in our country; at no time have we ever deserted it or left it to others." The source of these rights is St'át'imc law.

# INTRODUCTION



St'át'imc law regarding territorial lands and resources will be followed by all users of our territory. The St'át'imc are in the process of codifying laws related to heritage, forestry and other matters. Key aspects of our

Forestry Code related to St'át'imc land designations and permitted activities within them are described in this document, which contains Part I of the St'át'imc preliminary draft land use plan. Part I of the preliminary draft land use plan covers most of the northern portion of St'át'imc territory.<sup>3</sup> The St'át'imc preliminary draft land use plan translates the St'át'imc Vision and Principles (see below) into concrete management direction on the ground in St'át'imc territory. The preliminary draft land use plan is an interim product subject to an ongoing community process. The St'át'imc reserve the right to revise or alter the plan in response to the community process, new scientific or traditional use information/analysis or more detailed planning at the landscape or watershed levels.

# ST'ÁT'IMC VISION STATEMENT<sup>4</sup>

Our vision is of a continuing and renewed relationship between St'át'imc people (úcwalmicw) and the land (tmicw) which:

- respects St'át'imc cultural traditions - using the ways (nt'ákmen), laws (nxékmen) and standards of our people as passed down through the generations;
- respects nature – putting the health of the water, the air, the plants, the animals and the land itself before all else;
- is under St'át'imc authority – letting our people decide collectively how the land and resources of the St'át'imc territory will be managed; and,
- serves the St'át'imc communities – recognizing that resources continue to provide sustenance in old and new ways to all our people.



Photo:Randy James

# PRINCIPLES<sup>5</sup>



## Principle 1:

We, the St'át'imc view our territory as the basis for our survival. We acknowledge the

creator and our responsibility as caretakers of our territory. We are inseparably connected to our land, its water, air, wildlife and plants. What happens to one part impacts the other parts.

## Principle 2:

Sustainability for the St'át'imc involves:

- taking care of our ancestral footprints (St'át'imc culture, heritage, and ecology of the land); and,
- ensuring all economic and cultural activities in the territory are carried out in a sustainable manner that incorporates our ancestral footprints, while protecting culture and its links from the past to the present and into the future.

## Principle 3:

Land and resource based activities within the St'át'imc Territory will incorporate St'át'imc local control, ownership and participation and provide an economic contribution to our communities that is culturally and ecologically sustainable over the long term.

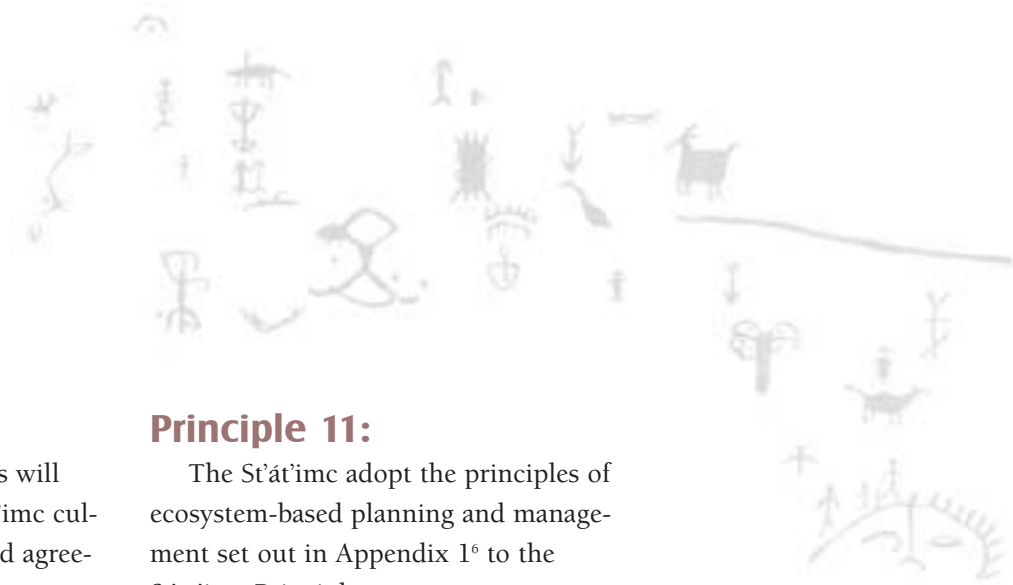
## Principle 4:

St'át'imc communities are entitled to continued use of original ancestral and historical survival areas sufficient to meet our needs and wants.

## Principle 5:

The St'át'imc agree that all land and resource based activities within the territory will protect the land, water, air, mineral, fishery, wildlife, plant, and cultural heritage resources for all generations (including but not limited to land features, stories and legends) and all living things that rely upon the environment. Thus, on St'át'imc territory, activities in the forest, including all planning and resource use or development must:

- maintain fully functioning forests at all scales through time;
- place protection of water quantity, quality and timing of flow, including watershed restoration, first and foremost;
- focus on what to leave, not on what to take;
- respect the ecological limits of various ecosystems to human disturbance;
- maintain, protect, and where necessary, restore biological diversity and ecological integrity; including genetic, species, and community diversity; and,
- respect and maintain disturbance regimes, landscape patterns and stand structures through time and space that are within the historic range of variability (which includes St'át'imc traditional management as an integral component).



### **Principle 6:**

A St'át'imc certification process will protect the environment and St'át'imc culture, guiding forestry practices and agreements in the future.

### **Principle 7:**

Traditional knowledge is to be used in balance with scientific knowledge.

### **Principle 8:**

The land and its resources are used by a variety of species and for a variety of human uses, and these diverse needs and uses deserve a fair and protected land base that is not compromised by logging or road building.

### **Principle 9:**

The amount and rate of timber harvest must not exceed levels that can be sustained over time.

### **Principle 10:**

St'át'imc community economic development should be based on diverse activities, and where forestry is part of the mix, focus on producing value-added and non-timber forest products to encourage ecological, social, cultural and economic well-being, and stability.

### **Principle 11:**

The St'át'imc adopt the principles of ecosystem-based planning and management set out in Appendix 1<sup>6</sup> to the St'át'imc Principles.

### **Principle 12:**

The success of all forest activities in meeting St'át'imc Principles 1-11 must be reviewed and evaluated, and the knowledge gained used to improve management of the land and its resources.

The St'át'imc acknowledge the value of mutual respect and dialogue with our neighbours.



Photo:Chris Thevarg

# THE PLANNING PROCESS

## THE ST'ÁT'IMC LAND AND RESOURCE AUTHORITY



The St'át'imc preliminary draft land use plan has been developed by the St'át'imc Land and Resource Authority (SLRA), using

information handed down through the generations since time out of mind. The SLRA is made up of representatives appointed by the St'át'imc communities, and accountable to them, striving for broad geographic representation, and a diversity of skills and knowledge about the land, traditions and values. The SLRA is accountable to the St'át'imc Chiefs Council, the St'át'imc and future generations.

Based on the St'át'imc Vision and Principles, which reflect the outcomes of several nation-wide Land and Resource Forums, the SLRA has been given the responsibility of developing the Nxeckmenlkhálha lti tmícwa (St'át'imc Land Use Plan) and codifying St'át'imc laws that set the standards for how land and resource activities are conducted in our territory.

The SLRA also serves a number of

other functions in its advisory role to the St'át'imc Chiefs Council, including the overarching function of ensuring the protection, enhancement and restoration of St'át'imc lands and resources, including but not limited to water, air, soil, mineral, plant, cultural heritage, fishery, wildlife and forests. The SLRA's mandate is to protect St'át'imc values throughout our territory. The SLRA will continue to review, research and provide recommendations on specific land and resource applications to the St'át'imc Chiefs Council and affected communities, based on the Nxeckmenlkhálha lti tmícwa (St'át'imc Land Use Plan) and St'át'imc law.

## METHODOLOGY

The methodology used by the SLRA in the development of the preliminary draft land use plan was designed to give life to the St'át'imc Vision and Principles. In particular, focusing first on what to leave behind on the land to sustain ecology and culture, rather than on what to take from the land through resource extraction. A map-based planning process was used, which integrated western scientific and technical knowledge with St'át'imc knowledge<sup>7</sup> to produce a set of draft St'át'imc Land Designations.

These St'át'imc Land Designations include an interlocking set of “protection areas” in which protection of the land and water for the purposes(s) identified by the designation is the top priority. Ultimately, this protection areas network will be based on three main types of information: St'át'imc



cultural priorities and knowledge; focal species analyses; and coarse filter ecosystem representation analysis (see text box). Because it would be impossible to identify and address the ecological needs of every single animal or plant in St’át’imc territory, we use the latter two types of analysis to assist us with planning to meet our Principle of “maintain[ing], protect[ing], and where necessary, restor[ing] biological diversity and ecological integrity; including genetic, species, and community diversity.” The preliminary draft land use plan is grounded first and foremost in St’át’imc knowledge.

The St’át’imc goal is to ensure that the Nxeckmenlhcálha lti tmícwa (St’át’imc Land Use Plan) provides for the needs of the four-legged people (e.g., deer, grizzly); the winged people (e.g., raptors); the root people (e.g. berries, medicinal plants); as well as the two-legged people (the St’át’imc).

It should be noted that the preliminary draft land use plan has not yet integrated data related to the needs of threatened and endangered terrestrial and aquatic species in St’át’imc territory and that amendments to the draft plan may occur as a result. Likewise, only the preliminary steps of our ecosystem representation analysis have been completed.

To reflect the St’át’imc Principle of “respect[ing] the ecological limits of various ecosystems to human disturbance” an “Environmentally Sensitive Areas” designation has been applied.

The process of developing the protection

areas network was designed to allow the identification of areas where extractive resource use activities could be ecologically and culturally responsible. These Community Economic Development designations are discussed further below. Given the significant impacts of past human activities it is also the intent of the SLRA to identify Restoration Areas in conjunction with St’át’imc communities during the next phase of planning.

## Focal Species and Ecosystem Representation

Ideally a group of ‘focal’ species should be selected such that meeting their habitat needs, as a group, would also protect all, or most other native species, thus providing a useful guide for conservation planning.<sup>8</sup> However, resources and data availability also limit the number of focal species that can be used in any given planning exercise. The objective of coarse filter or ecosystem representation analysis is to focus on protecting ecosystems rather than any one species, based on the idea that identifying and protecting intact examples of each vegetation or habitat type in a region will protect populations of species that depend on these communities.



Photo:Chris Thevarge

# GENERAL MANAGEMENT DIRECTION

## APPROVALS AND RESOURCE ACCESS



The Lillooet Declaration, the St'át'imc Tribal Code and the St'át'imc Vision and Principles affirm our jurisdiction over

St'át'imc territory. All land and resource activities in St'át'imc Territory will be consistent with the St'át'imc Tribal Code; the St'át'imc Vision and Principles; the Nxeckmenlhkálha lti tmícwa (St'át'imc Land Use Plan), the St'át'imc Forestry and Heritage Codes and other St'át'imc laws. St'át'imc law will be enforced through the St'át'imc Chiefs Council in St'át'imc territory.

Third parties operating or residing in St'át'imc territory should be advised that regardless of provincial or federal licences, permits or other approvals they may hold or be seeking, written authorization from the St'át'imc Chiefs Council or its designate is required before St'át'imc land or resources are allocated, extracted, affected or used. Such authorizations may only be granted consistent with the St'át'imc laws and policies referenced above, including the preliminary draft land use plan, which

will remain in effect until the St'át'imc finalise the Nxeckmenlhkálha lti tmícwa.

## PROTECTION AREAS GENERALLY

Except as provided otherwise below, the following activities are prohibited in all St'át'imc Protection Areas: logging; mining and mineral exploration; road building; cattle grazing or other range use; chemical pesticide or herbicide use, or other chemical treatments; oil or gas development, including coal bed methane; and new commercial or residential development. There are also limitations on motorized recreation, which will be set out in a separate policy statement.

St'át'imc traditional uses will continue in protection areas. In addition, where permitted by the St'át'imc Forestry Code, St'át'imc restoration and fuel management activities may be permitted in protection areas.

## THE PRECAUTIONARY PRINCIPLE

The St'át'imc have adopted a precautionary approach, applying the precautionary principle to all plans and activities. In this approach planning decisions err on the side of maintaining the web of life as

opposed to exploitation of natural resources. This approach is particularly important given the uncertainties inherent in limited data. Under the precautionary principle the burden of proof is placed on

advocates of development or resource extraction to demonstrate that “additional human impact, including cumulative impacts, would not have any significant negative effects on the environment.”<sup>9</sup>



Photos: Russell Collier



# ST'ÁT'IMC LAND DESIGNATIONS

To give effect to St'át'imc Aboriginal Title and Rights and to regulate land use on St'át'imc Territory, the following St'át'imc Designations are established through the St'át'imc Forestry Code and

the Nxeckmenlhkálha ti tmicwa (St'át'imc Land Use Plan). As the ecology of the land and the culture of the St'át'imc people are interconnected, more than one designation may apply in a given area.

# Qu7 (WATER) PROTECTION AREAS

The St'át'imc Principles place protection of water quantity, quality and timing of flow, including watershed restoration,

first and foremost.

The high cultural and ecological priority we place on water warrants a highly precautionary approach to this vital resource. All domestic use watersheds and 50 metre buffers on all streams and water bodies are given full protection through St'át'imc Water Protection Areas.

The St'át'imc Forestry Code and other St'át'imc laws will also set out additional provisions related to matters such as hydroriparian assessments, riparian management zones, water licencing, priority in water use, water quality monitoring, and existing residential development (e.g, sewage disposal in St'át'imc water bodies).

*"Water is the single most important element for life. Good quality, good quantity is needed for all life forms. Most water sources are known to the St'át'imc, be it springs, streams and lakes. Many food items were found near water. Plants, food, medicines and technology (fibre for baskets, rope, nets), fish, animals and use by people, campsites, and trails – all this we incorporate with water."  
~ Gerald Michel, Nxwísten*

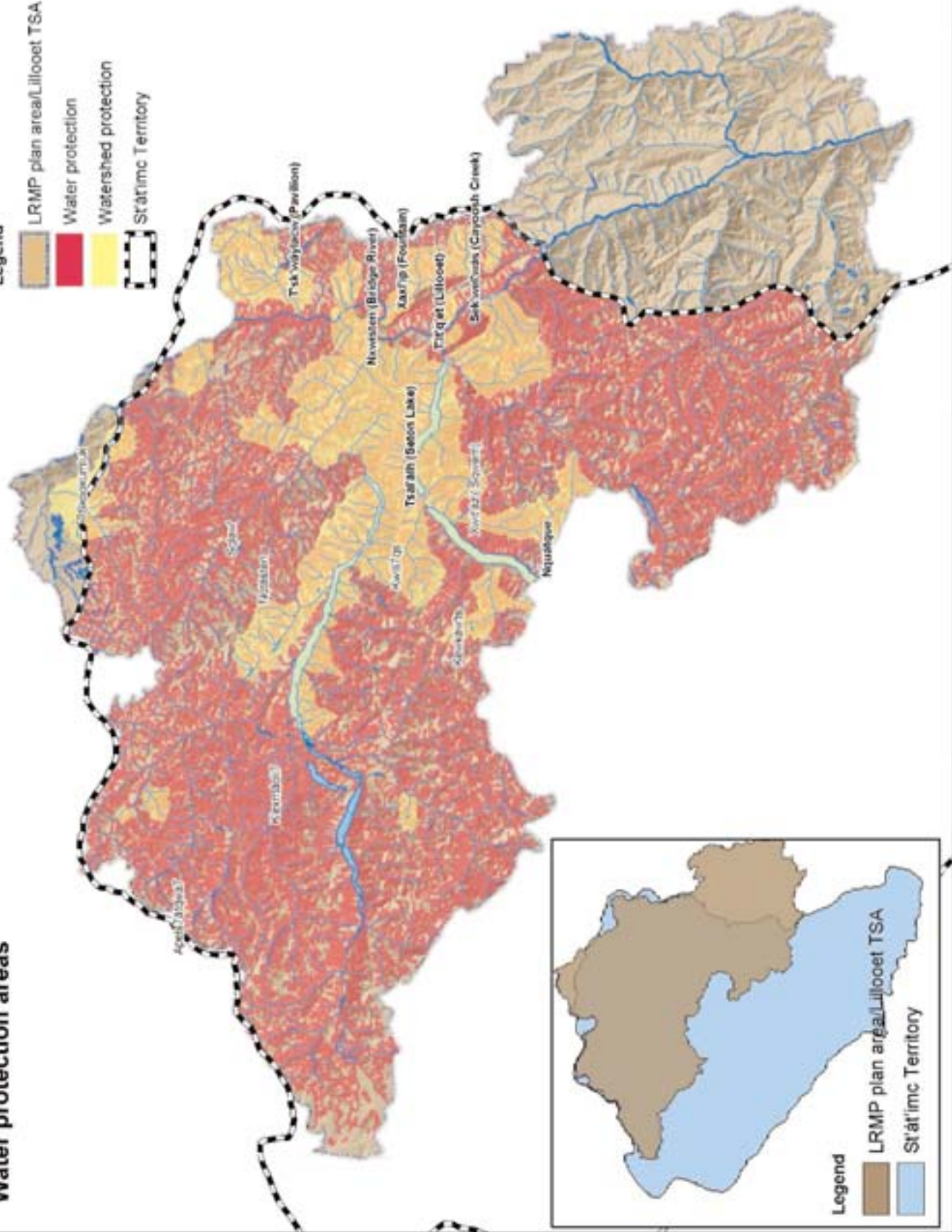


Photos: Randy James

# Water protection areas



- Legend**
- LRMP plan area/Lillooet TSA
  - Water protection
  - Watershed protection
  - St'at'imc Territory



- Legend**
- LRMP plan area/Lillooet TSA
  - St'at'imc Territory



# NT'AKMENLHKÁLHA (CULTURAL) PROTECTION AREA

Taking care of our ancestral footprints means protecting St'át'imc culture, heritage, and ecology of the land. All of St'át'imc territory is considered a Cultural Protection Area.

*"The St'át'imc have lived upon the land since time began. Our history is written upon the land. Our history is passed on from generation to generation, through the stories and legends." ~ St'át'imc elders*

*"Our culture identifies who we are, how we live, what we do, what we believe in, now and in the future, as in the past." ~ Brenda McDonald, T'sk'wáylacw*

Ancient residential areas, travel routes, sacred and spiritual areas, sites of legendary and historical events and resource harvesting locations are among the many aspects of St'át'imc use and occupation of our territory. For example, the St'át'imc Nt'akmenlkhálha includes protection for the 'root people', the berries and other plants used by the St'át'imc. Because of the sensitivity of this information, maps have not been released with the preliminary draft land use plan.

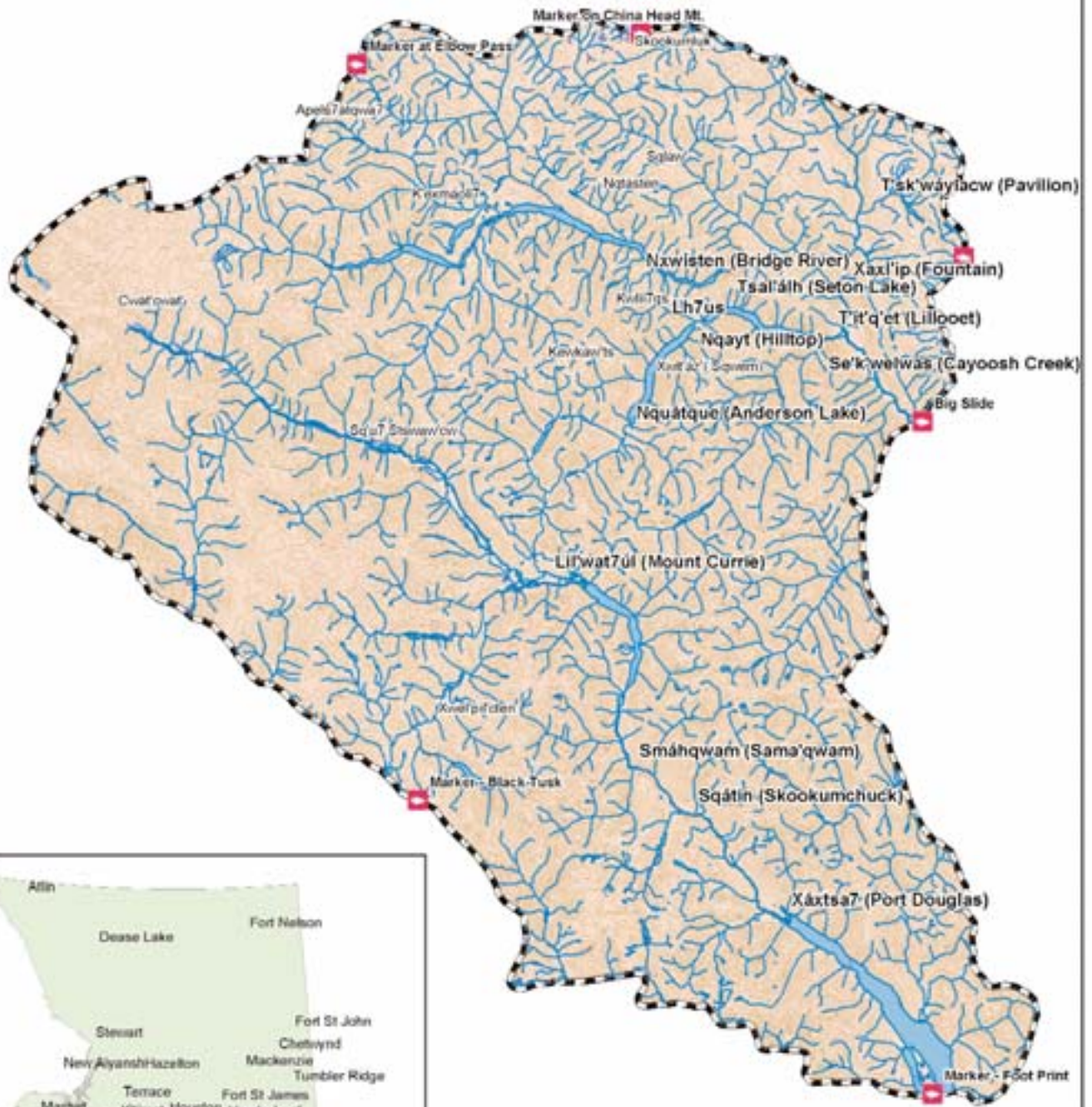
The St'át'imc have jurisdiction over land and resources in St'át'imc territory. To ensure the integrity of our territory we

have designated it as a Cultural Protection Area, in which written authorization from the St'át'imc Chiefs Council or its designate is required before St'át'imc land or resources are allocated, extracted or destroyed. Such authorizations may be provided through licences, permits and/or plan approvals upon submission of an application, provided that the proposed use or interest is consistent with the St'át'imc Tribal Code, Nxeckmenlkhálha lti tmícwa Forestry Code and other St'át'imc laws. In particular, the application process will provide an opportunity for the St'át'imc to assess the location and nature of any proposed use taking into account St'át'imc uses of the area.





Photo: John Terry

# St'át'imc cultural protection area



## Legend

-  Territory boundary markers
-  Ta Tmi'cwsa | St'át'imc



# HABITAT PROTECTION AREAS

## GRIZZLY PROTECTION AREAS

Grizzlies were selected as an appropriate species to assist with planning because they play an especially large role in how the web of life in St'át'imc territory functions, and because they require large areas of land to meet their needs. Because grizzlies have large area needs, maintaining

their habitat can help ensure the conservation of many other native species that make their home in St'át'imc territory.

Grizzly protection areas were designed taking into account grizzly food, shelter and security needs. Without large intact landscapes and a high degree of secure, roadless habitat, the future of grizzly bear populations cannot be expected.

Roads affect the effectiveness of habitat, or its the ability to keep grizzly bears alive, in two ways: first, because of conflicts with armed humans, bears are more likely to die within the area influenced by a road;<sup>10</sup> second, many studies show that existence of roads and human use of them displaces grizzly bears and disrupts their activities, and that this can occur even when bears are protected from direct harm by humans.<sup>11</sup> Natural forest cover, particularly next to feeding areas is also critical to grizzly security. Design of St'át'imc Grizzly Protection Areas included identifying areas with low road density.<sup>12</sup>

This data was combined with St'át'imc knowledge regarding grizzly habitat, including food sources and movement corridors, to design a system of Grizzly Protection Areas and connections between them. These are full protection areas with an additional prohibition on hunting grizzlies.

*"We call the Grizzly our brother, and so are using them as an umbrella species. If you look after the Grizzlies, everything else will be looked after." ~ Randy James, Tsal'álh*



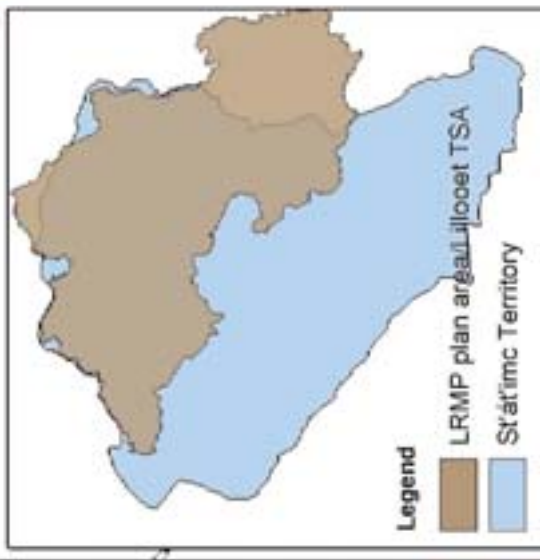
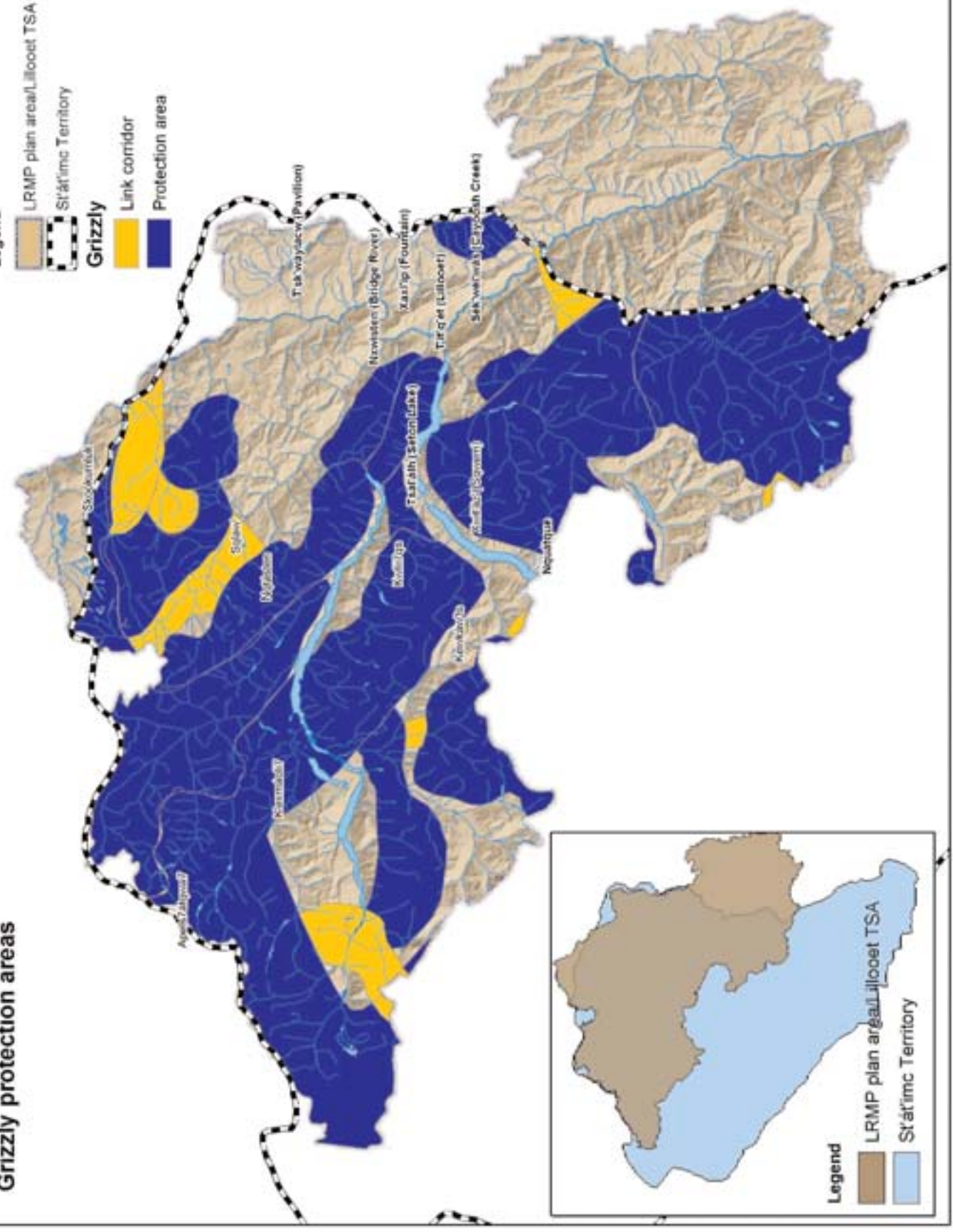
Photo:Tyax Lodge





- Legend**
- LRMP plan area/Lillooet TSA
  - St'at'imc Territory
  - Grizzly**
  - Link corridor
  - Protection area

# Grizzly protection areas



## Ts'i7 (DEER) PROTECTION AREAS

Mule deer are a species of special management concern in St'át'imc territory, because of their cultural importance to the St'át'imc, their sensitivity to landscape changes in their winter ranges, and the vulnerability of their migration routes and fawning areas.

In the winter time mule deer survival requires old and mature Douglas-fir stands<sup>13</sup> with well developed canopies that intercept snow, provide security and ther-

mal cover and provide food through litter-fall. Mule deer winter ranges are full protection areas in the St'át'imc preliminary draft land use plan, as are their migration routes and fawning areas.

### Deer Special Management Areas

Other types of mule deer habitat in St'át'imc territory, including spring and summer areas, are designated as deer special management areas. Resource use may be permitted subject to certain restrictions, including: no cattle grazing or other range use; no chemical pesticide or herbicide use, or other chemical treatments; no mining or oil and gas development; no new commercial or residential development, and no clearcutting. The intention is to make a transition over time back to traditional St'át'imc management using fire in Deer Special Management Areas.

*"Deer are not only part of my life spiritually, mentally and physically, but they are also a part of our ecosystem. For this reason we are protecting their habitats." ~ Chris Thevarge, N'Quatqua*

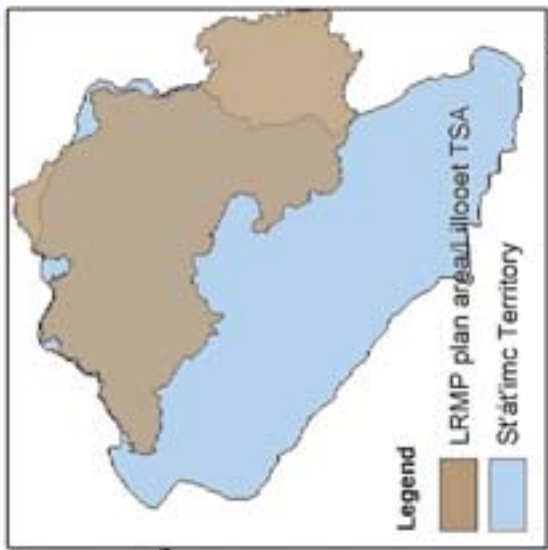
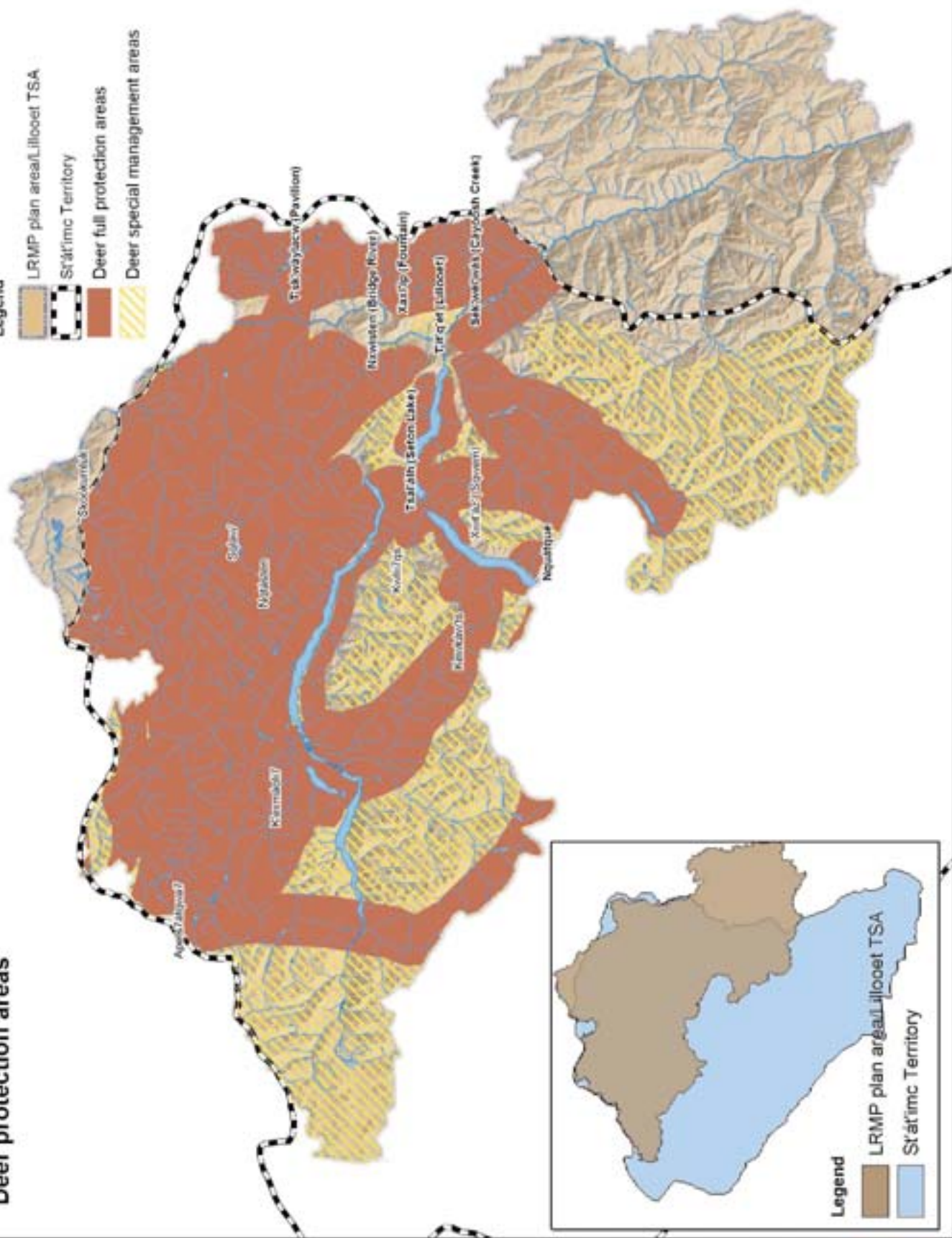


Photo: Chris Thevarge

# Deer protection areas



- Legend**
- LRMP plan area/Lillooet TSA
  - Strá'imec Territory
  - Deer full protection areas
  - Deer special management areas



## ST'S'ÚQWAZ' (FISH) PROTECTION AREAS

Fishing and the locations where fishing occur are of fundamental cultural importance to the St'át'imc.

While the Fraser is the major river system in the northern portion of St'át'imc territory, smaller river systems include the Bridge, Seton, Yalakom, Cayoosh and Portage. Fish species include four species of pacific salmon (sockeye, Chinook, coho and pink), steelhead, bull trout, white sturgeon, rainbow trout, kokanee,

gwen7is, white fish, suckers, dolly varden, brown trout and brook trout. Fish protection areas are designed to protect fish streams and the high intensity of St'át'imc cultural uses associated with these and adjacent areas.

The first 50 metres on either side of all fish streams is a full protection area that coincides with St'át'imc Water Protection Areas. It can be expected that many essential riparian functions such as bank integrity, litterfall (nutrient input), coarse woody debris recruitment, moderation of sediment yield, and stream temperature moderation will be maintained by retaining the forest within one site potential tree height of the stream.<sup>14</sup> In addition, based on St'át'imc traditional use information, a cultural fish protection area extending one kilometre on either side of all fish streams has been established. This is also a full protection area.

*"Fish have always been a staple sustenance to the St'át'imc, providing food throughout the year. Historically, fish have been a source of trade. We chose this land because of its rich abundance of fish." ~ Larry Casper, Tsal'álh*



Collage: Betty Weaver, Photo: Natasha Street



## GENERAL HABITAT PROTECTION AREAS

There are two key aspects of general habitat protection areas, which are full protection areas. First, given the relative scarcity of old forest remaining in St'át'imc

territory, particularly in areas large enough to protect forest-interior condition, all remaining old growth<sup>15</sup> in the northern portion of St'át'imc territory has been placed in St'át'imc General Habitat Protection Areas.

In addition, the preliminary phase of a St'át'imc ecosystem representation analysis has been completed. Ecosystems<sup>16</sup> that are naturally rare in the northern portion of St'át'imc territory (less than 1% of the area) and remnants of ecosystems that have been heavily impacted (less than 50% remaining in the northern portion of St'át'imc territory) have been placed in General Habitat Protection Areas.

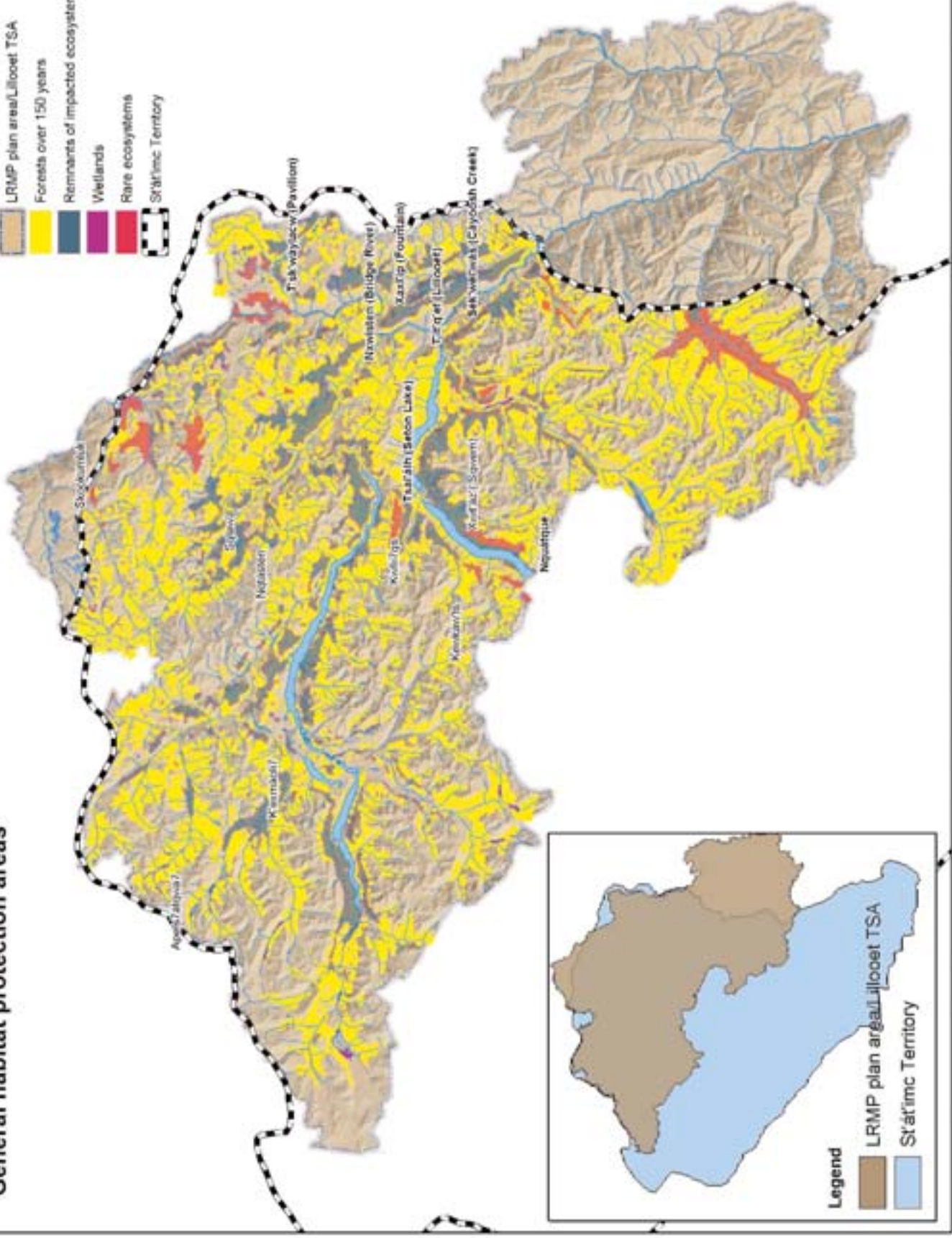
*"Old growth is important because it contains the spirit of our ancestors and the history of the St'át'imc. Old growth tells the age beyond time of our people. Old growth tells the time of our existence within St'át'imc territory." ~ Rosalin Sam, Lil'wat7úl*



Photo:Chris Thevarge

# General habitat protection areas

- Legend**
-  LRMp plan area/Lillooet TSA
  -  Forests over 150 years
  -  Remnants of impacted ecosystems
  -  Wetlands
  -  Rare ecosystems
  -  St'at'imc Territory





## ENVIRONMENTALLY SENSITIVE AREAS

The preliminary draft land use plan includes an initial analysis of environmentally sensitive areas (ESAs) that places areas with steep slopes (>60%), poor or thin soils, or difficulty regenerating into the protection areas network. Areas with slopes of 45%-60% are included in the protection areas network unless detailed ter-

rain stability mapping indicates a low likelihood of landslide initiation.






It is anticipated that St'át'imc ESAs will be refined as further research and analysis is done of ecological limits to human disturbance in St'át'imc territory. The St'át'imc Forestry Code will also set out assessment and practice requirements related to terrain and soils.

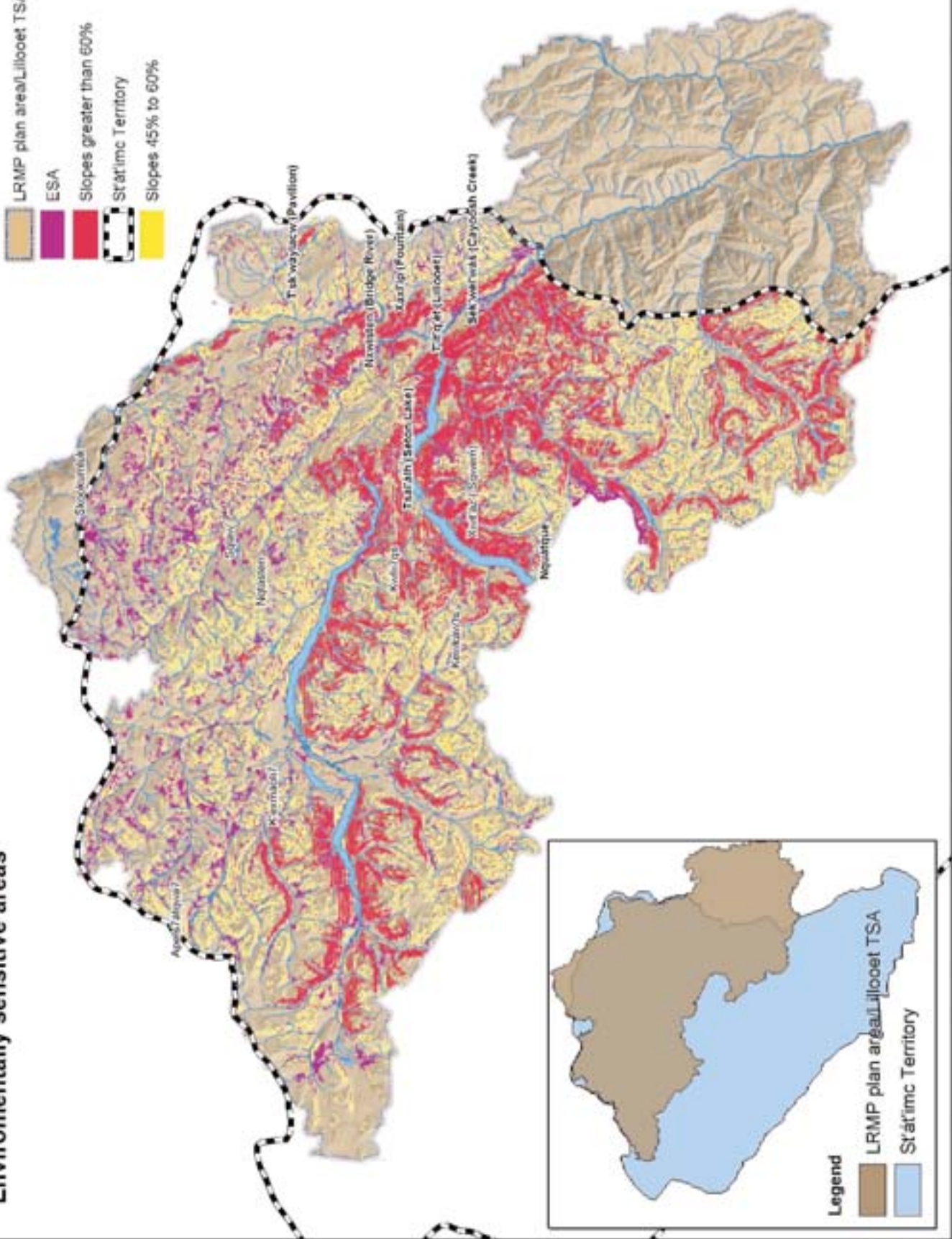


Photo:Chris Thevarge



# Environmentally sensitive areas

- Legend**
-  LRMP plan area/Lillooet TSA
  -  ESA
  -  Slopes greater than 60%
  -  St'at'imc Territory
  -  Slopes 45% to 60%





## COMMUNITY ECONOMIC DEVELOPMENT AREAS

*"To the St'át'imc, who by choosing to live here must be fully involved, community economic development includes having ownership, the benefit of jobs, and adherence to our environmental values." ~ Larry Casper, Tsal'álh*

Only when the last forest has been cut,  
Only when the last river has been poisoned,  
Only when the last fish has been caught,  
Only then will they know that money can't be eaten  
~ Cree prophecy

Consistent with other St'át'imc land designations, it is possible to identify areas where human uses can be carried out in an ecologically and culturally responsible manner. It is anticipated that the final version of the St'át'imc land use plan will identify one or more types of Community Economic Development Areas.

Community Economic Development Areas will be identified in dialogue with St'át'imc communities, consistent with the St'át'imc Vision and Principles and the preliminary draft land use plan. The St'át'imc Forestry and Heritage Codes and other St'át'imc laws will provide the St'át'imc legal framework for resource use in these areas.

### CED: General Principles

As the St'át'imc have an inseparable connection to their land and long history

within their community, it follows that community economic development (CED) should both benefit and involve the members of the community. CED for the St'át'imc is generally supported by the following principles:

- community participation in planning;
- diversification of economic activities;
- benefit of local jobs and capacity building;<sup>17</sup>
- form of local control and ownership; and,
- adherence to cultural and environmental values.

The St'át'imc view of economic development is one that naturally involves and is supported by the vision of the community. The St'át'imc Vision and Principles emphasize that community economic development should be based on diverse activities, and where forestry is part of the mix, focus on producing value-added and non-timber forest products to encourage ecological, social, cultural and economic well-being and stability. With a large youth population, the St'át'imc are open to exploring community-driven opportunities or partnerships in CED based on St'át'imc priorities, for the benefit of both current and future generations.

The St'át'imc are not opposed to resource development in our territory, but it must be done in a culturally and ecologically appropriate manner. We must still have clear, clean water. There must still be enough land and water for the animals and birds. To ensure this, we will determine the speed and location of development in our territory.

## RESTORATION AREAS

St'át'imc territory has been heavily impacted by human activities, ranging from railways and roads, to unsustainable logging, to hydro projects. Priorities for restoration will be identified through dialogue with St'át'imc communities and incorporated into the final Nxeckmenlkhálha lti tmícwa (St'át'imc Land Use Plan) as Restoration Areas.

## The Canadian Legal Context

The Canadian legal context for the St'át'imc preliminary draft land use plan is provided by the Canadian Constitution and legal decisions which affirm that Aboriginal Title continues to exist in British Columbia. The St'át'imc have evidence to demonstrate a strong prima facie case of Aboriginal Title. In such circumstances, the BC Court of Appeal has recently affirmed that the Crown and third party resource tenure holders have a continuing, legally enforceable duty "to consult...in good faith and to endeavour to seek workable accommodations" with respect to the granting of tenures, other alienation of resources, and management of the land.<sup>18</sup> This duty exists even if Aboriginal Title or Rights have not been determined in court or defined in treaty.<sup>19</sup> Tenures granted without adequate consultation and accommodation are either clogged by the fiduciary's "breach of duty," or may contain a "fundamental legal defect."<sup>20</sup>

Respecting the St'át'imc Vision and Principles by adhering to St'át'imc law and the Nxeckmenlkhálha lti tmícwa (St'át'imc Land Use Plan), including the preliminary draft land use plan, are key steps necessary to accommodate St'át'imc Title and Rights.



Photo: John Terry



## ENDNOTES

1. St'át'imc Tribal Code.
2. See: *Our Stories Are Written On The Land: a brief history of the Upper St'át'imc 1800-1940*.
3. In Part I of the preliminary draft land use plan the St'át'imc have chosen to release planning information related to portions of our territory that coincide with the provincial government's Lillooet Timber Supply Area/Lillooet Land and Resource Management Plan (LRMP) Area. Lillooet Timber Supply Area/LRMP Plan Area boundaries are referenced for information purposes only; the St'át'imc do not recognise the authority of the provincial or federal governments to unilaterally designate land on our territory.
4. From St'át'imc Forestry Forum, Oct. 15-16, 1998.
5. Summarized from Nxekehlkálha Land Protection and Use: a Sustainable Approach.
6. Available on request.
7. Extensive research has been compiled by the St'át'imc to support the evidence of our use and occupation of our territory since time immemorial, based on knowledge passed down through the generations, which includes intensive interviews with St'át'imc elders over many years, which cover St'át'imc territory.
8. R. Lambeck, "Focal species: A multi-species umbrella for nature conservation." *Conservation Biology* 11 (1997): 849-856.
9. *Our Land is Our Future: Há t\_átgi há khustiyxh siti A Conservation Area Design for the Territory of the Taku River Tlingit First Nation*, November 2003, 19.
10. See e.g., C. Servheen, *Grizzly Bear Recovery Plan* (Missoula, MT: U.S. Fish and Wildlife Service, 1993); J.A. Nagy et al, *Population characteristics of grizzly and black bears in westcentral Alberta* (Vegreville, Alta: Alberta Environmental Centre, Report AECU88-R1, 1989); D.J. Mattson and R.R. Knight. *Effects of access on human-caused mortality of Yellowstone grizzly bears* (Bozeman, MT: Interagency Grizzly Bear Study Team Report 1991B, 1991).
11. See e.g., R.L. Olsen, B.K. Gilbert and S.H. Fitkin, *Brown Bear Behavior and Human Activity at Salmon Streams in Katmai National Park* (Alaska: Department of Fish and Wildlife, Utah State University, 1990). Also see note immediately below.
12. Research indicates that grizzly bears select against (avoid) parts of their home range with higher road density. For example, R.D. Mace et. al. found that female grizzlies make this selection in the road density range of 0.5 to 1.0 km/km<sup>2</sup>. "Relationships among grizzly bears, roads and habitat in the Swan Mountains, Montana." *Journal of Applied Ecology* 33(1996) 1395-1404. R. Geo, M.A. Sizemore et al. summarize a number of studies in this area concluding that "road densities for grizzly bear habitat should not exceed 0.6 km/km<sup>2</sup> (where bears avoid roads) and target levels of road density for long term persistence of grizzly bears should be no more than about 0.35 km/km<sup>2</sup>." *A Conservation Area Design for the Central Coast Region of British Columbia, Canada* (Salt Lake City: Round River Conservation Studies, 2000). In the St'át'imc preliminary draft land use plan, watersheds with road densities less than 0.35 km/km<sup>2</sup> were included in core Grizzly Protection Areas.
13. St'át'imc knowledge also indicates that mule deer use old and mature stands of other species.
14. M. Carver, *Riparian Forest Management for Protection of Aquatic Values: Literature Review and Synthesis*, prepared for Forest Stewardship Council Riparian Sub-Committee B.C. Regional Standards Team (2001), ix. As site potential tree heights vary from approximately 30-50 metres in St'át'imc territory, for consistency the more precautionary width has been selected. Note that some riparian function such as microclimate regulation and provision of terrestrial habitat to other species require larger areas.
15. For the purposes of the preliminary draft land use plan "old growth" as been defined as over 150 years for the northern portion of St'át'imc territory; however, it is our goal to protect forests that have old growth characteristics according to St'át'imc definitions, and this aspect of the land use plan may change as we conduct further analyses.
16. By biogeoclimatic zone variant.
17. Where resource extraction is ecologically and culturally appropriate, an identified goal of is to have at least equal St'át'imc representation in all aspects of resource management, harvesting and processing within the territory.
18. *Haida Nation v. B.C. and Weyerhaeuser*, 2002 BCCA 147 at para 60.
19. *Ibid.* at paras 42-43 and *Taku River Tlingit First Nation v. Ringstad et al.*, 2002 BCCA 59 at para 173.
20. *Haida Nation v. B.C. and Weyerhaeuser*, 2002 BCCA 462 at paras 65 and 123.



