

Heritage Conservation Act Transformation Project



Transformative Connections: Granddaughter of today's name carrier T'xwelátse with transformed ancestor of the Ts'elxwéyeqw Tribe - Stone T'xwelátse. (Photo: David Campion, 2005, used with permission of the Family)

Phase 1 What We
Heard Report: First
Nations

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EXECUTIVE SUMMARY

Overview of Heritage Conservation Act Transformation Project

First Nations and stakeholders (external and internal) in B.C. have consistently raised significant issues with the [Heritage Conservation Act](#) (HCA, the Act) and its administration over many years. First Nations continue to call for increased protection of culturally important sites and the implementation of the [Declaration on the Rights of Indigenous Peoples Act](#) (Declaration Act) to make the HCA consistent with, and to meet the objectives of, the [United Nations Declaration on the Rights of Indigenous Peoples](#) (UN Declaration). While there have been several initiatives undertaken over the years to review and improve the Provincial heritage conservation and management framework, there continue to be challenges with the HCA and its administration.

The [Declaration Act Action Plan 2022-2027](#), a five-year plan which commits the Province to advancing a number of initiatives, includes Action 4.35, which states that the Province will “work with First Nations to reform the *Heritage Conservation Act* to align with the UN Declaration, including shared decision-making and the protection of First Nations cultural, spiritual, and heritage sites and objects.” This commitment to working collaboratively with First Nations to reform the HCA is central to this transformative work.

The Joint Working Group on First Nations Heritage Conservation (JWGFNHC) has served as a primary conduit for collaboration between the Province and First Nations representatives on matters relating to heritage conservation and management since its inception in 2007, as mandated through resolutions of the B.C. Assembly of First Nations, First Nations Summit, and Union of B.C. Indian Chiefs. The JWGFNHC, which includes representatives appointed by the First Nations Leadership Council (FNLC) and the provincial government, and the Alliance of B.C. Modern Treaty Nations (ABCMTN), which serves as a direct connection to Modern Treaty Nations, are key bodies for the co-development of the Heritage Conservation Act Transformation Project (HCATP). The Province acknowledges and respects the unique and distinct relationship with the eight Nations with whom it has signed modern treaties, and is committed to upholding all constitutional obligations and the principles outlined in the [Shared Priorities Document](#). The objective of this collaborative work is to align the HCA with the UN Declaration and transform the Act to better meet the needs of all British Columbians.

Beginning in July 2022, engagement with First Nations, Modern Treaty Nations, external stakeholders (industry, heritage and archaeological professionals,

local/regional governments, construction and land developers, etc.), and internal stakeholders (B.C. government employees who regularly interact with the HCA or are involved in broader cultural heritage management) was undertaken for Phase 1 of the HCATP.

This report provides an overview of feedback received from participants during Phase 1 engagement with First Nations and Modern Treaty Nations (July-October 2022). Feedback from engagement with stakeholders is included in a separate report.

Key Findings

- **Colonialism underpins the HCA.** First Nations laws, protocols, values and traditional/Indigenous knowledge must be better reflected in the HCA;
- **Decision-making needs to recognize and respect** First Nations laws, protocols, and customs;
- **First Nations as decision-makers;**
- **First Nations should have the authority to define heritage**, including intangible heritage, and to specify sites for protection;
- **More comprehensive protections are needed**, to include sites identified as possessing intangible heritage and cultural importance, and **better protections are necessary for First Nations burial sites and ancestral remains;**
- Greater consideration should be given to **cumulative effects** on heritage sites;
- **Protections should be proactive** rather than reactive;
- **Resources are needed to support First Nations** in heritage management, including the availability of suitable repositories;
- **Insufficient resourcing at the Archaeology Branch** and within the Compliance and Enforcement Branch continues to have significant impacts to heritage management in B.C.;
- The **HCA lacks adequate compliance and enforcement** tools; and
- First Nations should have a **greater role in compliance and enforcement.**

ACKNOWLEDGMENTS

The Joint Working Group on First Nations Heritage Conservation (JWGFNHC) gratefully recognizes the Lheidli T'enneh, Tk'emlúps te Secwépemc, Skwah First Nation, Squamish Nation, and Songhees Nation upon whose lands these important in-person discussions were undertaken. We acknowledge and honour the past and present First Nations Elders, knowledge keepers, and stewards of these lands and reaffirm the importance of a robust conservation and management regime for heritage and culture in B.C.

The JWGFNHC would like to thank its members and technical support staff from the Union of B.C. Indian Chiefs and the Province:

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Further, this report has been informed by the substantial contributions from Shana Thomas Consulting and Rhonda Knockwood (Nakatohkew Consulting) who facilitated the in-person and virtual engagement sessions and collated the initial feedback analysis. The subsequent quantitative and qualitative analysis of feedback was undertaken by R.A. Malatest & Associates Ltd.

INTRODUCTION

Context

First Nations have governed and stewarded their cultural heritage resources since time immemorial. Colonialism in B.C. has resulted in the institution of laws, policies, and practices that do not properly recognize, respect, or protect First Nations cultural heritage resources and have severely limited the role of First Nations in their protection and management. Over time, the legacy of colonialism has resulted in the disturbance and destruction of cultural heritage resources and ancestral remains. Further, the ability of First Nations to engage in traditional protocols, ceremonies, and practices has been impacted and impeded. This has led to heightened land and resource development conflicts as well as significant and cumulative spiritual, cultural, social, and economic impacts to First Nations.

The purpose of the [Heritage Conservation Act](#) (HCA, the Act) is to encourage and facilitate the protection and conservation of heritage property in B.C. The HCA provides legal tools and mechanisms to establish and maintain a register of B.C.'s more than 60,000 currently known heritage sites and to authorize inspections and alterations of heritage sites. The HCA also authorizes various compliance and enforcement actions that may be taken against those who damage, desecrate, or alter heritage sites or objects without authorization. The HCA also contains provisions authorizing the Province to enter into agreements with First Nations with respect to the conservation and protection of heritage sites and objects that represent their cultural heritage. The HCA has not been substantially changed since 1996, although in 2019 there were administrative amendments which added new compliance and enforcement tools.

For many years, First Nations and stakeholders (industry, landowners, professional archaeologists, etc.) have raised concerns with the HCA and its administration, while Nations specifically have called for an enhanced role in the management of their cultural heritage, increased protection of culturally sensitive sites, including ancestral remains, and implementation of the UN Declaration on the Rights of Indigenous Peoples (UN Declaration).

Overview of the Heritage Conservation Act Transformation Project

Mandate

In 2019, the Government of B.C. passed the [Declaration on the Rights of Indigenous Peoples Act](#) (Declaration Act), which requires that all measures must be taken to make laws in B.C. consistent with the UN Declaration. To this end, the Declaration Act [Action Plan](#) includes Action 4.35, which commits the Province to “work with First Nations to reform the *Heritage Conservation Act* to align with the UN Declaration, including shared decision-making and the protection of First Nations cultural, spiritual, and heritage sites and objects.”

In November 2021, the Ministry of Forests received a mandate for Phase 1 of the Heritage Conservation Act Transformation Project (HCATP), a commitment reaffirmed in the [Minister of Forests’ 2022 mandate letter](#).

The HCATP is being undertaken collaboratively through the JWGFNHC and in partnership with Modern Treaty Nations through the ABCMTN.

HCATP Timeline

Given the need for broad and meaningful engagement with First Nations, and stakeholders, the HCATP is a multi-year process. The HCATP is proposed to be undertaken in three phases:

Phase 1 – Engagement on the HCATP Process and Priorities for Change: The proposed process was introduced to First Nations, including Modern Treaty Nations, and stakeholders. As part of this initial engagement, feedback on priorities for change to the HCA and its administration, feedback on the alignment of the HCA with the UN Declaration, and the proposed engagement process was sought. The co-development of the HCATP Consultation and Cooperation Plan (HCATP CCP) with First Nations was also completed.

Phase 2 – Policy Development: Develop options and solutions for the priorities for change. It is in this phase that substantive work will be done co-operatively to consider how the standards of the UN Declaration may be reflected in changed laws, policies, and practices.

Phase 3 – Development of Laws and Associated Practices: Turn options and solutions into proposed changes to legislation, policy, and practice, including through legislative drafting.

Heritage Conservation Act Transformation Project – Collaboratively Developed Process

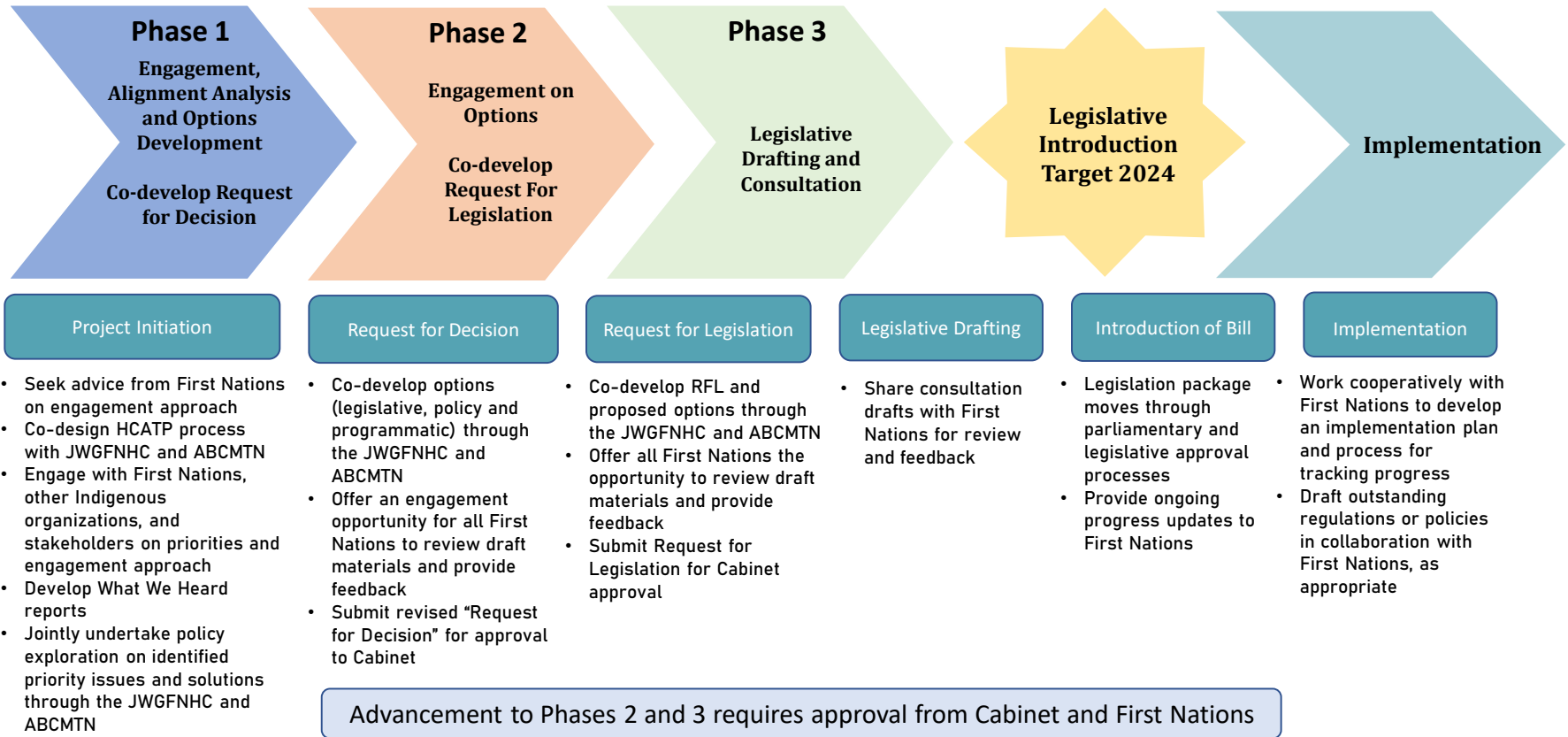


Figure 1: HCA Transformation Project Process (HCATP CPP 2023)

ENGAGEMENT PRINCIPLES, METHODS, AND APPROACHES

The Province is committed to a distinctions-based approach for the HCATP. This requires that the Province's dealings with First Nations, Métis, and Inuit Peoples be conducted in a manner that acknowledges the specific Rights, interests, priorities, and concerns of each, while respecting and acknowledging these distinct Peoples with unique cultures, histories, Rights, laws, and governments. Section 35 of the *Constitution Act, 1982*, recognizes and affirms the Rights of Aboriginal Peoples of Canada, while all Indigenous Peoples have human rights that are expressed in the UN Declaration. However, not all rights are uniform or the same among or between all Indigenous Peoples. In many cases, a distinctions-based approach may require that the Province's relationship and engagement with First Nations, Métis, and Inuit Peoples include different approaches or actions and result in different outcomes. First Nations have land-based Title and Rights. As such, the focus of the HCATP, as reflected in Cabinet direction and mandate letters, is on consultation and co-operation with First Nations.

Through the JWGFNHC and ABCMTN, the HCATP Consultation and Cooperation Plan with First Nations (HCATP CCP) has been co-developed. The HCATP CCP details the various means and approaches to consultation and cooperation to be employed throughout the HCATP process.

The HCATP CCP process has been developed to reflect the following principles:

- ***Rights-based:*** A primary objective of the HCATP is to achieve consistency between the UN Declaration and the Province's laws regarding cultural heritage resources. The process through which we achieve that goal must also be consistent with the UN Declaration;
- ***Comprehensive:*** Consultation and cooperation with First Nations must occur throughout the entire HCATP process, from beginning to end;
- ***Accessible:*** Consultation and cooperation must provide multiple opportunities and avenues for First Nations to participate;
- ***Inclusive:*** Consultation and cooperation is with all First Nations through their governments. None are excluded; and
- ***Transparent:*** All phases of the HCATP must be transparent, with information being shared early.

Pre-Engagement Methods and Materials

The JWGFNHC sent an initial letter (dated May 2, 2022) to all First Nations in B.C. introducing the HCATP and advising that further information would be forthcoming once the engagement sessions were confirmed. The JWGFNHC sent a follow-up letter (dated June 30, 2022) with details, engagement dates, and meeting locations. Appended to that correspondence was the collaboratively developed HCATP Backgrounder.

To support meaningful engagement, the above-noted Backgrounder document on the HCATP was developed by the JWGFNHC to guide and inform dialogue. A key component of the Backgrounder was the priority Framework Table. This table was informed by several public policy and engagement initiatives, commissioned reports (internal and external to government), a literature review, and significant input by First Nations and stakeholders over many years. Its purpose was to summarize and honour previously received feedback on the HCA and serve as a starting point for an updated discussion on transforming the HCA and its administration.

The **Framework Table** identified five **priority themes**:

- Indigenous Values and Rights Recognition
- Decision-Making
- Protections
- Resourcing to Support Heritage Conservation
- Compliance and Enforcement

Each theme summarized relevant issues and concerns while presenting potential solutions previously suggested by First Nations and stakeholders regarding improvements to the HCA. The Backgrounder also posed several questions intended to stimulate conversation.

The Backgrounder was used as the basis for all information shared about the project, presentations for First Nations engagement sessions, and survey questions.

Phase 1 Engagement with First Nations

Phase 1 engagement with First Nations included in-person sessions, online/virtual sessions, direct government to government meetings with First Nations and Modern Treaty Nations, and opportunities to provide feedback through written submissions or an online survey.

Shana Thomas Consulting facilitated the sessions, recorded participants' feedback, and managed the online survey, which were used to develop the contents of this report.

Phase 1 First Nations engagement activities included:

- Five in-person regional meetings with First Nations: Prince George, Kamloops, Chilliwack, North Vancouver, and Victoria (July 2022)
- Two online video meetings with First Nations (September 2022)
- Government-to-Government meetings with First Nations and Modern Treaty Nations (Fall 2022)
- Written submissions (accepted until October 24, 2022)
- Online survey (open until October 11, 2022)

Regional In-Person and Virtual Meetings with First Nations

Direct engagement with First Nations included five in-person regional meetings and two online virtual meetings. All meetings included representatives from the JWGFNHC to field and process questions and hear directly from attendees. Meeting dates and locations were:

- July 19, 2022: Prince George
- July 21, 2022: Kamloops
- July 26, 2022: Chilliwack
- July 27, 2022: North Vancouver
- July 28, 2022: Victoria
- September 22 and 27, 2022: virtual sessions

145 individual participants, representing 108 First Nations, participated in various engagement activities (see Appendix 1). This included 60 First Nations that participated directly in the engagement process, and 15 First Nations organizations representing an additional 48 First Nations. 11 other individuals and organizations that work closely with First Nations also provided input.

Staff from the Union of B.C. Indian Chiefs (UBCIC) sent reminder emails to all First Nations in B.C., while Shana Thomas Consulting called all the First Nations within each region to remind them of the upcoming opportunity. These emails included the registration information and the Backgrounder, as well as notations about the survey and the opportunity to have one-on-one meetings if requested.

Each in-person session began with an Elder from the territory offering a territorial welcome and prayer. A discussion was then facilitated using a PowerPoint

August 2023

presentation and an enlarged priority Framework Table. During the presentation and discussion, participants were encouraged to use stickers to indicate their priority issues and solutions.

For the online engagement sessions, the First Nations Public Services Secretariat was contracted to host the online virtual sessions. Each online session was held via Zoom and recorded for notetaking purposes. The virtual sessions started with a prayer from Elder Thxutstun, Daniel Norris of Halalt First Nation. The presentation used for the in-person engagement was modified for the online meetings. Shana Thomas Consulting led and directed the online sessions. The virtual session format provided an opportunity to break out into smaller groups throughout the presentation to discuss further and provide feedback on the presentation questions. These smaller break-out groups were facilitated by a team member and recorded for note-taking purposes.

First Nation participants' discussions, survey responses, and written submissions were thoughtful, informed, and heartfelt. Many also provided anecdotes and case studies of events or situations within their communities that have led to deep frustration with the current HCA.

Government-to-Government meetings

As requested by Nations, the Provincial HCATP team held Government-to-Government meetings. These sessions were facilitated by Provincial representatives and notetaking was undertaken by an independent contractor.

The Government-to-Government engagement meetings included:

- Meetings with the Alliance of B.C. Modern Treaty Nations, representing eight Modern Treaty Nations; and
- Three First Nations that specifically asked for one-on-one sessions.

Written Submissions

In addition to in-person and virtual engagement sessions, First Nations were encouraged to provide written submissions until October 24, 2022. Six (6) written submissions were received from First Nations. The content of these submissions has been incorporated into the report's analysis and findings.

Online Survey

Shana Thomas Consulting hosted an online survey with SurveyMonkey (www.surveymonkey.com). The survey was open between July 18 and October 11,

2022. First Nation governments were contacted by email weekly, and follow-ups were made by telephone as reminders to register and provide survey feedback. All participants were provided with the survey link during the in-person and virtual sessions and information about the survey was included in all follow-up project correspondence.

35 participants registered on SurveyMonkey. However, one registration was blank after the consent question, and 14 participants only partially completed the survey.

The HCATP First Nation Engagement Survey posed 30 questions that followed the format of the in-person and virtual engagement sessions. This alternative response tool provided additional opportunities for Nations to provide quantitative and qualitative feedback on the proposed HCATP process, the prioritization of previously recommended issues, and possible solutions for transforming the HCA, as well as to propose any previously unidentified priorities, concerns, or solutions. In addition, participants could rank issues and proposed solutions while having the latitude to provide open-ended qualitative responses relating to Nations' interests and vision for transformation of the HCA. Finally, the survey concluded with evaluation questions to solicit feedback on Phase 1 engagement (pre-engagement materials/correspondence, session approach and content, communication, and reporting).

Through Shana Thomas Consulting, survey participation was incentivized. Those who completed the survey were automatically entered into a draw. Ten names were chosen randomly to receive a \$100 electronic money transfer.

Analysis Methods

A quantitative and qualitative analysis of feedback was undertaken by R.A. Malatest & Associates Ltd. For the analysis of qualitative data, an inductive coding approach was used in which engagement session transcripts were reviewed and codes created as they emerged from the data. This process was iterative, with previously read content being re-read when a new code was identified to ensure that no content was missed during the coding process. Once saturation was reached (defined as reading through three full transcripts without identifying new codes or themes), the coding framework was considered final. This same coding framework was applied to the written submissions content, as well as open-ended comments included in the surveys.

Once all data was coded, queries were used to develop quantitative summaries (i.e., frequencies or counts) of the codes and themes found in the data. The codes applied and their relative frequency in the data are reported here.

Close-ended survey questions were reviewed and have been included as bar charts in Appendix 2. The recommendations presented for each theme reflect the proposed solutions that scored more than 65% among First Nations survey respondents.

Limitations

While strong efforts have been made to support a rigorous analysis of the data collected during the engagement process, some research limitations exist. There was no control for single participants responding through multiple formats. If a single First Nation representative participated by speaking during an engagement session, sending in a written submission, and completing a survey, their voice would potentially be represented up to three times in reporting in each section. Because data sources were collected and organized in different formats, it was not possible to fully account for these potential double-counts.

The survey was lengthy and required participants to spend thirty to forty minutes to complete. As a result, some survey respondents did not complete all the questions.

FINDINGS AND ANALYSIS

The data analysis is reported out according to priority themes from the Framework Table used during engagement. Additional feedback on the engagement approach is reported here as well.

Key Findings

Highlights from the First Nations engagement include:

- **Colonialism underpins the HCA.** First Nations laws, protocols, values and traditional/Indigenous knowledge must be better reflected in the HCA;
- **Decision-making needs to recognize and respect** First Nations laws, protocols, and customs;
- **First Nations as decision-makers;**
- **First Nations should have the authority to define heritage,** including intangible heritage, and to specify sites for protection;
- **More comprehensive protections are needed,** to include sites identified as possessing intangible heritage and cultural importance, and **better protections are necessary for First Nations burial sites and ancestral remains;**
- Greater consideration should be given to **cumulative effects** on heritage sites;
- **Protections should be proactive** rather than reactive;
- **Resources are needed to support First Nations** in heritage management, including the availability of suitable repositories;
- **Insufficient resourcing** at the Archaeology Branch and within the Compliance and Enforcement Branch continues to have significant impacts to heritage management in B.C.;
- The **HCA lacks adequate compliance and enforcement** tools; and
- First Nations should have a **greater role in compliance and enforcement.**

Feedback on Engagement Approach

Participants were invited to provide feedback on the proposed engagement approach for the HCATP. While many participants agreed that the proposed engagement process will support the transformation of the HCA, suggestions were raised, including:

- A **regional approach** to ensure that different protocols are respected;

- First Nations could be better supported with **capacity funding** to support adequate internal consultation and discussion about proposed changes;
- HCATP timeframe is optimistic and may not provide **adequate time for engagement and co-development** of options and solutions;
- Legislative drafting and review process must **include First Nations participants**; and
- **Thorough consultation** must be undertaken with First Nations before new legislation is introduced to the Legislative Assembly.

It was noted that the Province and the JWGFNHC must continue to respect **Reconciliation Protocol Agreements** held at the Nation level to ensure that potential changes stemming from the HCATP acknowledge and align with these existing agreements. Fundamentally, Nations were adamant that changes must be made with direction from and in collaboration with communities.

Modern Treaty Nations highlighted how their unique and constitutional agreements create legal obligations for the Province, and that it will be important to work with individual Treaty Nations (as requested) during the legislative drafting process.

First Nations participants also called for near-term changes to address issues with the current HCA and its administration while awaiting broader transformative changes, including:

- Increased **resourcing** for the Archaeology Branch;
- Improved **cultural and Indigenous worldview training** for government employees (federal/provincial/regional/local);
- Additional funding for improved **compliance and enforcement** and the acceleration of the investigation process; and
- Explore opportunities for provincial Compliance and Enforcement Branch staff to **work cooperatively and in partnership with First Nations** (including Guardian and Ranger programs) when undertaking inspections and investigations.

Thematic Framework

Attendees expressed overall support for the thematic framework, noting that the five themes provide adequate flexibility and reflect the priorities for transformation of the HCA. Additional themes were proposed, including Indigenous leadership and

jurisdiction over cultural heritage, ownership, reporting, and collaborative engagement.

Indigenous Values and Rights Recognition

The major sub-themes identified among engagement session transcripts and written submissions were:

- **Colonialism underpins the HCA.** First Nations laws, protocols, values and traditional/Indigenous knowledge must be better reflected in the HCA;
- **Decision-making needs to recognize and respect** First Nations laws, protocols, and customs; and
- **Jurisdictional issues**, as well as **Rights and Title** need to be addressed.

Within each of these broad themes, several discussion points were raised by many First Nations participants, across multiple formats.

Colonial Assumptions

The first sub-theme, **colonial assumptions underpin the HCA**, included four main discussion points that were raised multiple times by both First Nations and external stakeholders. Discussions relate to **the assumption of terra nullius** (the idea that no one owned the land prior to European assertion of sovereignty¹), as well as the pre-1846 date for automatic protections, **reinforce existing colonial narratives about history in B.C.** and prioritize the knowledge held by settler institutions rather than the knowledge held by First Nations communities and knowledge keepers. Survey respondents called for an enhanced role for First Nations in cultural heritage management, protection, and conservation (80%).

A related sub-theme about archaeological work noted that **archaeological assessments do not reflect local First Nations knowledge**. Archaeologists may be hired from outside of local communities, may have no knowledge or experience in the region, and as a result may conduct work that is ignorant of local knowledge and customs. Comments around this sub-theme noted that this is another example of **prioritization and over-valuing of traditional western science and ways of knowing over traditional First Nations knowledge**. Survey respondents also

¹ Tsilhqot'in Nation v. British Columbia, 2014 SCC 44, para. 69, <https://www.afn.ca/wp-content/uploads/2018/02/18-01-22-Dismantling-the-Doctrine-of-Discovery-EN.pdf>

proposed that solutions will need to ensure First Nations intellectual property and cultural knowledge are safeguarded and that requests for confidentiality are respected (75%).

When discussing how to address these colonial assumptions, First Nations noted that engagement and consultation approaches must shift toward **collaborative and equal partnerships in archaeology** and heritage preservation work, and that any future transformation should prioritize an assessment approach that assumes the presence, not absence, of heritage and cultural sites. Survey responses endorsed the development of Government-to-Government collaborative programs for First Nations to develop and document their heritage (85%).

First Nations Laws and Values

The second major sub-theme, **First Nations laws and values must be reflected**, included the need to reflect First Nations Rights related to heritage conservation. The most prominent discussions within this sub-theme included the need **for First Nations to have authority over defining what heritage is and how it should be managed**. Further, for decisions on their territories (“no means no”), any revised HCA or other **legislation must reflect First Nations laws**. Survey responses, noted that the HCA is not currently compatible with the UN Declaration concept of free, prior, and informed consent (75%), and that there was a need to expand the definition of heritage to recognize and protect a broader spectrum of First Nations cultural heritage (80%).

Related to the acknowledgement and reflection of First Nations laws, a few First Nations participants noted that legislation and protocols in any revised legislation must leave room to allow **protocols to be responsive to individual Nations** as laws and cultural practices vary greatly among First Nations within B.C. Survey respondents echoed this sub-theme, indicating that HCA permits don't require that cultural protocols for managing ancestral remains or burial places be followed (80%), and that HCA permits should require cultural protocols for ancestral remains and burial places to be followed (80%).

Finally, it was noted among First Nations that they **need to retain access to their ancestors and cultural objects**. While it was noted by some that not all First Nations have the capacity to provide homes for these family members and items currently, it was important that First Nations have access to these items in the places where they are stored (e.g., Royal BC Museum, UBC Museum of Anthropology). Survey respondents rated this as a key challenge, identifying that First Nations' access to culturally significant sites and objects may be restricted (65%).

Jurisdictional Issues

The third and final major sub-theme was related to **jurisdictional issues, Rights, and Title**. Comments coded within this sub-theme acknowledged that, for many First Nations, Rights and Title issues remain contested or fluid, and that any changes to the HCA should be mindful of this evolving landscape. Comments included the need for greater clarity on the intersection of, and potential conflicts between, First Nations Title and the HCA. First Nations participants, including Modern Treaty Nations, noted the need to **consider the interactions between treaties, federal legislation, and provincial legislation**.

In recognition of the unique relationship between Modern Treaty Nations and the Province, Modern Treaty Nations specifically noted the need for the Province to **recognize Modern Treaty Nation jurisdiction** over heritage objects and sites located within and outside of established Treaty lands. Modern Treaty Nation jurisdiction over cultural heritage should not be limited to existing geographic restrictions outlined within Treaties.

A couple of First Nations representatives also noted that **destructive activity to heritage sites can have implications for land claims proceedings** and, therefore, the provincial government is indirectly incentivized to allow development and destruction of heritage sites.

Finally, a strong voice from respondents identified the need to better **protect First Nations heritage sites located on private lands**.

Proposed Solutions (Survey Data) – Indigenous Values and Rights Recognition

- Enable Government-to-Government development of collaborative heritage management programs that provide opportunities for First Nations to develop and document their heritage management policies (85%);
- Require cultural protocols for ancestral remains and burial places be followed under HCA permits (80%);
- Expand the definition of heritage to recognize and protect a broad spectrum of First Nations cultural heritage (80%);
- Ensure Indigenous intellectual property and cultural knowledge are safeguarded and that requests for confidentiality are respected (75%); and
- Develop mechanisms to support recognition of First Nations laws, policies, governance, and decision-making pertaining to heritage (75%).

Protections

Among First Nations participants, the major topics that emerged from content related to protections were:

- First Nations should have the **authority to define heritage**, including intangible heritage, and to specify sites for protection;
- **More comprehensive protections are needed**, to include sites identified as possessing intangible heritage and cultural importance, and **better protections are necessary for First Nations burial sites and ancestral remains**;
- Greater consideration should be given to **cumulative effects** on heritage sites; and
- **Protections should be proactive** rather than reactive.

First Nations Role in Defining Protections

The most common discussion points within the sub-theme of **First Nations role in defining protections** were the need for **First Nations to have the authority to define** or delineate areas of protection, and the need for any **protections to be holistic** in jurisdiction and scope (e.g., natural heritage sites used for traditional purposes should restrict non-traditional uses of the land). The need for **better protections for burial sites and ancestral remains** was also a key comment throughout the engagement sessions and written submissions. Some First Nations representatives shared stories of burial sites being disturbed, ignored, damaged, desecrated, or disrespected during past development projects. These comments emphasized the need for protections for First Nations burial grounds and ancestral remains to be equivalent to protections in the *Cemeteries Act* (75%).

First Nations were strongly supportive of **protections being created for intangible heritage and culture** (e.g., language and place names, sites of spiritual significance even in the absence of physical structures), with this issue being raised both in engagement sessions and written submissions. Other sub-themes within this topic that were discussed by First Nations included the need for **protections to take into account the cumulative effects of “low impact” activities**, recognizing that activities such as landscaping and recreation may have minimal impact when conducted infrequently, but can significantly impact the integrity of a site when low impact activities become frequent and repetitive. This was also endorsed within the survey data, with respondents identifying that the HCA does not address cumulative impacts to heritage sites as the top challenge (80%). The issue of addressing protections on private property was also raised.

Stronger Protections

Finally, the third major topic noted that **protections must be stronger to achieve conservation**. Concerns that the **HCA is only reactive** and “kicks in” when artifacts are found on a site, but that it **should be more proactive** and extend protections to sites where artifacts are believed to be or could possibly be. Survey respondents also endorsed the statement that the **inventory of heritage sites is incomplete and out of date**, leading to gaps in protection (80%).

Participants also raised that the protections within the HCA are not meaningful without proper oversight of sites (compliance audits) and enforcement, and that the **right to redress and restore damage caused by projects/landowners who contravene the HCA should be included** in a revised HCA. Some First Nations suggested that **the HCA ultimately prioritizes development over conservation**,

Survey respondents noted that having multiple **administrators for heritage conservation, operating under different legislation and mandates** (e.g., *Land Act, Forest & Range Practices Act, Oil and Gas Activities Act, Local Government Act*) is a challenge. Further, it was outlined that local and regional governments need to be better informed of the HCA and provided **more tools to support them in heritage management** (65%).

Proposed Solutions (Survey Data) – Protections

- Develop mechanisms to consider or account for cumulative impacts to heritage sites (75%);
- Enhance protections for ancestral remains and burial sites (70%);
- Considering the application of HCA Sections 4, 9, 11.1, and/or 32 to enhance site protections (70%); and
- Coordinate the protection of heritage under different legislation managed by different regulatory bodies, including for local governments (65%).

Decision-Making

The topic area of decision-making focused on issues related to when and how decisions regarding land use and heritage protection are made, and whose voices are heard in those discussions. Key points that emerged among First Nations related to this topic included:

- **Decision-making must be shared** and respectful of First Nations laws and customs;
- **First Nations as Decisions Makers;**

- **Elders and knowledge keepers must be acknowledged as experts**, and their input respected;
- **Information is not shared with First Nations in a timely manner**, and bureaucratic process hampers meaningful dialogue;
- **Final decisions should ultimately lie with First Nations**; and
- Province should be respectful of inter-Nation dialogue and negotiation.

Collaborative Relationships

The most common discussion points within the sub-theme of **collaborative relationships needed between First Nations and the Province** was the need for **shared decision-making** with First Nations. Further, decision-making processes need to be more inclusive and flexible to local (potentially Nation-held) priorities and requirements rather than rigidly adhering to provincial standards. Survey respondents overwhelmingly highlighted the need for First Nations to have an enhanced role in the management, protection, and conservation of their cultural heritage (85%).

First Nations participants felt that the roles and policies of various government entities were unclear, and that there is **a need for coordination and consistency amongst government agencies** to reduce confusion and administrative burden on First Nations and stakeholders.

First Nations Are Experts

Within the sub-theme of **First Nations as experts**, there was broad agreement that **Elders and knowledge keepers must be acknowledged as experts**. The authority and expertise of Elders and Knowledge keepers was emphasized in engagement sessions with First Nations twelve times, 5 times in written submissions, and an additional 8 times in survey comments. Survey respondents highlighted the need for a decision-making model that is inclusive of First Nations' knowledge and perspectives (75%). First Nations participants also emphasized that **final decisions should ultimately lie with First Nations**.

Jurisdictional Issues

The sub-theme of **jurisdictional issues** highlighted the importance of First Nation's involvement in government decision-making processes. There were calls for a suite of decision-making options, including shared decision-making, joint decision-making, and delegated decision-making. Several First Nations also noted that negotiating agreements for shared decision-making may work for some Nations but that it isn't a tenable solution for all.

Similarly, participants felt that the **role of local government and related entities in heritage conservation needed to be clarified** and supported. First Nations participants noted while some Nations have strong relationships with municipal neighbours, many local governments make potentially impactful development decisions without any input or consultation with First Nations. 70% of survey respondents endorsed facilitating a greater role for First Nations with local governments on project proposals involving heritage.

Several First Nations participants articulated a desire to see **disputes between First Nations managed by the First Nations themselves**, not mediated by the Province. These comments noted that First Nations had shared and managed overlapping territories for generations and suggested that inter-Nation conflicts or relationships be left to the Nations. In a joint written submission, Modern Treaty Nations also articulated that concerns regarding overlapping territory need to acknowledge the distinction between treaty Rights and asserted Rights.

Process Improvements

First Nations also commented on **process improvements** related to the issue of decision-making. These comments recommended making changes to **address the burdensome permitting process**, and to **improve the timeliness of receiving permits, authorizations, and information requests** from the Archaeology Branch. 70% of survey respondents identified the HCA permitting process as administratively burdensome and complex to navigate. A couple of First Nations participants felt that the bureaucratic nature of provincial processes was very slow and resistant to change. First Nations also identified the **importance of sharing information freely and in a timely manner** with Nations. Survey respondents also endorsed the need to consider heritage sites at the earliest possible state of development review and land-use planning (85%).

Proposed Solutions (Survey Data) – Decision-Making

- Enhance First Nations' role in decision-making and develop clear processes, tools, and criteria (90%);
- Facilitate a greater role for First Nations to engage with local governments on project proposals involving heritage (70%);
- Modernizing tools and systems for heritage management (e.g., permitting, referrals, reports, etc.) (65%); and
- Considering tools and mechanisms to support earlier consideration of heritage values in the land-use decisions and project planning processes (65%).

Resourcing

The topic of **resourcing to support heritage conservation** was discussed in engagement sessions with First Nations, as well as written submissions and surveys from First Nations. Highlights within this topic included:

- **Resources are needed to support First Nations** in permit review, guardian programs (site identification, monitoring, management and protection), heritage conservation activities, and to build archaeological capacity within Nations; and
- **Insufficient resourcing at the Archaeological Branch** continues to have a major negative impact on First Nations, as well as private landowners, development and natural resource proponents (across industry/sectors), and archaeologists/heritage professionals, among others.

Resourcing to Support First Nations

A key sub-theme was the need for **more resourcing for First Nations**. 20 First Nations commented in engagement sessions on the need for resourcing to support work that they already undertake as part of ongoing heritage management, including permit reviews, guardianship programs, and reinterment and repatriation for ancestors and cultural belongings. This sub-theme was reiterated in written submissions and survey comments.

Reflecting the large number of concerns raised in the qualitative data around First Nations resourcing, three of the top four issues identified among survey respondents were related to **resourcing for First Nations' heritage management**:

- First Nations do not have adequate resources to effectively support heritage management (80%);
- First Nations require further resourcing, programs, and tools to safeguard, revitalize, and share their cultural heritage (75%); and
- The costs incurred by First Nations for repatriation and other cultural protocols when ancestral remains are disturbed (75%).

First Nations also voiced that resources and programs were needed to support First Nations and their community members engaging directly in archaeological work, so that they may be acknowledged and included as experts in the field for the purposes of permitting and other work. Commentors varied on the best path for achieving this goal – whether formal post-secondary education, some other form of credentialing system, or an approach that centers on traditional knowledge – but all agreed that

there needs to be **a formal space in the archaeology/heritage management process for knowledge keepers and Elders.**

Resourcing to Support the Archaeology Branch

First Nations also highlighted concerns about **Archaeology Branch resourcing**, emphasizing that the Archaeology Branch is significantly under-resourced. The lack of resourcing impacted First Nations ability to engage in archaeological assessment processes, receive requested information in a timely manner, as well as participate more broadly in conversations related to the conservation of their heritage sites. Other concerns raised by multiple First Nations included **delays and long timelines for permit issuance (as Nations are often applicants)**, and the fact that Archaeology Branch employees are not always experienced or knowledgeable in all regions where cultural/material differences exist. Survey respondents also highlighted that the inventory of heritage sites is incomplete (large backlog and not comprehensive) and that this leads to ongoing gaps in protection (75%).

Goals of Resourcing

While the lack of resources to support heritage conservation was raised, so were the **goals of resourcing**. Under this sub-theme, First Nations participants emphasized that **resourcing should support compliance and enforcement** and long-term **relationship building** among relevant parties, while exploring **incentivization options to encourage compliance and honesty about site presence or potential impacts**. Survey respondents also noted the lack of a clear framework, funding, or mechanisms to support the purchase of property with significant heritage sites, to offset unforeseen archaeological costs, and to support ceremonial protocols/practices when sites have been disturbed (75%).

Proposed Solutions (Survey Data) – Resourcing

- Develop sustainable, long-term funding to support First Nations in the stewardship of their cultural heritage (75%);
- Consider mechanisms and funding to support land purchases, compensation, restitution, site remediation, and ceremonial protocols/practices when heritage sites have been disturbed (70%);
- Address the backlog of site records in the Archaeology Branch's inventory to ensure up-to-date information (70%); and
- Identifying opportunities and resources to support increased First Nations capacity and involvement in heritage management (70%).

Compliance and Enforcement

The final topic area during engagement, Compliance and Enforcement, offered an opportunity for participants to share input on how site activities that may impact heritage values should be monitored and overseen and, if violations occur, how violations should be managed. Highlights discussed by First Nations included:

- **Inadequate compliance and enforcement tools** in the HCA;
- **First Nations involvement** in all aspects of compliance and enforcement;
- Challenges working with local governments and private property owners; and
- **Greater seriousness about protection** and enforcement is needed.

First Nations Involvement

The need for **greater First Nations involvement in all aspects of compliance and enforcement** was identified as a major sub-theme. First Nations noted there was a significant need to build or enhance relationships between government (compliance and enforcement) and communities. First Nations emphasized that **improved responsiveness and accountability for transgressors of the HCA was long overdue and that**, First Nations, with the necessary capacity funding, should be involved in the ongoing management, oversight, and protection of sites. Survey respondents also identified the desire for more **direct involvement in HCA investigations** as a priority (70%).

Local Governments and Private Owners

Challenges working with local governments and private property owners was also identified as a sub-theme. First Nations noted in engagement sessions that there is a need for better **collaboration with local governments** regarding development approvals and municipal infrastructure maintenance to ensure local governments are not contravening the HCA or inadvertently impacting a site.

Similarly, **challenges working with private landowners** were raised by multiple participants. Comments included the need to ensure landowners are both informed of, and accountable to, the HCA and are responsible for adherence to the HCA in relation to the documented or potential heritage objects on their property.

Provincial Responsibility

First Nations identified the need for the **provincial government to take their protection and compliance and enforcement responsibilities seriously**, highlighting ongoing impacts to sites and objects from industrial and development activities.

Increased Compliance and Enforcement

The need for **increased compliance and enforcement** is another major sub-theme. The top challenge identified by survey respondents was that there are **inadequate compliance and enforcement tools** in the HCA (75%). In engagement sessions, 16 First Nations strongly emphasized the need for a more robust and effective legislative and regulatory framework. Furthermore, some participants highlighted the need for the **alignment of protections across ministries and governments** related to the protection of both heritage protection and other natural resources.

This sub-theme speaks to the need for protections to be holistic in scope, recognizing that environmental protections are important to ensure that cultural practices can continue and be preserved for future generations (e.g., traditional uses of native plants, traditional hunting practices). First Nations also felt that there is a **need for greater clarity on the jurisdiction and responsibilities of enforcement** agencies as some respondents shared stories of enforcement issues being passed around multiple agencies and levels of government. Survey respondents also strongly recognized that there is **inadequate resourcing for compliance and enforcement** to support compliance checks and investigations where contraventions are reported (70%).

Proactive Protections

The final sub-theme of **proactive protections** emphasized the need to incentivize protection rather than penalize violations. While penalties are sometimes necessary and warranted, creating awareness and incentivizing protection should be prioritized.

Proposed Solutions (Survey Data) – Compliance and Enforcement

- Increasing First Nations involvement in monitoring, oversight, protection, investigation and enforcement (75%);
- Hold proponents and landowners accountable to adhere to professional recommendations (65%).

CONCLUSION AND NEXT STEPS

Phase 1 engagement on the Heritage Conversation Act Transformation Project received strong participation, underscoring the importance of this work to First Nations. We thank all participants for sharing their experiences and perspectives, and providing thoughtful contributions during this engagement process.

While new considerations, priorities, and potential solutions were identified during Phase 1 engagement, respondents reaffirmed many previously noted issues and concerns about the HCA and its administration, helping to underscore certain key items for near-term change. Findings from this report will inform proposed legislative, regulatory, policy and programmatic changes related to heritage conservation and management in B.C.

The HCATP is currently seeking executive and Cabinet endorsement to undertake Phase 2 work, including the advancement of a package of near-term changes to the HCA and its administration aimed for Spring 2024 legislative introduction.

APPENDIX 1: PARTICIPANT ORGANIZATIONS

First Nations (60)

1. ʔakisǰnuk First Nation (Columbia Lake Indian Band)
2. ʔaǰam
3. Blueberry River First Nations
4. Bonaparte First Nation
5. Champagne and Aishihik First Nations
6. Council of the Haida Nation
7. Cowichan Tribes
8. Ditidaht First Nation
9. Esk'etemc First Nation
10. Gitxsan Nation (Gitxsan Laxyip Management Office)
11. Homalco First Nation
12. Ka:'yu:'k't'h'/Che:k:tles7et'h' First Nations
13. Katzie First Nation (Katzie Development Limited Partnership)
14. Kitasoo/Xai'xais Nation (Kitasoo Xai'xais Stewardship Authority)
15. Kitsumkalum Band
16. K'ómoks First Nation
17. Kwantlen First Nation
18. Kwikwetlem (kʷikwə́ləm) First Nation
19. Lax Kw'alaams Band
20. Lheidli T'enneh First Nation
21. Lower Nicola Indian Band
22. Lower Similkameen Indian Band
23. Metlakatla First Nation (Metlakatla Stewardship Society)
24. Musqueam Indian Band
25. Nadleh Whut'en First Nation
26. Nak'azdli Whut'en First Nation
27. 'Namgis First Nation
28. Nisga'a Nation
29. Nuchatlaht First Nation
30. Penticton Indian Band
31. Quatsino First Nation
32. Seabird Island First Nation
33. Sekw'e'l'was (Cayoose Creek Band)
34. Semiahmoo First Nation
35. shíshálh Nation
36. Shxwhá:y Village (Skway First Nation)
37. Skwah First Nation

38. Skwlāx te Secwepemcúíecw (Little Shuswap Lake Band)
39. Snuneymuxw First Nation
40. Songhees Nation
41. Squamish Nation
42. Stelat'en First Nation (Toonasa Ne Keyah Stewardship Department)
43. T'it'q'et First Nation (Lillooet Indian Band)
44. Tk'emlúps te Secwépemc
45. Tla'amin Nation
46. Tl'azt'en Nation
47. Tlowitsis Nation
48. Tsal'alh (Seton Lake Band)
49. Tsartlip First Nation
50. Tsawwassen First Nation
51. Tseshaht First Nation
52. Tsleil-Waututh Nation
53. Uchucklesaht Tribe
54. Upper Similkameen Indian Band
55. We Wai Kai First Nation (Laich-Kwil-Tach Treaty Society)
56. Whispering Pines / Clinton Indian Band
57. Williams Lake First Nation
58. Xat'súll First Nation
59. Xaxli'p First Nation
60. Yuułuʔiłʔatḥ Government (Ucluelet First Nation)

First Nations Organizations (15)

1. Alliance of B.C. Modern Treaty Nations
2. British Columbia Assembly of First Nations
3. First Nations Leadership Council
4. First Nations Summit
5. Hul'qumi'num Treaty Group
6. Maa-nulth First Nations
7. Maiyoo Keyoh Society
8. N̓anwaḵolas Council
9. Northern Secwepemc te Qelmucw
10. S'ólh Téméxw Stewardship Alliance
11. St'át'imc Government Services
12. Stó:lo Nation
13. Stó:lo Tribal Council
14. T̓šilhqot'in National Government
15. Wei Wai Kum Kwiakah Treaty Society

Other (11)

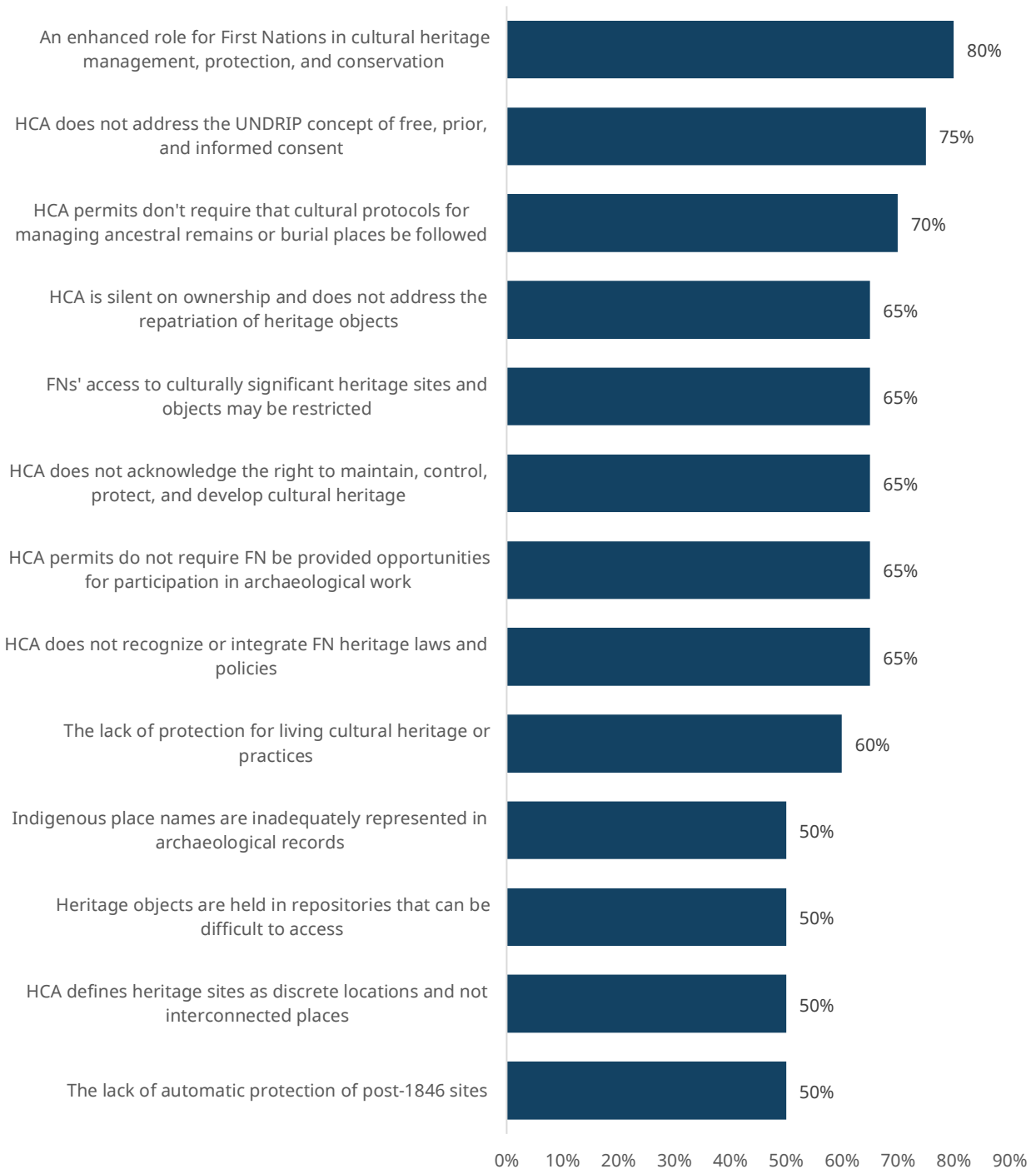
1. Dee Cullon, Consultant
2. Downtown Eastside Women's Centre
3. Haida Gwaii Museum Society
4. Indigenous Heritage Circle
5. Inlailawatash Limited Partnership
6. Jesse Morin, Researcher
7. JG Bones Consulting
8. Kelly Lindsay Law
9. LM Law Group
10. North West Indigenous Council Society
11. Ratcliff LLP

APPENDIX 2: ANALYSIS OF FEEDBACK

Indigenous Values and Rights Recognition

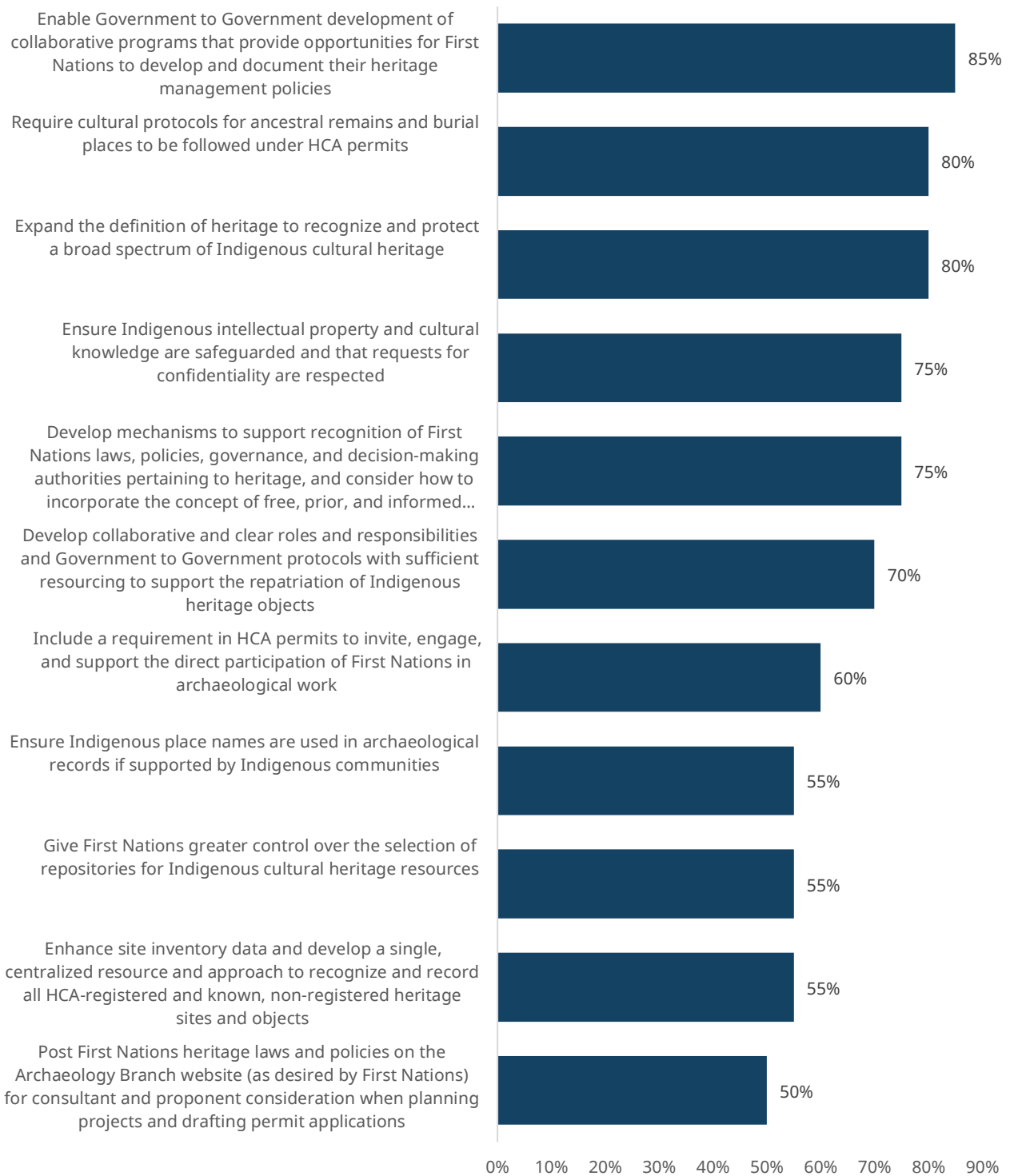
Theme	Engagement Session Transcripts		Written Submissions		Survey
	First Nations	First Nations with Modern Treaties	First Nations	First Nations with Modern Treaties	First Nations
Colonial Assumptions Underpin the HCA					
<i>Terra nullius</i> and 1846 date reinforce colonial narratives about what is assumed about history, how the historical record is kept	15	1	5	2	1
Archaeology work and assessments do not always reflect local First Nations' laws, values, knowledge	13	1	2	2	0
Engagement with First Nations must shift to be collaborative, co-equal partnerships	12	1	2	1	1
Transformation should prioritize assessment	4	0	1	0	0
First Nations Laws and Values Must be Reflected					
First Nations need the authority to define heritage, what is worthy of protection	25	2	3	2	8
HCA and other legislation must reflect First Nations' cultural laws	16	1	4	1	5
First Nations should have Rights to make final decisions	16	2	2	1	8
First Nations need to retain access to ancestors and artefacts	8	1	3	2	0
Education and shared understanding of First Nations' Rights among all stakeholders needed	5	0	2	0	0
Legislation and protocols must be responsive to individual Nations	3	0	3	1	0
Jurisdictional Issues, Rights and Title					
Need to address how First Nations Rights are recognized and addressed on private land	13	2	1	0	0
Greater clarity needed on intersection of Title and HCA	7	1	2	2	0
First Nations Rights under federal legislation and/or modern treaties supersede provincial legislation	5	1	1	1	0
Destructive activity has impacts on land Rights and Title claims	2	0	0	0	0

Figure 1.1: Issues or Challenges Related to Indigenous Values and Rights Recognition Rated “Most Important” by First Nations Participants



Bars in graph illustrate proportion of respondents selecting each option as “Most Important.”
Total base *n* is 20 across all items.

Figure 1.2: Proposed Solutions Related to Indigenous Values and Rights Recognition Rated “Most Important” by First Nations Participants

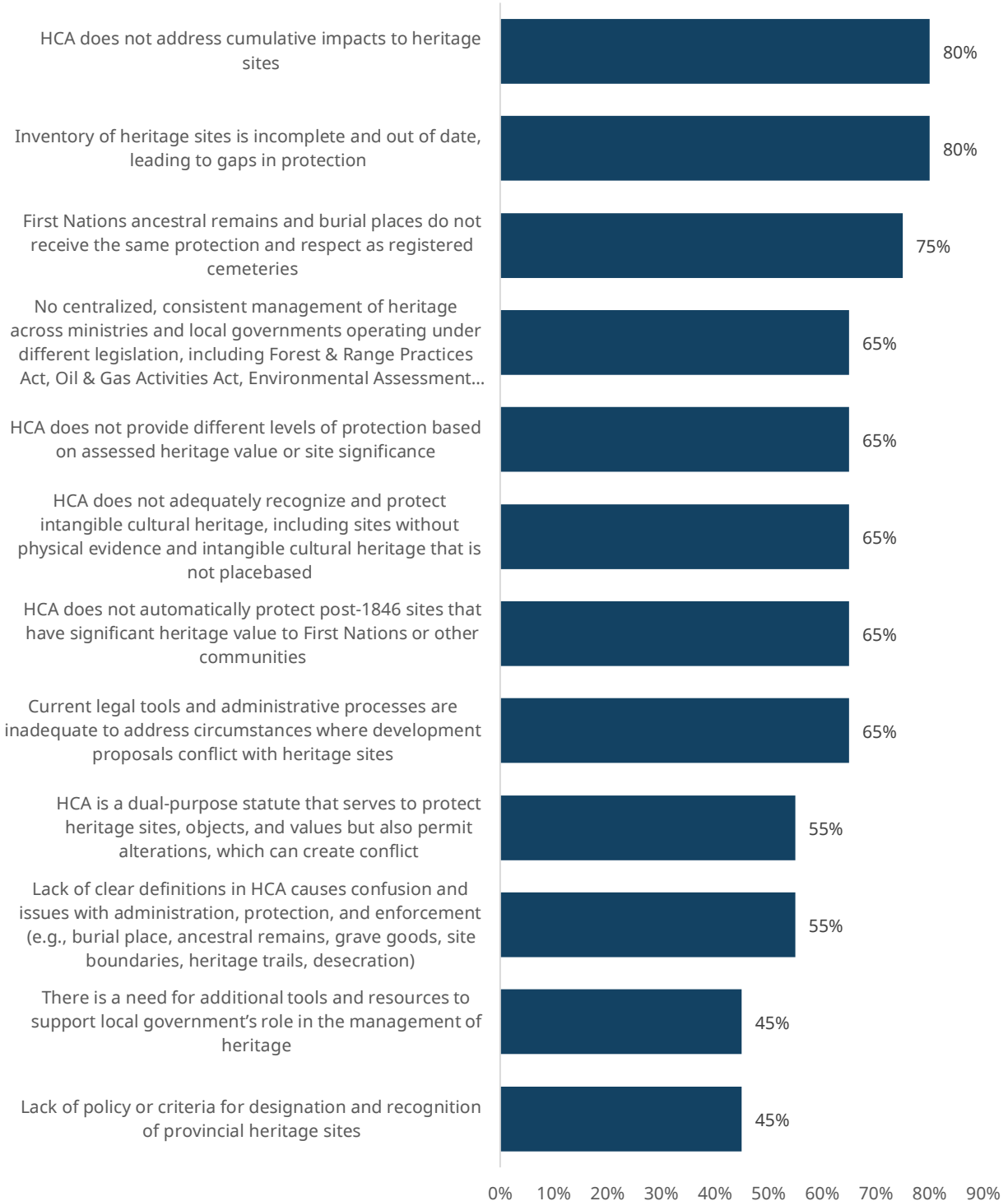


Bars in graph illustrate proportion of respondents selecting each option as “Most Important.” Total base *n* is 20 across all items.

Protections

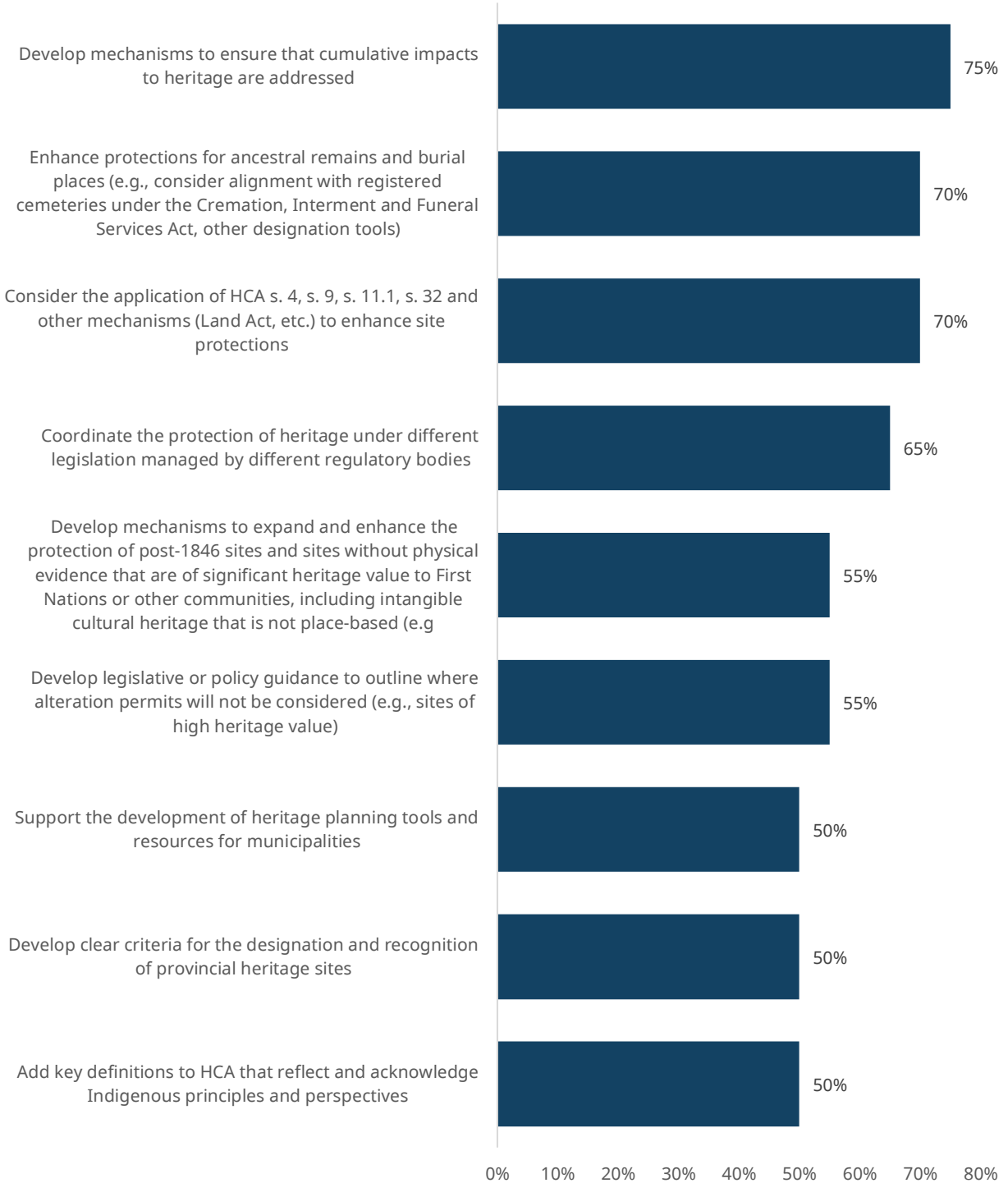
Theme	Engagement Session Transcripts		Written Submissions		Survey
	First Nations	First Nations with Modern Treaties	First Nations	First Nations with Modern Treaties	First Nations
First Nations Role in Defining Protections					
First Nations need to be able to define or set out areas of protection	7	0	4	0	5
Protections need to be holistic in jurisdiction and scope	5	2	0	0	0
Better protections needed for burial sites and ancestral remains	3	0	5	1	1
First Nations should be in charge of protections in their traditional territories	3	1	1	0	9
Permitting process currently does not reflect First Nations' voices	2	0	2	1	1
More Comprehensive Protections Needed					
Need protections for intangible heritage and culture	7	2	5	2	0
Protections need to consider cumulative effects of "low impact" activities	2	0	2	1	0
Protections needed to address private property or fee simple lands	2	0	2	1	0
Ensure sensitive sites are not shared publicly	0	0	1	0	0
Need to update inventory of heritage sites	0	0	1	0	1
Protections Must be Stronger to Achieve Conservation					
HCA is only reactive, needs more proactive measures	12	2	2	1	1
Protections of HCA not meaningful without proper oversight and enforcement	8	1	0	0	4
Right to restore, redress damage needs to be included in HCA	7	0	1	0	0
HCA ultimately prioritizes development over conservation	2	0	1	0	1
Provide tools to local government to support heritage management	0	0	2	1	0

Figure 1.3: Issues or Challenges Related to Protections Rated “Most Important” by First Nations Participants



Proportion illustrated is respondents rating each item as “Most Important.”
 Total base *n* is 20.

Figure 1.4: Proposed Solutions Related to Protections Rated “Most Important” by First Nations Participants

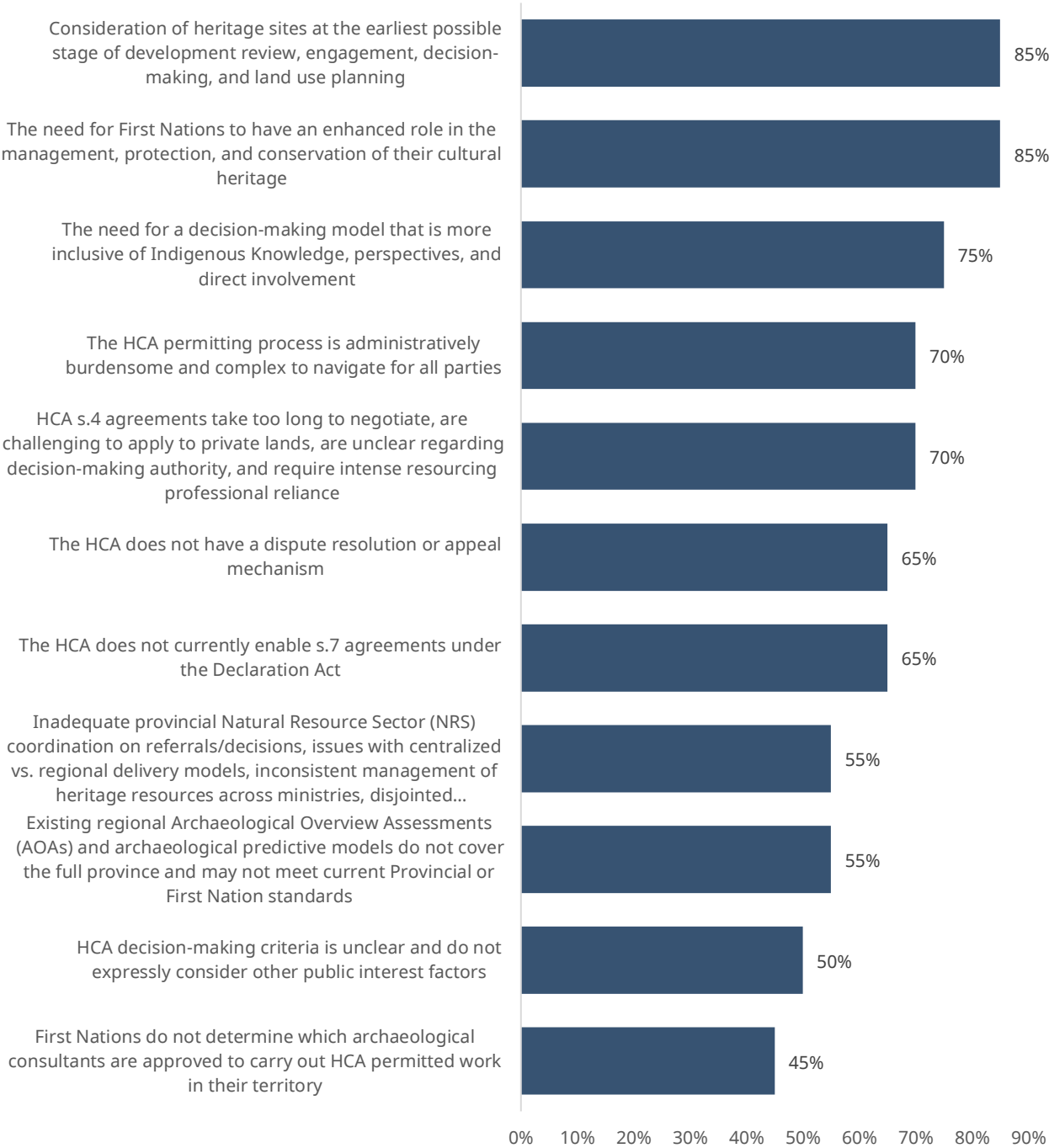


Proportion illustrated is respondents rating each item as “Most Important.”
 Total base *n* is 20.

Decision-Making

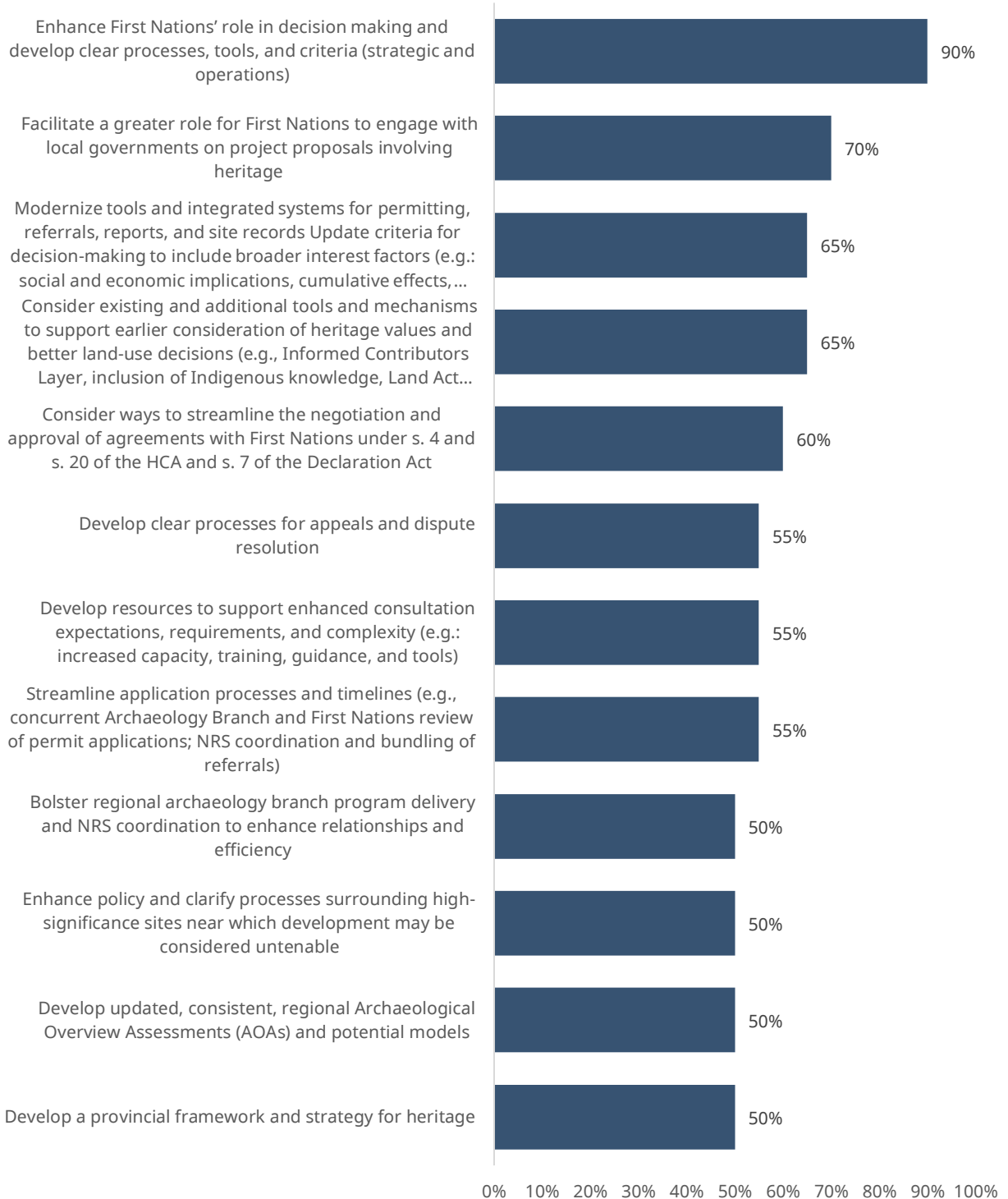
Theme	Engagement Session Transcripts		Written Submissions		Survey
	First Nations	First Nations with Modern Treaties	First Nations	First Nations with Modern Treaties	First Nations
Collaborative Relationships Needed Between First Nations and Province					
Shared decision-making needed with impacted First Nations	17	2	6	1	5
Decision-making basis needs to be more inclusive of local priorities, needs, public good	8	1	2	0	2
Information must be shared freely, in timely manner, with First Nations	5	1	2	1	1
Provincial bureaucracy, processes are slow or resistant to change	2	0	0	0	0
First Nations as Experts					
Elders and knowledge keepers should be authorities in research	12	2	5	2	8
Decision-making must ultimately lie with First Nations	11	0	2	0	11
First Nations need opportunity to shape and monitor proactive policy, not just reactive decision-making	1	0	1	0	8
Jurisdictional Issues					
Roles and policies of various governments, agencies not clear, do not support inclusion of First Nations in processes	7	2	0	0	0
Disputes between Nations can be addressed by themselves	5	2	2	1	0
Roles of local government and other parties unclear, need addressing	5	1	0	0	0
Process Improvements					
Improve timeliness for receiving authorizations, permits, and information requests	0	0	1	1	0
Address / reduce burdensome permitting process	0	0	1	1	0

Figure 1.5: Issues or Challenges Related to Decision-Making Rated “Most Important” by First Nations Participants



Proportion illustrated is respondents rating each item as “Most Important.”
 Total base *n* is 20.

Figure 1.6: Proposed Solutions Related to Decision-Making Rated “Most Important” by First Nations Participants

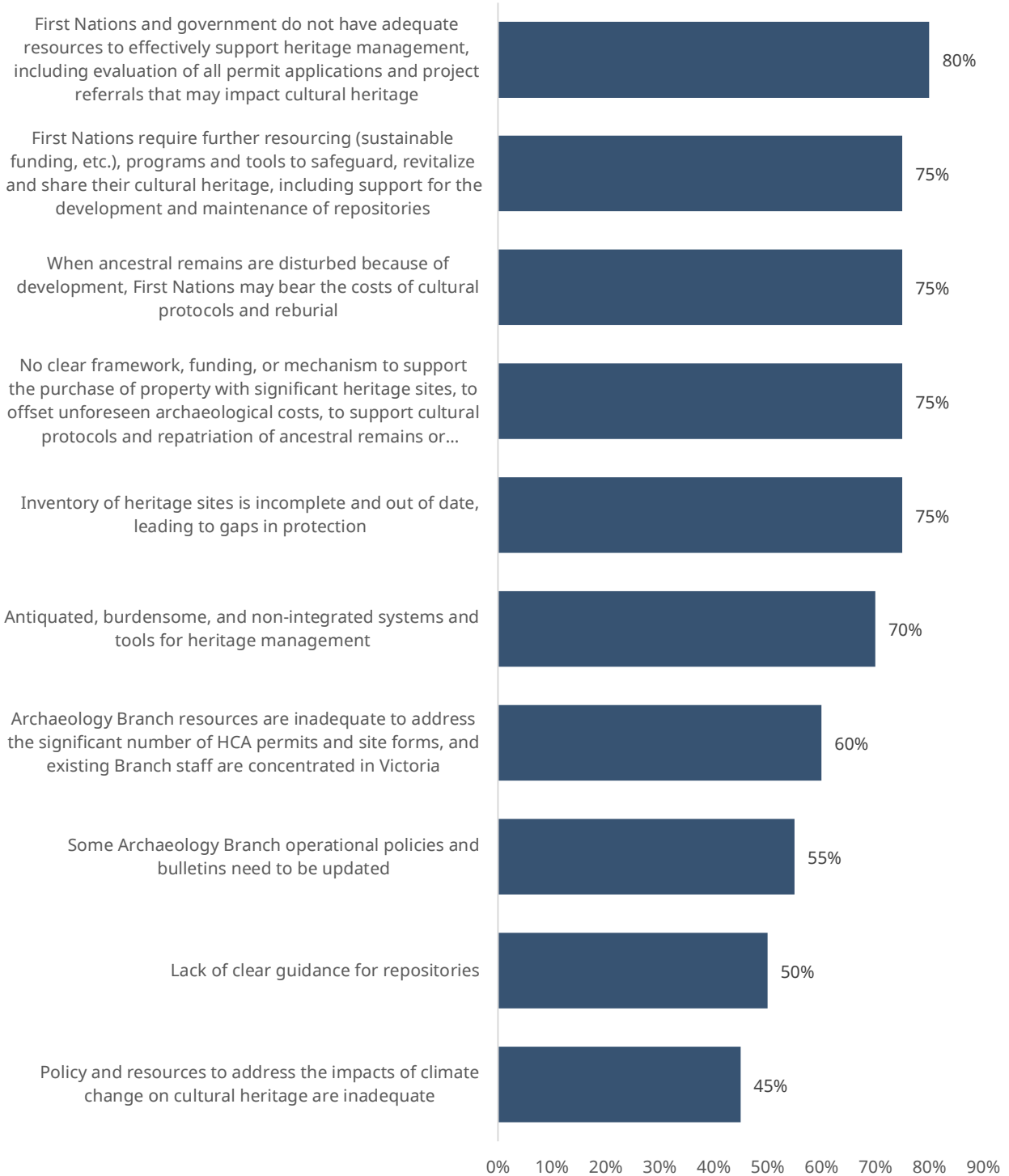


Proportion illustrated is respondents rating each item as “Most Important.”
 Total base *n* is 20.

Resourcing

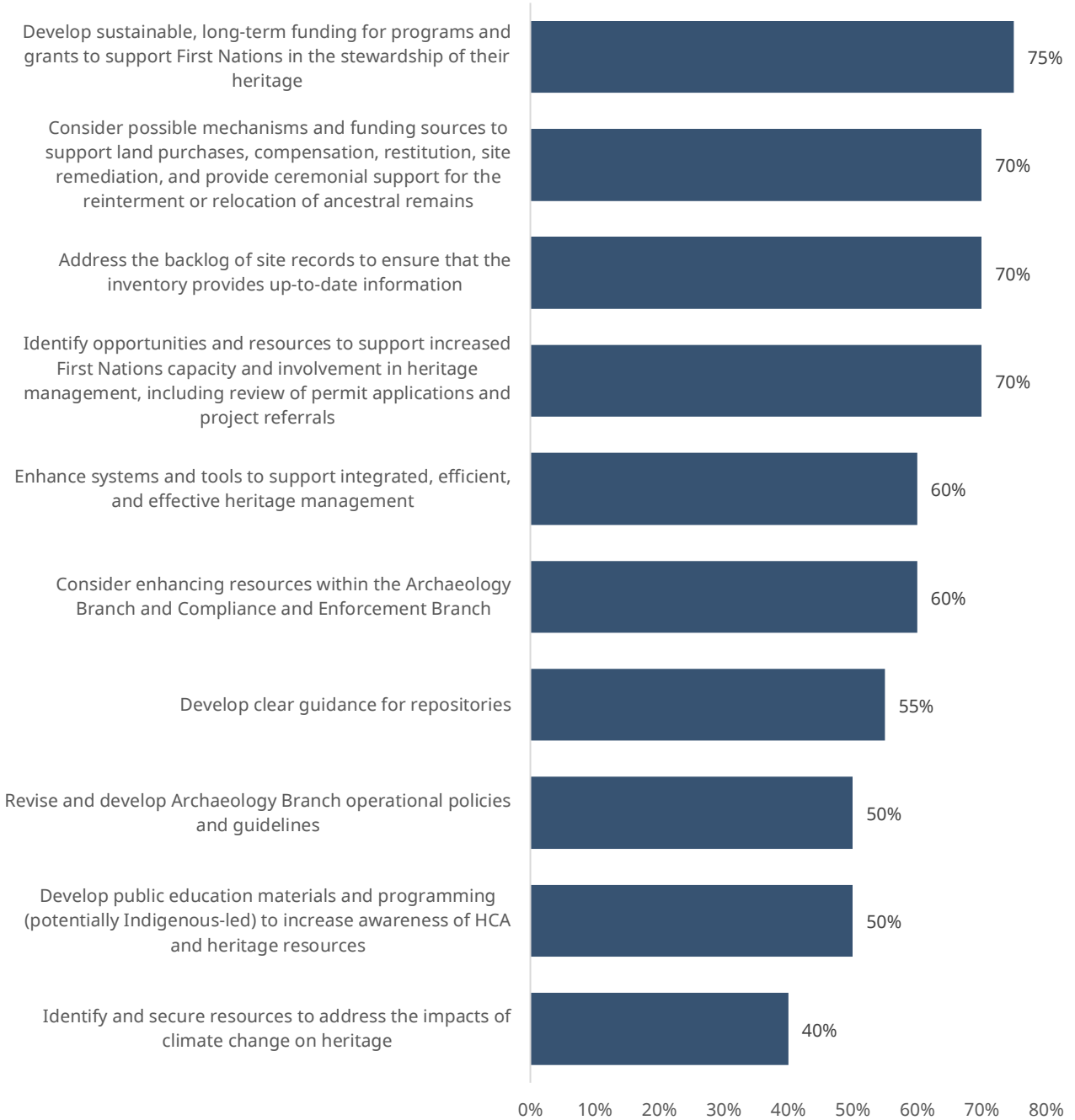
Theme	Transcripts		Written Submissions		Survey
	First Nations	First Nations with Modern Treaties	First Nations	First Nations with Modern Treaties	First Nations
Archaeology Branch Resourcing					
<i>Impacts of insufficient resourcing</i>					
Reduction in First Nations' abilities to engage with archaeological assessment process	4	1	0	0	0
Negative impacts on First Nations' abilities to preserve heritage, engage in cultural practices	3	1	0	0	0
Reduced compliance or protection efforts by developers, project owners	1	0	1	0	0
Insufficient resourcing at Archaeology Branch	8	1	4	1	5
Delays and long timelines for permit issuance	3	0	3	1	0
Archaeology Branch employees not knowledgeable or experienced in areas they work in	3	1	1	0	1
Regional offices needed	0	0	0	0	3
First Nations Resourcing					
Resourcing needed to support First Nations in heritage protection and conservation (i.e., permit review processes, guardian programs)	20	2	4	1	8
Resources and programs needed to support First Nations archaeology work	10	2	3	1	2
Goals of Resourcing					
Ensure enforcement and compliance	12	1	2	0	0
Support long-term relationship building among relevant parties	7	1	1	0	0
Support project owners, incentivize compliance and honesty	5	1	1	0	0
Improve records, tools, and resources to support archaeological assessment work	0	0	1	0	0
Educate public on value of heritage, obligations to protect it	0	0	2	1	2

Figure 1.7: Issues or Challenges Related to Resourcing Rated “Most Important” by First Nations Participants



Proportion illustrated is respondents rating each item as “Most Important.”
Total base *n* is 20.

Figure 1.8: Proposed Solutions Related to Resourcing Rated “Most Important” by First Nations Participants

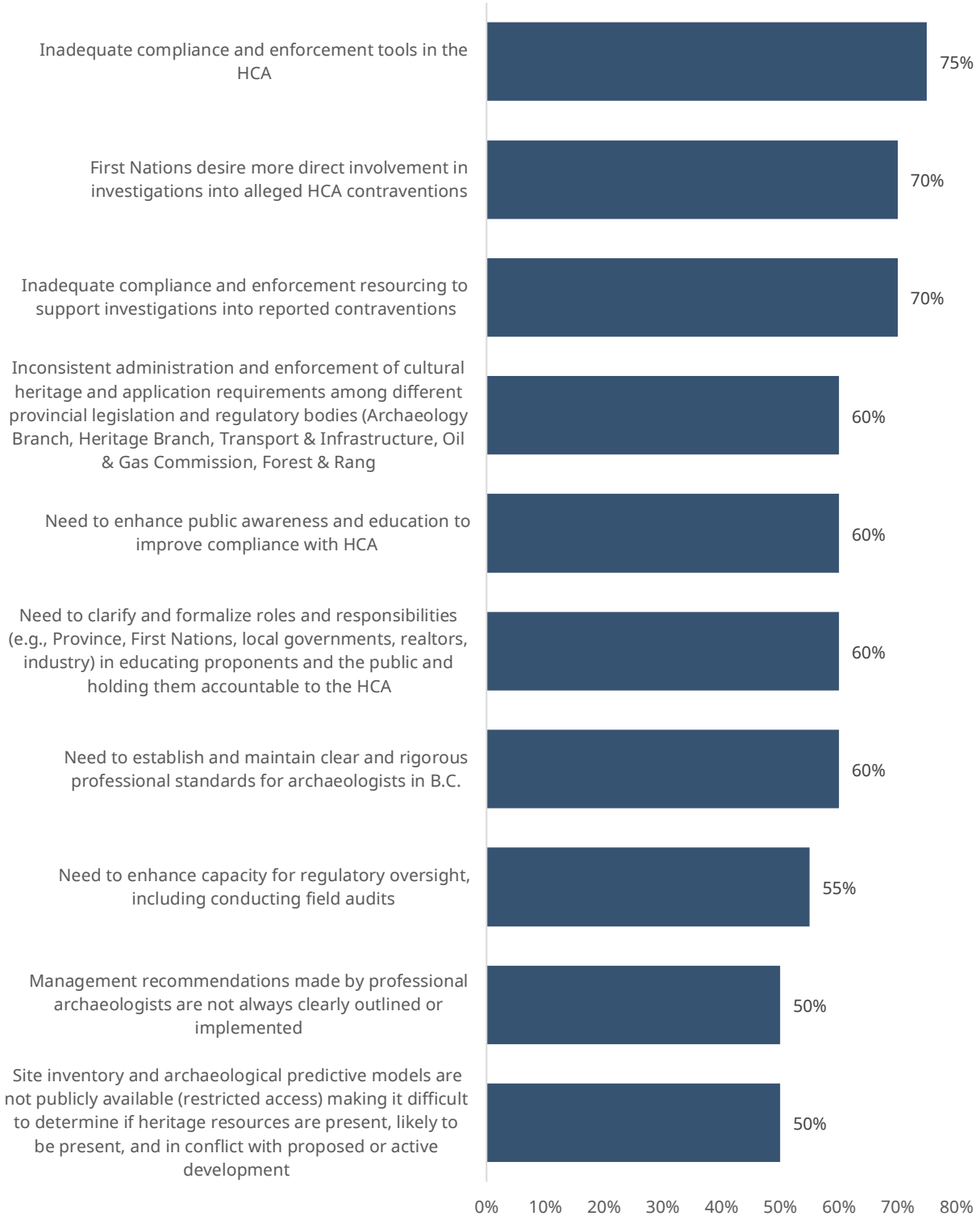


Proportion illustrated is respondents rating each item as “Most Important.”
Total base *n* is 20.

Compliance and Enforcement

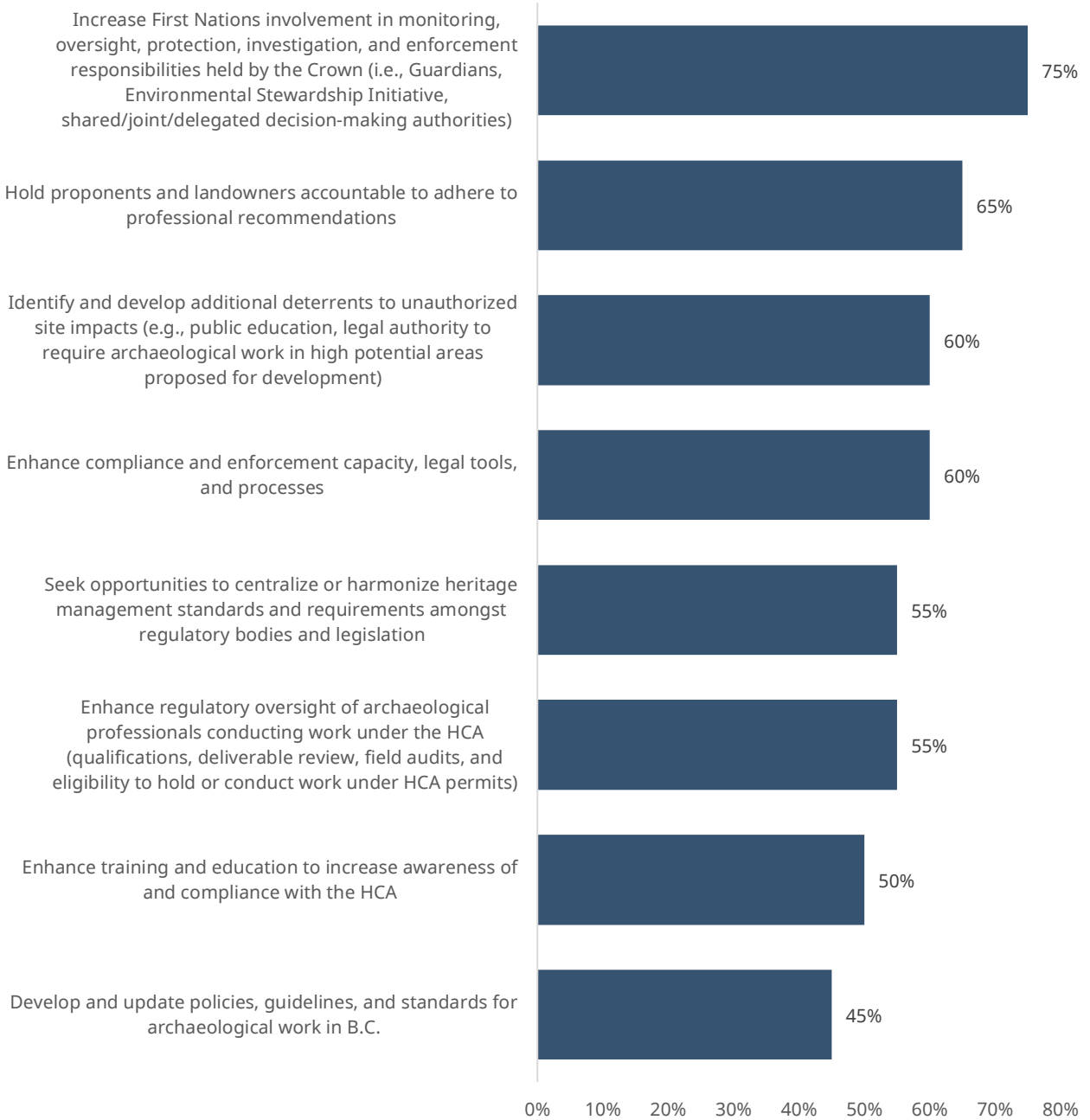
Theme	Transcripts		Written Submissions		Survey
	First Nations	First Nations with Modern Treaties	First Nations	First Nations with Modern Treaties	First Nations
Fuller Inclusion of First Nations in All Aspects of Compliance and Enforcement					
Improved responsiveness and accountability to First Nations needed	15	2	3	1	9
Capacity funding needed for First Nations to engage and monitor sites	13	1	2	1	7
Need to build relationships between government representatives and communities	9	2	0	0	6
Challenges Working with Third Parties					
Collaboration with local governments needed	4	2	0	0	0
Challenges with work on private property	2	0	0	0	0
Provincial Government to Take Responsibilities Seriously					
Provincial government does a poor job of limiting and overseeing industry	9	1	1	0	0
External evaluation and review of project owners' archaeological assessments, other work, needed	3	0	0	0	3
Greater Seriousness about Protection and Enforcement					
More teeth to legislation needed	16	2	2	1	5
Greater clarity on jurisdiction and responsibility for legal enforcement needed	8	0	2	2	0
Alignment of protections and legislation across ministries and governments	0	0	2	0	0
Clearer or higher standards for archaeologists needed	0	0	2	0	0
Proactive Protections					
Need to incentivize protection, not just penalize violations	6	1	0	0	1
More information needs to be public to better plan for conservation	0	0	0	0	1

Figure 1.9: Issues or Challenges Related to Compliance and Enforcement Rated “Most Important” by First Nations Participants



Proportion illustrated is respondents rating each item as “Most Important.”
Total base *n* is 20.

Figure 1.10: Proposed Solutions Related to Compliance and Enforcement Rated “Most Important” by First Nations Participants



Proportion illustrated is respondents rating each item as “Most Important.”
Total base *n* is 20.