

P'egp'íg'lha Council Referral Process



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SECTION A: COMPONENTS OF CONSULTATION - DEFINED

1. Purpose:

The T'it'q'et First Nation is one of eleven St'at'imc communities. Within the T'it'q'et community, the P'egp'ig'lha Council (PC) is mandated to govern the community's title and rights within the T'it'q'et area of responsibility.

The PC has developed this Referral Process to set out a systematic, culturally appropriate process, that is known upfront by government and development proponents, to ensure that the legal obligations for consultation and accommodation are met in a way that is cost effective, efficient, transparent, consistent and meaningful for all parties involved.

2. Application of the Referral Process:

The PC Referral Process applies to:

- Any consultation that occurs between the PC and the Crown¹ (where the Crown may or may not be the project proponent²); and
- Any proposed development activities within the T'it'q'et area of responsibility proposed by third party proponents.

In the *Haida Nation* case, the Supreme Court of Canada found that the duty to consult rests primarily with the Crown. Therefore, all formal consultation will be engaged with the Crown, even when a referral is received directly from a third party proponent.

The PC acknowledges that third parties do not have a legal duty to consult with the First Nation. The fiduciary duty to consult rests with the Crown, which cannot be delegated to third parties. The procedural aspects of consultation can be delegated though. Regardless, it is in the best interests of third parties to fully engage with the PC. Third parties should not assume that the Crown has met its duty to consult with the PC. If the Crown has issued a decision that is in breach of the Crown's legal duty to consult with and accommodate the PC, the decision may be challenged in Court, and may be set aside as invalid.³ Consistent with the intent of consulting in good faith third parties engaging the PC are most importantly demonstrating their commitment to relationship building, open communication and good business practice.

The staged consultation process outlined in this document meets the PC's definition of meaningful consultation. This process is based on best practices that can fully implement the legal rulings on consultation. The PC is open to jointly developing Crown/proponent specific consultation process agreements that meet the spirit and intent of this document.

3. When Consultation is Required:

Consultation is required any time actions will infringe on Aboriginal rights or title (*Delgamuukw*). Practically, this means consultation is required prior to:

¹ The "Crown" means the Crown in right of Canada or British Columbia, their cabinets, ministries, departments, Crown corporations, agencies, employees and contracted agents, representatives and delegates for the purpose of the duties of consultation and accommodation.

² The "proponent" means the Crown or a third party proposing an activity within the P'egp'ig'lha area of responsibility that is the subject of an application to government.

³ *Halfway River First Nation v. British Columbia (Ministry of Forests)*, [1999] 4 C.N.L.R. 1 (B.C.C.A)

- Resource extraction activities, including but not limited to mining, forestry, fishing, guide-outfitting, hydro-electric and alternative energy development, etc.;
- Non-extractive activities, including but limited to ranching, tourism, etc.;
- Any alteration of cultural heritage resources, including those defined in the *Heritage Conservation Act*;
- Legal and policy changes;
- Government planning processes, including but not limited to, strategic land management and water use planning;
- Tenure dispositions, transfers, replacements and renewals;
- Approvals, at the strategic or operational level, which may lead to the issuances of a license, permit, lease or change in land status;
- Approvals which may lead to the construction, expansion, amendment or decommissioning of any major facility and associated infrastructure (wells, processing plants, roads, dams, hydro line, bridges, etc.), and;
- Amendments to decisions.

Activities or decisions that have the potential to infringe upon the PC's Aboriginal rights or title must not proceed unless there has been meaningful consultation, as defined below.

4. Meaningful Consultation

From a legal standpoint, consultation must be meaningful (*Delgamuuk'w, Halfway, Taku*). Generally, this means that consultation:

- Is reasonable (*Nikal, Halfway*)
- Is conducted in good faith⁴ (*Delgamuuk'w, Haida*)
- Is a two-way street with an obligation on the First Nation to also participate in good faith (*Cheslatta, Ryan*)

Consultation must be initiated:

- At an early stage before legislation is enacted, decisions are made, or measures taken (*Halfway, Jack, John and John, Sampson*)
- In a proactive manner versus waiting for the First Nation to approach the Crown/proponent (*Sampson*)

The consultation process:

- Varies with the circumstances of each situation (*Sparrow, Sampson, Delgamuuk'w, Nikal*)
- Is separate and distinct from any public consultation process (*Mikisew*)
- Is conducted to the best ability of the parties (*Blueberry*)

When information is shared:

- There is a full disclosure of information to the First Nation on a timely and continuous basis so it can make an informed decision (*Jack, John and John, Halfway, Sampson*)
- The Crown/proponent must inform itself of the First Nation's perspective, practices and rights (*Jack, John and John, Halfway*)

⁴ Good faith can be defined as: e.g. freedom from intention to defraud, being faithful to one's duty or obligation, act in a fair and equitable manner, honest intent to act without taking an unfair advantage over another person or to fulfill a promise to act, even when some legal technicality is not fulfilled.

When decisions are made:

- The First Nation's interest at stake must be substantially addressed (*Delgamuuk'w, Taku*)
- The claims of the First Nation must be taken seriously (*Alphonse*)
- Infringements on Aboriginal rights must be justified, and there must be as little infringement as possible (*Sparrow*)
- The Crown cannot act unilaterally in its decisions (*Mikisew*)
- The consent of the First Nation may occasionally be required (*Delgamuuk'w*)
- Workable accommodations of the cultural and economic interests of both the aboriginal and non-aboriginal parties must be sought (*Haida, Taku*)
- Consultation may reveal a duty to accommodate (*Haida*)

4.1. Communications Components of Consultation

Consultation also includes the following practical communications components:

- Both parties bringing their interests and information to the table in a reciprocal manner;
- There is a joint contribution to the outcome (e.g. shared commitment of time and resources);
- The opportunity to be involved and be heard is maximized;
- The major areas of difference as well as agreement are identified;
- The rights of each party are respected, and the constraints of each party are understood; and
- A range of methods is employed which vary depending on the goal and outcome desired.

In defining consultation, two additional and important aspects of consultation must be mentioned:

- a. No one component listed above or any one method employed can alone be necessarily construed as consultation. Judging whether or not consultation has been adequate will require an evaluation of the cumulative methods used, actions taken, and results gained.

For example, consultation amounts to more than simply making a few telephone calls or sending a few letters or faxes; the Crown/proponent cannot say that it has consulted by simply referring to how many letters or phone calls it has made (even though this is one aspect of consultation).

- b. Applying the same degree of consultation to all situations is not necessarily the appropriate measure. The degree of consultation entered into must consider the scope of the proposed development, as well as the nature of the PC's interest that may be affected.

4.2. Consultation Principles

In addition, for meaningful consultation to take place, the following principles must be observed:

4.2.1. Adequate Capacity

Appropriate funding is essential to create a level playing field in the consultation process (*Kitchenhmaykoosib Inninuwug*). The duty to consult, even in its minimal form, is not cost free. Costs include direct time spent on project by T'it'q'et staff, Council's, Committee and members, as well as costs incurred to access external technical expertise when needed. The PC will not subsidize this cost. Therefore, this Referral Process

includes a fee-for-service component. The Crown/proponents may cover PC's participation in the consultation process on a project-by-project basis (as per the attached fee schedule) or may be negotiated in a broader MOU / Protocol / Engagement agreement with the PC. As negotiated between the PC and Crown/proponents, costs may be addressed directly (financial resources) or indirectly (e.g. in-kind support, mentoring, job-shadowing, training, joint funding applications).

4.2.2. Adequate Time

To ensure that all parties can bring their interests forward, consultation must take place as far in advance as possible. A balance must be reached where decisions can take place in a timely manner, while also respecting the time that it takes to build relationships and for PC to review, assess and respond to referrals (many of which are highly technical in nature).

When referral letters are sent to First Nations, the provincial government defines a timeline for the review and comment period. All parties are encouraged to review these timelines and amend them according to their individual and mutual needs.

The shortness of time or the economic interests of a Crown/proponent are not sufficient to relieve the duty of consultation (*Gitxsan*).

In the event of emergencies (e.g. forest fires), actions may need to be taken immediately to prevent a crisis. In this case, the agreed to level of consultation may not be possible. However, there is still an obligation to consult in the best way possible given the circumstances (e.g. notification of emergency, actions to be taken). Once the emergency situation is under control, the agreed to level of consultation should resume.

4.2.3. Appropriate Information

The "appropriateness" of information includes both the format of the information, and the content of the information itself.

Providing information to the PC in the same form and substance as that is being distributed to all interested stakeholders does not alone constitute consultation (*Mikisew*). Information must be provided to the PC in a manner that it can be properly understood. Information may need to be formatted as follows:

- Long documents being summarized into key elements;
- Technical documents being summarized in layperson's terms;
- The same information provided in varied forms (e.g. oral, written, and visual) to reach as wide a segment of the community as possible; and
- Data converted into formats compatible with the T'it'q'et's systems (e.g. mapping).

When evaluating a proposal, some types of information the PC may seek from the Crown/proponent includes, but is not limited to:

- Nature and scope of proposed activity
- Who is undertaking the activity (proponent, contactors, subcontractors)
- Information that allows the PC to understand how the activity may affect PC rights and interests
- Relevant studies, reports, letters, conversations or documents dealing with the reason why the Crown/proponent is proposing actions that may infringe on the PC's rights or title – i.e. demonstration of why the action is necessary (Sampson)
- What alternatives exist regarding how the activity is carried out

- Measures being implemented to protect PC's Aboriginal rights or title
- Information about the PC that is already known by the Crown/proponent
- Landscape level and site specific / operational level information.

Some types of information that the PC may seek related to decisions made (either by a proponent, or by statutory decision makers) includes, but is not limited to:

- What factors were taken into account and the reasons for the decision, including why a particular decision was made over other alternatives
- How the PC's perspectives were taken into consideration in reaching the decision
- How minimal impairment of the PC's rights or title was factored into the decision;

The PC acknowledges that some information is privileged, confidential and/or proprietary, and will engage in information sharing agreements as required.

5. Who to Consult

Consistent with the PC's mandate to manage the community's area of responsibility within the St'at'imc territory, the PC is the only body authorized to engage in consultation activities, and must be the first point of contact when consultation is initiated.

The PC may involve staff or other representatives in the consultation process, and will explicitly indicate to the Crown/proponent who their authorized representative(s) is/are for each stage of consultation.

The Crown/proponent may have different people assigned to the various aspects of consultation (e.g. operational issues vs. final decision making). The Crown/proponent must ensure that the appropriate and authorized persons are available to participate in each stage of consultation.

6. Methods of Consultation

At each stage of consultation, the PC or its authorized representatives will explicitly indicate to the Crown/proponent which methods and/or activities are considered consultation.

Methods may include, but are not limited to:

- Meetings (face-to-face or virtual);
- Correspondence (oral or written);
- Relevant information exchanged;
- Development and negotiation of protocols, MOU's, engagement processes, and other agreements;
- Site visits to explain the nature of proposed activities; and
- Carrying out appropriate studies and surveys.

A phone call or exchange of information, even with authorized representatives, is not part of the consultation process unless the PC indicates that it is.

Where requested, the PC is entitled to a consultation process that is separate from the processes held for the public or stakeholders (*Mikisew*).

Use of one method does not alone necessarily mean that consultation has been undertaken. For example, the development of protocols or other participation agreements does not discharge the Crown from its legal duty to consult and accommodate the First Nation.

The cumulative efforts and results of the parties will determine whether meaningful consultation has adequately taken place.

Finally, the PC's engagement in a consultation process does not indicate that the First Nation agrees to or supports a proposed activity or decision.

7. Accommodation

Accommodation can be described as “seeking compromise in an attempt to harmonize conflicting interests and move further down the path of reconciliation” (*Haida*). Accommodation is necessary when an activity or decision might adversely impact on the culture, health, environment or economy of T'it'q'etmec⁵.

Accommodation can take many forms, and it may be a one time provision or ongoing. Identifying the appropriate accommodations related to an activity or decision will depend on the nature of the impacts on the PC's rights and title, and what measures are needed to offset those impacts.

Examples of accommodation include, but are not limited to:

- Modifying or adopting legislation, policies, planning processes, or resource allocation regimes;
- Engaging in MOU's, protocols or other engagement agreements;
- Modifying, cancelling, developing alternative methods, or creating different options to a proposed activity or decision to avoid or minimize impacts or infringements of the PC's Aboriginal rights and interests;
- Changing the location of a proposed activity;
- Undertaking protection measures, conservation measures and restoration and reclamation activities;
- Limiting the level and pace of resource harvesting and extraction activities;
- Engaging in a detailed assessment of the potential impacts and infringements of the proposed activity or decision;
- Conducting cumulative impact studies and adjusting the activity or creating strategic level plans based on the outcomes of the studies;
- Conducting joint land-use planning or reconciliation of Crown, Industry and the PC's land use plans;
- Conducting impact benefit studies;
- Implementing management processes involving shared decision-making authority;
- Participation in future joint decision-making;
- Revenue-sharing / benefit-sharing;
- Resource re-allocation;
- Compensation for past, present and future infringement and negative impacts;
- Capacity building;
- Provision of economic development opportunities, including employment and contracting targets;
- Provision of training, education and scholarships to T'it'q'etmec;
- Community economic agreements, partnerships and/or joint ventures;
- Compliance monitoring; and
- Other forms of arrangement, settlements or compromises.

8. Completion of Consultation

⁵ T'it'q'et community members

While consultation is characterized as a continuous and on-going process, there comes a point where decisions must be made and closure is brought to each issue for which consultation was engaged.

Generally, consultation is considered complete when:

1. The PC is able to make a full and informed decision about the proposed development; and
2. A report, endorsed by the PC, has been produced on the outcomes of consultation that includes:
 - a. Acknowledgment of the participants' contributions;
 - b. A record of the consultation methods and process;
 - c. Demonstrated evidence that participants have been heard;
 - d. An outline of the decisions made;
 - e. A record of how final decisions were reached; and
 - f. Signature of both parties to demonstrate agreement on the report's accuracy.

9. Monitoring

Even once consultation ends, there are still obligations related to monitoring, evaluation and continued improvement. Monitoring may include a review of the consultation process, adherence to the *P'egp'ig'lha Council Resource Management Plan*, and the resulting on-the-ground activities. Monitoring may take place directly by the PC or its designates; directly by the Crown/proponent according to methods designed, or approved by the PC; or indirectly through trusted, independent third party sources. Information for monitoring may be gathered using both traditional knowledge and science-based methods. Adaptive management or mitigating measures may be required to address the results of monitoring.

10. Issue Resolution

The PC has an interest in developing and maintaining good working relationships with others who share an interest in the T'it'q'et area of responsibility. Therefore, the PC strives to resolve issues that may arise between the PC and the Crown/proponent in a fair and conciliatory manner. As needed, the PC will jointly develop issue resolution processes that first and foremost emphasize facilitative methods, and that only utilize binding processes when absolutely necessary.

Where the PC has a regular or ongoing relationship with the Crown/proponent, the PC encourages the proactive development of a joint issue resolution process before such a process is needed.

To demonstrate good faith when issue resolution is initiated, the Crown/proponent will commit to deferring any activities or decisions related to items being consulted on.

SECTION 2: REFERRAL PROCESS

Pre-Consultation

Government consultation begins after a proponent has submitted an application for a proposed activity or decision to government.

The PC encourages proponents to proactively develop a relationship with the PC, which means contacting the PC *before* applications to government are submitted. By learning about, and incorporating, the PC's interests before formal plans are developed, there is an opportunity for more meaningful engagement between the parties and cost savings for the proponent.

As applicable and to the appropriate degree, the consultation process outlined below can be applied to pre-consultation. Pre-consultation activities can streamline the consultation process requirements once an application has been made to government.

Step 1: Notification

The first notification⁶ of proposed activity will be provided to the PC in writing. This notice shall contain sufficient information to allow the PC to understand the following:

- a. Nature and scope of the proposed activity;
- b. Timing of the proposed activity;
- c. Location of the proposed activity;
- d. How the proposed activity may affect the PC's area of responsibility;
- e. Who will be undertaking the activity (information about lead proponent as well as contractors and subcontractors);
- f. Who will be making the final decision for the Crown and who will be assisting that person in making that decision;
- g. What documents, including applications, studies, assessments, policies are available to be reviewed which are pertinent to the proposed activity;
- h. What collateral or related processes or approvals are being undertaken by the Crown in relation to the proposed activity;
- i. Any relevant deadlines or filing dates;
- j. The Crown's proposed form of consultation;
- k. What information the Crown has regarding the PC's rights and interests;⁷
- l. Other relevant information the Crown may possess relating to the proposed activity; and
- m. All pertinent contact information for the relevant decision makers and those assisting him or her.

Step 2: Initial Review and Decision to Participate

The PC will forward the referral to the appropriate internal department. Staff will document receipt of the referral and conduct a "course filter" review of the referral, which includes determining if:

- a. The proposed activity is within the T'it'q'et area of responsibility;
- b. There are any major information gaps (according to the list above);
- c. The proposed activity is consistent with key aspects of the PC Resource Management Plan;

⁶ Adequate notice of an intended decision does not mean that there has been adequate consultation (*Halfway River*).

⁷ See Phase One, Step 3 – Review Readily Available Information from "BC Updated Procedures for Consulting First Nations" (May 2010), pg. 9. Information that may be known includes: asserted area, archaeological sites, IR locations, overlapping First Nations claims.

- d. The proposed activity has the potential to affect any significant and known cultural heritage resources;
- e. A similar referral has been approved or rejected by the PC; and
- f. The proposed activity is consistent with the PC Economic Development Strategy.

Based on this initial review, staff will provide the PC with a summary of the referral, whether more information is needed, and a recommendation on whether the referral should be a priority for the PC.

The PC will provide a letter to the Crown (copied to the proponent where the proponent is a third party) that confirms receipt of the referral and whether any additional information is needed before the PC decides whether to participate in consultation. If no further information is needed at this stage, the PC letter will also, as relevant:

- a. State if the PC will be participating in consultation (and if not, why);
- b. Clarify who the PC point of contact will be;
- c. Identify the need for the Crown to agree to a consultation process, including a joint determination of the level of consultation⁸;
- d. Request written commitment for the Crown/proponent not to proceed with any activity until the consultation process and necessary accommodations are complete; and
- e. State whether any fees are payable for the PC's initial review of the referral.

Step 3: Consultation Process Agreement

The first (substantial) step in any consultation process is a discussion of the consultation process itself (*Gitxsan*). This document serves to outline the PC's interest in how consultation is conducted. The PC will only acknowledge that consultation has officially begun after a consultation process agreement has been signed.

Consultation process agreements will address topics including, but not limited to:

- a. Persons authorized to conduct consultation;
- b. Joint determination of the level of consultation (notification, normal, deep)⁹;
- c. Acceptable methods of consultation;
- d. Timelines;
- e. Resources required for the PC to meaningfully participate in all stages of consultation;
- f. Information sharing and confidentiality;
- g. Requirements to conduct cultural assessments¹⁰;
- h. Opportunities for benefits (e.g. employment and training during consultation period).

Depending on the nature of the referral, and whether there is a pre-existing relationship between the parties, development of the consultation process may be achieved through face-to-face means, or through written communications.

Acceptance of a consultation process agreement is not an indication of the PC's support for the proposal. The purpose of the consultation process agreement is to enable the PC's participation in consultation, and does not in any way pre-determine the outcome of the proposal.

⁸ See Phase One, Step 4 – Consider Consultation Levels from “BC Updated Procedures for Consulting First Nations” (May 2010), pg. 11.

⁹ Ibid.

¹⁰ E.g. Reconnaissance level cultural heritage resource and non-timber forest product assessments, archaeological impact assessments, environmental assessments related to resources associated with aboriginal rights (e.g. fisheries, wildlife, water).

As the duty to consult rests primarily with the Crown (*Haida Nation*), the PC will initiate this agreement with the Crown. The Crown may delegate aspects of this agreement, and subsequent steps in this process, to third party proponents.

In the event that the parties cannot agree on a consultation process agreement, issue resolution may be initiated. If a mutually acceptable consultation process agreement still cannot be negotiated, the PC will consider its options for recourse.

Step 4: Consultation Activities

Consultation activities may, in part, be summarized in the consultation process agreement. Key activities will likely include:

- a. A Crown/proponent summary of how the proposed activity conforms to relevant objectives and indicators in the *P'egp'ig'lha Resource Management Plan*;
- b. Meetings to discuss aspects of the proposed activities;
- c. Surveys and studies (e.g. cultural heritage, fisheries, wildlife);
- d. Interviews and/or sessions with T'it'q'etmec¹¹;
- e. Information and data exchanges;
- f. Discussions with the proponent about potential future opportunities (e.g. revenue sharing, equity interest in business, long term employment, partnerships); and
- g. Monitoring implementation of the consultation process agreement.

The intent of this step is to ensure that the PC has all information needed to make an informed decision about the referral.

In the event that the parties cannot agree on a consultation activity (e.g. level of study, access to information), or the consultation process agreement is not implemented accordingly, initiation of issue resolution may be considered.

Step 5: Detailed Review

Once the consultation activities are complete, the PC will conduct a detailed, internal review of all relevant information.

The review will be conducted, seeking to answer questions such as, but not limited to:

- a. How does the proposed activity impact aboriginal title and rights?
- b. Is the proposed activity consistent with the PC Resource Management Plan?
- c. Are lands or resources being alienated? If so, is it temporary, long-term, or permanent?
- d. How much land or resource is being affected?
- e. Is the effect on the land or resource temporary, long-term, or permanent?
- f. What is the proximity of the activity to the T'it'q'et community?
- g. How does the proposed activity impact the T'it'q'et community?
- h. What are the cultural implications of the proposed activity?
- i. What are the economic implications of the proposed activity?
- j. What are the social implications of the proposed activity?
- k. Are there any negative impacts on cultural heritage resources?
- l. What are the impacts on traditional use activities?
- m. What are the overall impacts on the environment?

T'it'q'et staff will discuss the findings of the detailed review with the PC and other relevant groups or individuals within the community to seek direction on a developing a response to the referral.

¹¹ T'it'q'et community members

Step 6: Consultation Report and Recommendations

Part A:

The PC will provide a consultation report to the Crown and proponent that summarizes how consultation was conducted. This will include information on:

- a. Whether the consultation process agreement was fully implemented;
- b. Any limitations or constraints that emerged during the consultation activities phase;
- c. What consultation activities were conducted;
- d. What impacts to the PC's rights and interests were identified during the detailed review phase;
- e. Whether the PC supports the activity as proposed, or whether changes to the plan are necessary in order to protect PC's rights and interests; and
- f. Recommendations for mitigation and accommodation.

Once the consultation report has been submitted, and if requested, the PC will meet with the Crown/proponent to further explain the report and recommendations.

Part B:

The Crown and/or proponent will provide a response to the consultation report that clearly details:

- a. Which recommendations are accepted and how they will be incorporated into the project plan; and
- b. Which recommendations are not accepted and the reason(s) why.

The PC may request a meeting with the Crown/proponent to better understand the response.

Part C:

As needed, the PC will enter into final discussions with the Crown/proponent to develop a mutually acceptable plan for the proposed activity.

Where agreement cannot be reached:

- a. The parties may decide to conduct additional studies or exchange additional information, then review the results to determine if agreement can be reached; or
- b. The parties may initiate issue resolution. To demonstrate good faith when issue resolution is initiated, the Crown/proponent will commit to deferring any activities or decisions related to items being consulted on.

Part D:

When the Crown/proponent has made a final decision on a referral or activity, the PC will be provided with a written rationale for the decision.

If the PC supports the decision, they will proceed to Step 7. Alternately, the PC may withdraw from the process to pursue other recourse.

Step 7: Accommodation Agreement

The terms and conditions accepted in Step 6 will be formalized into an accommodation agreement.

In the event that the parties cannot agree on an accommodation agreement initiation of issue

resolution may be considered. To demonstrate good faith when issue resolution is initiated, the Crown/proponent will commit to deferring any activities related to the outstanding accommodation item(s). If a mutually acceptable accommodation agreement still cannot be negotiated, the PC will consider its options for recourse.

Step 8: Consultation Follow-up

Monitoring will be carried out as per any agreed to monitoring plan (e.g. within the accommodation agreement).

If monitoring uncovers any non-conformances with the implementation of the proponent's permit/license, or with the accommodation agreement, the proponent commits to remedy to the issue as soon as possible, or ceases activity where continued activity would result in damages to people, property, or the environment.

ACKNOWLEDGEMENTS

This referral process was developed at the request of the P'egp'ig'lha Council, and is based upon:

- Guidance and input from the P'egp'ig'lha Council, Elders Council, Chief and Council, other T'it'q'etmec (T'it'q'et members), and T'it'q'et staff
- T'it'q'et agreements with government and industry
- Stewarding the Traditional Land and Resources: A Vision and Plan for Action by the P'egp'ig'lha Council
- Strategic Planning Process for the Protection and Future Use of the Traditional Territories of the P'egp'ig'lha Peoples

This plan has also considered and/or drawn upon external sources, including:

- St'at'imc Land and Resource Code (not yet approved)
- Referral processes developed by other First Nations in Canada, namely:
 - Lil'wat Nation
 - Hupacasath First Nation
 - Hul'qumi'num member First Nations
 - First Nations of Quebec and Labrador
 - Fort Nelson First Nation
 - Westbank First Nation
 - Chiefs of Ontario
- Best practice recommendations for referral processed developed by various legal, academic, governmental and non-governmental organizations, namely:
 - Woodward and Co.
 - National Centre for First Nations Governance
 - Meyers Norris Penny LLP for the New Relationship Trust
 - Ecotrust Canada – Toolkit
 - Ecotrust Canada – report for the Tseil-Waututh First Nation