

FINAL DRAFT – FEBRUARY 2021 – FINAL DRAFT



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## Haisla Land Use Plan



## HAISLA MISSION

TO BUILD A POWERFUL, PROSPEROUS AND PROUD COMMUNITY,  
HEALTHY IN MIND, BODY AND SPIRIT

## PREAMBLE

The Haisla DRAFT Land Use Plan (LUP) was assembled through the valuable contribution of many people from inside and outside the Haisla Nation.

Haisla Chief and Council authorized funding to pay for the planning process.

The Lands Advisory Committee provided valuable oversight to Haisla Staff and Consultants.

Haisla Staff managed the planning process on behalf of the Haisla Nation, working hard to ensure that the Membership were adequately consulted to bring the plan to this stage.

McElhanney Ltd helped facilitate community discussions during the planning process, and provided valuable technical expertise as the Land Use Plans were put together.

Elders, staff, Chief and Council, and the community were given opportunities to provide input into the draft plan.

## Our Land is our History, Our Land is our Future.

We hope to capture some of our history by showing the village in the early 1900's, in the 1950's when Alcan arrived. We have a Land Use Map from 1999 and we will show a snapshot of how our reserves look today (2020). This has set the stage for discussions of how we want the future to look in our territory. Some areas will be designated for everlasting protection, some will be designated for economic activity, residential uses, recreational uses, etcetera.

Questions about the planning process can be directed to Brent Robinson, Assistant Lands Administrator at the Haisla Nation Council Administration Office ([brentrobinson@haisla.ca](mailto:brentrobinson@haisla.ca)) or by telephone at (250) 639-9361 ext 142.

The Land Advisory Committee is determined to make every Haisla Band Member aware of the Land Code and the Land Use Plan; and to provide full opportunity to provide input, ask questions and ultimately approve our Haisla Land Use Plan. WHUH !

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## 1. BACKGROUND

### 1.1. Framework Agreement on First Nation Land Management

The *Framework Agreement on First Nation Land Management* is a government-to-government agreement signed on February 12, 1996 by 13 First Nations and Canada. One other First Nation was added as a Party as of December 10, 1996.

The *Framework Agreement* is a self government initiative by these original signatory First Nations to opt out of the land management sections of the Indian Act and resume responsibility for the management and control of their reserve lands and resources. The *Framework Agreement* sets out the principal components of this new land management process.

The *Framework Agreement* provides signatory First Nations with the option to manage their reserve lands under their own Land Codes. As of December 2020, 99 First Nations across Canada have adopted their own Land Code. 46 communities are in the developmental phase, and an additional 52 First Nations have expressed formal interest in becoming signatories to the Framework Agreement.

The Framework Agreement on First Nation Land Management outlines the process for First Nations to withdraw from 44 sections of the Indian Act related to land management. After withdrawing from these 44 sections of the Indian Act, First Nations can adopt and enforce their own laws regarding reserve lands, in accordance with the procedures established in their Land Codes.

### 1.2. Haisla Land Code

The Framework Agreement offers participating First Nations the opportunity to manage their reserve lands under their own Land Code.

The HAISLA LAND CODE was ratified in 2014 by a vote of 436 to 20 (95%).

Through consultations with Haisla Band Members during the planning process, it became clear that the Land Code is not fully understood by Haisla membership and work remains to be done to bring awareness to the membership.

The Haisla Land Advisory Committee (LAC) is following the Land Advisory Board (LAB) “Best Practices” for implementing the Land Code. There are several First Nations across Canada that have implemented their Land Codes more than ten years ago. They have blazed the trail for other Nations like us, that are currently near the beginning of the process; just as we are there to help Nations who are planning to go for their own Land Code. Haisla Nation has retained a consultant to aid in assembling the policy and bylaw infrastructure required to fully implement the Land Code.

The Land Advisory Board is a national organization comprised of members from the over 90 Operational First Nations (including the Haisla). There are also about 50 other nations that are

in the Developmental phase. It is extremely inspiring to hear of all the success stories from other FN's across the country, just as they are interested to hear of the Haisla's journey.

### 1.3. Existing Land Policies / Background Documents

The following land policies and background documents were reviewed and integrated into this Land Use Plan:

- Community Development Plan (2009-2014)
- Physical Development Plan (2014)
- Timber Valuation and Land Classification of District Lots D.L. 100, 101, 308, 310, 6009 and 6010 Within the Municipality of Kitimat British Columbia
- Haisla Community Marine Use Plan (2014)
- Land Use Plan Map from 1999
- Various other maps of Haisla Traditional Territory
- Actual completed Land Use Plans from other First Nations
- Community Land Use Planning toolkit binder from the LAB

### 1.4. Community Ratification Under the Haisla Land Code / How the Land Use Plan was Created

This Land Use Plan is currently in a draft format. The plan will continue to evolve as more of the community has a chance to review the documents and maps and provide comments. As the planning process moves forward, the following items will be considered and implemented to make sure community members have a chance to comment.

- The implementation of the Land Code needs to be Community Driven
- Land Code implementation and Land Use Plan development will proceed under direction of the Lands Advisory Committee
- Consultants retained to help develop Land Code and Land Use Plan implementation measures will be hired by Haisla directly
- Deep engagement with the membership in Land Code and Land Use Plan development will include Elders strategy sessions, community planning meetings in Kitamaat Village to allow more members to participate, updates in Dootlih and on Facebook
- Strong staff contributions to the writing and production of the final document will ensure ownership of the Plan
- Community Ratification – the Land Code outlines that the Community Ratification process must be pass by majority vote at a Meeting of Members and provides more details for this process. The Community Ratification process will meet the standard detailed in the Land Code.

## 2. OVERVIEW

### 2.1. Haisla Traditional Territories

This land use plan only contains policies and land use designations to manage use of lands within Haisla Reserve lands, as per the Land Code and Individual Agreement on First Nation Land Management, signed on July 15, 2014.

The traditional territories of the Haisla Nation are shown in the map on the following map [Figure 1.0 – Traditional Territories]; they extend beyond the boundaries of this land use plan.

However, the Haisla Nation reserves the right to continue *traditional use* activities on lands off reserve and within the traditional territory. This is outlined in Section 35 of the Government of Canada's *Constitution Act*, which recognizes and affirms existing aboriginal and treaty rights.

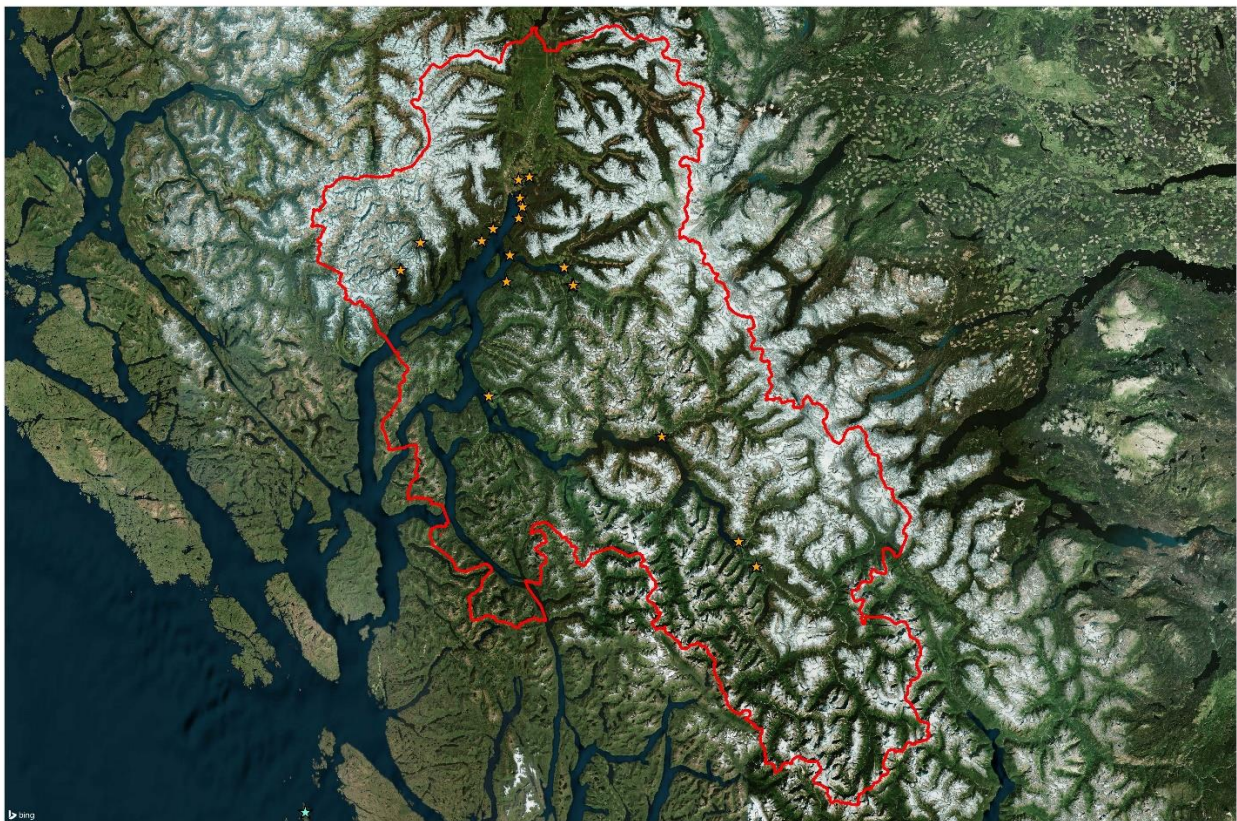


Figure 1 - Haisla Traditional Territories

## 2.2. Areas Covered by the Land Use Plan

This Land Use Plan manages lands within Haisla Reserve Lands, as per the Haisla Nation Land Code.

The general location of the Haisla Reserves covered in this plan can be found in the following figure [Figure 2.0 – Haisla Reserve Locations], shown as golden stars.



Figure 2 - Haisla Reserve Locations



## 2.3. Haisla Leased and Fee Simple Owned Lands

Haisla Fee Simple Lands and Haisla Leased Lands within Haisla Traditional Territory (HTT) are not governed by this Land Use Plan, as they are not subject to the Land Code. They have therefore not been included in this document. However, during subsequent planning processes, these lands may continue to be studied, including consideration for the Addition to Reserve process.

The Fee Simple Lands owned by the Haisla Nation are largely clustered near the upper reaches of the east side of Douglas Channel Inlet as shown in the figure below (Figure 3.0 – Haisla Fee Simple Lands) in green. Reserves are shown as golden stars in this figure.

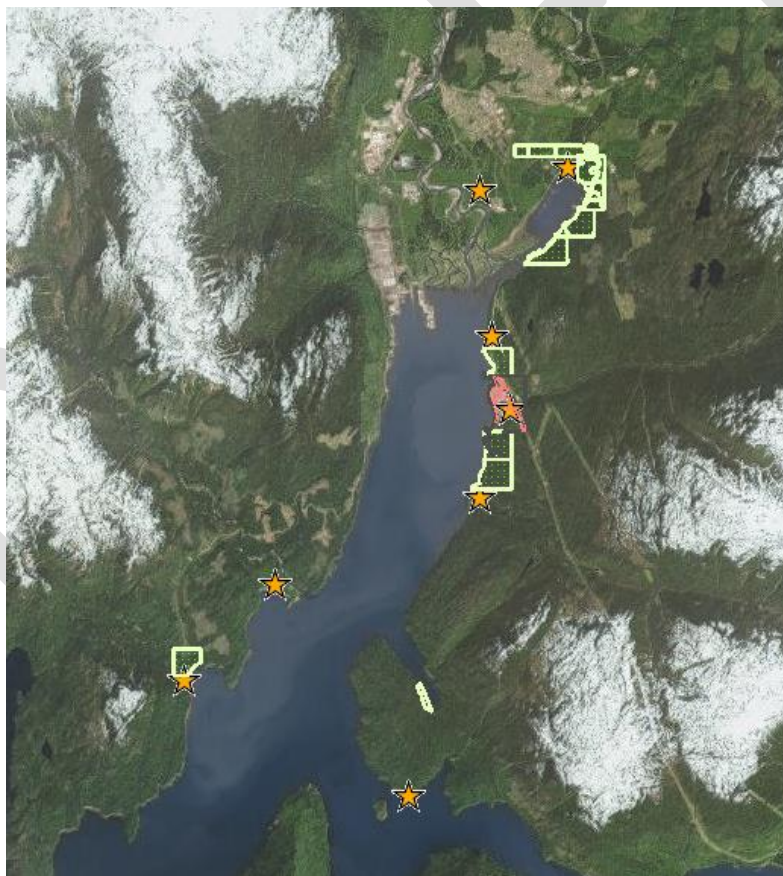


Figure 3 - Haisla Fee Simple Lands

## 2.4. Purpose of the Land Use Plan

The Haisla Land Use Plan is intended to provide high level policies related to the location and use of lands governed by the Haisla Land Code. It provides direction about how lands and resources will be conserved, developed and used on Haisla Reserve lands. The Land Use Plan outlines what land use activities are appropriate, where, and under what conditions.

The Land Use Plan applies only to lands located within the following reserves:

Reserve #	Name
1	Kitamaat
2	Kitamaat Village
3	Walth
4	Tahla (kildala)
5	Jugwees (Minette Bay)
7	Kitasa
8	Kuaste (Mud Bay / Kildala Arm)
99	Ja We Yah's
10	Kildala River (Thala)
11	Henderson's Ranch (ja-kwa-Lees-la)
12	Tosehka (Eagle Bay)
13	Giltoyees
14	Misgatlee
15	Wekellals
16	Kitlope
17	Kemano
18	Crab River (Crab Harbour)

Table 1 - LUP Reserves

The Land Code does not currently apply to IR#6 – Bees

## 2.5. How to Use this Plan

In the past, Haisla land use plans were done for the purpose of estimating capital development budgets. This document is not intended to be the base for estimating the costs of future development but to project an adequate land base to accommodate these. In broad terms, the plan considers future residential, commercial, industrial, public, cultural and traditional land uses. In other words, to accommodate the future growth and development of the community.

This document is a guide for Haisla land use analysis and recommendations; as well as a base line for decisions by the Land Advisory Committee and Haisla Nation Council. The longevity of this document is in the range of 5 years and can be amended subject to an application and following the process described in the Haisla Land Code.

The Reserve lands that are governed by the Land Use Plan are described in section 6, with descriptions of the land use designations outlined in section 5.



## 3. COMMUNITY PROFILE

### 3.1. Biophysical Character of Haisla Reserves

There are 17 reserves covered by this land use plan, which are generally connected to one another by the upper reaches of the Douglas Channel, or connected to the Douglas Channel by the Kitimat River.

While some of the reserves are traditional village sites, Kitamaat Village is the centre of the Haisla Nation, and the sole remaining year-round settlement. Kitamaat Village core is located at sea level with direct access to the ocean. There is additional development accessed by road further uphill from the main Village core. Other reserves are largely undeveloped and some are accessible only by water.

### 3.2. Regional Context

The Haisla Nation reserves that are covered by this plan are located on or near Douglas Channel, within the Kitimat-Stikine Regional District Area, largely surrounded by forests, mountain, and ocean.

The main Haisla settlement is at Kitamaat Village, which is located approximately 10km from the town of Kitimat, and about 45km from the Terrace-Kitimat Airport.

Within the regional area, several large industrial developments are currently proposed and/or under construction. It is anticipated that both short- and long-term jobs may be created during different phases of development for these projects. A portion of these roles are expected to be filled by Haisla members.

### 3.3. Population

The Haisla Nation currently has a total of approximately 2000 members. Approximately half of these members live on-reserve, with the remainder living in communities throughout Canada and abroad. There is a significant number of Haisla members currently living in the town of Kitimat, Terrace, Prince Rupert, Prince George, and Vancouver (see CCP for full details).

Should proposed industrial developments proceed through various stages of development, it is possible that more Haisla members will return to Kitamaat Village to seek employment linked to these projects. This may add pressure for the Haisla Nation to add housing quickly for various household compositions. The number and types of homes required will vary depending on the nature of opportunities presented by the proposed developments.

### 3.4. Climate Change

Climate change poses a significant threat to Haisla lands and our way of life, in particular through temperature changes, precipitation changes, and sea level rise. Haisla will need to conduct a Climate Change Vulnerability and Risk Assessment to better understand how specifically climate change will impact our community.

The Pacific Climate Impacts Consortium (PCIC) makes several predictions of how the climate will change in the Kitimat-Stikine Regional District Area. The current PCIC summary prediction for Kitimat-Stikine in the 2080s projects the following changes from a baseline historical period (1961-1990) to the 2080s for the Kitimat-Stikine Region:

- Mean Annual Temperature: +2.6 degrees
- Precipitation - Winter: +14%
- Precipitation - Summer: +3%
- Snowfall – Winter: -11%
- Snowfall – Spring: -72%
- Degree Days – Growing: +362
- Degree Days – Heating: -950
- Frost Free Days – Annual: +37

### 3.5. Sea Level Rise

<http://www.plan2adapt.ca/tools/planners?pr=15&ts=9&toy=16>

A considerable portion of Haisla lands consists of shoreline along Douglas Channel, therefore sea level rise is an immediate concern of Haisla Nation.

Consistent with a 2013 Sea Level Rise primer prepared for the BC Ministry of Environment, the Provincial Government recommended planning for a 1.0 meters of sea level rise by the year 2100, and 2.0m to the year 2200. This is based on a recommended curve for Sea Level Rise Policy in BC, **which puts sea level at 2.0m in 2200. However, the government's own projections show a range of projected sea level rise from approximately 1.5m in 2200 (low sea level rise scenario) to 3.5m in 2200 (high sea level rise scenario).**

The maps included in this Land Use Plan show a Special Study Area for Climate Change based on approximately 1.0 meters of anticipated sea level rise. **The estimated Sea Level Rise requires further review and refinement to ensure current projections are understood; this Land Use Plan should be reviewed and updated once area-specific Sea Level rise impacts have been studied and are understood, including projected storm surge limits and any mitigation measures that are or are planned for installation.**

### 3.6. Existing Land Uses

The Haisla Nation's reserves are scattered throughout Douglas Channel. Many are boat access only, with some of the reserves encumbered by large servicing (Hydro) Rights-of-Way. While some of these reserves were traditional Village sites, the majority are now unoccupied and undeveloped.

Several undeveloped Haisla reserves are located close to the town of Kitimat which was developed in the 1950s to service an aluminum smelter, operated by Alcan at the time. The main Haisla settlement is Kitamaat Village, located on the east side of the upper reaches of Douglas Channel.

Two Haisla reserves are located within the boundaries of the Huchsduwachsdu Nuyem Jees (Kitlope Heritage Conservancy).



STUNNING VIEW OF DOUGLAS CHANNEL FROM IR 2 ( C'imo'ca ) Kitamaat Village

## 4. COMMUNITY GOALS AND POLICIES

### 4.1. Community Vision

This Land Use Plan acknowledges and supports the visions developed through past and parallel planning processes.

In 2009, the Haisla Nation Kitamaat Village Council published a Community Development Plan 2009-2014 that included the following Community Vision:

*TO BUILD A POWERFUL, PROSPEROUS AND PROUD COMMUNITY, HEALTHY IN MIND, BODY AND SPIRIT*

This vision was developed through the hard work of Council members and Administration employees through consultation with the on- and off-reserve community, as well as focus groups with Council and various administration departments.

In 2018, Council initiated a Comprehensive Community Planning (CCP) process, which was developed with on- and off-reserve member, staff, and leadership input. During the public consultation on the CCP, the Land Use Plan (LUP) was introduced, and it was explained that the LUP would flow from the CCP as one of many specific implementation tools to be used.

### 4.2. Community Goals

As part of the 2009 Physical Development Plan (PDP) a list of community priorities was developed. Through the 2018/2019 Comprehensive Community Planning (CCP) consultation process, an additional draft list of community priorities was developed. These are listed in the table below and also serve as the base community goals towards which the Land Use Plan points.

Council Community Plan (2009)	Comprehensive Community Plan (2019)
<b>Housing</b>	<b>Housing</b> – <i>Increase access to healthy, affordable, suitable housing for all members</i>
<b>Culture</b>	<b>Language and Culture</b> – <i>Revitalize Haisla language and cultural practices</i>
	<b>Youth</b> – <i>Support the growth and development of our children and youth to be strong, successful, and independent</i>
<b>Education</b>	<b>Education</b>

	<ul style="list-style-type: none"> <li>– Provide high quality education, capacity building, and employment training for all members</li> </ul>
<b>Economic Development</b>	<b>Economic Development</b> <ul style="list-style-type: none"> <li>– Promote development that respects community values and creates employment, and skills development opportunities for members</li> </ul>
	<b>Elders</b> <ul style="list-style-type: none"> <li>– Support our Elders and facilitate intergenerational learning opportunities</li> </ul>
	<b>Environment</b> <ul style="list-style-type: none"> <li>– Protect and steward our traditional territory, including fisheries and watersheds</li> </ul>
<b>Health</b>	<b>Health and Wellbeing</b> <ul style="list-style-type: none"> <li>– Support physical, spiritual and emotional health and wellbeing through holistic programs that reflect Haisla culture</li> </ul>
	<b>Community Safety</b> <ul style="list-style-type: none"> <li>– Support our members to feel safe and secure in their communities</li> </ul>

Table 2 - Community Goals

### 4.3. Community Guiding Principles

The community guiding principles / policies for land use were drafted and updated following community discussions, and are aimed towards achieving specific community goals.

*Centre of the Haisla Nation is Kitamaat Village*

*Protect important areas*

*Capitalize on existing infrastructure*

*Development by Haisla for Haisla*



## 5. LAND USE DESIGNATION DESCRIPTIONS

This section of the Land Use Plan describes the various land use designations included in the plan. Each land use designation includes a description of purpose, as well as uses that are outright and conditionally acceptable in each of the designated areas. As the Land Code is more thoroughly implemented and more refined policies and bylaws are developed, these designations should be updated through the appropriate processes to ensure consistency between different levels of plans, policies, and bylaws. Once a Zoning Bylaw is in place for the Haisla Nation Land Code lands, the LUP should be updated to ensure consistency.

### 5.1. Community Use

The purpose of the COMMUNITY USE Land Use Designation is to support community focused land uses.

#### **Permitted Uses:**

- Primary:
  - Administration Offices
  - Schools
  - Health Centre
  - Youth Centre
  - Elders Centre
  - Cultural Centre
  - Park Sites and Playgrounds
  - Child Care Centre
  - Sports Fields
  - Recreation Centres
  - Public Assembly Hall
- Generally these types of uses are compatible with most, other than industrial uses. They usually encourage both pedestrian and rubber tire traffic; however only at some peak times. Similarly the noise factor is temporal and even though it could be repetitious, for example school lunches and recess. By in large such noise is not considered intrusive.
- Currently most of the COMMUNITY AND INSTITUTIONAL land uses are concentrated centrally around the Recreation Centre. This is mostly due to the severe shortage of developable land base, and it could be expected that some of these uses will be strewn throughout the community in the future.

### 5.2. Commercial

The intent of the COMMERCIAL Land Use Designation is to provide opportunities for commercial development that promotes services, employment and overall conveniences.

#### **The following is a sample of Permitted Uses:**

- Restaurants

- Small Scale Retail such as Corner Stores
- Large Scale Retail such as grocery store
- Service commercial such as hairdresser
- Marinas and uplands servicing boating public
- Camp grounds
- Gas stations and car repair shops

Although these types of uses may abut residential and institutional uses they should be screened and physically separated to minimize the impacts to residential areas, such as noise and traffic, and also to allow for a well-planned and distinct commercial area. These uses generally operate during the regular working hours and rarely overnight. Generally COMMERCIAL land uses should be easily accessible from the main (arterial) roads and have ample parking. Whenever possible a physical screening should be considered when abutting residential use.

Currently the community COMMERCIAL land uses include a multi-use building containing a restaurant and a corner store, a gas station and limited marina uplands associated with the MK Bay marina which is located off IR # 2.

### 5.3. Industrial

The intent of the INDUSTRIAL Land Use Designation is to provide opportunities for active and at times intrusive use which may include odor, noise and heavy traffic. Industrial land uses are generally considered to be the heart of the economy. HEAVY INDUSTRY should be separated from all other land uses. LIGHT INDUSTRIAL land uses may be mixed with commercial uses; however, still mindful of other surrounding uses.

**The following is a sample of Permitted Uses:**

Heavy Industrial

- Gravel extraction
- Processing of gravel and cement products
- Prefabricating shops
- Saw mill yards of any size
- Marine barging and shipyards

Light Industrial

- Contractors offices
- Net lofts
- Warehousing
- Food Processing
- Kennels

Currently there are no permanent industrial land uses other than the gravel pit which is substantially removed from the nearby land uses. There are also some locations where temporary storage of logs and limited milling are taking place; generally using portable sawmills.

## 5.4. Traditional / Cultural

The intent of the TRADITIONAL / CULTURAL Land Use Designation is to provide protection and/or management of areas that are traditionally or culturally significant to the Haisla Nation. The Haisla Nation Land Code has provisions to set aside traditional cultural lands.

Designations in this document are based on limited consultation and are intended as a starting point. In other words, accuracy of locations is general, and it does not preclude other locations or development on designated areas; subject to community consultation and amendment to this plan. As well, when cultural and traditional sites are identified under the Haisla Land Code and Land Use Plan should be amended to reflect the accuracy of the set aside lands.

**The following is a sample of Permitted Uses:**

- Old villages and camps
- Trap lines
- Cemeteries
- Areas of meaning

## 5.5. Residential

The intent of the RESIDENTIAL Land Use Designation is to provide opportunities for housing. Presently, and into the foreseeable future, the dominant type of residential land use is for Single Family Dwellings. Throughout the community there are locations where there are a limited number of duplexes and town house Multiple Family Dwellings.

**The following is a sample of Permitted Uses:**

Single Family

- Residential (single family and duplex)
- Bed and Breakfast

Multiple Family

- Three unit and more townhouses

## 5.6. Residential (Apartment)

The purpose of the RESIDENTIAL (APARTMENT) Land Use Designation is to provide opportunities for higher density housing opportunities within Kitamaat Village.

The Residential (Apartment) Land Use is intended for the development of low-rise apartments.

### Permitted Uses:

- Primary
  - Multiple unit residential building

## 5.7. Special Study Area – Climate Change

The purpose of the Special Study Area – Climate Change Land Use Designation is to provide setbacks in areas that may be subject to risks associated with climate change, including sea level rise and potential flooding hazards associated with it.

Initially, all areas less than or equal to 6m of the existing mean tidal height as provided by Natural Resources Canada has been given this designation, which assumes 2m of sea level rise and approximately 4m from mean (8m total) tidal fluctuations. **This number needs to be confirmed through more directed study by a suitably qualified Professional Engineer experienced in coastal engineering, and may be subject to change.** This section of the Land Use Plan should be revisited from time to time as better Climate Modeling information becomes available.

Areas within **30 horizontal meters** from the Special Study Area – Climate Change will require detailed analysis by a qualified professional to determine whether development or rebuilding should be permitted, taking into consideration projected future storm surges, building lifespan, and anticipated sea level rise.

## 5.8. Special Study Area – Steep Slopes

The purpose of the Special Study Area – Steep Slopes Designation is to provide protection and/or intentional management of areas that are within the Kitamaat Village area, and that require further detailed study and analysis to confirm development potential.

Areas within the Special Study Area – Steep Slopes Designation will require detailed analysis by qualified Professional Engineers experienced in steep slope geotechnical engineering to determine whether slope stability is sufficient to support proposed developments. This may also require input from Qualified Environmental Professionals, surveyors and/or other qualified professionals to determine the extent of protections required.

## 5.9. Environmental Protection Area

The purpose of the Environmental Protection Area is to identify lands that require protection and/or special consideration due to expected environmental values.

Areas within the Environmental Protection Area Designation will require detailed analysis by a qualified team of environmental professionals to determine whether and how proposed development will impact the environmental values of the area. This will require input from Qualified Environmental Professionals and may also include other professionals such as geotechnical engineers and surveyors to determine the extent of protections required.

## 5.10. Other Land Use Designations

If there are any other land use designations that should be considered they can replace 5.10. Possible additions might include: Resource Designation (i.e., forestry, gravel extraction, other mining) instead of including it in the Special Study Area – Steep Slopes and Industrial designations.



## 6. LAND USE PLANS

### 6.1. Reserve Lands

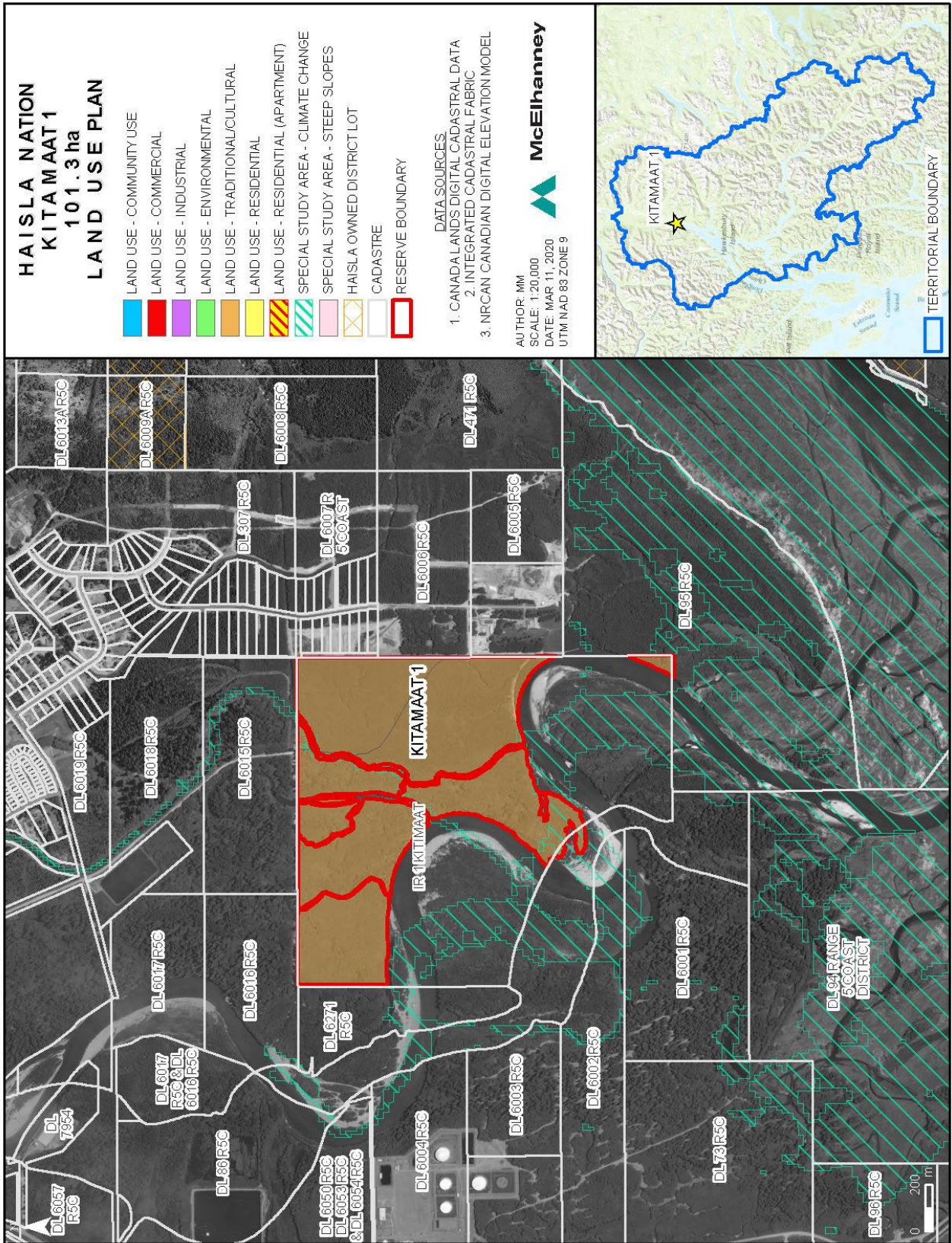
#### 6.1.1. Kitamaat 1

**Location:** This reserve is located within the District of Kitimat municipal boundary. The property is accessible via the dyke road, and from that point, via a gravel road which leads to the Kitimat river.

**Description:** A summer village referred to as an “Oolichan Camp” was once situated near the center of the reserve but was destroyed by floods. Approximately two thirds of the Reserve are a river floodplain and contains alder, cottonwood and willow (Sumgass IR 1 West).

The remaining one third is above the floodplain and contains hemlock, “balsam”, and spruce. (Sumgass IR 1 East). Since the original survey the Kitimat River has changed course dramatically. Presently the reserve is not inhabited. It is still referred to as “Oolichan Camp” even though it has been over 40 years since it was last used. The Kitimat River has now meandered into the Sumgass cutting off almost half of the land.

**Proposed Uses and Designations:** Traditional / Cultural



## 6.1.2. Kitamaat 2

**Location:** This property is located on the north-eastern shore of Kitimat Arm. Approximately 8 miles (13 kilometres) north by paved road is the Town of Kitimat.

**Description:** Currently, Kitamaat Village is home to around 700 Haisla people, but in total there are over 1500 Haisla members. The word “Kitamaat” comes from the Tsimshian people, who originate from the Prince Rupert and Metlakatla areas, also on British Columbia’s North Coast. “Kitamaat” means People of the Snow in Tsimshian. The Haisla Name for Kitamaat Village is Chee-Motsa which means Snag beach. Wathl creek, a fish bearing creek runs through it.

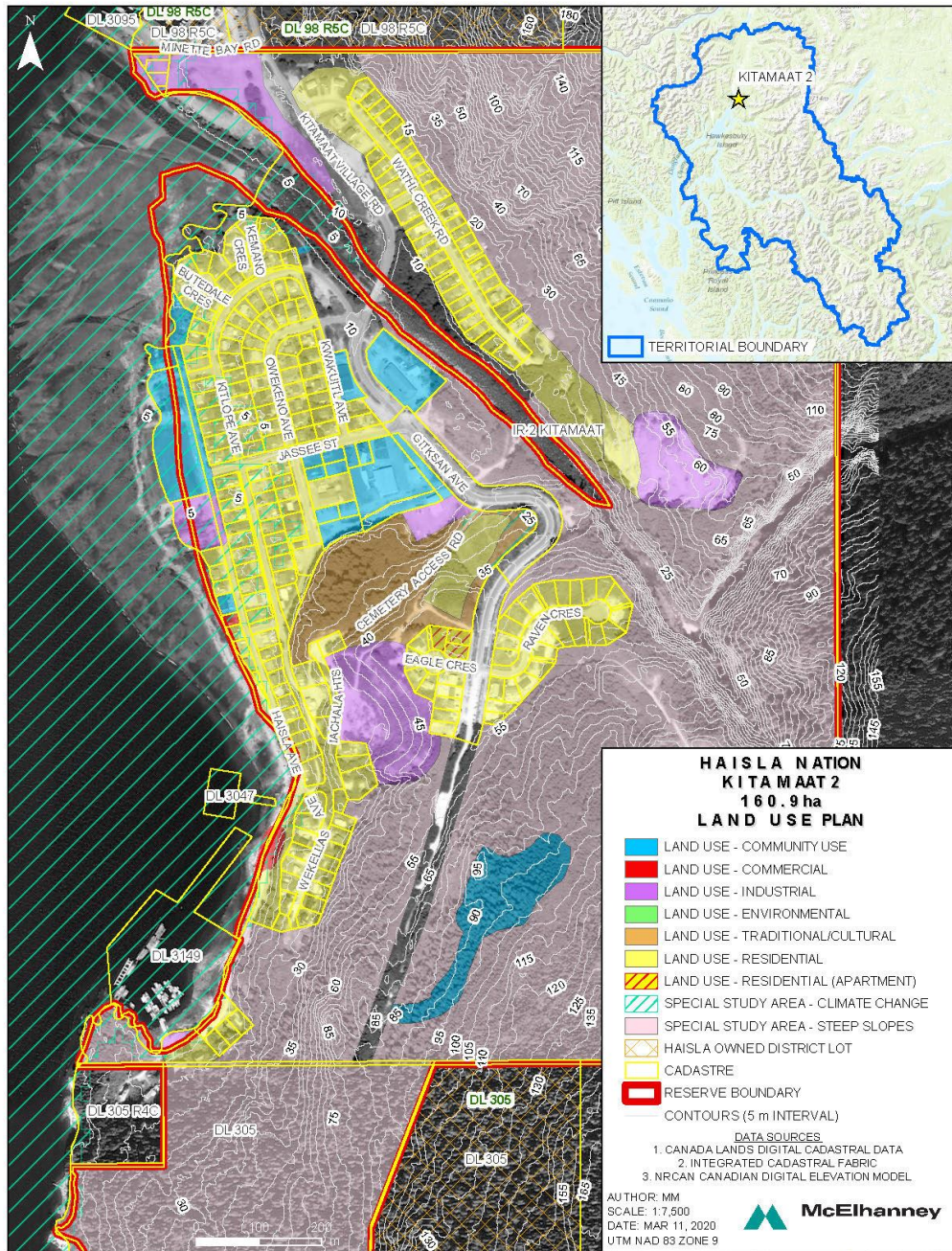
**Uses and Issues:** This is the main residential area of the Haisla Nation. At this point in time the primary residence of the Haisla people is Kitamaat Village. For hundreds of years, however, the Haisla people have occupied many village sites throughout their Territory. Most Haisla continue to carry on the tradition of hunting, berry picking, gathering, and fishing. Every spring Haisla family groups still travel to the Kemano River for oolichan fishing.

**Proposed Uses and Designations:**

As described in the map (figure 10, below), a mixture of uses are proposed for the heart of the Haisla Nation, including:

- Residential
- Residential (Apartment)
- Community Use
- Environmental
- Traditional/Cultural
- Industrial





### 6.1.3. Walth 3

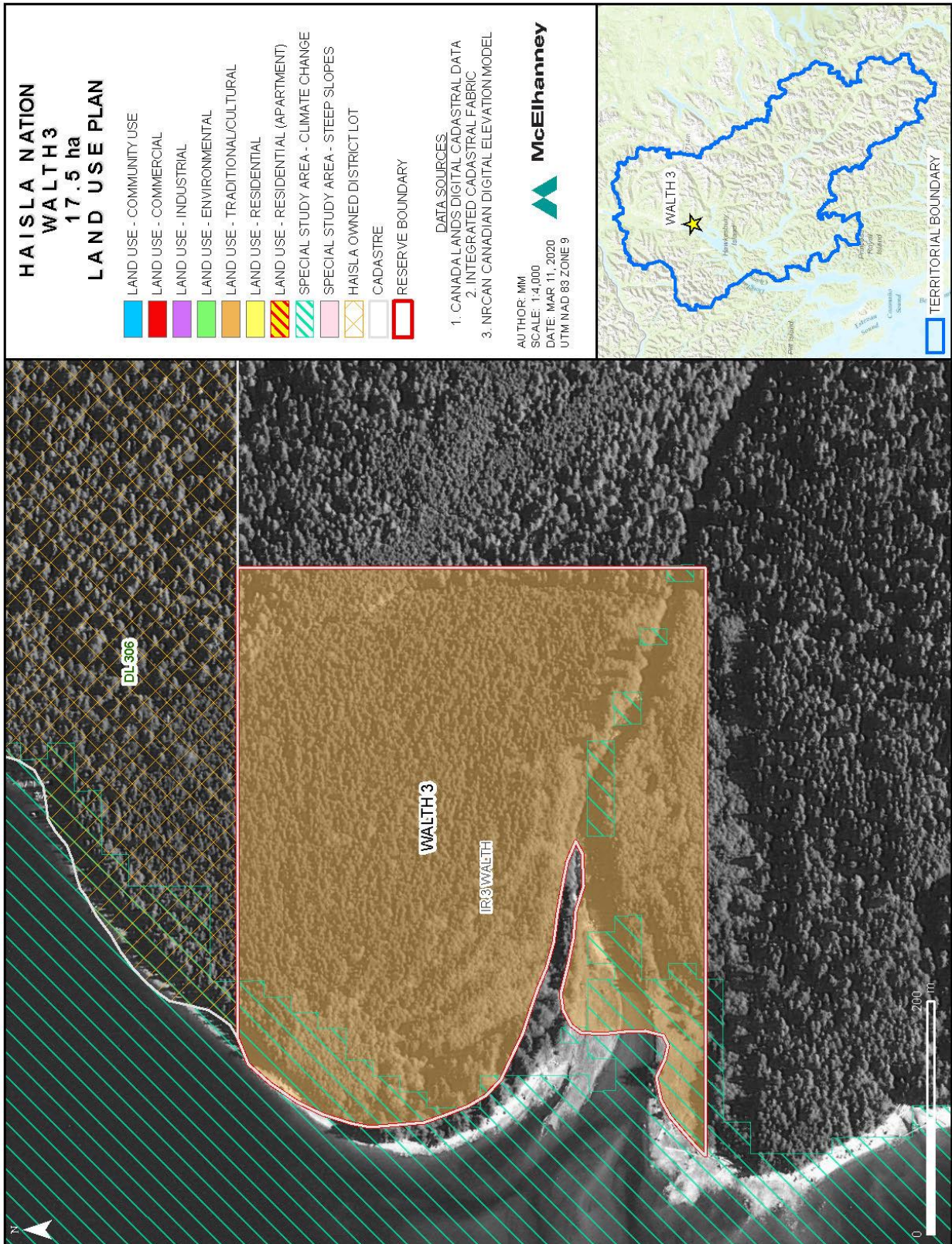
**Location:** This area is located 2 kilometers south of Kitamaat Village. There is a trail that connects it to Kitamaat Village. This uninhabited property is located approximately 2 kilometres south of Kitimat Village with an area of approximately 16 hectares (40 acres). It is also accessible by water.

**Description:** The reserve was logged approximately 40 year ago, and consists of Juvenile hemlock, spruce, balsam, cedar, and alder. Wathlsto creek, a fish bearing creek runs through it. Approximately one half is buildable land at the mouth of the creek, consisting of gravel and sand.

The remaining portion of the property consist of a steeply sloping hillside where bedrock is covered with a thin layer of organic soils.

**Proposed Uses and Designations:** Traditional / Cultural

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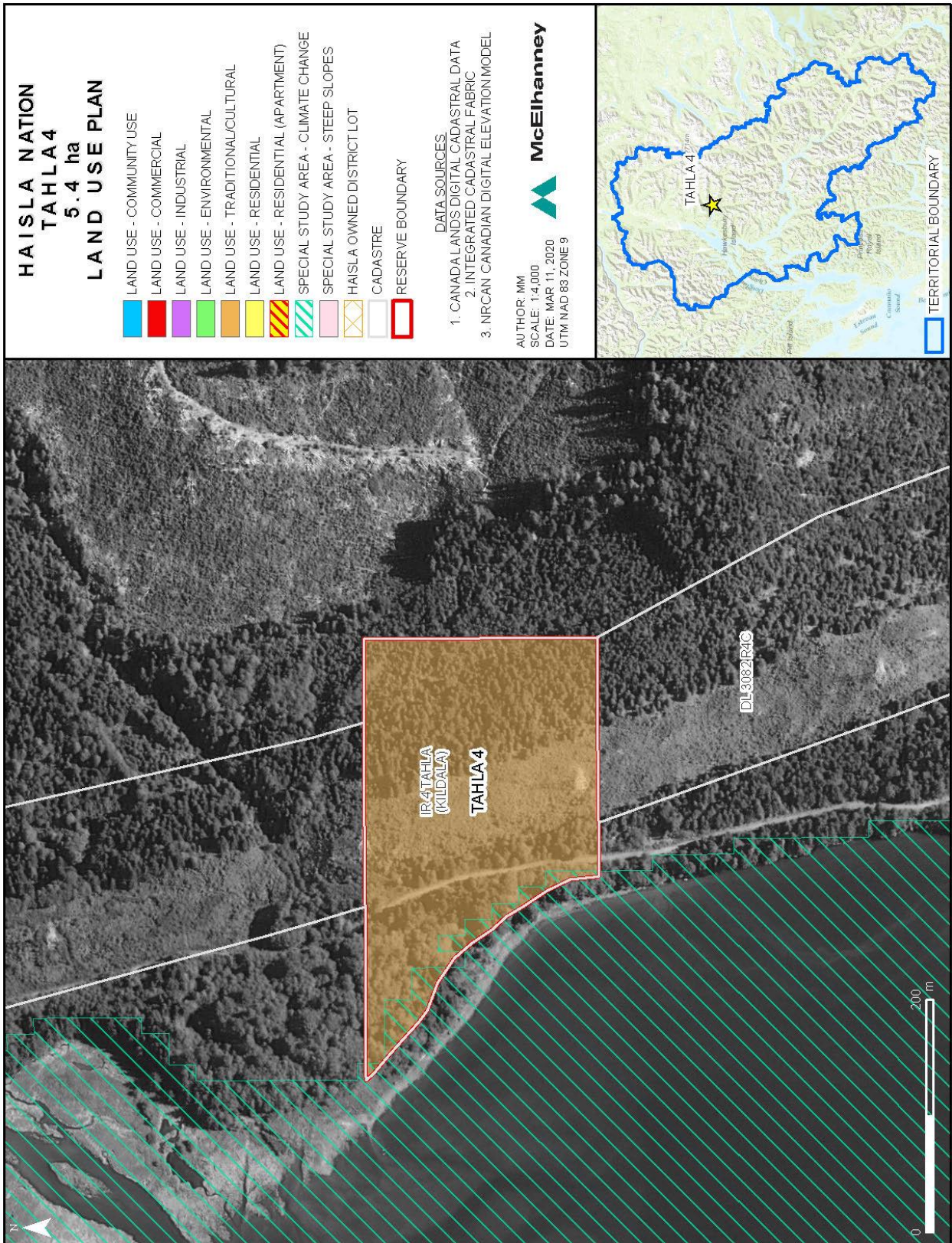
#### 6.1.4. Tahla (Kildala) 4

**Location:** Tahla is located 30 kilometers from Kitamaat Village, west of the Dala River Mouth.

**Description:** This area is bisected by the Kemano power line and access road.

**Proposed Uses and Designations:** Traditional / Cultural

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### 6.1.5. Jugwees (Minette Bay) 5

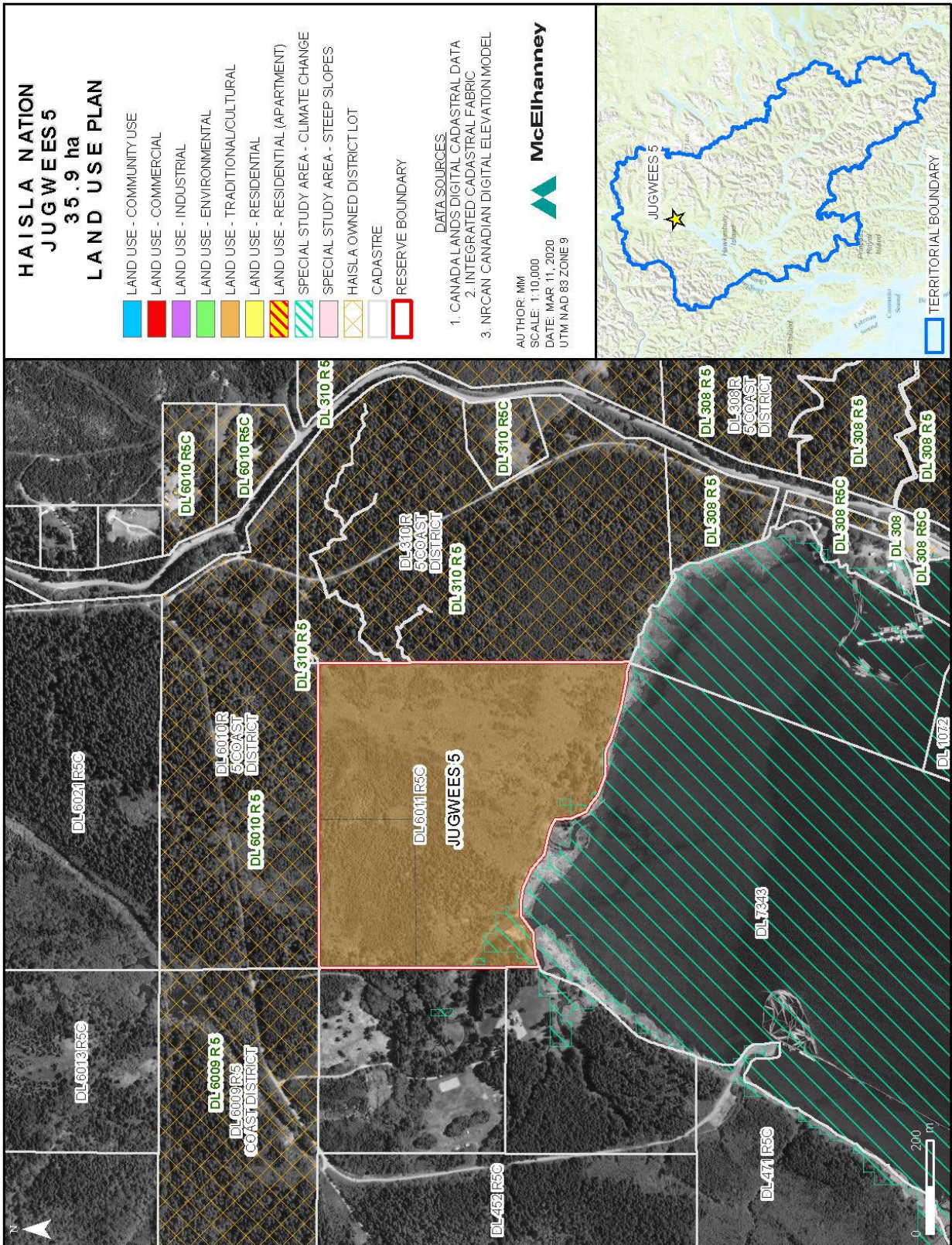
**Location:** Minette Bay

**Description:** Currently this IR is not inhabitable. It is a diverse setting comprised of mature timber, thick coniferous regeneration, deciduous growth and a Class 2 fisheries stream. The Reserve is open on one side to Minette Bay. Access into the reserve is on foot for 350 meters by an old logging road. It also can be accessed by boat.

**Uses and Issues:** Was used for trapping, hunting, harvesting, and gathering roots and teas.

**Proposed Uses and Designations:** Traditional / Cultural.

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### 6.1.6. Bees 6

**Location:** The mouth of Bish Creek is located approximately 14 km south of Kitimat on the western shore of Kitimat Arm. Approximately 400 meters southwest of Bish Creek.

**Description:** An archeological study of the area located pictographs, lithic remains, and CMT's. The Haisla had a village at Bish Bay near the mouth of Bish Creek and dwelt there for many years.

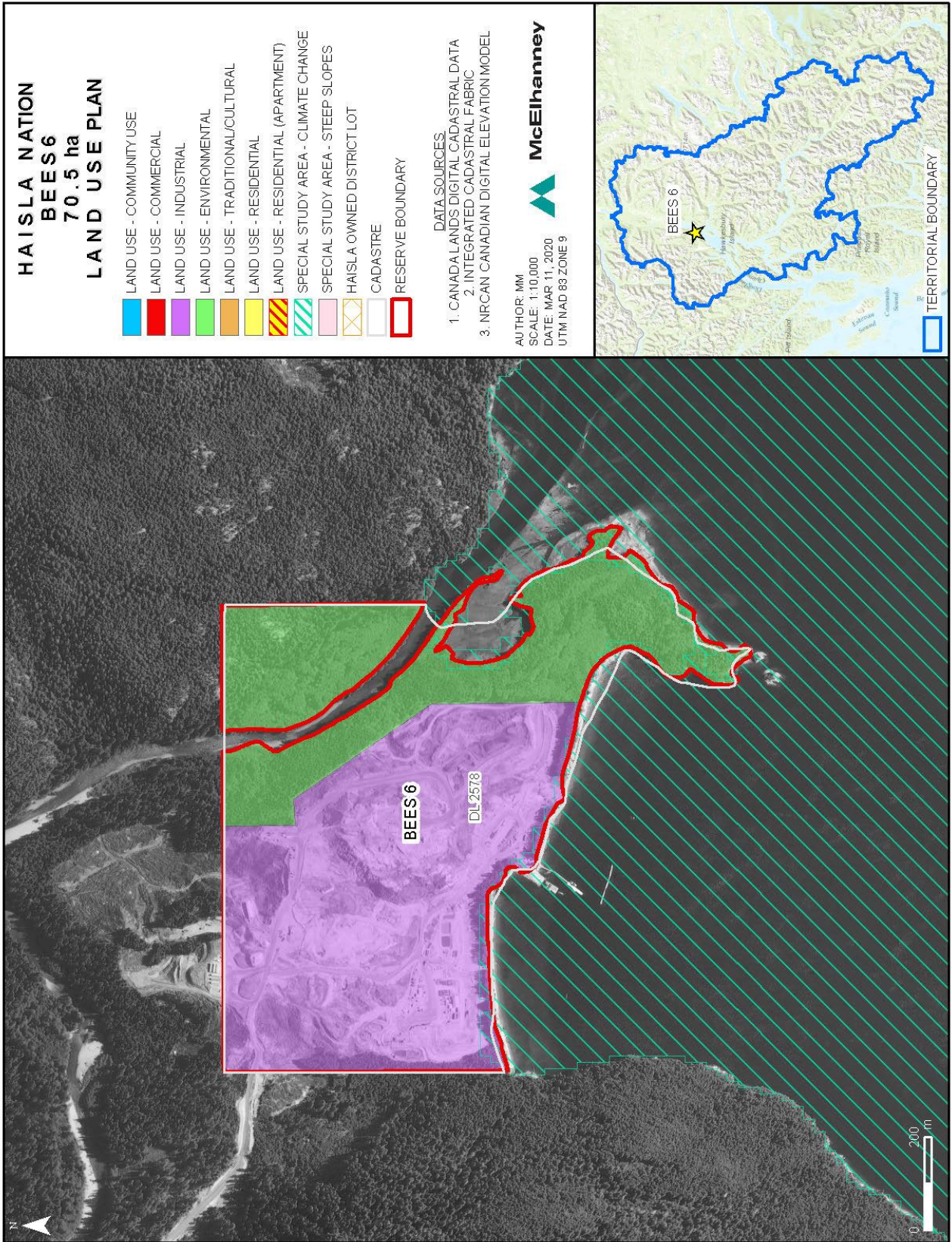
**Uses and Issues:** The Bish Creek area is recorded ethnographically and in oral traditions as possessing a village site (Olson 1940). Isaac Woods relates: Then they moved to a creek U'yakleswawL (South Creek), a mile South of Kitimat, where they lived for a long time. The intensive aboriginal use of the forests surrounding Bish Creek has been demonstrated through both ethnographic and archaeological evidence. This evidence suggests that the Bish Creek watershed is both culturally and scientifically significant in that it demonstrates aboriginal forest utilization through many centuries and likely many millennia. There is potential for further research and understanding of forest utilization by aboriginal peoples, on a large scale.

The Bish watershed needs a comprehensive study and identification of heritage sites before forest planning can go ahead. Culturally modified trees, petroglyphs, living deposit (middens), and burial sites will be identified and zoned for protection or placement into enhanced resource management zones.

An area that was logged in the 60's is now a site for Kitimat Liquefied Natural Gas plant.

**Proposed Uses and Designations:** IR#6 is currently not regulated by the Land Code. Prior to inclusion in the Land Use Plan, designations for lands within IR#6 require detailed review with consideration given to lease terms. Industrial Development.





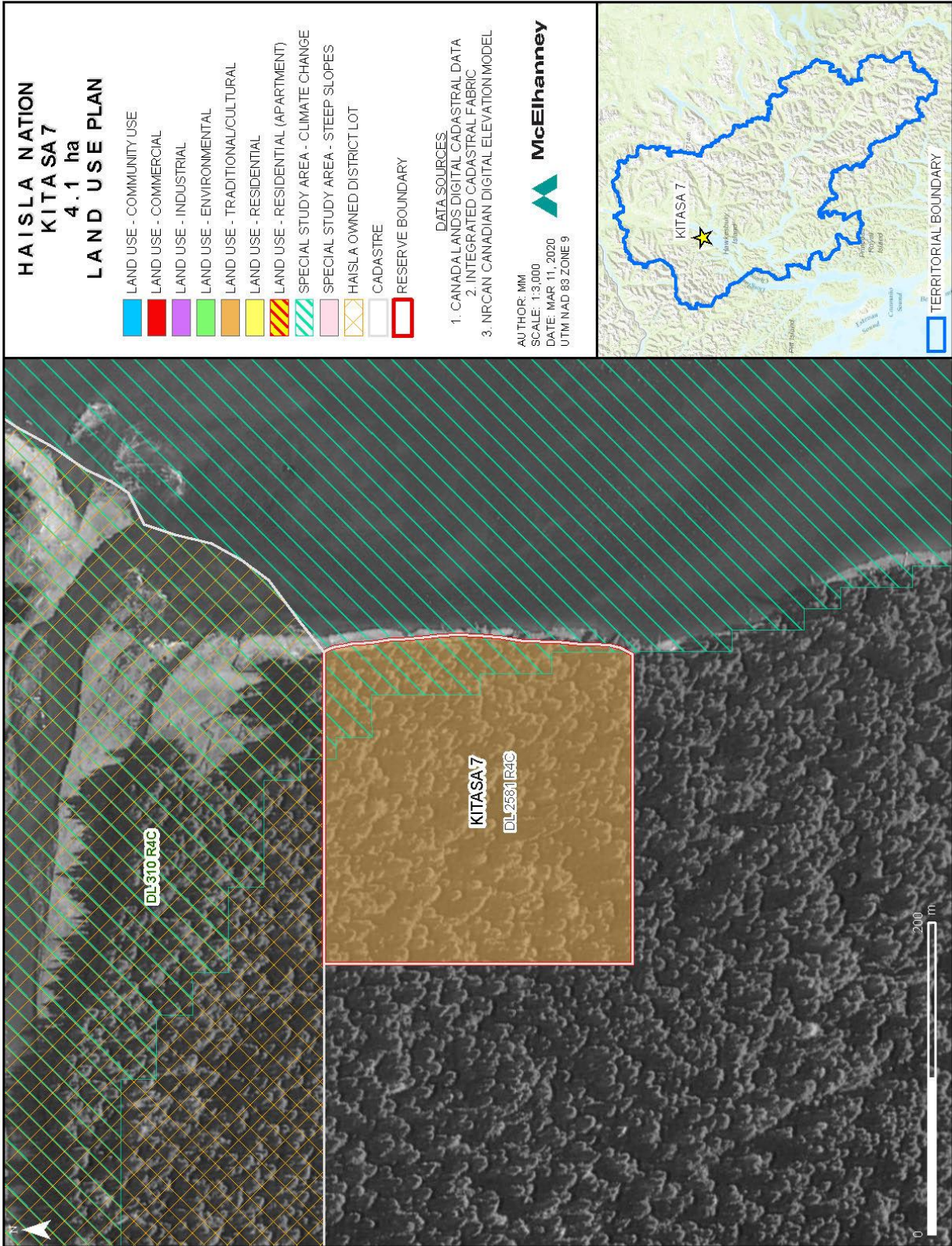
### 6.1.7. Kitasa

**Location:** Emsley Cove

**Description:** Kitasa is a small reserve completely covered with mature virgin timber. Emsley Creek is located immediately to the north and is a S2 fisheries stream.

**Proposed Uses and Designations:** Traditional / Cultural

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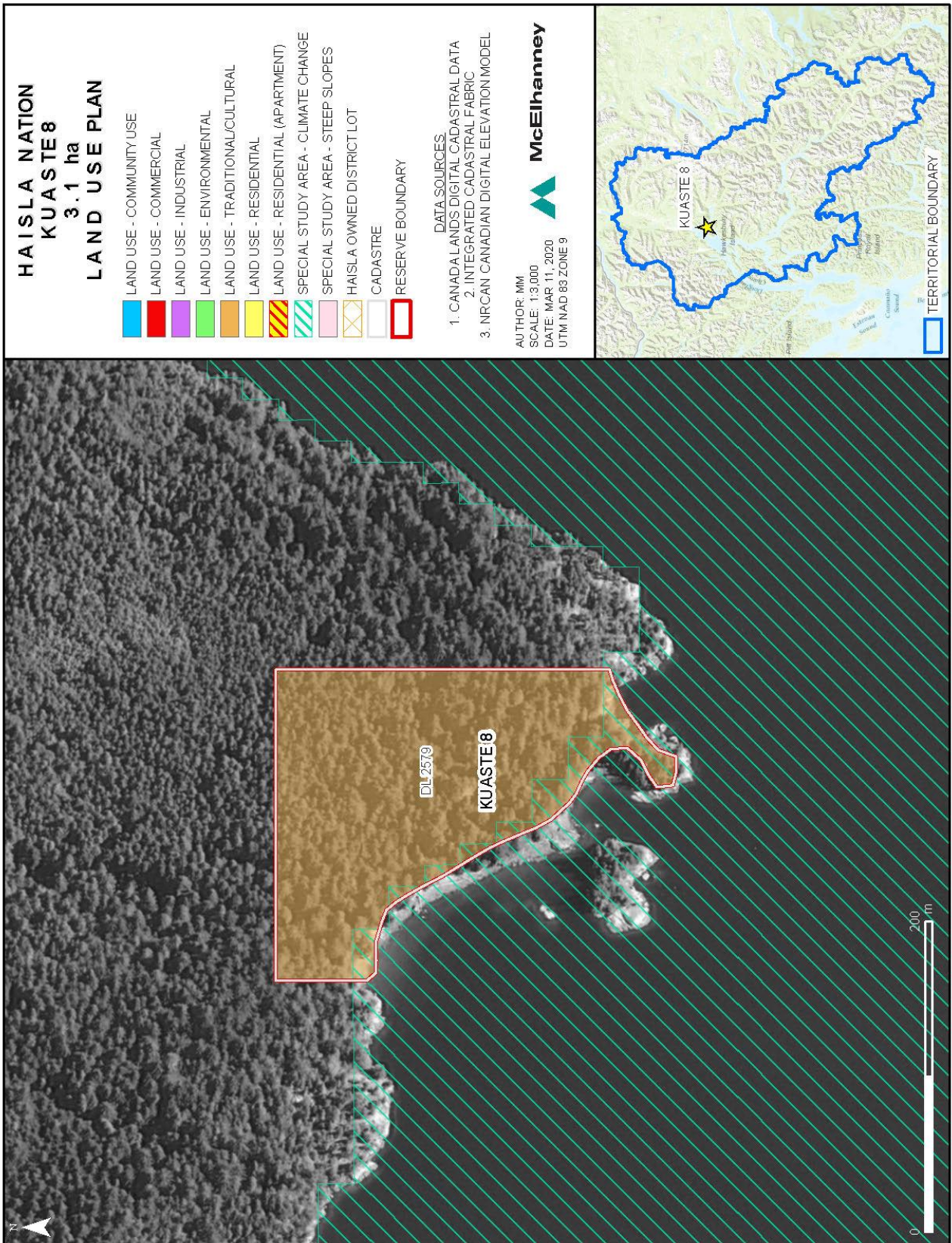
### 6.1.8. Kuaste (Mud Bay) (Kildala Arm) 8

**Location:** Kuaste is located on the edge of Mud Bay, beside the island Else.

**Description:** Kuaste is a small reserve, 3.0 hectares, covered with mature virgin and 2<sup>nd</sup> growth cedar, hemlock and Sitka spruce. The timber is of good volume and quality for development, if so desired. Thirty percent of the Reserve boundary is beach. The bay and stream have been focal resource sites for the Haisla Nation. For awhile the bay was called Man of War Harbor.

**Proposed Uses and Designations:** Traditional / Cultural

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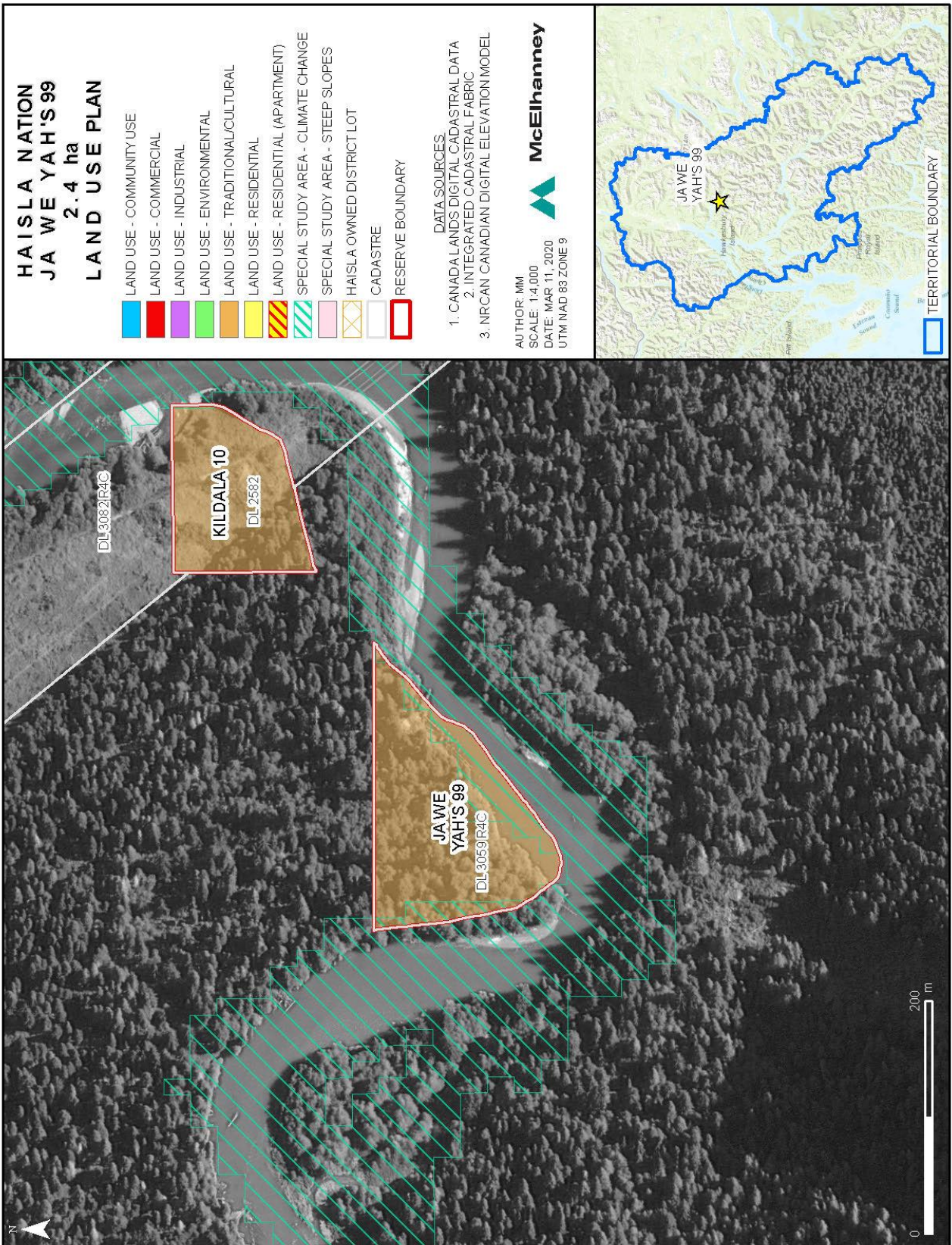
### 6.1.9. Ja We Yah's 99

**Location:** 1 kilometer up the Kildala River

**Description:** This reserve was created as a replacement for an area that was lost to Alcan from IR 9 when the power line was built. Lot 3059 was established in 1990 as IR 99.

**Proposed Uses and Designations:** Traditional / Cultural

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### 6.1.10. Kildala River (Thala) 10

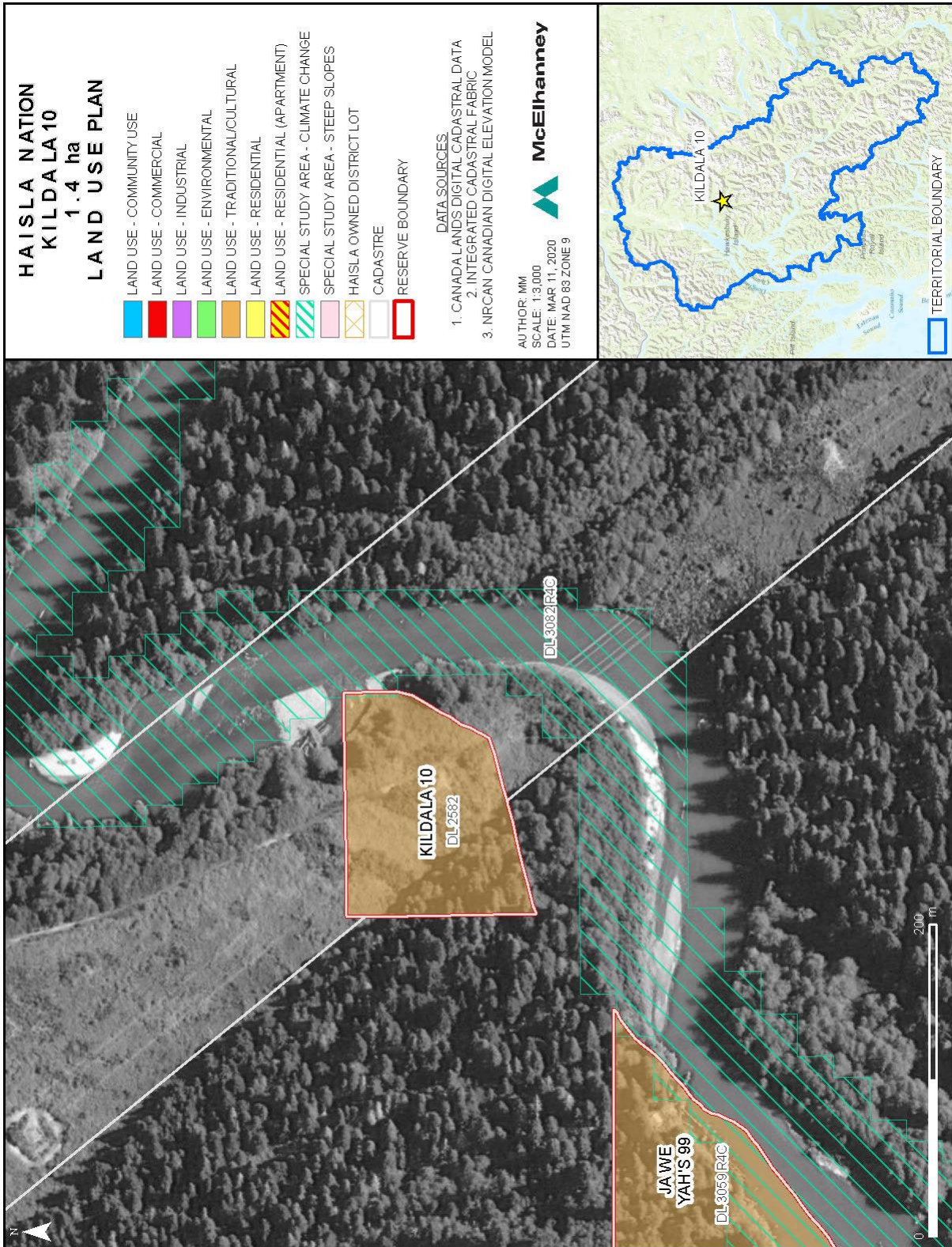
**Location:** 1 kilometer up the Kildala River.

**Description:** Thala is a small Reserve, which is mostly covered by the Rio Tinto powerline line, which accounts for approximately 0.8 hectares of the total Reserve area. While the power line remains in place, this half of the Reserve cannot be considered for use.

**Proposed Uses and Designations:** Traditional / Cultural

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### 6.1.11. Henderson's Ranch 11 (ja-kwa-Lees-la)

**Location:** 2 kilometers North of Kitimaat Village (IR #2)

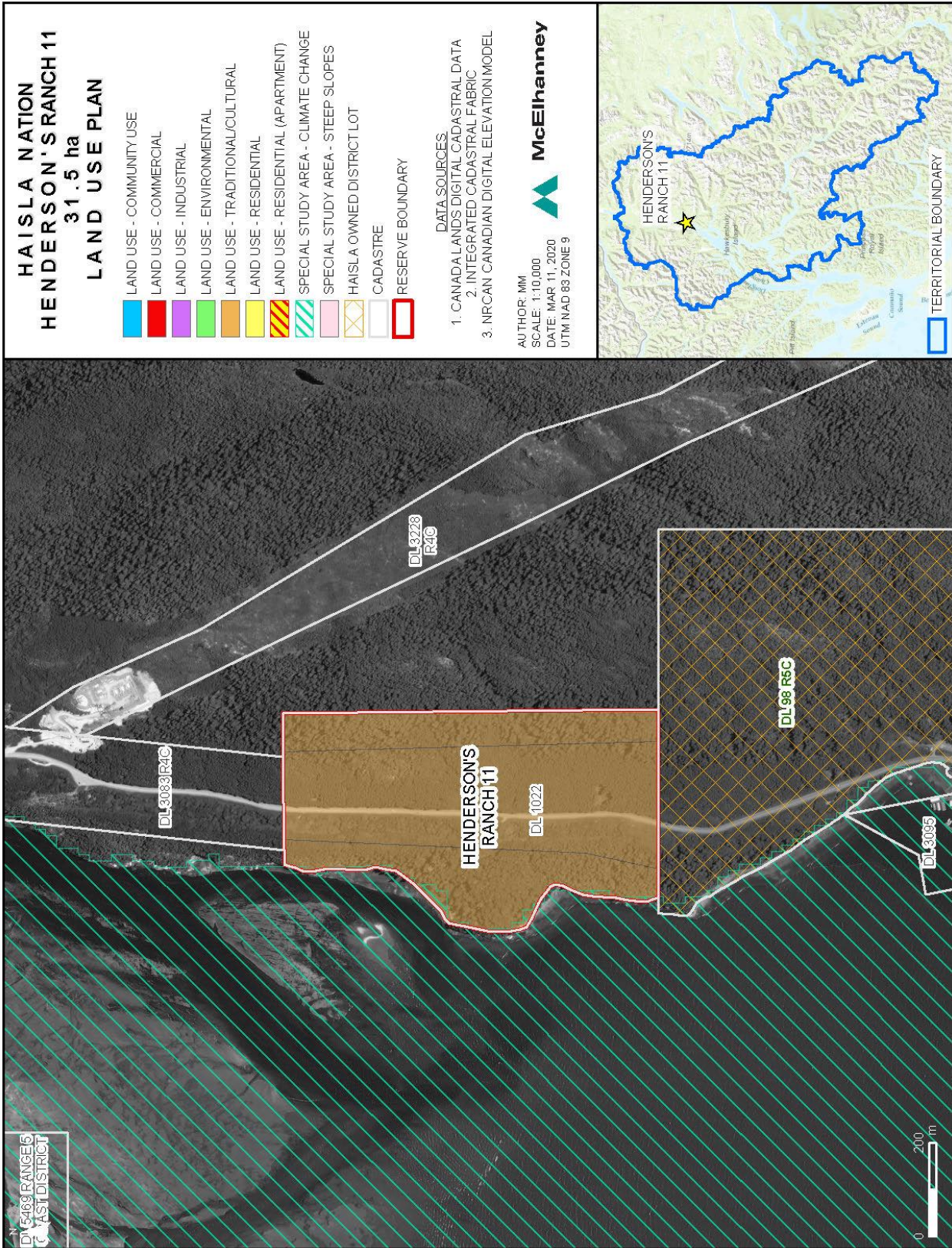
**Description:** Henderson's Ranch is a diverse Reserve consisting of mature timber and juvenile coniferous growth on the discontinued power line right of way.

#### ***Henderson West***

The west side of the Reserve borders on the Kitimat Arm. The timber along the west side of the Reserve is of merchantable size and quality. There is a trail that runs the entire shoreline with a stop at lookout gazebo.

**Proposed Uses and Designations:** Traditional / Cultural

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### 6.1.12. Tosehka (Eagle Bay) 12

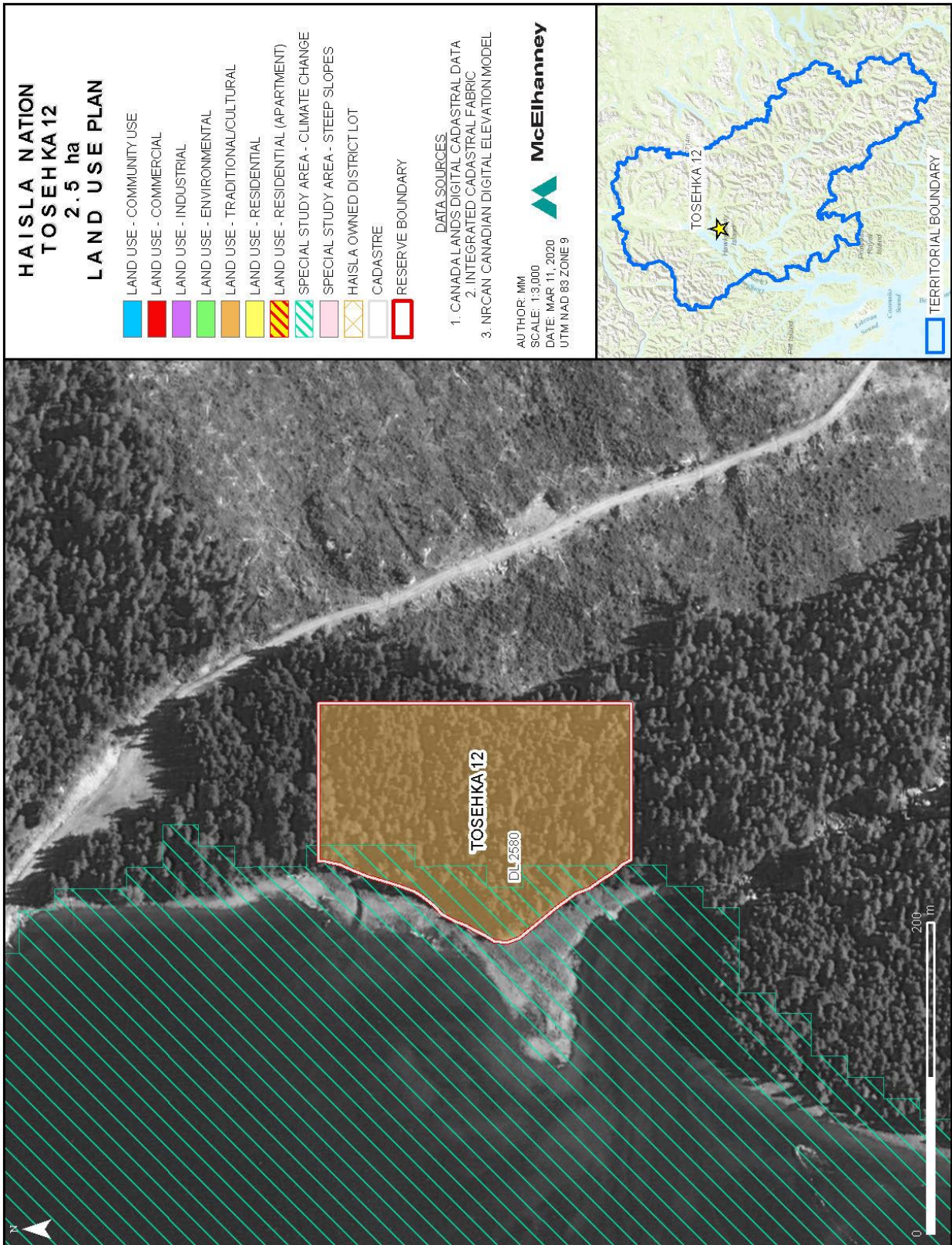
**Location:** Eagle Bay

**Description:** It is 2.5 hectares.

**Uses and Issues:** Used for hunting, trapping, fishing, camping, foraging, and harvesting.

**Proposed Uses and Designations:** Traditional / Cultural

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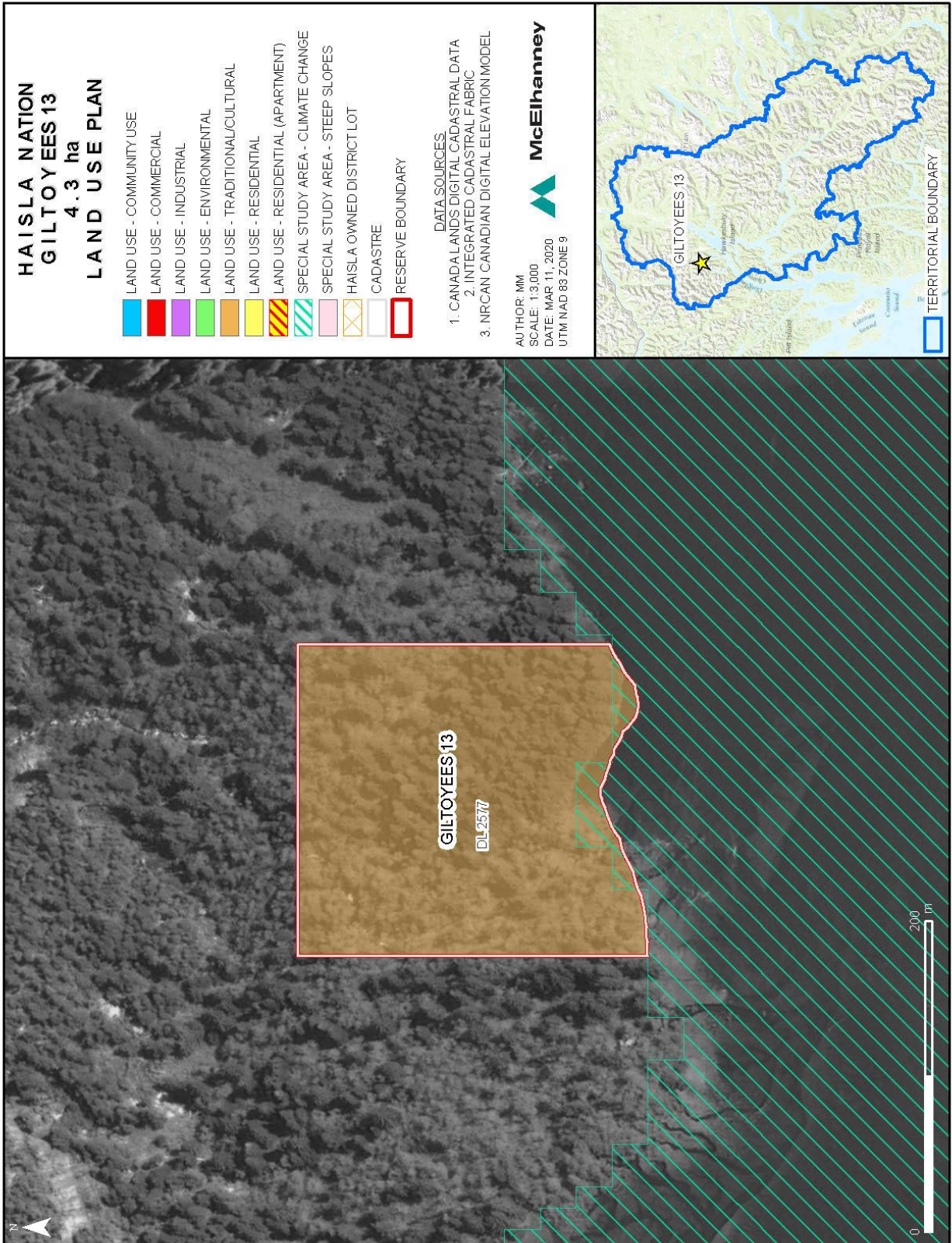
### 6.1.13. Giltoyees 13

**Location:** The Head of Giltoyees Inlet

**Description:** The Reserve was selectively logged previously. Some soil erosion has occurred as a result of the creek running through the northwest corner, spilling onto the banks. The south boundary of the reserve borders Giltoyees Inlet.

**Proposed Uses and Designations:** Traditional / Cultural

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### 6.1.14. Misgatlee 14

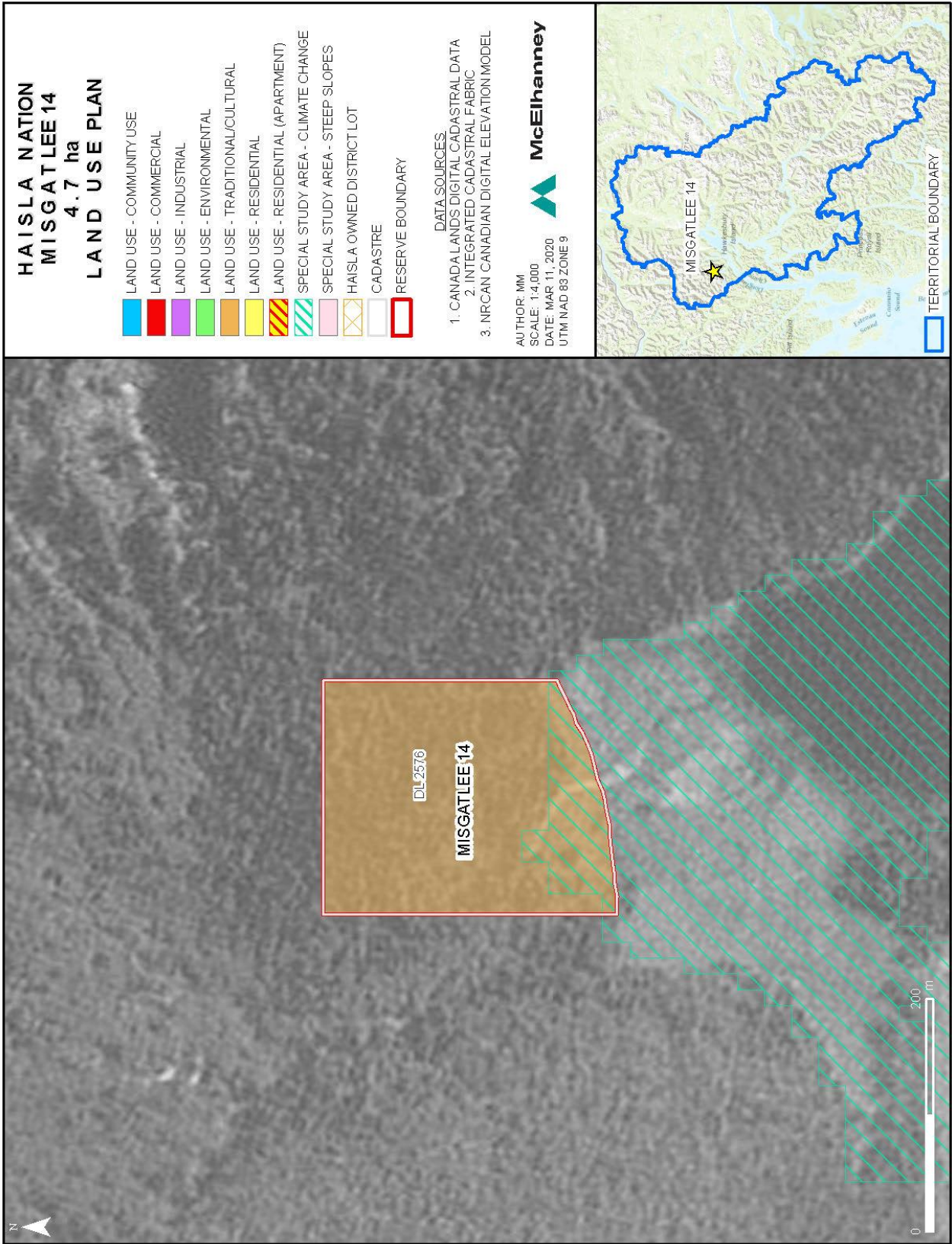
**Location:** Foch Lagoon

**Description:** Misgatlee consists of mature timber that has been previously selectively logged. The remaining timber is of poor quality. The timber type is hemlock, spruce and cedar. This Reserve also has numerous flood channels and drainage creeks, including two main fish bearing streams. This area has a very active Grizzly Bear population.

**Proposed Uses and Designations:** Traditional / Cultural

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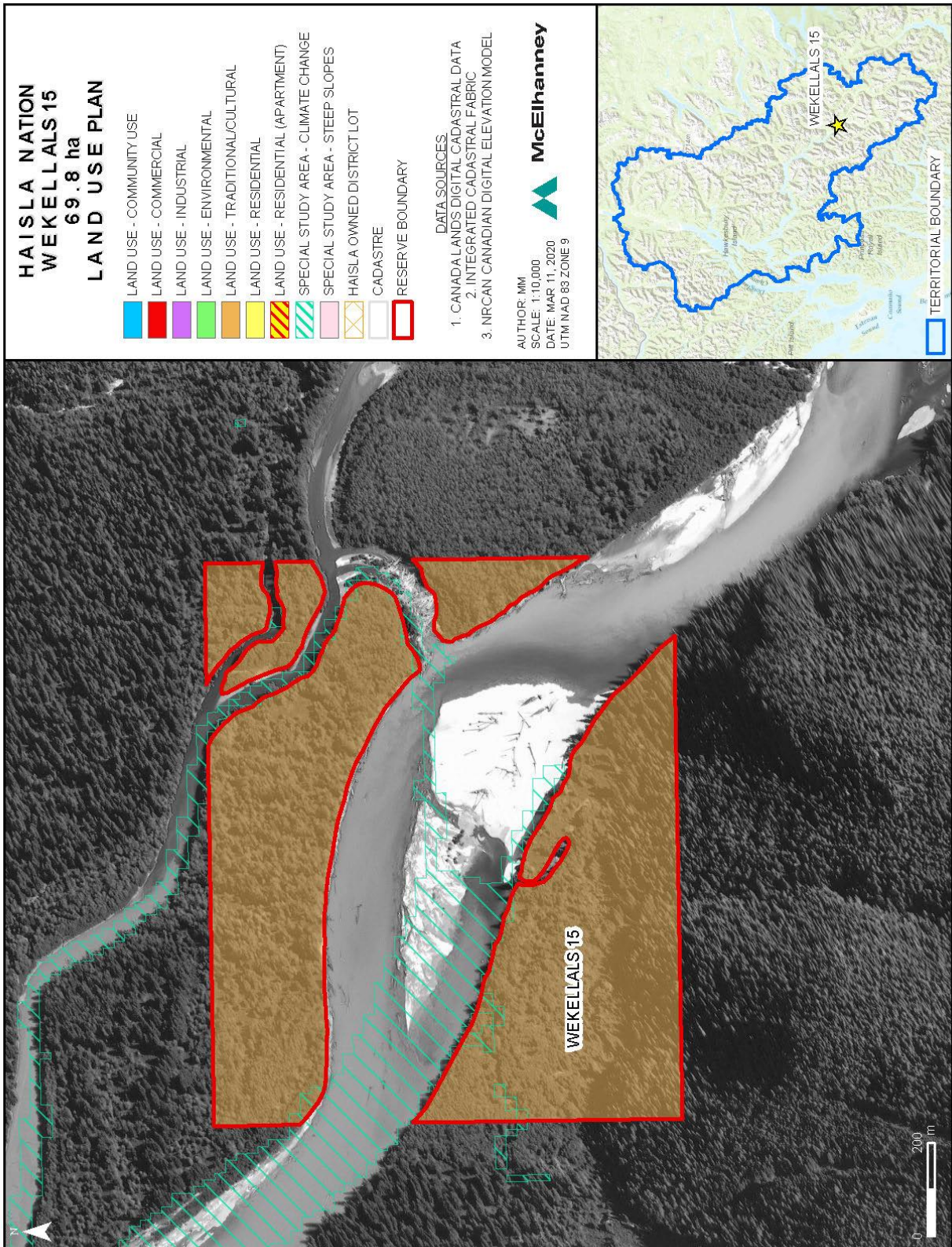
### 6.1.15. Wekellals 15

**Location:** Kitlope River

**Description:** Wekellals Reserve covers a portion of two islands and some flood plain along the banks of the Kitlope River and is surrounded by the Huchduwachsdu Nuyem Jees / Kitlope Heritage Conservation Area. Wildlife, such as grizzly bears, deer, moose and black bears are frequent in this area. This diverse area consists of mature timber, mature Ac, juvenile coniferous growth, areas of brush, juvenile Ac stands and Dr dominated areas.

**Proposed Uses and Designations:** Traditional / Cultural

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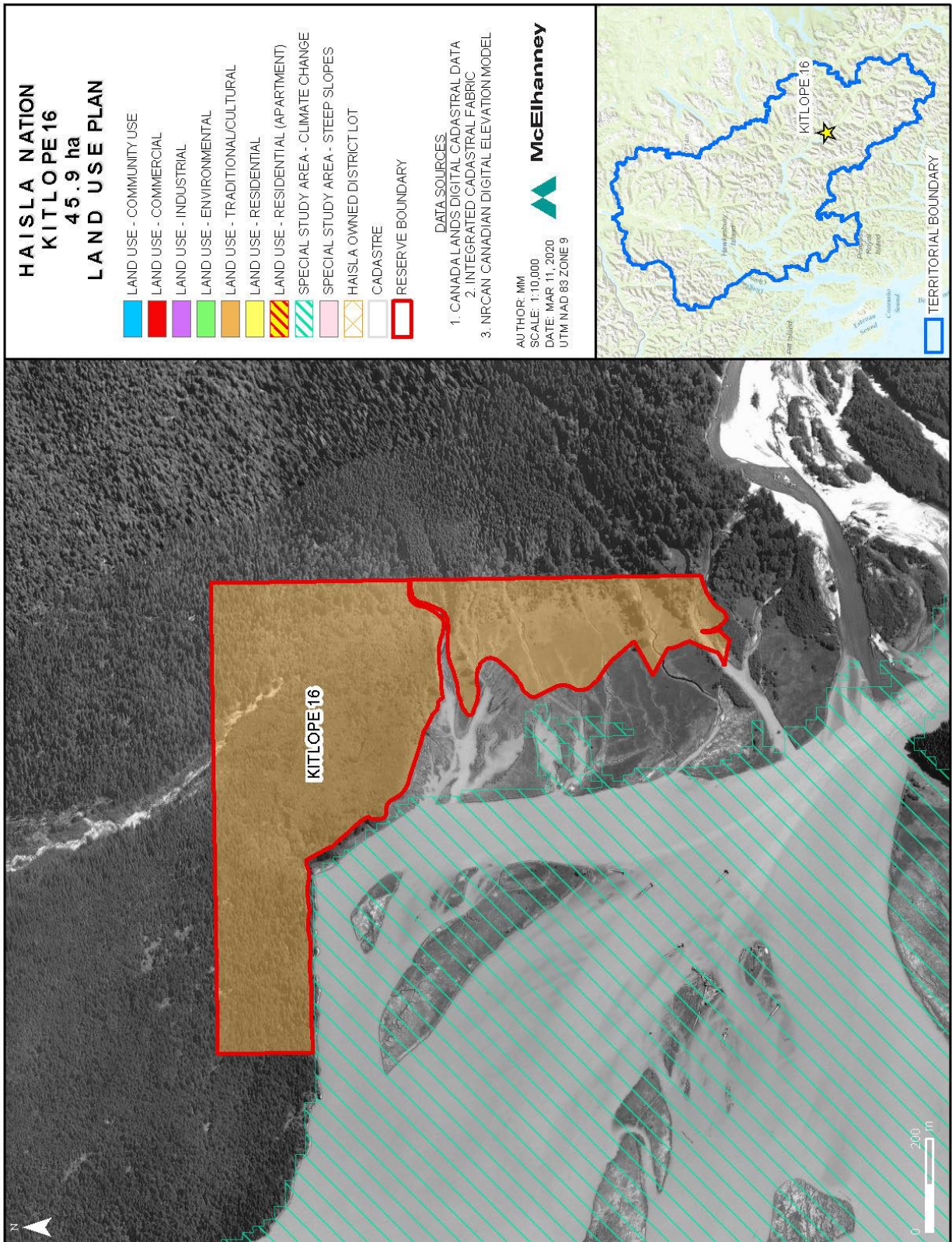
**6.1.16. Kitlope 16**

**Location:** Mouth of the Kitlope River, north of the Tsaytis River

**Description:** It is a diverse area consisting of mature timber, juvenile coniferous growth, both with and without a deciduous over story. The Reserve has a soil problem along the flat plains, beside the Kitlope River surrounded by the Huchduwachsdu Nuyem Jees / Kitlope Heritage Conservation Area. Mature timber covers the majority of the Reserve and many cedars have been culturally modified.

**Proposed Uses and Designations:** Traditional / Cultural

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### 6.1.17. Kemano 17

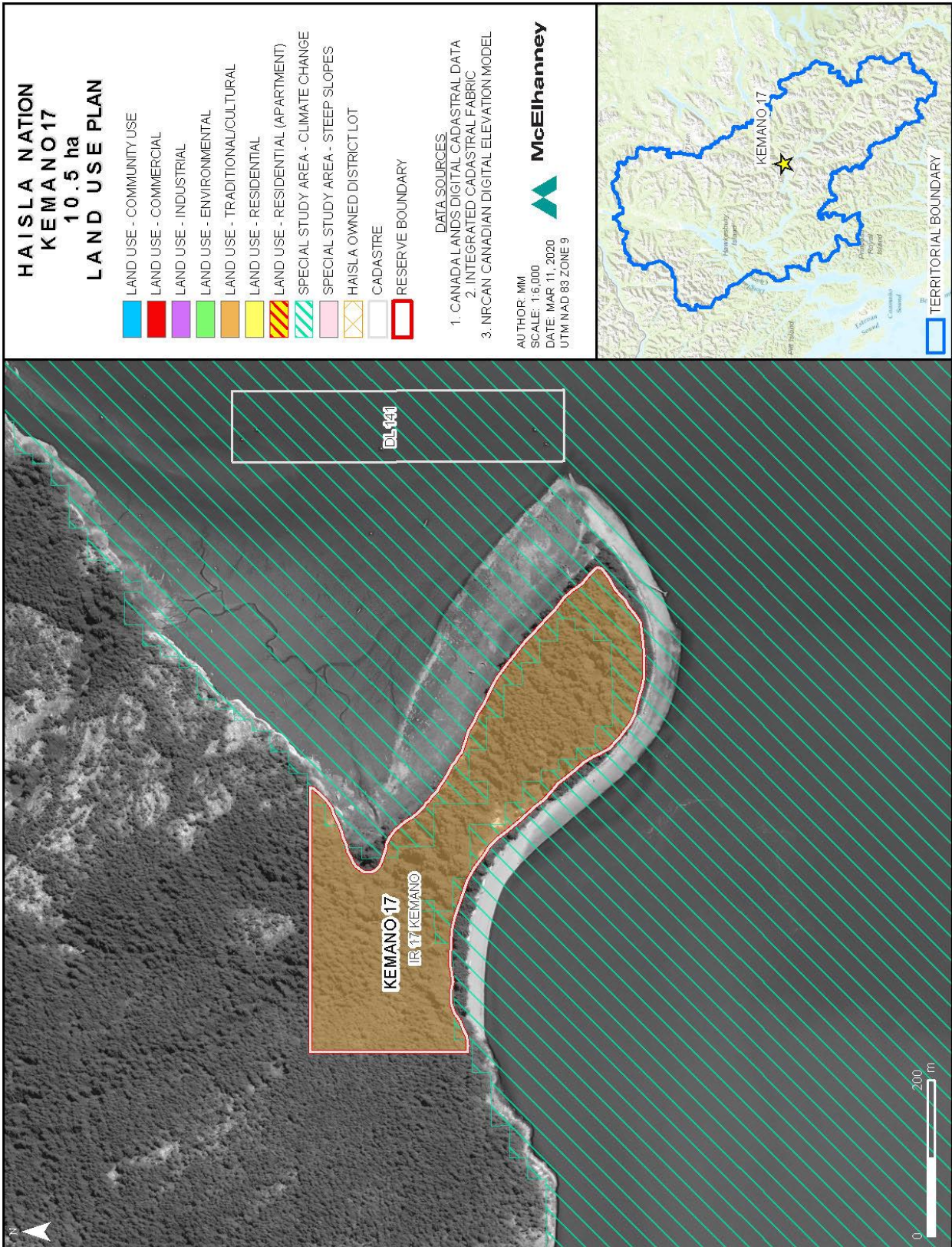
**Location:** Mouth of the Kemano River.

**Description:** The Kemano Reserve contains a gravesite and mature timber. It is a peninsula acting as a natural breakwater for Kemano Bay. This area is 10.5 hectares.

**Uses and Issues:** There is also many culturally vital landmarks and objects, such as a totem pole at the tip of the peninsula, gazing down Gardner Channel towards the Kitlope River. The Haisla uses Kemano extensively for fishing, trapping and camping.

**Proposed Uses and Designations:** Traditional / Cultural

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## 6.1.18. Crab River 18

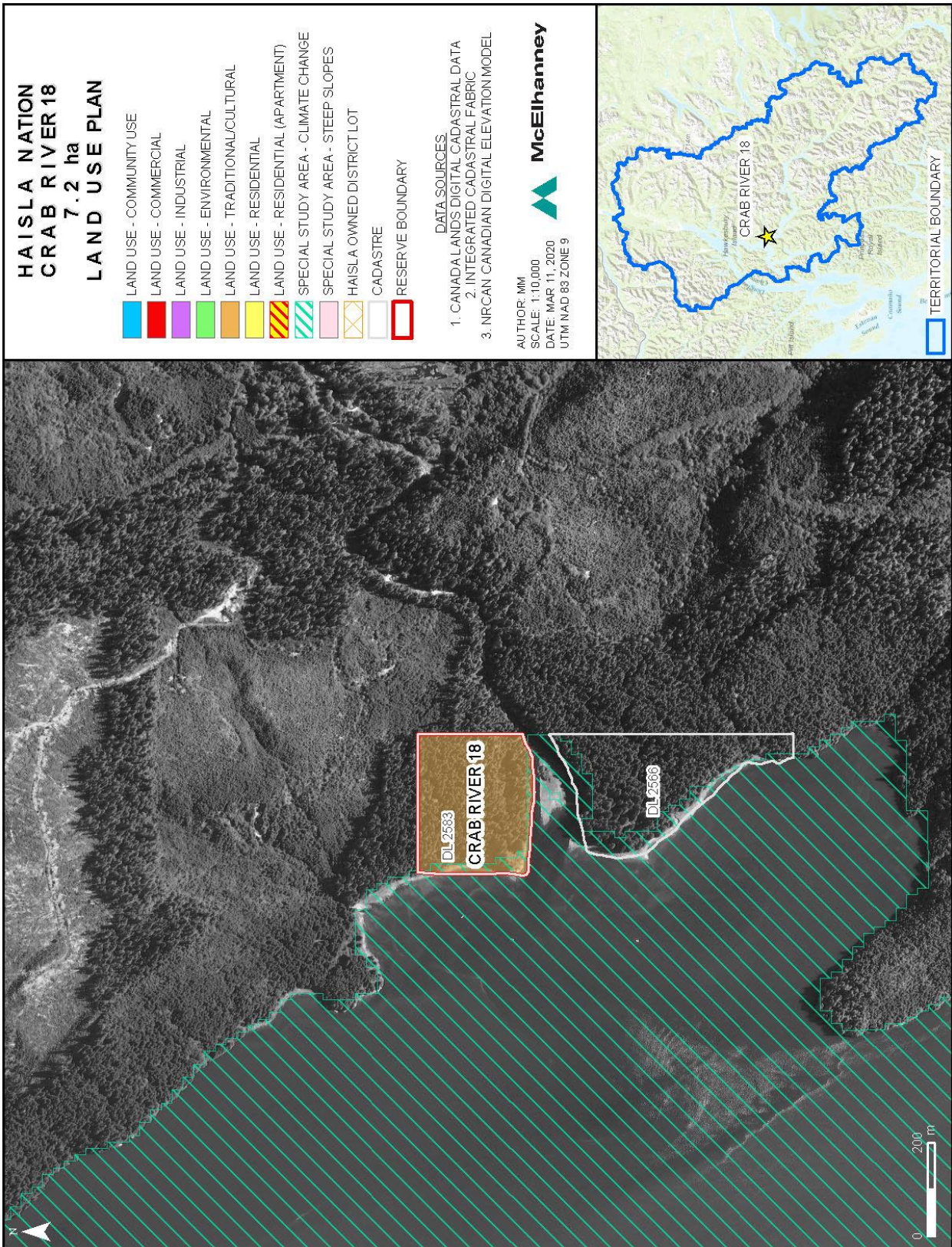
**Location:** Mouth of the Crab River in Gardner Canal

**Description:** The Crab River, which borders the south boundary, is a S1 fisheries stream. The timber development upstream from and around the Reserve has had a negative impact on the Reserve and Crab River.

**Proposed Uses and Designations:** Traditional / Cultural

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## 6.1.17. Gander Island 14

Gander Island Reserve 14 is located within the Moore Island archipelago, and is co-managed with other Coastal Nations. Gander Island 14 is not subject to the Land Use Plan.

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## 7. APPROVAL PROCESS

This section of the land use plan will be detailed following community discussions. Portions may be added or deleted during the planning process.

### 7.1. How to Change Land Use Designation of Land / Amend the Plan

Per Section 11.1 of the Land Code, community approval at a Meeting of Members must be obtained for amendment of a land use plan. This would include changing the Land Use Designation of any parcel of land.

Section 12 of the Land Code details the process of voting for a Meeting of Members.

### 7.2. Specific Development Prerequisites

The following development prerequisites must be resolved to the satisfaction of the Haisla Nation prior to subdivision or commencement of any construction. This list is not deemed to be exhaustive, as other requirements may be added based on site-specific conditions and changes to Haisla bylaws, policies, and procedures:

- Complete site investigations and proposed mitigation measures prepared by suitable professionals to the acceptance of the Haisla Nation related to:
  - Geotechnical stability of a proposed development site (geotechnical engineering report).
  - Flood Control Elevation as it relates to the proposed development (coastal flooding engineering report).
  - Topographic survey (prepared by a land surveyor).
  - Environmental Features including watercourses and animal habitat (by a qualified environmental professional / Registered Professional Biologist).
  - Archaeological Analysis including documentation of cultural artifacts.
- If requested by Haisla Lands Department Staff, hold a public meeting in Kitamaat Village to inform the community of the proposal and solicit input.
- Compliance will all relevant bylaws, policies, plans and procedures to the satisfaction of the Haisla Nation, including securing of access (road) and utility upgrades / extensions as required.
- Issuance of a Development Permit.

### 7.3. Development Permit

- A Development Permit will be issued once all other Specific Development Prerequisites have been met to the satisfaction of Haisla Lands staff.

## 7.4. Subdivision

Prior to subdivision, the proponent will be required to demonstrate the following:

- That proposed plans for subdivision are consistent with this plan and all other relevant land use policies and bylaws (i.e., the zoning bylaw).
- That adequate services (water and sewer) can be provided in accordance with all relevant Haisla Nation policies and bylaws.
- That a legal plan of subdivision has been posted and prepared by a legal surveyor to the acceptance of the Haisla Nation.

## 7.5. Variations from the Plan

Variations from the plan require land use designation to be change and/or the land use plan to be amended, per section 7.1 “How to Change Land Use Designation of Land / Amend the Plan” above.

# 8. IMPLEMENTATION

## 8.1. Implementation Measures

For the Land Use Plan (LUP) to be Implemented, the following actions are recommended:

- Review LUP for consistency with the following information, and/or update the following outstanding background materials to ensure that the full picture is known:
  - Review past housing needs assessments and update for current housing needs
  - Review length of Housing Wait List
  - Update population projections based on known and projected numbers
  - Review / source Minimum Flood Construction Levels based on best information related to sea level rise
  - Review and integrate information related to proposed Village Dyke / Seawall
  - Commission a Sea Level Rise study and ensure LUP is consistent with recommendations
  - Fully integrate all known information related to currently proposed on-reserve development projects
  - Note Reserve lands with long term timber harvesting licenses
  - Integrate Archeological Sites map info (GIS) from Kleanza / Magellan (2014) into background mapping
  - Ensure land uses are consistent with 2014 geotechnical studies
  - Potentially source LIDAR and add to background information related to potential areas of development within and adjacent to Kitamaat Village
  - Confirm when and how IR#6 - Bees gets included in the LUP

- Engage with the Haisla Community to review and seek approval as required by the Land Code, and generally in keeping with the following:
  - Review Land Use maps with key staff members and make changes as required to ensure consistency with plans, policies, and bylaws (including those currently under development)
  - Present Land Use Designation descriptions and maps to some combination of Haisla elders in their own homes, key staff, Chief and Council, and key community members to inform and solicit comments
  - Make amendments to Land Use Designation descriptions and maps if necessary
  - Distribute “Draft Final Land Use Plan” to suitably experienced Legal Counsel for legal review
  - Distribute full copy of “Draft Final Land Use Plan” to Haisla elders, key staff, Chief and Council and key community members and solicit input from them. Make changes as necessary.
  - Present Land Use Plan to the community as “Draft Final Land Use Plan.” Solicit input from community members at this meeting
  - Finalize Land Use Plan by holding a meeting of members as described in the Land Code to seek community approval.

## 9. GENERAL PROVISIONS

### 9.1. General Provisions

General provisions can be added to this section as necessary.

### 9.2. Definitions

The following are a draft set of definitions, which may be added to or deleted as the community wishes.

**Agriculture** – means land used to grow crops or to raise *livestock*.

**Alternate energy generation** – the production or energy that derives from a natural source, such as the sun, wind, waves or geothermal but excludes the generation of energy via solid or liquid waste processing.

**Automotive services use** – means a business that is used to provide light maintenance of motor vehicles including vehicle inspections, repairs, engine tune ups, and parts thereof, excluding manufacturing, automobile painting and body work and *gasoline stations*.

**Band office** – an administration office of the Upper Nicola Band that the staff operate from to provide community services

**Bed and breakfast** – means a home business operated by a family that provides sleeping accommodations on a temporary basis and may or may not provide meals, all charged on a daily prescribed basis where the maximum length of stay per person will not exceed 30 days in a 12 month period.

**Building** – means a *structure* that is supported by walls, and has a roof, that is intended to shelter and protect people, animals or property.

**Camp site** – means a site used for the temporary accommodation of house trailers, RV's, campers or tents for the use of travelers.

**Child care centre** – means a facility for children including group child care, and occasional child care licensed and regulated under the Community Care and Assisted Living Act, S.B.C., 2002, c.75

**Church** – means a *building* or portion within that allows for the assembly of persons for religious purposes, where religious services of any denomination are held.

**Cultural use** – means a location which is used for social or cultural practices and may take the form of activities as accepted by the community.

**Dwelling unit** – means a *structure* with one or more habitable rooms with one self-contained unit intended for sleeping or living purposes and where one or more bathrooms with a shower or bath is included, and where cooking equipment is provided or the facilities for the installation of such equipment is included.

**Elders housing** – *Dwelling units* to provide housing specifically for elders in the community.

**First Nations Land Management Act** – the Act that transfers specific rights, including land management rights, to the Haisla from the Government of Canada.

**Floor area ratio (FAR)** – means a value calculated by taking the total area of all proposed or constructed floors on a *lot* and is divided by the total area of the *lot*. Undevelopable area is excluded from the calculation.

**Forestry** – means the harvesting of trees and practice of *silviculture* (see definition below) and forest protection and management, and the sale of forest products.

**Gasoline station – full service** – means a business where automotive fuel is provided to the public on a full service basis to the public, where the fueling of the vehicle is done on behalf of the client by workers of the establishment.

**Gasoline station – self-service** – means a business where automotive fuel is provided to the public on a self-serve basis, where the patron fuels the vehicle on their own.

**General service use** – means an establishment that offers services other than personal uses and excludes services pertaining to automotive, firearms, industrial equipment and *retail stores*.

**Golf course** – means an outdoor sport that includes executive and regulation golf courses, par 3 and mini-golf.

**Grandfathered use** – a provision of land use that exempts certain person for pre-existing conditions from the scope of regulations or requirements outlined in the current Upper Nicola Band land use plan

**Hazardous waste** – any substance in which the owner has not further use and whose disposal in the environment could potentially pose hazards to human health, or ecosystem health. Additionally, any substance defined as *Hazardous waste* by the BC Environmental Management Act.

**Highway** – means a street, road, bridge, lane, or viaduct as well as any other way open to the use of the public, but excludes right of ways that occur on a private *lot*.

**Home occupation** – means an occupation that is related to the use of a *Dwelling unit* for residential purposes, or to a *lot* occupied by a *Dwelling unit*.

**Horticulture** – means growing fruits, vegetables, plants or flowers through cultivation of the ground, including operations that are non-soil bound such as hydroponics, but excludes medical marijuana.

**Industrial use** – means the manufacturing and overall processing and servicing of goods and materials, which includes the wholesale of products manufactured or processed on the *lot*.

**Industry – light impact** – means an *industrial use* that is enclosed within a *building* that does not emit smoke, vibrations, smells, or other offensive reasons and produces no significant noise that may interfere with any neighboring *lot* and excludes salvage industry.

**Intensive agriculture** – means the use of land for the confinement of poultry, *livestock* or fur bearing animals or mushroom growing for the purposes of commercial enterprise.

**Kennel** – means any *building* or property in which 3 or more dogs or 5 or more cats are intended to be cared for, trained or bred or kept for any purpose, and shall include 2 or more dogs being used for breeding purposes.

**Land Code First Nation** – means a signatory to the First Nations Land Management Act (FNLMA)

**Lot** – means land categorized as a distinct parcel on a legally recorded subdivision plan or description duly registered.

**Lot coverage** – means the area horizontally located by a vertical projection on the outside of the outermost walls within the supporting elements of outdoor and covered areas. Areas of undevelopable land are not included. *Lot coverage* is expressed as a percentage of the horizontal area to the *lot* area.

**Marina** – means a facility used to launch and store boats, and yachts including the rental of boats.

**Multiple unit residential building** – means a *building* with 2 or more *residential dwelling units*, excluding secondary suites.

**Non-conforming building or use** – means a *building* which does not conform to any of the regulations outlined in the zone for which the site pertains to.

**Office uses** – facility or *building* used for the purposes of conducting business or providing a service

**Park use** – the use of land, *building* or *structures* for active or passive recreational purposes.

**Personal service use** – means a commercial business establishment that provides the maintenance in grooming and care of the body including the barbershops, and cleaning and repair of *clothing*, and personal effects.

**Principal use** – means a use specifically permitted in a zone other than an accessory use.

**Recreation use** – the use of land or *buildings* for passive or active recreational entertainment, included but not limited to hiking and cycling trails, parks, playgrounds and their amenities.

**Recycling depot** – means a *building* used for the collection, sorting, refunding, and redistribution of recyclable materials but excludes the processing of recyclable materials.

**Reserve** – means one of the specific portions of land set aside by the Canadian Federal Government in 1890 for the Haisla Nation, and now governed by the *Land Code*.

**Residential** – means a dwelling on land categorized as suburban, suburban-urban reserve, urban or multiple *residential*.

**Restaurant** – means a business including cafes, tea rooms, outdoor cafes and drive through *restaurants* where food and beverages is sold to the public usually within the *building*.

**Retail store** – means a business where goods or merchandise are sold to consumers for the personal consumption and not for the resale purposes.

**School** – a facility where learning is provided, maintained and operated on the public expense if considered a public *school* or on private expense if considered a private *school*.

**Setback** – means the minimum distance required between a *building* and each of the corresponding property lines

**Silviculture** – means controlling the quality, growth, and health of woodlands and forests through the cultivation of trees.

**Single family dwelling** – means a detached *building* that comprises one *Dwelling unit* and up to one secondary suite that is used for *residential* purposes.

**Social escort services** – means the practice of providing male or female escorts for occasions of a social nature.

**Solid waste processing** – A facility where solid waste is collected, stored, processed and/or disposed of on the lands.

**Structure** – means anything constructed which requires security to the ground or attachment to something having location on the ground, but does not include fences and walls that are less than minimum fence height permitted.

**Traditional use** – land use occupancy and other culturally significant land use activities practiced by Haisla Nation community members on lands and resources throughout Haisla traditional territory. Specific *traditional uses* are defined by the Haisla Nation and will require



confirmation, but may include, and are not limited to hunting, trapping, fishing, gathering medicines, plants, sacred and/or spiritual sites, ceremonial sites, seasonal or permanent camps / villages, or any other culturally significant land use or activity deemed to be significant by the Haisla Nation.

**Transportation industry** – means industry relating to the transportation, distribution and storage of materials and goods, and the service and storage of transportation equipment.

**Warehouse use** – means a facility that used for the storage of goods in a *building* and their distribution.

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