



TLC The Land Conservancy
of British Columbia

SISØENEM

HALIBUT ISLAND

Presented by:

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Environmental Technician
& Land Manager

Photo: Alex Harris

- ▶ a non-profit, charitable Land Trust working throughout British Columbia
- ▶ protects important habitat for plants, animals and natural communities as well as properties with historical, cultural, scientific, scenic or compatible recreational value
- ▶ 3 main programs:
 - Covenants & acquisition
 - Education
 - Restoration

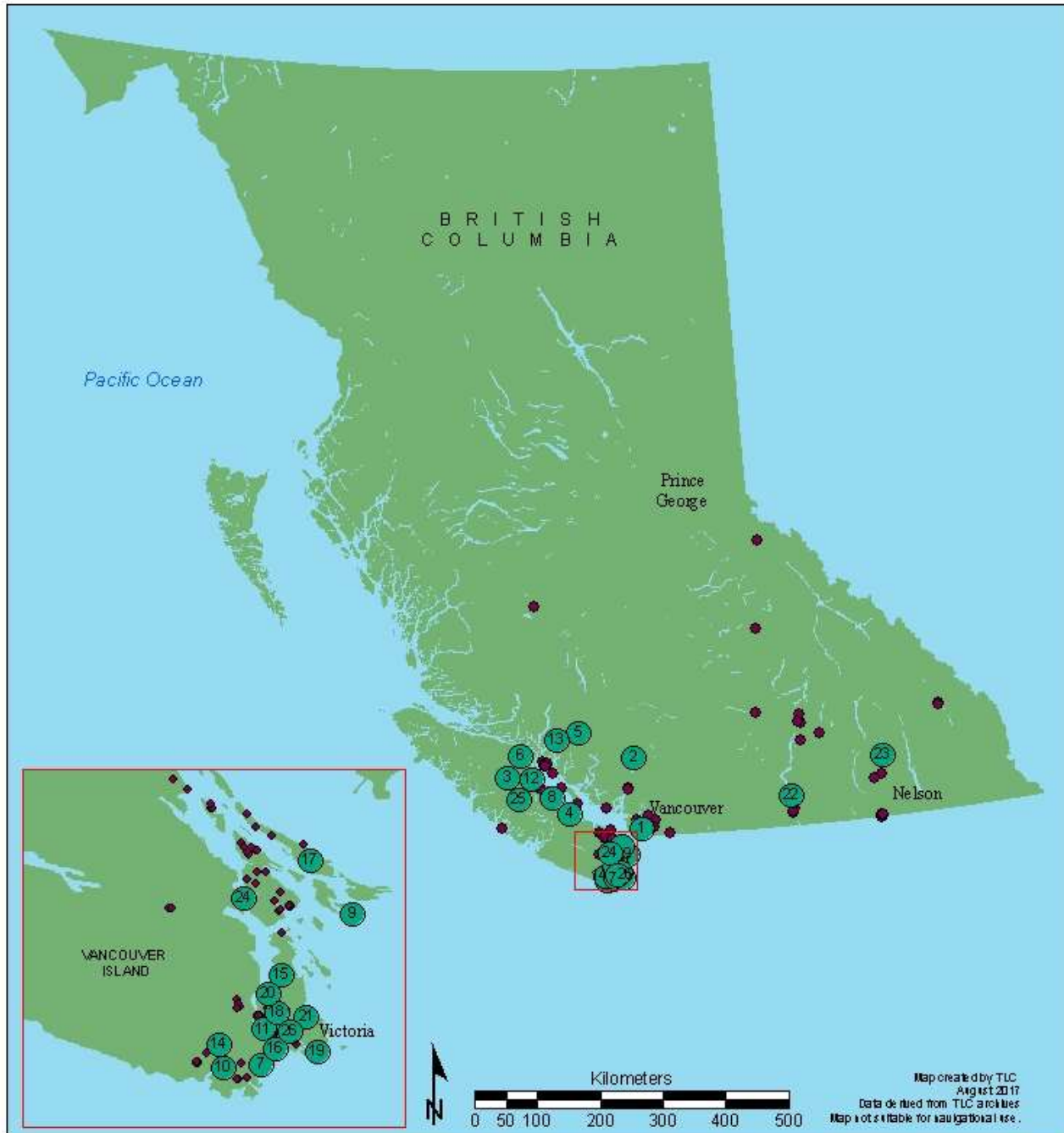


*Celebrating
26 years of
conservation!*

Legend

- Public Access
- Private

1. Corrigan
2. Emerald Forest
3. Cumberland Forest
4. Qualicum Beach Heritage Forest
5. Linnaea Farm
6. Hurford Hill Nature Park
7. Havenwood Park
8. Cross
9. Gowlland Point Regional Park
10. Sooke Hills
11. Thetis - Mt. Work Connector
12. Sandwick
13. Hollyhock Farm
14. Ayum Creek
15. Oak Haven Park
16. Atkins Road
17. Mathhews Point
18. Barer
19. Abkhazi Gardens
20. Kinghorn
21. Madrona Farm
22. Skaha Bluffs
23. Valhalla Mile
24. Sansum Point
25. Masters
26. Welland Legacy Park





SISØENEM

Salish Sea, BC

SISØ means “enjoying the sun,”
ØEN is a feeling of inner peace,
EM means a place where these
things happen

SISÇENEM (Halibut Island)

Legend

SET, TINES Sidney

SK'ELT-ÅMEN Sidney Island

SISÇENEM Halibut Island

Google Earth

Victoria



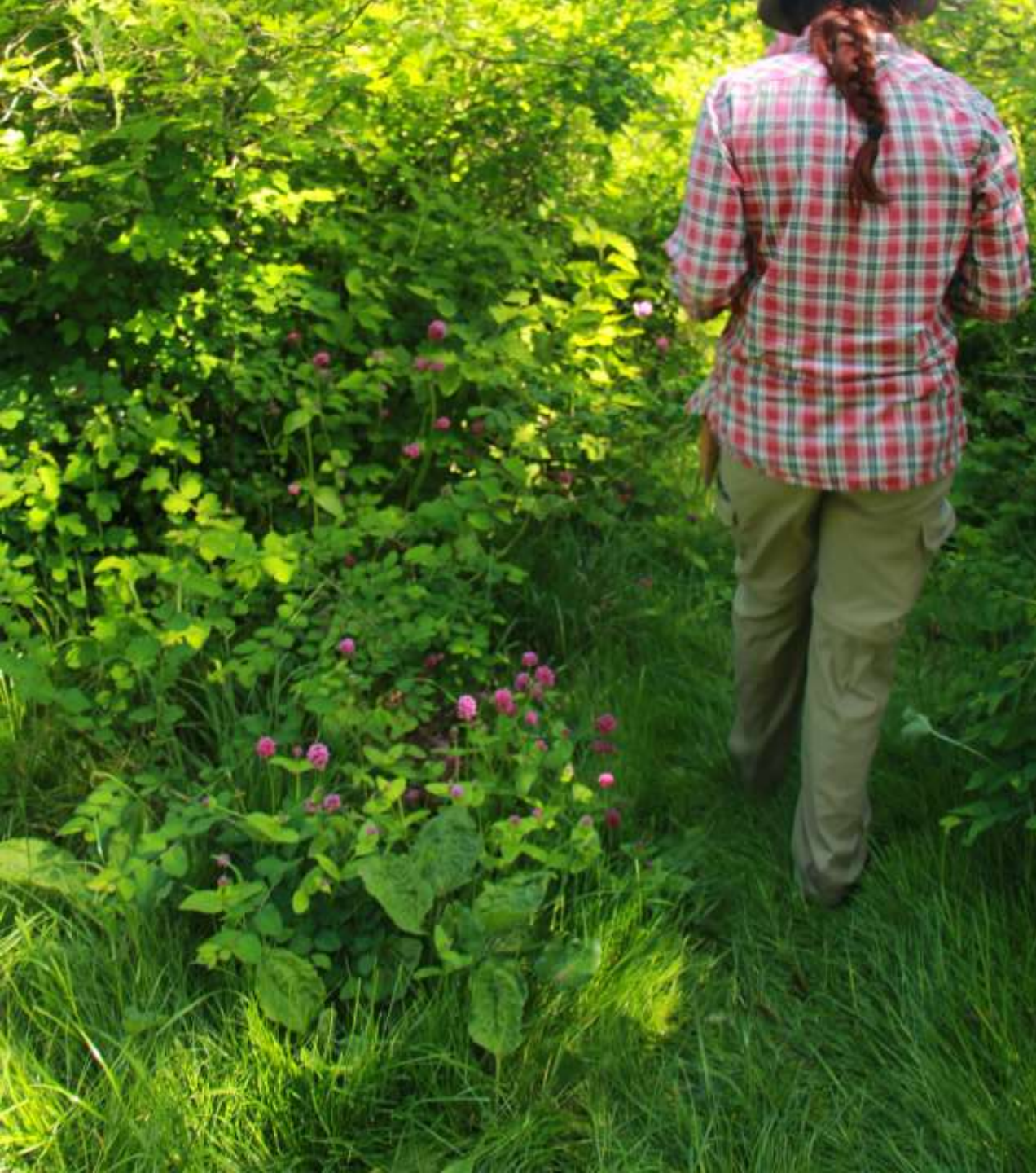
10 km



Photo: Alex Harris



Photo: Alex Harris





CAMAS



CHOCOLATE LILY



BRITTLE PRICKLY-PEAR CACTUS



BARESTEM DESERT-PARSLEY





Photo: Alex Harris





Project beginnings

- Dr. Tara Martin, Chair Conservation UBC.
The Conservation Decision Lab
- Studies coastal islands
- Reference point for restoration
- Unique opportunities



Photo: Alex Harris

Project planning

- Strategic Planning and the Recommendations of the Truth and Reconciliation Commission
- Donor response
- Staff and Board impacts
- BC and Canada wide impacts
- WSÁNEĆ Leadership Council Partnership
- TLC fundraising

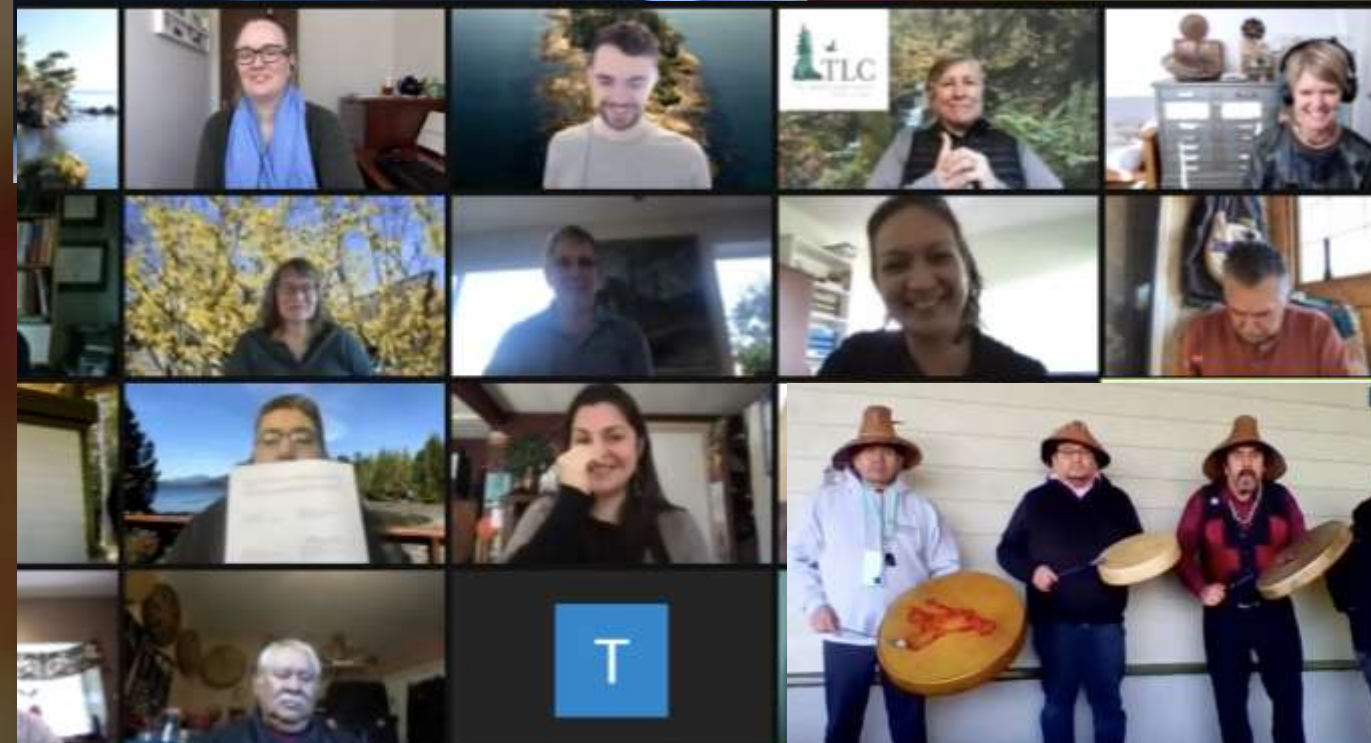


Photo: Alex Harris

SISCENEM Partnership agreement

Feb. 2021, TLC entered an agreement with the WSÁNEĆ Leadership Council to transfer title of SISCNEM as an act of reconciliation

- Restore the island using First Nation land management techniques
- Limited public access by invitation only
- Research and scientific study
- Cultural events and education
- Intergenerational transfer of knowledge
- Spark other acts of reconciliation



TLC will work together with the W̱SÁNEĆ Leadership Council to draft and register a conservation covenant and develop a co-management plan that will incorporate Indigenous land management principles that will provide access for cultural, education, research, and monitoring purposes



SISCENEM covenant work

- the land covenant as an instrument is inherently situated in colonial ideas of private property ownership.
- the best that can be done is to “indigenize” the covenant and make the provision as broad and as flexible as possible.
- a foundational W̱SÁNEĆ legal principle is that humans do not and cannot own land – rather, the land owns us, we are the land
- Circle meetings with elders, council to build relationships
- Support from UBC and UVIC indigenous law students



RESOLUTION

WHEREAS, it is the recommendation of the Natural Resources Committee and Management & Budget/Community Development Committees to accept the transfer of the property known as the Figlenski Ranch Tusk Block in Okanogan County, Washington, and the placement of restrictive covenants on the property to protect its conservation values in perpetuity. The transfer will include 8,700 acres, more or less, at no cost to the Tribe (map attached).

Whereas, the Colville Tribal Business Council approves and acceptance of title to the Property. In accepting title to the Property, the Colville Tribal Business Council also approves the placement of a covenant on the Property to manage and maintain the Property in accordance with the following restrictions on the use of the Property to protect in perpetuity the Conservation Values of the Property (Restrictive Covenants):

- No residential use
- No industrial use
- No commercial use (other than farm, ranch and agricultural use and no more than de-minimis commercial recreational use)

The prohibition on more than a de minimis use of the Property for commercial recreational activities is intended to prevent the Property from becoming the site of a commercial recreational enterprise, such as a commercial campground, a golf course, an exclusive hunting ground or club, a commercial site for all all-terrain vehicle, motocross or other racetrack, or other similarintensive or predominantly commercial use.

These Restrictive Covenants shall not merge with the title of the Confederated Tribes of the Colville Reservation to the Property, it being the intent of the Colville Tribal Business Council that these Restrictive Covenants shall be perpetual and remain iwht the Property, irrespective of common ownership.

The Restrictive Covenants shall run with the land and shall be binding on The Confederated Tribes of the Colville Reservation, its members, successors and assigns, and any person acquiring an interest in the Property, including a leasehold interest, in accordance with the Tribe's Law and Order Code and the Tribe's Fish and Wildlife regulations and policies.

-Any use of, or activity on, the Property inconsistent with the Restrictive Covenants is prohibited, and The Confederated Tribes of the Colville Reservation will not conduct, engage in or permit such use on the Property.

-The Confederated Tribes of the Colville Reservation will commence and prosecute enforcement action on the part of its members in its Tribal Court system in a manner reasonably calculated to swiftly correct the conditions caused by such violation.

Except as to the prohibited uses and activities provided in the Restrictive Covenants, in accepting title to the Property, the Colville Business Council reserves for The Confederated Tribes of the Colville Reservation, and its successors and assigns, all customary and cultural rights and privileges of ownership, including, but not limited to the right to sell, lease, and devise all or a portion of the Property.

The Colville Business Council authorizes Chairman or his/her designee to execute any documents necessary to carry out this resolution, including by execution of the deed by which the Property is conveyed to The Confederated Tribes of the Colville Resolution.

The Colville Business Council authorizes inclusion of the following language in the conveyance deed to The Confederate Tribes of the Colville Resolution:

"Grantee, The Confederated Tribes of the Colville Reservation, a sovereign nation, by its signature below, hereby accepts the Deed to the Property and covenants to manage and maintain the Property in accordance with certain restrictions on its use to protect in perpetuity the Conservation Values of the Property, including but not limited to wildlife swpecie4s and their habitat, all in the manner described in that certain Resolution _____ of Grantee attached hereto and incorporated herein by this reference ("Restrictive Covenants").

Grantee hereby affirms that these Restrictive Covenants shall run with the land and shall be binding on Grantee, its members, successors and assigns, and any person acquiring an interest in the Property, including a leasehold interest, in accordance with the Tribe's Law and Order Code and the Tribe's Fish and Wildlife regulations and policies."

Chairperson or designee has the authority to sign all pertinent documents.

THEREFORE, BE IT RESOLVED, that we, the Colville Business Council, meeting in a **SPECIAL SESSION** this **17th day of February, 2021** acting for and in behalf of the Colville Confederated Tribes, Nespelem Washington, do hereby approve the above recommendation of the Natural Resources And Management & Budget/Community Development Committee.

The foregoing was duly enacted by the Colville Business Council by a vote of **10 FOR 0 AGAINST 0 ABSTAINED**, under authority contained in Article V, Section 1(a) of the Constitution of the Confederated Tribes of the Colville Reservation, ratified by the Colville Indians February 26, 1938, and approved by the Commissioner of Indian Affairs on April 19, 1938.

ATTEST:


 Rodney Cawston, Chairman
 Colville Business Council

cc: Jared Erickson, NRC Committee Chair
 Jack Ferguson, M&B/CDC Committee Chair
 Peggy Circle, NRC Committee Secretary
 Naomi Yazzie, M&B/CDC Committee Secretary
 Francis Soudy, Executive Director
 William Nicholson II, Chief Financial Officer
 Dept. or Program: Cody Dessstel, Natural Resource Director



Covenant drafting recommendations

1. A focus on intention as opposed to details

- the covenant be drafted more broadly when it comes to defining restrictions and allowable practices
- showcasing the intention of the parties with this land transfer as well as the collaborative relationship between the parties
- a tool to document W̱SÁNEĆ legal principles and cultural beliefs that will form the basis of the relationship between the parties and guide future land management practices

- the story of LEŁTOS be incorporated into the recitals of the covenant to help the reader view the covenant with this important W̱SÁNEĆ worldview in mind
- instead of the word “Owner”, WLC be referred to as the “Covenantor” in the covenant as the concept of land ownership is based on a Western worldview and does not align with W̱SÁNEĆ worldview.

Think Islands as relatives

Covenant drafting recommendations

2. Guided by nature

- W̱SÁNEĆ People fulfill their caretaking obligations by “assisting” the animals and the plants to help them survive
- W̱SÁNEĆ caretaking practices cannot be too strictly defined in the covenant or the co-management plan
- Both the Covenant and the co-management plan need to be written flexibly and include provisions that allow for revisions of the co-management plan as SISƆENEM’s caretaking needs change



Covenant drafting recommendations

3. Dispute resolution

- The W̱SÁNEĆ approach looks beyond the immediate issue and takes into account the ongoing relationship of the parties while the Western approach focuses solely on the issue and often looks to identify the “guilty” party
- dispute resolution section include provisions that promote a collaborative and non-adversarial relationship and encourage the parties to work together through sharing of knowledge and relevant oral histories

- the mediation clause be amended to include a Hybrid Process. Designed by a First Nations leader and former Grand Council Chief and two Canadian mediators, this process utilizes a team of culturally fluent practitioners to facilitate the process
- The **benefit of having a team instead of one individual mediator is that it can “broaden perspectives and bridge understandings” when the parties come from fundamentally different worldviews as it is in this case**

Co-management plan process

Incorporating W̱SÁNEĆ legal principles into the covenant is only a first step.

- a document written from a W̱SÁNEĆ perspective while incorporating Western conservation practices when appropriate.
- Leads with W̱SÁNEĆ legal principles such as ÁTOL – respect for the rights of others, ÍY, ŚW̱KÁLEÇEN & SDIWIEŁ – good intentions and prayer, EN SKÁU – reciprocity, and ŁŁEÇ – interconnectedness , can play an integral role in defining the conservation and management practices of WLC.
- consulting with SENĆOŦEN speakers to translate headings, subheadings, and possibly recitals into SENĆOŦEN.



Photo: Alex Harris

We continue to learn

- the general efficacy of conservation covenants as an instrument in the revitalization of WYŚÁNEĆ law, we are not entirely convinced that they are useful.
- this project and the reclamation of SISØENEM is a big step in the process of decolonization
- covenants inherently put the WLC in a servient position and the covenant holder in a dominant one; the WLC is burdened, while the holder retains an interest



SISØENEM

HALIBUT ISLAND





Photo: Alex Harris

Join us!

Restoration

Covenant Monitoring

Passport to Nature

Abkhazi Garden

Office Admin

Board of Directors

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