



# CODE OF CONDUCT

**BC Marine Trails - Online Classroom**

Unit 4 - First Nation Visitation

**The BC Marine Trails operations span the traditional territories of 74+ coastal First Nations. We acknowledge each First Nation's right to self-determination, management of their traditional lands and inherent right to land use planning.**

Working together with First Nations is an important part of our BCMT work. As we establish a marine trail network, respectful engagement, listening and putting the feedback into action is a way to give back in the reconciliation process. We address current issues and provide consistent engagement, which enables dialogue. Information about proposed marine trail sites is shared and discussed respectfully. Where possible, agreements are reached to confirm public access to sites within a First Nations' traditional territory, while guiding the public away from the most sensitive spiritual and/or heritage sites. Sharing information supports our mutual belief in collaborative stewardship and benefits First Nations initiatives.

Our BC Marine Trails Code of Conduct FN directive states:

**You are on sensitive First Nations traditional land. Treat this land with respect. Disturb nothing, take nothing.**





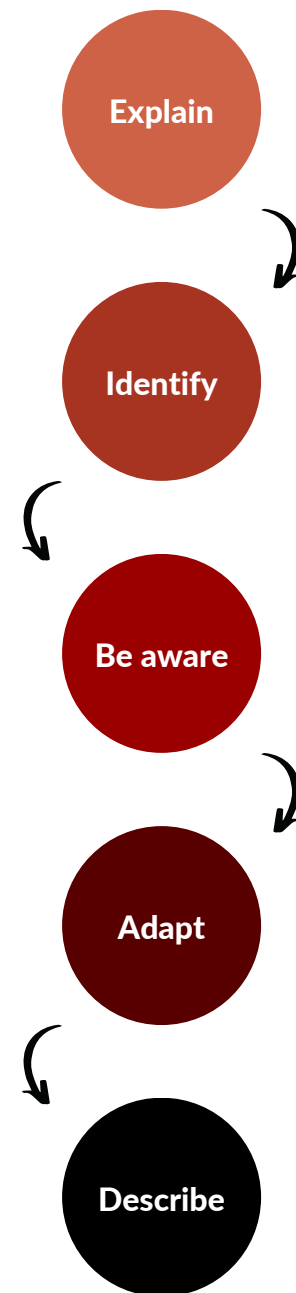
We have included a section on First Nation Territory Visitation in our Code of Conduct because providing recreationists with the tools to be respectful visitors is one of the best ways we can build and maintain strong relationships in the traditional territories we recreate in. We hope you can use this section of our online classroom to explore why we **need to be sensitive to paddling on Indigenous lands**, how we can take steps to be **more respectful visitors** and begin to **break down many of the cultural barriers that exist within outdoor recreation**.

We must also acknowledge that there is no single best way to recreate on all Indigenous land. Each Nation along our coast will have specific best practices that are tailored to their territory. However, after extensive engagement with 30+ coastal First Nations, the following information addresses the largest concerns we hear about recreation from the majority of coastal First Nations in BC.

## First Nation Visitation

### Learning Objectives

1. Explain why UNDRIP article 32 is important for recreation on Indigenous Lands
2. Identify common tangible coastal cultural features
3. Be aware of the difference between a tangible and intangible culturally important feature
4. Adapt low-impact camping practices to be mindful of tangible and intangible cultural features
5. Describe the different resources available to explore FN closures, visitation guidelines and special messages







## **United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)**

The provincial government passed the **Declaration on the Rights of Indigenous Peoples Act** (Declaration Act) into law in November 2019.

The **Declaration on the Rights of Indigenous Peoples Act (Declaration Act)** establishes the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) as the Province's framework for reconciliation, as called for by the Truth and Reconciliation Commission's Calls to Action. The Declaration Act aims to create a path forward that respects the human rights of Indigenous Peoples while introducing better transparency and predictability in the work we do together.

Aboriginal Title, management of land and resources, government goals for conservation and climate change, and societal views toward reconciliation are all changing the decision-making framework that we as BCMT, have come to know over the past 15 or more years. While all articles contained in UNDRIP are important reminders of the steps required to elevate the rights of Indigenous peoples, Article 32 is of utmost importance as related to BC Marine Trails activities.




## ARTICLE 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

**Adhering to Article 32 of UNDRIP requires us to uphold the decisions made by any Nation about how they want to develop recreational activities in their territory.**





## **Cultural Features and their considerations**

As we recreate on FN territories, we are moving across a landscape full of impressions left by generations of people practicing and embracing their culture. Many of these impressions are tangible features like clam beds, middens, burial sites, fishing weirs, culturally modified trees and other physical alterations to the landscape. Each of these physical cultural features are protected under the Heritage Conservation Act. However, not all cultural features are tangible; many places and features are intangible. Intangible sites may “include spiritual sites (i.e., a site related to an Origin Story), and sites related to traditional harvest (i.e., clambed/berry harvesting) or other connections to place without a physical manifestation”. Most intangible cultural features “are not legally protected under any sort of Act, but they may hold as much or more value to First Nations as tangible sites”. To be a respectful recreationist, we must respect both.

This unit of the online classroom is meant to elaborate on what “respecting” these cultural features means. It is one thing to say “act respectfully on FN lands,” it is an entirely different thing to give clear examples of how we can reduce our impact and avoid damaging cultural features. Below we give examples of common tangible features and explore how to embody respectful recreation when around these features.



# MIDDENS

## Tangible Cultural Feature

Middens are extremely common cultural features on the BC coast. A shell midden marks the continued use of First Nation people up and down the coast. Shell middens are layered deposits of discarded shells, fish, animal bones, and cultural objects such as tools, jewelry, art and, in some cases, human burials. Over time, the depth of a midden grows in relation to the density of use at the site. Slowly a flat terrace is created. These terraced features are found all along the BC Coast at sites frequented by Indigenous Peoples. They exhibit a distinct dark brown to red soil speckled with broken shell fragments. By studying middens, we can see through history how and where First Peoples were active on the coast. Due to the dispossession of Indigenous peoples from their lands over the last two centuries, this key archaeological feature is important for many spiritual, cultural, and legal considerations.

Middens depict a clear connection to place for First Nation peoples, and showcases how the land is used across time. With this knowledge, we must tread lightly and do whatever we can to reduce our impact when visiting sites. Additionally, the destruction or alteration of middens is punishable under the Heritage Conservation Act.



## Recreational Considerations

By following the BC Marine Trails Code of Conduct, you are taking steps to reduce your impact on cultural features. Below we will elaborate on specific behaviours to avoid around middens.

*Fires can cause damage to First Nations cultural and heritage sites and result in the loss of important evidence of historical events, occupations and traditional uses that affect their well-being and their rights and title interests.*

- Keeping your fire below the high tide line eliminates the possibility of an impact on a midden.
- Upland wood foraging/rock collecting can remove or alter cultural artifacts.
- Building fire rings can lead to scaring cultural artifacts or displacing burial cairns.

*Improper human waste disposal can negatively impact middens.*

- “Digging cat holes to dispose of human waste can disturb cultural and heritage sites and is environmentally damaging. This is especially an issue in high-traffic areas where sites can reach capacity or over capacity.

*Collecting treasures or altering the site can negatively impact middens.*

- Removing and disturbing protected artifacts (e.g. midden material, stone tools) destroys First Nations cultural and heritage sites and is illegal.
- All the natural features in this area are part of First Nations culture and heritage; please be respectful and do not remove anything from the land, water, or beaches.
- Leaving behind your trash in the upland can negatively affect the archaeological record.

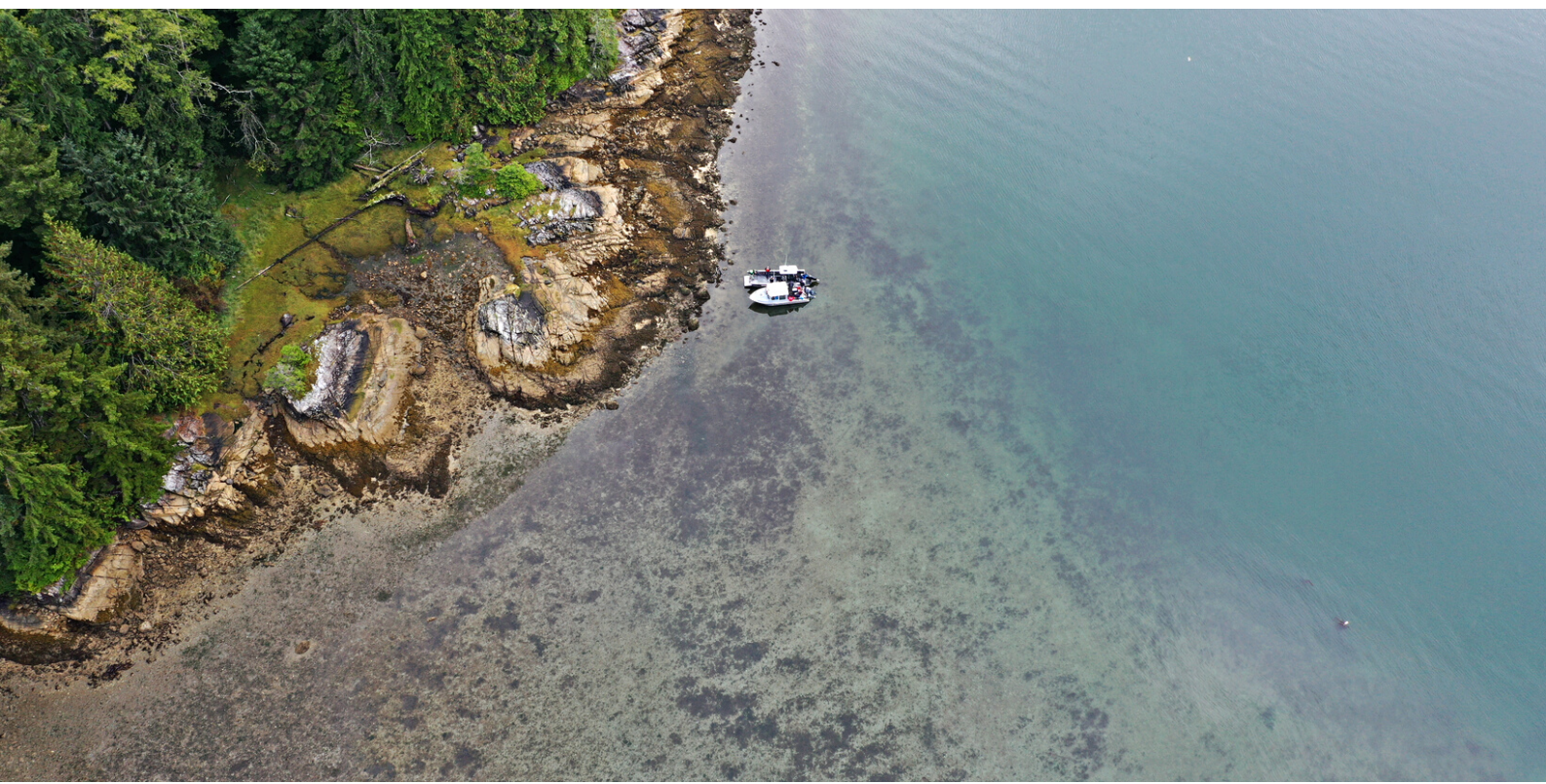


# CLAM GARDENS

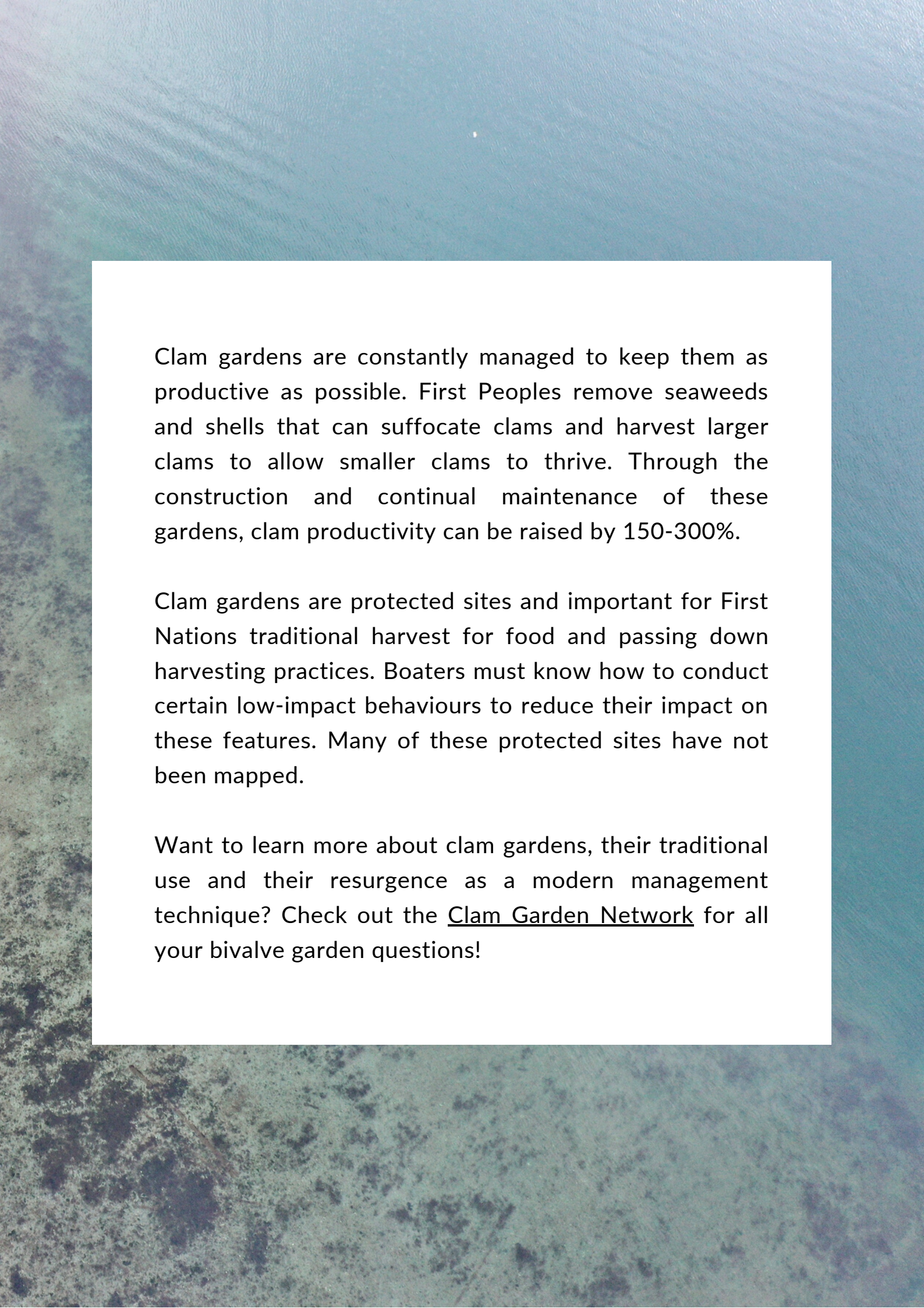
## Tangible Cultural Feature

Clam gardens are “intertidal features constructed by coastal First Nations to enhance shellfish productivity and to feed the people. They are one of many techniques and practices enacted by Indigenous Peoples to maintain or increase the production of culturally important foods, including clams. These practices are encompassed within age-old social, economic, and spiritual beliefs and practices of coastal First Peoples”.

Clam Gardens are constructed by moving large rocks to form a wall at the lowest tide line. The wall extends up from the lowest tide to a height that coincides with the optimal clam habitat. These walls transform beaches from a sloping gradient into an extended terrace supporting food cultivation. Clam Gardens vary in size from skirting small bays to kilometre-long walls that transform the intertidal substrate into football fields full of food. Once the rock wall is established, a loxiwe slowly fills in with silt, substrate and discarded clam shells.







Clam gardens are constantly managed to keep them as productive as possible. First Peoples remove seaweeds and shells that can suffocate clams and harvest larger clams to allow smaller clams to thrive. Through the construction and continual maintenance of these gardens, clam productivity can be raised by 150-300%.

Clam gardens are protected sites and important for First Nations traditional harvest for food and passing down harvesting practices. Boaters must know how to conduct certain low-impact behaviours to reduce their impact on these features. Many of these protected sites have not been mapped.

Want to learn more about clam gardens, their traditional use and their resurgence as a modern management technique? Check out the [Clam Garden Network](#) for all your bivalve garden questions!

## Recreational Considerations

By following the BC Marine Trails Code of Conduct, you are taking steps to reduce your impact on cultural features. Below we will elaborate on specific behaviours to avoid around clam gardens.

*Inappropriate human waste disposal can contaminate clam gardens and harm local harvesters.*

- If using the tidal flush method of waste disposal, ensure you are 100m away from any clam garden.
- Avoid urinating in clam gardens.

*Fires can negatively impact species located within a clam garden and harm the structural integrity of clam garden walls.*

- Avoid having fires in a clam garden. The heat can disturb species and negatively impact future harvests.
- Do not move boulders from clam garden walls to create fire rings. This is punishable under the Heritage Conservation Act.

*Dragging kayaks can crush clams and harm future harvests.*

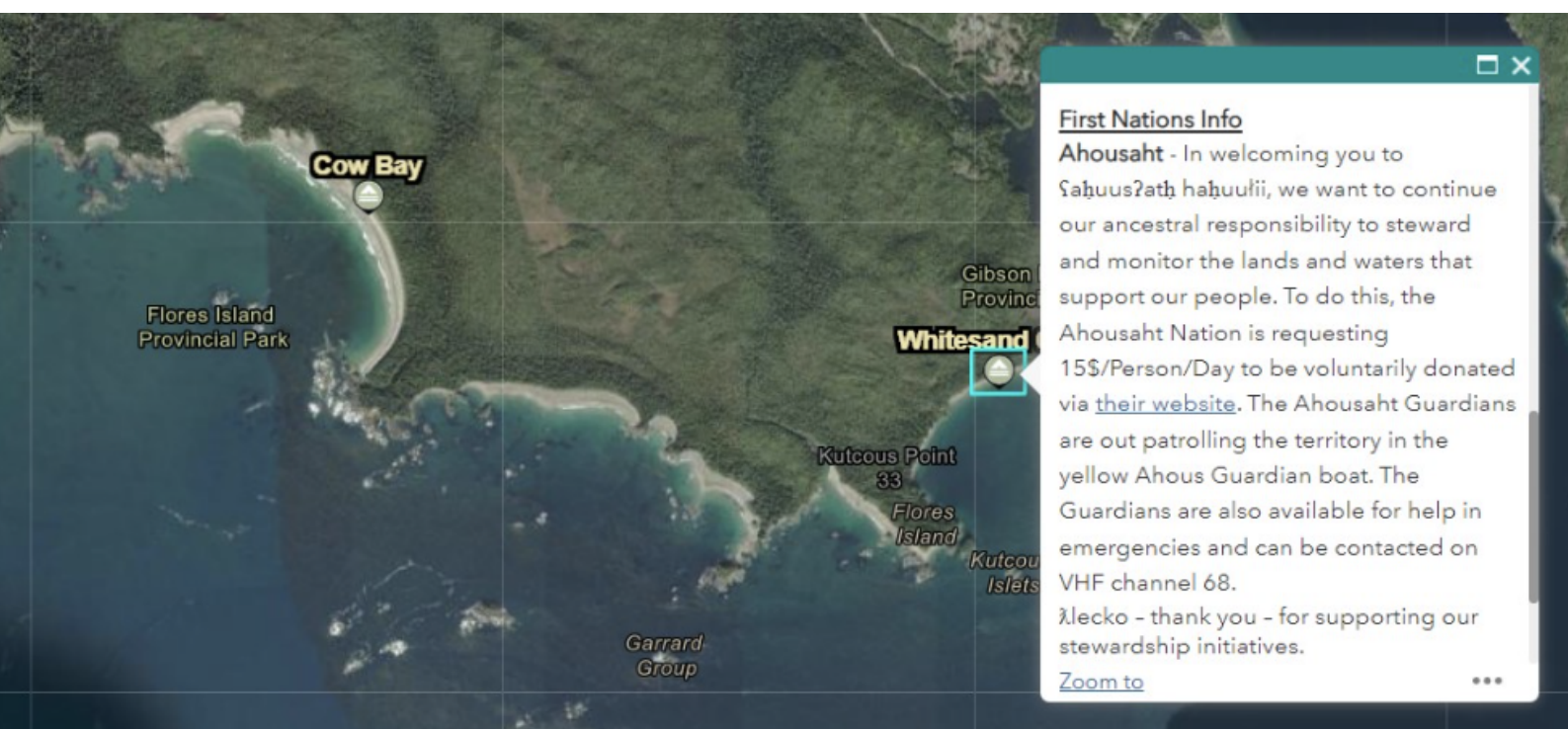
- “Be careful when you take your kayak out of the water. Dragging kayaks disrupts sensitive areas and harms First Nations cultural and heritage sites.”
- The upland can negatively affect the archaeological record.



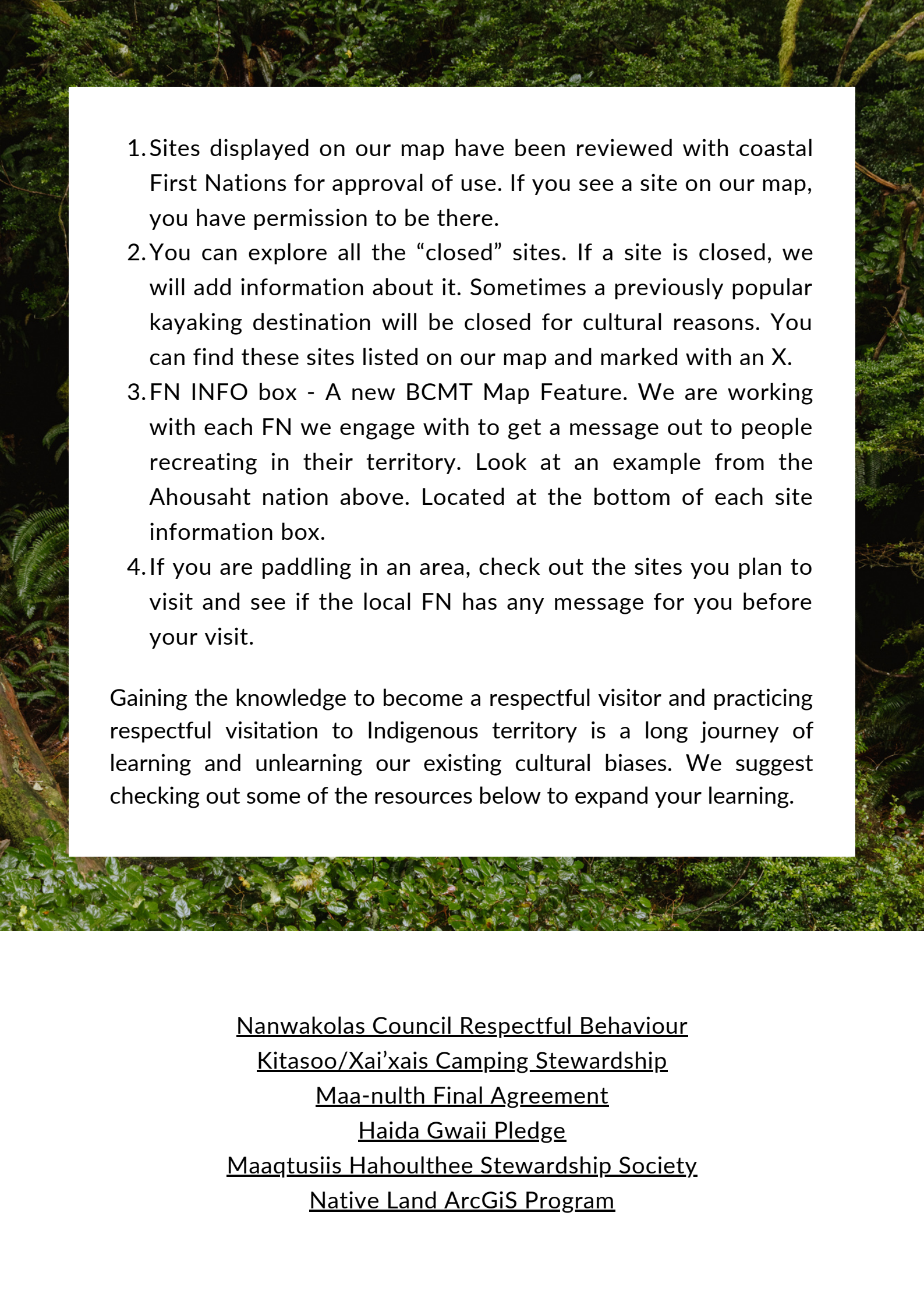
## Intangible Cultural Features

Tangible cultural features are often easier to identify and adapt behaviour accordingly. Intangible features can often be impossible to identify without proprietary cultural knowledge. So how can people know how to alter their behaviour? Despite this difficulty, there are resources available for recreationists to respect these intangible sites. A large part of BC Marine Trails' First Nation engagement program is to work together to direct people away from spiritually or culturally significant areas that cannot sustain recreational activities.

As an organization, we have created a few resources for recreationists to respect First Nation visitation requests. All of these resources about First Nation closures and recreational considerations are located on the [BC Marine Trails Online Map resource](#).





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1. Sites displayed on our map have been reviewed with coastal First Nations for approval of use. If you see a site on our map, you have permission to be there.
  2. You can explore all the “closed” sites. If a site is closed, we will add information about it. Sometimes a previously popular kayaking destination will be closed for cultural reasons. You can find these sites listed on our map and marked with an X.
  3. FN INFO box - A new BCMT Map Feature. We are working with each FN we engage with to get a message out to people recreating in their territory. Look at an example from the Ahousaht nation above. Located at the bottom of each site information box.
  4. If you are paddling in an area, check out the sites you plan to visit and see if the local FN has any message for you before your visit.

Gaining the knowledge to become a respectful visitor and practicing respectful visitation to Indigenous territory is a long journey of learning and unlearning our existing cultural biases. We suggest checking out some of the resources below to expand your learning.

[Nanwakolas Council Respectful Behaviour](#)  
[Kitasoo/Xai'xais Camping Stewardship](#)  
[Maa-nulth Final Agreement](#)  
[Haida Gwaii Pledge](#)  
[Maaqtusiis Hahoulthee Stewardship Society](#)  
[Native Land ArcGIS Program](#)

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