

First Nation-Municipal Relationships: *Best Practices and Emerging Challenges in the Context of COVID-19*

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The authors would like to acknowledge that, during their work at the University of Waterloo, they have lived on the lands of the Neutral, Anishinaabeg, and Haudenosaunee peoples. The University of Waterloo is also situated on the Haldimand Tract, land promised to the Six Nations, which includes six miles on each side of the Grand River.

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Executive Summary

First Nation-municipal relations in Ontario have deepened over the last decade, with the Truth and Reconciliation Commission’s Calls to Action and the 2014 Provincial Policy Statement’s recognition of Aboriginal and treaty rights being two major drivers of change. The new Provincial Policy Statement, which came into effect on May 1, 2020, reaffirms the commitment to consult Indigenous¹ communities on planning matters. However, the COVID-19 pandemic challenges these emergent First Nation-municipal relationships, with implications for local and regional planning projects across the province – including the Region of Waterloo Official Plan review.

This report reviews examples of Indigenous-municipal engagement from Ontario, other parts of Canada, and other parts of the world to identify best practices and common approaches. While many Canadian cities have significant numbers of Indigenous residents – both those who have familial connections to the Indigenous communities whose territories overlap with the boundaries of the municipality and those who connect to communities and territories in other parts of Canada – we have not attempted to address the relationship-building efforts with these constituents. We focus, instead, on how municipalities are building relationships with the Indigenous nations on whose territory the municipality sits. In context of southern Ontario and the Region of Waterloo, these Indigenous-municipal relationships are primarily with First Nations and, as a result, we have focused our review there.²

We find that Indigenous-municipal relationships are well-served by the creation of protocols, practices and forums that solidify a commitment to ongoing relationships, as well as the presence of champions willing to take steps to build and deepen relationships, even in the face of competing understandings of some of legal concepts surrounding the recognition of Indigenous rights. To better understand how these practices and approaches might be challenged by COVID-19, we also examine how First Nation communities and governance structures are impacted by the current global pandemic. These new realities demand consultation approaches that allow First Nations to focus on pandemic management, while also not foreclosing the possibilities for future engagement. Attention should also be paid to building the foundations for robust Indigenous-municipal relations in a post-pandemic world.

1 In this report, we adopt the term “Indigenous” to refer both to First Nation, Inuit and Métis peoples here in Canada and to Indigenous peoples in other parts of the world. “Aboriginal” is used when references government documents and/or legal categories that use this terminology. “First Nation”, “Métis” and “Inuit” are used when referring to issues or cases that are specific to these peoples.

2 There are 207 First Nations reserves in Ontario, and the Region of Waterloo is settled on the traditional territory of the Neutral, Mississauga Anishnaabeg, and Haudenosaunee Peoples.

1 The Policy Context and Catalysts for a New Relationship with Indigenous Peoples

Reconciling relations with Indigenous peoples has emerged as a major topic for Canadian municipalities. It has also become a key issue in Canadian planning, with both the Canadian and Ontario Institute of Planners releasing their own policy statements on reconciliation (Canadian Institute of Planners, 2019; Ontario Professional Planners Institute, 2019). This report reviews recent research and the current policy context for Indigenous-municipal relationship-building, highlighting a range of approaches and best practices. The report focuses on local governments' efforts to build with relationships with the First Nations whose traditional territory overlaps with the municipal boundaries. To a lesser degree, we also consider relationships with the Métis Nation. The Métis Nation of Ontario is unlikely to hold Aboriginal rights that arise out of historic occupation (archeological sites, etc), since the historic Métis settlements and portions of the Métis homeland are all in northern Ontario. However, there may be other Métis rights that need to be considered.

Current efforts to promote a more collaborative governance relationship between Indigenous communities and municipalities are also in line with the Truth and Reconciliation Commission's 2015 Calls to Action, which explicitly identifies municipalities as one of the levels of governments that must work to repair its relationship to municipalities. Municipalities, along with the provincial and federal governments, are called upon to use the United Declaration on the Rights of Indigenous Peoples as a framework for reconciliation, to reform laws and politics that do not allow for the expression of Indigenous sovereignty, to engage in and to educate all public servants on Indigenous history as well as the principles of cross-cultural competency development. The Big City Mayor's Caucus of the Federation of Canadian Municipalities, which includes the City of Kitchener, publicly expressed its commitment "to honour the Commission's efforts by ensuring that the rights and aspirations of Indigenous people are acknowledged in policies and practices" with the release of the Pathways to Reconciliation guidebook (2016). This guidebook outlines a number of pathways to reconciliation, many of which have direct implications for urban and regional planning. Perhaps most significantly, the document expresses a commitment to build bridges with Indigenous leaders and to ensure that reconciliation is incorporated into local decision-making. Some of the suggestions for how to achieve this goal include establishing Indigenous advisory committees and working groups and creating holistic plans and strategy documents that are specific to reconciliation. Joint planning processes are also positioned as one way of recognizing the rights and decision-making authorities of Indigenous nations – a key and emerging issue in Canadian law.

In Canada, First Nations are recognized as having the right to be consulted on all decisions that have the potential to impact their Aboriginal and treaty rights. This principle of the Duty to Consult is established in case law and affirmed in the Constitution. Landmark

decisions such as Delgamuukw and Haida have determined that the Crown owns a duty to consult First Nations when there is knowledge of the existence of Aboriginal rights which could be affected by a project. The Powley case of 2003 recognizes and affirms the rights and interests of Métis People, resulting in the opportunity for it to be legally interpreted that the Crown's duty to consult extends to Métis People (Thomas, 2012, p. 347). Although there has not been a Supreme Court of Canada decision on whether the duty to consult directly applies to municipalities, the Crown may delegate the procedural aspects of its duty to consult to a third party, including municipalities (Thomas, 2012, p.332-334). In fact, the courts have recognized that municipalities may be best positioned to do the procedural work of setting up meetings to discuss the potential impacts of various planning proposals on Aboriginal and treaty rights, as they are more likely to have pre-existing working relationships with neighbouring Indigenous governments.

The need to build and maintain Indigenous-municipal relationships is also recognized in the 2014 Ontario Provincial Policy Statement, which recognizes the importance of consultation with Indigenous Peoples on planning matters that may affect their rights and interests. The new Provincial Policy Statement, which came into effect on May 1, 2020, reaffirmed the commitment to consult Indigenous communities on planning matters, with a specification on where Section 35 and treaty rights may be impacted. Ultimately, it suggests planning should involve 'meaningful engagement' with Indigenous communities.

Key Terms

Aboriginal Rights: the collective and constitutionally protected rights of Aboriginal Peoples as preserved in Section 35 of the Constitution Act, 1982 (Isaac, 2012).

Duty to Consult: the triggered duty to consult Aboriginal Peoples on projects which may infringe upon their rights and/or title, owed by the Crown (Isaac, 2012).

Indigenous Sovereignty: the inherent right of Indigenous Peoples to make their own decisions about their futures according to their traditional protocols .

Reconciliation: the process of amending wrongdoings in an effort to establish and maintain a respectful relationship between two parties (Indigenous and settler) (TRC, 2015).

Traditional Territory: the traditionally-used territory of an Indigenous People for a place of living, meeting, hunting, and/or foraging. This territory can change over time, and can persist into the present.

Treaty Rights: Aboriginal rights which are enshrined in treaties or agreements made with settler peoples (Isaac, 2012).

2 Approaches and Challenges to Indigenous-Municipal Relationship Building

Effective Indigenous engagement is highly context dependent. However, there are things to be learned from the experiences of other local governments both here in Canada and abroad. The planning and regulatory frameworks are, of course, different. When attempting to learn from international examples, there are also differences in how Indigenous rights, and the different levels of government's responsibilities to uphold them, are conceived and enacted in law. All of these factors powerfully shape the kinds of engagements that are occurring between Indigenous nations and local governments (Porter & Barry, 2016). Yet, as the following cases and examples illustrate, there are some common threads. This section presents select cases from Ontario, other parts of Canada and abroad before identifying some of the common approaches and potential lessons.

2.1 Insights from Ontario

Five of the 20 largest bands in Canada are in Ontario – the largest of which is Six Nations of the Grand River with over 27,000 people living on reserve (Indigenous and Northern Affairs Canada, 2019). Indigenous communities play a large role in Ontario's identity as a province, both politically since before Ontario's beginnings and ecologically since time immemorial. The need to build and maintain just relationships between Indigenous Peoples and municipalities in Ontario must be a priority, as it is through the First Nations Peoples that any population can fully understand the land that they are planning for.

The root of the disconnect between Indigenous communities and municipalities is in how the two are destined to operate: Indigenous communities pertain to the Crown directly, whereas municipalities are creatures of the province, resulting in structural barriers associated with provincial policies shaping Indigenous-municipal relationships. A nation-to-nation relationship is not possible in this legislative environment because municipalities are not 'nations;' the two can take steps to relate as distinct orders of government. The Sewell Commission of 1993 echoes this for First Nations, and determines that First Nations should be treated by municipal governments as governments in their own right, instead of special interest groups or third-party stakeholders. The unique constitutional position of Indigenous Peoples in Canada should not be ignored within provincially relevant or municipally relevant policy and practice.

McLeod and his colleagues find that First Nations are limited in their capacity to influence decision-making within municipalities when they are consulted on a project-by-project basis, resulting in a disjointed relationship as opposed to a sustained one (2015).

By leaving Indigenous engagement to an as-needs or project-by-project basis, planning policy and practice fail to embody meaning by lacking the acknowledgement of the constant nation-to-nation foundation of past agreements. It is also found that 'consent' has become a polarizing legal term as opposed to a best practice to base consultation off of, and municipalities should return to the spirit of consent as informing consultation processes instead of concerning themselves with worries of veto power (McLeod et al., 2015). Establishing a 'spirit of consent' can be understood as fostering a beneficial relationship between the municipality and surrounding First Nations outside of the legal obligation brought forth by the duty to consult which, to date, does not directly implicate municipalities. By engaging in effective consultation practices outside of being legally obligated to, municipalities and surrounding Indigenous communities can both benefit from meaningful co-operation.

Examples of articulated Indigenous-municipal relationships in Ontario show that properly functioning and cared-for relationships can be fostered and the spirit of consent can be applied. While each example exists in its own specific national and municipal contexts, they provide insight for what can be adopted in other municipalities and Indigenous settlements across the province. The City of Kenora and the leaders of the Grand Council of Treaty #3 worked co-operatively to co-create the Common Land, Common Ground forum for the two governments to discuss mutual concerns (Hanif, Melady, Simmonds, & Walton, 2009). The initiative is recognized for its ability to create and maintain ways of living in harmony with each other with constant open dialogue, enabling both governments to develop shared management approaches to planning in an alliance. The City of Kingston addressed urban Indigenous interests about normal business practices by emphasizing early notice and clear documentation of land use plans, and offering consultation plans on future projects that Indigenous groups may have pure interest in as citizens and engaged people, beyond the impact of their inherent collective rights. Furthermore, Serpent River First Nation and the City of Elliot Lake created a Joint Relations Committee to influence collaboration of both parties in rebuilding their local economies. With this committee, the two governments established a Memorandum of Understanding to be updated as needed as time goes by, developed by and for both parties in collaboration with each other (Hanif et al, 2009). These examples show the various ways in which municipalities and Indigenous governments can co-create consultation solutions that work to develop a strong and mutually beneficial relationship over time.

2.2 Insights from Other Parts of Canada

As creatures of the province, the way that municipalities are constituted varies across Canada, with notable differences in the ways that planning is conducted at both the regional and local scale. Despite these differences, the legal definitions and calls for increased recognition of Indigenous rights and self-government are far more consistent (with Indigenous affairs falling primarily within the constitutional authority of the federal government). This creates opportunities to learn from other Canadian examples of

Indigenous-municipal relationship-building and to consider how these approaches could be adapted to address the particularities of municipal governance and land use planning here in southern Ontario.

Work by Porter and Barry (2015; 2016) reveals the challenges of building First Nation-municipal relationships during a strategic planning process. They discuss a joint planning process between the District of North Vancouver and the Tsleil-Waututh Nation that was used for a municipal park of great cultural significance to the First Nation. As the District embarked on its Official Community Plan update, it tried to build on this collaborative relationship to secure greater Indigenous involvement in the preparation of its strategic plan. Despite these good intentions, there was limited success in terms of achieving specific planning outcomes that were in the interests of both parties. The First Nation was unable to provide meaningful comments within the timeframes laid out by the District and there were unresolved issues around growth management and the level of access to beachfronts that the First Nation has used to collect shellfish since time immemorial. The strength of the relationship did, however, allow both parties to frame these concerns as “go-forwards”: issues that they knew were unresolved and of great importance to the First Nation, but that could continue to work on using the collaborative governance structures that were created through a jointly developed Cooperation Protocol that was put in place after the success of the park planning process and that applies to all municipal activities.

First Nation-municipal relationships are also an emerging issue in the prairie provinces, where there are numerous instances where towns and cities abut a First Nation reserve – both the historic reserves that were established as part of treaty-making and the new ‘urban reserves’ that are being created to address an unfulfilled treaty land entitlement and to support Indigenous economic development (Hallbom, Halldorson, & Barry, 2018). Both situations have created a need for First Nations and municipalities to work together to address the compatibility of adjacent land uses. In Winnipeg, the initial approach to promoting land use compatibility was to continue to apply the land use zoning that was in place before the parcels were officially removed from the municipal boundaries and granted reserve status. This approach was challenged by one First Nation that proposed a far more collaborative approach that was more respectful of its authority to create its own land use planning approach for its reserve lands. The City of Winnipeg and Peguis First Nation eventually agreed to a two-directional approach to zoning and bylaw development, where both parties have the opportunity to provide input into each other’s approach to land management (Barry, 2019; Barry & Thompson-Fawcett, 2020). Although the Region of Waterloo does not currently share any boundaries with reserve land, the Indigenous-municipal relations that are emerging in the prairie provinces do underscore the planning and land use governance implications of land claims settlements. They also remind us that the statutes and policies that govern how lands in incorporated municipalities are governed are not the only system of planning in Canada; First Nations are also developing their own land laws, which have the potential to powerfully shape how they engage in relationship-building efforts with adjacent municipalities.

2.3 Insights from Other Parts of the World

The need to build and then sustain productive relationships between Indigenous peoples and local governments is not unique to Canada. Planning practices in both Australia and New Zealand are being adapted to respond to the interests – and rights – of Indigenous peoples. Like Ontario, the State of Victoria in Australia has clear rules to ensure that land development is approached in a way that is responsive to Indigenous cultural heritage values. “Registered Aboriginal Parties” are statutory consultees on many development decisions and must be funded to conduct a Cultural Heritage Management Plan for projects that are in an area with known Indigenous cultural heritage and/or that will cause significant ground disturbance (Porter & Barry, 2016). Although this approach may be effective at protecting site-specific Indigenous values, it does not promote meaningful Indigenous involvement during long-range strategic planning processes, nor in planning decisions at the regional scale. In the City of Melbourne, one Indigenous group (the Wurundjeri Council) has sought greater input in these decision-making processes by capitalizing on existing relationships with various state-level agencies involved in regional planning. The Wurundjeri were able to use these relationships to secure funding for some short-term positions within their council. This allowed them to build the capacity needed to create their own planning vision for their country (traditional territory) and to make this visible to both local and state-level government agencies operating in their country and with whom their might wish to pursue further partnerships. Although this country plan had not yet had a significant impact on regional and state planning practices when this research was completed, the Melbourne examples still points to the value of ensuring that Indigenous nations have the relationships and capacities needed to provide meaningful input at the highest levels of lands use decision-making.

In New Zealand, the relationships between Indigenous peoples and local governments is far more formal, with clear requirements to ensure that Indigenous rights and interests within their broader territory are accounted for. Maori tribes, or iwi, have long used Iwi Management Plans to articulate their interests, aspirations and rights across their entire territory. These Indigenous-led planning documents are not an official component of New Zealand’s national planning framework, which includes the Resource Management Act (1991), a number of Regional Policy Statements prepared by regional councils (which McLeod, Viswanathan, Macbeth, & Whitelaw, 2017 describe as performing a similar function to Ontario’s PPS), and lower-tier regional and district plans. However, the Resource Management Act does assert that Regional Policy Statements must include statements about the land use and resource management issues of significant to iwi authorities in the region and regional plans “must take into account any relevant planning document recognised by an iwi authority” (Section 66 (2A) (a)). In light of this requirement, many iwi are now creating their own Iwi Management Plans to present to local and regional government authorities. Current research suggests that, when combined with the formation of lasting Indigenous-local government relationships, these Iwi Management Plans are an effective strategy for ensure that Indigenous values and aspirations are accounted for in non-Indigenous planning processes. When these

relationships exists, and can be used to ensure that the process of preparing these Iwi Management Plans is well facilitated and properly resourced, the resultant plans can be an important avenue for “transporting non-Indigenous peoples into the Indigenous world” by “Indigenous knowledge, practices and aspirations with statutory planning processes” (Thompson-Fawcett, Ruru, & Tipa, 2017, pp. 259, 272).

2.4 Common Themes and Approaches

These cases collectively highlight the need to develop a shared understanding of key terms and concepts like consent and consultation, even in the face of contested understandings about the precise legal meaning, as McLeod and his colleagues’ (2015) work illustrates. Rather than getting caught up in potentially polarizing language about whether or not consent equates giving First Nations veto power, they advocate engaging more with the overall spirit of the term and enacting a shared commitment to continually working towards agreement. Their work (and the examples from Kenora, Kingston, and Elliot Lake that they present) also illustrate the importance of creating protocols, practices and forums that solidify a commitment to ongoing relationships. The importance of developing lasting relationships is echoed in Porter and Barry’s work on long-range planning in greater Vancouver. The District of North Vancouver and Tsleil-Waututh Nation’s attempts to use their pre-existing protocol agreement as the basis of a more collaborative approach to the municipality’s Official Community Plan update did not result in planning outcomes that the First Nation felt were in keeping with their rights and interests. However, the strength and length of their relationship allowed both parties to frame these outstanding issues as a series of “go-forwards” that both parties would continue to work together on.

This more incrementalist approach is also seen in metropolitan Melbourne, as here the rather narrow and ‘end-of-the pipe’ approach to ensuring that Aboriginal heritage is protected provided a foundation on which to begin to conceptualize earlier and far more strategic engagement. While the Wurundjeri Nation’s attempts to use their country plan to influence strategic regional planning processes was not fully resourced, this case does speak to the potential of using Indigenous-produced plans as a platform for Indigenous-municipal relationship-buildings. These Indigenous-produced planning documents are far more developed in New Zealand, where they are used a tool for ensuring that Indigenous knowledge and perspectives and accounted for in non-Indigenous statutory planning processes. Unlike the Melbourne example, the potential role of these documents is formally recognized in planning law. However, even here, the opportunity to translate Indigenous aspirations and knowledge into the language of a planning document is only successful when there are strong relationships between Indigenous and non-Indigenous governments. As the Winnipeg example illustrates, gaining increased understanding of how Indigenous peoples plan their lands is not just about cross-cultural competency development; it can also serve a very pragmatic purpose in a governance and jurisdictional landscape that is constantly changing with Indigenous nations and municipalities increasingly coming closer together.

3 Emerging Challenges due to COVID-19

The COVID-19 pandemic complicates the capacity of First Nations governance structures – and, by extension, the ability of those governance bodies to begin to contemplate and strengthen their relationships with local governments. Because of structural asymmetries in health care, food security, and employment opportunities, First Nations communities face specific barriers to effective pandemic management. While businesses and services such as resource extraction companies have remained ‘essential’ during this pandemic in Ontario policy, while those they must consult with have attempted to shut down. Many communities are reporting that requests for consultation have not slowed during the pandemic, while First Nations do not have the resources to maintain adequate responses to these requests while managing the risks and realities of a pandemic emergency. In a letter addressed to Hon. Minister Greg Rickford (Minister of Energy, Northern Development and Mines of Ontario), legal experts report that many Indigenous governance organizations have demanded that consultations stop until the pandemic has calmed or been resolved (McNeil et al, 2020). While this is directly relevant to resource extraction companies, a similar interpretation can be drawn for municipalities as well.

The risk COVID-19 poses to First Nations communities is great: those with poor water quality, little health care infrastructure, small health care budgets, and large vulnerable populations with higher rates of comorbidities are more exposed to the physical risks of COVID-19 (Starblanket & Hunt, 2020). Those risks are not limited to the corporeal realm, either – there is a large potential for cultural loss that comes with the physical loss of prominent figures in First Nations communities – the knowledge of Elders, Aunties, knowledge keepers, fluent language speakers, story tellers, and artisans are paramount to the community’s cultural survival. Many Indigenous communities across Canada have been exerting sovereign acts of border control, establishing States of Emergency, implementing restrictions on tourism, and shutting down culturally significant ceremonies to reduce the risk of infection (Leonard, 2020). Some communities have installed roadblocks with checkpoints to determine who may enter the community. Within these sovereign borders, sacred practices such as sweat lodges and pipe ceremonies are on hold. Many Indigenous communities across Canada have swiftly implemented these measures and are staying the course while neighbouring municipalities have slowly ‘opened up’ over time.

First Nations may be able to give themselves the physical distance needed to manage a pandemic properly, but the work of external relations has multiplied due to the impossibility of effective resource allocation within their own governance systems. The digital realm of externally requested labour reaching communities cannot be controlled in the same way as physical isolation (McNeil et al, 2020). It may not even be possible for many First Nations communities to effectively engage with external governments and project proponents in this manner, as video conferences and remote telecommunication may not be feasible given the

poor connectivity in many First Nation communities, nor are they particularly culturally appropriate considering the typical Indigenous emphasis on collective deliberation and face to face communication. First Nations communities are at their maximum capacity, overstretched, and exhausted while reallocating resources and time to manage the continually evolving demands of the global pandemic in such a way that meets the unique burdens they face. Maintaining relationships between municipal or regional bodies and Indigenous nations are paramount to the success of both communities, and the communication serving that relationship should not be easily compromised. Unilateral decision-making coupled with inaccessible communication with relevant stakeholders and community members risks shaking municipal-Indigenous relationships to an unmanageable place, and these things can come all too easily for a party of power especially during a global pandemic. In the interest of fostering mutually beneficial long-term relationships, processes must be carried out fairly, with legitimate intention, and in good faith.

4 Lessons for the Region of Waterloo

As the Region of Waterloo embarks on its Official Plan update – and as the constituent municipalities and other levels of local and regional government (e.g. conservation authorities) engage in their own planning projects – the formation and strengthen of Indigenous-municipal relationships will be challenged during COVID-19. First Nation communities have face greater risks in light of the longstanding housing crisis and the vulnerability of older members of their communities, who are often the keeper of virtual cultural knowledge. As our paper illustrates, concerns have already been raised in other sectors (i.e. mining) about the inappropriateness of attempting to adopt a business-as-normal approach to Indigenous consultation under these conditions. Indeed, the approach that is most sensitive to the current situation that many First Nation communities face is to delay all consultation and relationships-building efforts (as well as the projects that are being consulted on) for as long as possible in order to allow First Nation governments to focus on pandemic management. The other alternative which we find to be less satisfactory would be to attempt some forms of consultation, but to do so in a manner that recognizes that inherent limitations of this approach. Decisions may need to be made in a way that do not foreclose the possibility for more meaningful forms of Indigenous-municipal relationship-building once the COVID-19 pandemic subsides, nor the possibility of future changes to address Indigenous concerns. Here, the language of “go-forwards” that was used in the metropolitan Vancouver example may be helpful.

There may be other steps that can be undertaken now that will help build a foundation for future engagement and relationship-building, which all of the examples reviewed in this report suggest is tremendously important. These steps might include developing protocol to guide ongoing consultation with the First Nation and Métis governments that hold land rights in the region and exploring mechanisms that might allow Indigenous nations to express their culturally specific visions and approaches to land use planning.

References

- Barry, J. (2019). Being Neighbourly: Urban Reserves, Treaty Settlement Lands, and the Discursive Construction of Municipal–First Nation Relations. *International Indigenous Policy Journal*, 10(5), 1–18. Retrieved from <https://ojs.lib.uwo.ca/index.php/iipj/article/view/8515>
- Barry, J., & Thompson-Fawcett, M. (2020). Decolonizing the Boundaries between the ‘Planner’ and the ‘Planned’: Implications of Indigenous Property Development. *Planning Theory and Practice*, 21(3), 410–425. <https://doi.org/10.1080/14649357.2020.1775874>
- Canadian Institute of Planners. (2019). *Policy on Planning Practice and Reconciliation*. Ottawa, Ontario.
- Federation of Canadian Municipalities. (2016). *Pathways to Reconciliation: Cities respond to the Truth and Reconciliation Commission Calls to Action*.
- Hallbom, A., Halldorson, E., & Barry, J. (2018). Treaty Land Entitlements: Urban reserves in the Winnipeg Metropolitan Area. *Plan Canada*, 58(3), 10–12. Retrieved from <https://www.kelmanonline.com/httpdocs/files/CIP/plancanadafall2018/index.html>
- Hanif, A., Melady, R., Simmonds, D., & Walton, R. (2009). Municipal-Aboriginal Relations: An Ontario Perspective. *Commonwealth Journal of Local Governance*, (3).
- Indigenous and Northern Affairs Canada. (2019). *Indigenous and Northern Affairs Canada - Ontario Region*. Retrieved August 12, 2020, from Indigenous and Northern Affairs Canada website: <https://www.aadnc-aandc.gc.ca/eng/1100100020284/1100100020288>
- Leonard, K. (2020). Medicine lines and COVID-19: Indigenous geographies of imagined bordering. *Dialogues in Human Geography*, 10(2), 164–168. <https://doi.org/10.1177/2043820620934941>
- McLeod, F., Viswanathan, L., Macbeth, J., & Whitelaw, G. S. (2017). Getting to Common Ground: A Comparison of Ontario, Canada’s Provincial Policy Statement and the Auckland Council Regional Policy Statement with Respect to Indigenous Peoples. *Urban Planning*, 2(1), 72. <https://doi.org/10.17645/up.v2i1.850>
- McLeod, F., Viswanathan, L., Whitelaw, G. S., Macbeth, J., King, C., McCarthy, D. D., & Alexiuk, E. (2015). Finding common ground: A critical review of land use and resource management policies in Ontario, Canada and their intersection with First Nations. *International Indigenous Policy Journal*, 6(1), 3. <https://doi.org/10.18584/iipj.2015.6.1.3>
- McNeil, K., McGregor, D., Scott, D. N., Drake, K., Shanks, S. D., Boisselle, A., Hewitt, J. G. (2020). RE: COVID-19 and Permitting on Indigenous Territory (p. 4). p. 4. Retrieved from <https://miningwatch.ca/sites/default/files/rickfordletterfromlegalexperthepmittingandcovidjune32020.pdf>

- Ontario Professional Planners Institute. (2019). Indigenous Perspectives in Planning: Report of the Indigenous Planning Perspectives Task Force.
- Porter, L., & Barry, J. (2015). Bounded recognition: urban planning and the textual mediation of Indigenous rights in Canada and Australia. *Critical Policy Studies*, 9(1). <https://doi.org/10.1080/19460171.2014.912960>
- Porter, L., & Barry, J. (2016). *Planning for Coexistence? Recognizing Indigenous rights through land-use planning*. Abingdon: Routledge.
- Province of Ontario. (2014). Provincial Policy Statement, 2014. Retrieved from <https://www.ontario.ca/document/provincial-policy-statement-2014>
- Province of Ontario. (2020). Provincial Policy Statement, 2020.
- Sewell, J., Penfold, G., & Vigod, T. (1993). *New Planning For Ontario: Final Report*.
- Starblanket, G., & Hunt, D. (2020). Covid-19, the Numbered Treaties & the Politics of Life. Retrieved from <https://yellowheadinstitute.org/covid-19-treaties/>
- The Truth and Reconciliation Commission of Canada. (2015). *Truth and Reconciliation Commission of Canada: Calls to Action*. Winnipeg, Manitoba: Truth and Reconciliation Commission of Canada.
- The Truth and Reconciliation Commission of Canada. (2015). *Honouring the Truth, Reconciling for the Future Honouring the Truth, Reconciling for the Future Summary of the Final Report of the Truth and Reconciliation Commission of Canada*. Retrieved from www.trc.ca
- Thomas, I. (2012). *Aboriginal Law: Commentary and Analysis*. Saskatoon: Purich Publishing Ltd.
- Thompson-Fawcett, M., Ruru, J., & Tipa, G. (2017). Indigenous Resource Management Plans: Transporting Non-Indigenous People into the Indigenous World. *Planning Practice and Research*, 32(3), 259–273. <https://doi.org/10.1080/02697459.2017.1308641>