

SOUND GOVERNANCE:
The emergence of collaborative networks and new institutions
in the Clayoquot Sound region.

BACKGROUND PAPER FOR CLAYOQUOT SOUND REGIONAL WORKSHOP

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Introduction

Adaptive management is about ignorance and learning. “[It] is grounded in the admission that humans do not know enough to manage ecosystems” (Lee, 1999). But there may be hope of learning enough to manage more successfully the activities of humans who interact with ecosystems. Over the past three decades, the neat policy cycle of the policy sciences texts has been evolving toward increasing recognition of pervasive, profound uncertainty, and development of messier risk management frameworks attempting to reflect such uncertainty (See, for example, Beck, 1992).

Institutions and principles of public administration are changing dramatically as a result. “Analytic formulation of policy within an agency has been replaced to a considerable extent by organic, unpredictable and often highly conflictual public multi-stakeholder processes of formation of policy, not only through executive or legislative stages of policy adoption, but through multi-agency and private sector partnerships for implementation and co-management” (Dobell and Mitchell, 1997, 27-28). As Canadian public policy makers seek to learn more concerning how resource management strategies can be enhanced through partnerships among governments, corporations and local communities, it is instructive to examine the Clayoquot Sound community’s recent experience with community-based strategies for ecosystem management. The experience in the Clayoquot Sound region with the limitations and failures of multi-stakeholder negotiations involving formal interests – governments, corporations and civil society organizations that did not adequately reflect community concerns – and the more recent shift over the past decade to community-centered participatory processes is particularly

significant and instructive.¹ This shift has profound implications not only for the welfare of citizens in the region and for their participation in processes of governance, but for possible lessons to be drawn about the social challenges of adaptive management more generally.

A complex array of new institutions and practices has emerged in the Clayoquot Sound region to reconcile governmental or corporate management decisions with the needs of First Nations, local communities, and the ecosystem itself. This paper seeks to locate the development of such partnerships and consultative institutions in the regional context of Clayoquot Sound, to better understand what is specific and what is general about them. That is, our goal is to address challenges of governance that may arise in a roughly similar fashion in many settings, but to do so through an analysis of selected case studies that reflect features of a particular regional and temporal context.

Learning from the dynamics that drove experience and innovation in Clayoquot Sound is already evident in developments (involving many of the same individuals and organizations) on the northern and central coasts of British Columbia (see Annexes I, J, K). More generally, lessons drawn from the Clayoquot example perhaps may also be carried into the discussion of sustainable communities planned for the 2001 National Policy Conference, and on into developments elsewhere in the country.

Adaptive Management and Social Learning

Particular attention is paid here to the challenges of governance that arise from the need for local control to pursue community-based adaptive management at an ecosystem

¹ An attempt to illustrate, in the very different context of Kruger National Park in South Africa, this distinction between negotiating for compromise and negotiating for consensus can be found in a recent note

scale. ‘Adaptive management’ is a strategy that helps address the problematic context in which resource management decisions often take place, a context in which many institutions and structures pursue a wide, often conflicting, range of goals amidst pervasive resource complexity and uncertainty. It is widely acknowledged that our partial knowledge of how and why resource systems can suddenly change requires a social facility for anticipating and handling surprises (See Hanson, 2001). Without this facility, a fixed approach to resource management, however broad the initial support, risks becoming part of the problem when there is unexpected change. Often summarised as a process of “learning as you go”, adaptive management can be seen as a reaction to the deterministic, linear-thinking management models of the past which, “coupled with the ‘cult of the professional’ scientist, policy maker, planner or manager, produced settings where entrenched approaches work against a resilient, broadly-managed resource or environmental situation” (Hanson, 2001). With the incorporation of a direct feedback loop, scientific information and local experience can be used to modify, adapt and generally improve resource management plans, raising the probability of success while lowering the long-term costs (Halbert, 1993).

According to its proponents, adaptive management encourages communication among traditional adversaries as they jointly develop ways to learn from experience; it thus allows for large-scale natural resource management to proceed in the face of uncertainty (Halbert, 1993). When faced with the realities of implementation, however, limits to adaptive management theory become clearer. In the abstract for Kai N. Lee’s recent review “Appraising Adaptive Management”, three useful conclusions are drawn. “(1) Adaptive management has been more influential, so far, as an idea than as a practical

means of gaining insight into the behaviour of ecosystems utilized and inhabited by humans. (2) Adaptive management should be used only after disputing parties have agreed to an agenda of questions to be answered using the adaptive approach; this is not how the approach has been used. (3) Efficient, effective social learning, of the kind facilitated by adaptive management, is likely to be of strategic importance in governing ecosystems as humanity searches for a sustainable economy” (Lee, 1999).

The first of these three observations might be contested. (Indeed, a key feature of the argument for integration of traditional ecological knowledge into current resource management practices rests on contesting it.) First Nations argue that adaptive management is exactly what they have been practicing, in a practical manner, over millennia. In closing comments at the Policy Research Initiative Clayoquot Sound workshop in May 2001, Roman Frank, a resource manager and Deputy Chief Councillor of the Ahousat First Nation, noted that much of the discussion at the workshop had really been an attempt to communicate traditional knowledge in contemporary scientific language. He suggested that new theories of adaptive management are merely the same old principles, developed to shape an appropriate relationship with the land, and reasonable ways of living together. What is different now, he argued, is not so much in ecological principles as in the uncertain and increasingly disproportionate impacts on the land arising out of the increasing pace and scale of economic development. (He suggested also that the key issue is not so much in ecological principles as in principles of sharing, and the problem not so much in articulating any of these principles as in putting them into practice.)

This paper will explore these issues in the context of recent attempts to use the adaptive approach in Clayoquot Sound (see also British Columbia Ministry of Forests, 2001). Beyond adaptive management, however, is a longer-term process of social learning. This social learning theme is developed with reference to the accords just mentioned, dealing with resource management challenges on the central and north coasts of the province (as noted above, the relevant texts are attached in Annexes I, J, and K). It will be argued that these most recent developments help illustrate the key links in processes of social learning as traced, for example, in the massive report of the Social Learning Group exploring learning about management of global atmospheric risks (Social Learning Group, 2001). In these recent processes, ideas, models and participating individuals have all been central. The transfer of the learning has been direct. The attempt to build on the Clayoquot models while avoiding the mistakes they have engendered has led to new accords that have garnered international interest.

A key conclusion that flows from this story is that we have to see adaptive management as promoting learning, not just about the dynamics of the natural systems ‘utilized and inhabited by humans’ but also about the human and social subsystems that form an integral part of overall ecosystems. Social systems are as uncertain as natural ecosystems; our lack of information about the responses of natural systems to human intervention is matched by our lack of information about the dynamics of social systems attempting to resolve conflicts emerging in the face of stress and change. Interestingly, this broadening of the understanding of the purposes of adaptive management (and of our understanding of ecosystems) perhaps leads not just to a more optimistic conclusion than drawn by Kai Lee as noted above, but also directly leads to consideration of the important

role of investment in building social capital for purposes of governance and for more effective community-based management (Dobell, 2000).

Thus the focus of this background paper is not only on the role of adaptive management in improving the flow of science into policy, or knowledge into action, through better understanding of natural systems and better synthesis of local and traditional knowledge with conventional science; it is also on the improved understanding of community participation in policy formation under uncertainty, or in other words in the risk management framework governing social decisions. Some of this improved functioning flows from the building of trust and familiarity within new institutions; some rests on better understanding of social objectives phrased in terms of sustainability or community health.

In the balance of this paper we review recent institutional innovations and network building in the Clayoquot Sound region with an eye to examining how well these developments serve the goal of adaptive management in learning more about the dynamics of complex natural systems—marine and terrestrial ecosystems and their interface in coastal zones—but also how well they serve the goal of adaptive management in promoting greater understanding of the functioning of complex social and governance systems, and how well they promote more effective governance through the building of social capital.

Clayoquot Sound²

Situated in the coastal temperate rainforest on the west coast of Vancouver Island, Clayoquot Sound is a region of cultural significance, resource wealth, and natural beauty. Totalling approximately 350 000 hectares, the area is comprised of a diverse range of ecosystems, including unlogged watersheds (as well as some that have been subject to varying types and degrees of intensive industrial activity), streams and rivers, lakes, fjords, reefs and islands, and sand beaches. The area is subject to heavy rainfalls that produce rapid fluxes in water flows down the mountainsides, bringing critical nutrients to the coastal waters. Forests constitute ninety three per cent of the land base, and comprise both provincial Crown land and, simultaneously, the traditional territory of the Nuu-chah-nulth communities in the region. Nine of the region's large forested valleys remain untouched by logging and, as predominantly old growth, represent a valuable commodity in the logging economy, but also, as intact forest ecosystems, provide an opportunity for harvesting of non-timber forest products and a component of the Clayoquot Sound economy more generally. Given continued logging in temperate rainforests worldwide, these forest-ecosystems are also of global ecological importance and constitute a significant source of information on biological diversity and processes.

A vast array of plants thrives in the temperate rainforest, which is home also to a diverse range of vertebrates and invertebrates. The freshwater systems are home to a number of species, and are especially critical as spawning areas for salmon populations. The narrow ocean passages in the Sound are rich in marine life, as are the mudflats, beaches and estuaries, which are also wintering grounds and migratory stopover areas for

² This section is adapted from documentation for the Clayoquot Sound Biosphere Reserve Nomination, 1999.

large numbers of shorebirds and waterfowl. Sea lions and harbour seals are common in the area, and gray whales, killer whales, humpback whales, and a variety of other whale, dolphin and porpoise species frequent the coastal areas.

In 1970 a portion of the Sound, a sandy beach 16 kilometres long situated between the communities of Tofino and Ucluelet, was set aside by agreement between the federal and provincial governments to create the Long Beach component of the Pacific Rim National Park Reserve. A number of provincial parks have also been designated in the area and the region's natural wonders attract almost one million visitors annually. The number of visitors has grown dramatically in the past decade, and is expected to increase further in the coming years as the range of tourism opportunities broadens.

The total resident population of the Clayoquot Sound region is roughly 5 000, approximately half of whom are First Nations people. First Nations communities have depended upon the rich marine and terrestrial resources of the Sound for millenia, exercising rights of ownership over the land and resources and developing ways of resolving disputes over land use:

The Nuu-chah-nulth management system is called ha hoolthe, or 'Chiefs Territory'. A chief who has ha hoolthe rights also has the responsibility to protect the lands and waters in that area and to preserve the resources for future generations. In this respect, ha hoolthe is more like stewardship of the land than private property ownership (Shaw, 2001).

Culturally, politically and socially, the Nuu-chah-nulth are linked inextricably to the marine and terrestrial worlds of Clayoquot Sound, a relationship framed by the important concept *hishuk ish ts'awalk*, or "everything is one". This concept describes fundamental relationships within the environment:

It connotes both the sacredness of the natural world and respect for all life. It is also the foundation for Nuu-cha-nulth principles of resource management and stewardship. These principles have shaped Nuu-chah-nulth land and resource use practices for centuries, and they continue to guide management decisions in the area today (Biosphere Reserve Nomination, 1999).

Five First Nations groups—the Ahousaht, Hesquiaht, Tla-o-qui-aht, Toquaht and Ucluelet—make up the Central Region tribes which form the principal political and social forces in the region and claim traditional territory there. Although traditional resource practices as carried out over millennia continue, First Nations increasingly participate in the contemporary industrial economy. Significant downturns in the fishery and forestry industries have therefore had a direct effect on the Nuu-chah-nulth settlements along with their dramatic impact on non-aboriginal communities, and unemployment has remained chronically high. Nuu-chah-nulth villages are limited to federal Indian reserve land and there is little land available for expansion within reserve boundaries.

Both Nuu-chah-nulth and non-aboriginal peoples live in the communities of Tofino and Ucluelet. A large part of the labour force in both towns has long relied on forestry and fishing (and ancillary services). However, changing market conditions, declining fish stocks, environmental concerns and corporate decisions have seriously affected the social and economic structures of these communities. For example, forest companies, as well as the Ministry of Forests, centralized operations during the 1980s recession and closed offices in Tofino. In Ucluelet, once dominated by fishing, approximately 10% of the labour force is currently employed in the fishing industry. While aquaculture and tourism may yet offset job losses in other sectors, economic diversification is difficult in small coastal communities and the economies of Barkley

Sound and Clayoquot Sound have received millions of dollars of financial assistance over the last few years. Whether these investments in economic transition have been well-designed or effective is debated.

Emerging Institutions and Processes

Since the late 1980s, confrontation and conflict in Clayoquot Sound have been the focus of national and international attention. This volatile history is primarily due to a wide divergence of views on land use and resource management. Various groups – First Nations communities, logging interests, environmental groups, and local communities – have formed a fluid set of alliances in their struggles to win the greatest influence with respect to government decision-making on land and resource use in the area. Best known is the conflict that has pitted various interests in industrial logging against an alliance of others who consider the old growth forests of Clayoquot Sound to be a globally significant example of temperate rainforest requiring protection, along with some who see elements of the pristine forest system as endowed with ecological, spiritual and esthetic values far beyond their worth as marketable fibre. In 1993, volatility in the region culminated in the arrest in Clayoquot Sound of almost 900 people – the largest act of civil disobedience in Canadian history.

Since that time, however, First Nations, local communities, corporate interests and governments have sought ways to build mutual respect and trust, and to tackle problems in a more participatory manner. A significant achievement of consensus-building efforts was the designation in 1999 of Clayoquot Sound as a UNESCO

Biosphere Reserve.³ Thus recognized, Clayoquot Sound became part of an international network in which exchanges of information, experience and personnel promote the conservation of ecosystems, while fostering sustainable economic development.

The Clayoquot Sound UNESCO Biosphere Reserve designation was based upon an acknowledgement of the rights, interests and stewardship responsibilities of First Nations and the local communities, and has as a guiding principle the Nuu-chah-nulth philosophy *hishuk ish ts'awalk*. As noted above, this concept stresses the importance of recognising and learning about the interconnections within and between ecosystems in order to promote truly sustainable local communities, economies and cultures, while protecting the environment for future generations. Links to adaptive management strategies are reflected in the Reserve's recognition of the need "to better understand natural and economic processes through the application of traditional and local knowledge and scientific research, inventory and monitoring efforts" (Clayoquot Sound Biosphere Reserve Nomination, 1999).

To be sure, the forging of new alliances in the nomination process was in part due to the pragmatic tactics of many who envisage using the Reserve designation as a lever for greater regional autonomy, or as a tool to help market products from the region and attract investment and tourism. Though the UN label will undoubtedly be of practical and strategic use in these ways, many have noted also an important impact of the consensus-seeking process leading to unanimity in pursuing the reserve designation in building bridges among sparring groups. This emerging cohesion is all the more

³ The Clayoquot Biosphere Trust was established following designation of the Clayoquot Sound UNESCO Biosphere Reserve. It received a \$12 million federal grant to establish an endowment fund, the income from which is intended to support local research, education and training in the Biosphere Reserve region.

remarkable given that the consensus-building efforts followed such a protracted and divisive period of confrontation and civil dissent. In setting the context, it is worth sketching the tense period that preceded the Biosphere Reserve nomination.⁴

In the early 1980s, MacMillan Bloedel's preparations to log Meares Island, one of the company's most accessible sites in Clayoquot Sound, opened a new chapter in the history of forestry in the region and, for that matter, throughout BC. Meares Island is in the traditional territory of the Ahousaht and Tla-o-qui-aht First Nations, and home to the Tla-o-qui-aht village of Opitsat. It is also covered with old growth timber and constitutes both the water supply for the residents of adjacent Tofino and its scenic green backdrop. A grassroots organisation called Friends of Clayoquot Sound was formed, and cooperation between First Nations, environmental groups and local residents led to blockades being erected to prevent MacMillan Bloedel from proceeding with its logging plans. Recourse was made by both sides to the legal system, and in 1985 the BC Court of Appeal granted the injunction sought by the First Nations, a seminal decision: "for the first time, a court of law had suspended the province's authority over a land-use decision" (Hoberg and Morawski, 1997).

As a result of growing voices in the late 1980s against old-growth logging throughout the Sound, a number of committees were formed in an attempt to reach consensus among groups with an interest in sustainable development. These committees, which met sporadically from 1989 through 1992, comprised representatives of the federal and provincial governments, local governments in the area, and stakeholders from a large

The fund is managed by a money manager with an established Socially Responsible Investment portfolio: that is, a fund investing only in stocks meeting certain ethical standards (Schreiner, 2001).

⁴ A wide range of readings of the events of this period persists. One can see Stanbury (2000) for a detailed—though somewhat selective—account of newspaper coverage of this conflict.

number of sectors in the region. The demand on the ground for direct stakeholder involvement reflected in part a substantial loss of confidence in conventional government decision-making processes. These initial attempts at formal multi-stakeholder land use planning foundered, in part due to limited engagement of some stakeholders and mistrust among others, but also, perhaps more importantly, because they did not adequately reflect and address the concerns of the people who lived and worked in the region. The final committee was disbanded in October 1992 and, in the end, resource management decisions were reached “the old fashioned way, by cabinet” (Hoberg and Morawski, 1997; 399).

Pitched as a way finally to bring an end to ‘the war in the woods’, the BC government announced its own Clayoquot Sound Land Use Decision in April 1993. The decision gives protected status to 33 per cent of the area, and reduces the annual timber harvesting level by 300 000 cubic metres to 600 000 cubic metres. It met immediate opposition. Environmentalists and First Nations were outraged: environmentalists were frustrated with the limited amount of area being protected; the Nuu-chah-nulth were angry at their exclusion from the decision-making process.

That summer, environmental groups orchestrated a very successful media and civil disobedience campaign that targeted the government’s land use decision. In response to this pressure, the provincial government acted favourably on a recommendation of Stephen Owen, BC’s Commissioner on Resources and Environment, that some independent mechanism for oversight and monitoring practices following the land use decision should be created. In October, 1993 the government established the remarkable Scientific Panel for Sustainable Forest Practices in Clayoquot Sound, a panel

⁵ Status of Meares today?

of experts from the Nuu-chah-nulth communities along with academics from a number of disciplines to review the existing forest management standards for Clayoquot Sound and make recommendations for improvements and changes (Clayoquot Sound Scientific Panel, 1995). The goal of the Scientific Panel was to develop world class standards for sustainable forest management by combining traditional and scientific knowledge. An important criterion in assembling the entire team was to find members who were demonstrably impartial, as well as widely respected in their field, so as to maintain a degree of independence from any government, industry or environmental organizations.

At the outset, much time was devoted to defining the task at hand: developing its approach, determining how such a diverse group would work together to integrate all issues and concerns, and developing an operating protocol and a set of guiding principles that would guide it (See Annex C). The protocol agreed upon largely reflected the Nuu-chah-nulth approach to group processes: “it is characterized by a demonstrable and inclusive respect for one another, for different values, and for data founded both in science and ‘lived experience’... Following full discussion of all matters deemed relevant by members, decision are made based on the collective wisdom of the group” (Annex C).

The panel, which submitted its final report to government in May 1995, recommended that the BC government:

- adopt an adaptive management approach, including monitoring progress to evaluate success in attaining objectives;
- adopt an ecosystem-based approach to planning and forestry;
- develop area-based, rather than volume-based, plans;
- develop standards for managing hydroriparian zones (areas adjacent to streams);

- designate forest reserve networks at the watershed level before selecting harvestable areas or planning for specific forestry activities;
- determine, by means of a watershed planning process, the volume available for harvesting each year;
- introduce a variable-retention silviculture system in which 15% to 70% of "old growth" forest structures are retained in each cutting unit;
- reduce the size and number of roads;
- incorporate human values into forest practices standards;
- retain a minimum of 40% old growth in each watershed planning unit.

In sum, the panel concluded that sustainable ecosystem management means a shift in focus, during the planning and harvesting processes, from the revenue removed to the values that remain. This shift is to be reflected at the watershed level by protecting ecosystem integrity, and implemented at the site level by more specific consideration of site characteristics, in some cases even to the demarcation of specific trees to be retained. The panel asserted that sustainable forest practices in Clayoquot Sound must be judged by the extent to which all resources are respected and sustained. Stressing that knowledge of complex forest ecosystems is incomplete, the Scientific Panel emphasized the need for policy development and management to proceed cautiously, and adaptively, and draw on the traditional ecological knowledge of First Nations communities as well as on 'western modern science'. The panel also recommended that land-use decisions must not prejudice the outcome of comprehensive treaty negotiations, which were then newly beginning.

In 1995, the provincial government accepted all 125 recommendations of the Scientific Panel. In the short term, changes to policy and standards dramatically affected harvest levels and, therefore, the ability of the forest industry to provide stable local

employment. The extent and inevitability of such impacts are hotly debated. Some observers feel that under Scientific Panel recommendations forestry can directly support a significant number of jobs, using only 15% of the total Clayoquot land base over the next 100 years (though this would not be conventional industrial logging). Some argue that the magnitude of the resulting impacts was greater than it needed to be because the major operators, Macmillan-Bloedel and Interfor, did not respond quickly enough to embrace the Panel recommendations in ways that avoided substantial impacts. Some suggest that while embracing the recommendations, these corporations tried to use the opportunity to downsize uneconomic operations and draw upon government adjustment assistance while opening the way to corporate withdrawal from a setting with little prospect of future profits.

In the meantime, the Nuu-chah-nulth had launched in the Summer of 1993 their own national and international campaign for greater recognition of their right to be consulted in the making of land use decisions, and quickly received the support of the Provincial Ombudsman. In response to this pressure, the BC government commenced government-to-government negotiations with the Nuu-chah-nulth Central Region Tribes on pre-treaty interim measures, including resource management and economic development issues. During an early negotiating session in Victoria, Nuu-chah-nulth negotiators refused to leave without an agreement on control over resource management pending the signing of a final treaty. After 40 days of intense negotiations, an Interim Measures Agreement was signed in March, 1994 that acknowledged that the Ha'wiih (hereditary chiefs) of the Nuu-chah-nulth have the responsibility to preserve and protect their traditional territories and waters for succeeding generations. Consequently a framework was established for the

joint management, until the completion of treaty negotiations, of all land and resource use in the region. The IMA created the Clayoquot Sound Central Region Board as the body responsible for administering this shared management process.

The full range of social, political, cultural and economic issues are being addressed through ongoing treaty negotiations. As an alternative to past confrontation and litigation, the BC treaty process was developed as a voluntary process of political negotiations among three parties: First Nations, the government of BC, and the government of Canada. Through political negotiations, the parties attempt to establish a new relationship that will bring about a final definition of aboriginal rights and title.

In March 2001, Canada, BC and the Nuu-chah-nulth Tribal Council initialed an agreement in principle, the third and largest agreement initialed under the BC treaty process (see Annex H). The agreement offers 550 square kilometres of land on the west coast of Vancouver Island and \$243 million, and proposes a Meares Island Trust to be jointly managed by Nuu-chah-nulth, provincial and federal governments. It also outlines a central Nuu-chah-nulth government that

will have its own law-making authority over treaty land and provision of public service to Nuu-chah-nulth people. Legislative powers will reside within the broader framework of the Canadian Constitution, Charter of Rights and Freedoms and the Criminal Code. Nuu-chah-nulth will consult with non-Nuu-chah-nulth citizens residing on treaty settlement lands on decisions that directly affect them (Treaty Commission *Update*, March 2001).

Subsequently, in May, 2001, the agreement in principle was rejected by some Nuu-chah-nulth villages. Though it has not been withdrawn by the federal or provincial governments, it is no longer an object of active negotiation, and presumably will not now

be until after the new administration in British Columbia has completed its planned referendum on principles to guide treaty negotiations.

This then is the backdrop to the Clayoquot Sound community's experience with community-based strategies for ecosystem management. The recent shift in the region away from more formal multi-stakeholder negotiations and towards community-based participatory modes of decision-making has been most marked in three areas: forestry, fishery, and land use. These three case studies will help illustrate how innovative developments in collaborative governance and adaptive management in Clayoquot Sound have been, and are being, worked out, on the ground.

Case Study #1: Forestry

Once dominated by provincial governments and forest industry groups, planning processes and practices in Clayoquot Sound have been dramatically adjusted to respond to demands for public consultation. During the 1980s, as already noted, First Nations land claims and efforts of environmental groups to preserve ancient forests became intertwined and, though their interests differed in many ways, provoked contentious battles with the forest industry which drew international attention. Over the course of the 1990s, governments and corporations have become more sensitive to local and international concerns about sustainable forestry and the impact of logging on other forest values. Increasing recognition of forests as complex ecosystems endowed with non-economic values has promoted the emergence of new frameworks for resource management and mechanisms for greater access to the policy process.

The forest industry developed in BC under a concession system by which private companies paid stumpage and license fees for access to timber resources on Crown land. On the recommendation of the 1945 Sloan Royal Commission, long term licenses were granted to companies on a sustained-yield basis. This approach holds that old growth forests are a wasting, rotting asset and that forests are best converted through scientific management into “tree farm” plantations. The single largest component of the BC economy, the forest industry (including wood products and paper manufacturing as well as forestry and logging) in 1996 directly employed 100 000 people (thus ensuring economic activity in many rural areas of the province) and accounted for approximately 15% of BC’s Gross Domestic Product (Stanbury, 2000). Over the last decade, severe downturns in Asian economies and international concerns over environmental impacts of cutting old growth have emphasized the vulnerability of BC forest practices to changes in the global marketplace.

Confrontation between environmental non-government organizations (ENGOS) and the forest industry, particularly through the erection of blockades, escalated throughout Clayoquot Sound in the late 1980s and early 1990s, and the stand taken in the summer of 1993 empowered ENGOS with significant public support. Among the strategic avenues then embraced was a campaign spearheaded by Greenpeace International, calling for a boycott of those BC companies logging old growth forests. The campaign achieved significant results and a growing number of consumers and retailers of wood products are now demanding assurances that the products they buy come from companies observing the highest standards in sustainable forest management. Several certification systems are currently being considered for adoption with the aim

being, on the one hand, to enable consumers to support responsible forestry and, on the other, to provide forest companies with an added incentive to observe sustainable forest management practices.

Following the controversy that erupted in 1993, recognition of the need for sustainable forest practices in the area also contributed to the establishment of the Long Beach Model Forest Society (LBMFS), a non-profit society established in 1995 under the federal Canadian Model Forest program, linked to the International Model Forest program. It undertakes research and monitoring initiatives in the region and promotes the integration of social, environmental, economic and cultural values in forest activities in the area. In 1996, the LBMFS opened the Rainforest Interpretive Centre in Tofino to encourage education and discussion on sustainable uses of forest resources. A principal objective of the Society is to promote understanding of sustainable forest management; its key project in this respect is the Hahulthi project, to investigate the traditional system of ownership and resource management of the Nuu-cha-nulth peoples within the LBMF area, and to explore integration in systems of sustainable resource management generally. (See the LBMF website <http://www.lbmf.bc.ca/about.htm> and Fox, 2001.)

Forced by the failure of past corporate, industrial, and government policies, the key forest companies in the region, MacMillan Bloedel (now Weyerhaeuser) and International Forest Products (Interfor), have recently pursued different kinds of partnerships with First Nations communities. On the one hand, MacMillan Bloedel endorsed the administrative arrangements set up by the Interim Measures Agreement and in 1996 began direct negotiations (i.e., without government as an intermediary) with the Nuu-chah-nulth with the objective of forming a joint venture. In 1998 MacMillan

Bloedel signed a shareholders agreement detailing their partnership with Ma-Mook Development Corporation (Ma-Mook), a company owned by the Nuuchahnulth Central Region First Nations, which had been established in 1997 to ensure First Nations a greater role in economic activity in the region.

The new company is named Iisaak (Nuuchahnulth for ‘respect’) Forest Resources Ltd; through the joint venture agreement, Ma-Mook has a 51% ownership interest, and Weyerhaeuser 49%, in Tree Farm Licence 57, an area-based forest tenure covering approximately 87 000 hectares. The Iisaak board of directors is comprised of 3 Nuuchahnulth First Nations representatives and 2 Weyerhaeuser representatives, thus ensuring effective First Nations control of the enterprise through all stages of the planning process. In the summer of 2000, Iisaak officially began logging old-growth timber in the Cypre River Valley (outside the Biosphere Reserve’s core protected area), about 15 kms north of Tofino. The Cypre area is within the traditional territory of the Ahousaht First Nations. Prior to harvesting, Iisaak acquired approval from the Ahousaht, and there is a framework in place for the Ahousaht to identify and map culturally significant areas and culturally modified trees. Opportunities associated with non-timber values are being explored, and areas that are “eehmiis” (Nuuchahnulth for “very, very precious”) are respected.

Iisaak has committed itself to making Clayoquot Sound a leading global example of ecologically sensitive forest management, and the implementation of the Clayoquot Sound Scientific Panel recommendations forms the technical basis for Iisaak's approach to forest management in Clayoquot Sound. Logging operations are small-scale and designed to protect specific features: water systems and related resources; recreational

and research opportunities; spiritual and sacred values; and traditional cultural uses.⁶ Rather than clear-cut a block, Iisaak carries out a technique known as variable retention harvesting (as set out by the 1995 Clayoquot Sound Scientific Panel Report), with a commitment that over half the trees in any logging area will be left standing in order to protect the ecological integrity of that area. In its first cut block, IFR has elected to yard the fallen trees by helicopter, reducing impacts on vegetation and on the thin, delicate layer of top soil. As also set out in the Scientific Panel recommendations, Iisaak is implementing an adaptive management approach to forest management, aiming to continually improve management policies and practices by learning from their outcomes. Management objectives, forecasts, and assumptions are all to be continually re-evaluated as experiments are tested and new information becomes available. Iisaak has also designed a monitoring program in partnership with the Long Beach Model Forest to assess the results of implementing Scientific Panel recommendations.

Iisaak expects to achieve a greater return on its products by emphasizing value added manufacturing and by carving out a niche for eco-certified forest products. On July 27, 2001, Iisaak announced that it had been successful in obtaining certification as the first Tree Farm License holder in British Columbia certified to Forest Stewardship Council (FSC) standards. This is their way of attempting to assure the consumer that the forests are being managed in an environmentally and socially responsible manner.

It has been estimated that the environmentally sensitive methods used will add about 8% to the cost of logging in Clayoquot Sound, a cost that the company hopes to recoup through product differentiation, by marketing wood from the area as a premium

⁶ Providing a safe working environment is, of course, a top priority and WCB regulations necessarily factor in as well.

product (in recognition of high standards and enhanced resource protection). To this end, in 1999, environmental organisations (Greenpeace Canada, Greenpeace International, the Natural Resources Defense Council, the Sierra Club of British Columbia and the Western Canada Wilderness Committee) signed a Memorandum of Understanding (Annex E) with Iisaak, under which environmental groups will help Iisaak find markets and will actively promote the company as a global model for sustainable forestry.⁷ The agreement states that the parties, "support First Nations in their aspirations to fully participate in a diversified and sustainable community economy and in their aspirations for ecologically sound governance and management over their traditional territories." The environmental groups, "support the emergence of a new model of ecoforestry in Clayoquot Sound through marketing of timber certified through an internationally recognized certification system."

In September 1999 an agreement was also reached with displaced forest workers as set out in a Memorandum of Understanding (Annex F) signed by Iisaak and the Clayoquot South Community (or 'the South End') establishing an employment protocol wherein Iisaak agreed to provide opportunities to local contractors and individuals as much as possible (taking into consideration performance standards and cost). "First Nations people and organizations and South End people and organizations resident in the Clayoquot area are seeking avenues for addressing their interests in a manner that is respectful, builds trust, and constructs durable ways of sharing benefits." Based on the company's operating requirements, Iisaak will hire contracting firms owned by the

⁷ A local environmental group, the Friends of Clayoquot Sound, will not officially endorse Iisaak, because the group is officially opposed to any logging of old growth. The other groups support Iisaak's logging plans but encourage the company to make a quick transition to logging second growth once its operations are established.

Central Region First Nations or partnered with a local contractor; qualified South End residents with special consideration for displaced Kennedy Lake employees; and qualified persons within the local area.

While it is clear that Iisaak has developed an important international profile, the company can be viewed as the direct result of the unique social, economic and environmental conditions that have evolved in Clayoquot Sound. These include the need for greater First Nations involvement in resource management; international market pressures and the internationalized controversy over logging old growth forests; the implementation of Scientific Panel recommendations; and the social impact of economic adjustments.

Clearly the old model of industrial forestry was no longer working for MacMillan Bloedel in Clayoquot Sound, and a new model was necessary. Weyerhaeuser vice-president Linda Coady considers that it is crucial for forestry companies to work with First Nations and with green campaigners to find solutions all can live with. Otherwise, she warns, the international market will solve their battles for them: “our argument is that there will be less job displacement if we develop solutions here than if you allow these decisions to be made a million miles away” (Stueck, 2000).

For its part, Interfor has also developed new partnerships in the region that aim to generate opportunities for First Nations communities and to realize the principles of the Scientific Panel. Interfor purchased Tree Farm License 54 from Fletcher Challenge Canada Ltd. in 1992, fully aware of the challenges and controversies then surrounding forest management in Clayoquot Sound. The same year, Interfor made the decision to decentralize operations back into coastal communities, and began to form direct

relationships with individual First Nations communities. Initial negotiations were facilitated by the drawing up of protocol documents and, recently, Community Involvement Pilot Projects Agreements⁸ have been designed in order to meet the needs and expectations of the Ahousaht and Hesquiaht communities regarding the rights of hereditary chiefs; input into the planning process; increased access to employment; training in forest management; and meeting the objectives of the Scientific Panel. Similar measures were developed with the Ucluelet Economic Development Corporation.⁹

In addition to being more ecologically sensitive and socially responsible, new forest practices in Clayoquot Sound will have to be operationally and financially achievable. As noted, operating according to Scientific Panel recommendations is more labour and capital intensive than traditional operations, and therefore more costly. While international pressure has contributed to these changes, it remains to be seen whether global consumption will, in the long run, be prepared to absorb some of these extra costs. Unless consumers show that they are prepared to pay that premium, forest management in Clayoquot Sound will likely have to rely on niche markets such as those for high-

⁸ Regrettably, Interfor has so far been unable to provide samples of such agreements to be annexed here because they are considered still to be internal working documents within the communities concerned.

⁹ In January 2001, the Forest Practices Board concluded that Interfor's TFL 54, randomly selected for an audit, complied with the Forest Practices Code in all significant respects. (As one part of its responsibilities, British Columbia's Forest Practices Board, established in 1995, monitors compliance with the Forest Practices Code and the achievement of its intent.) This announcement followed attempts to halt logging in TFL 54 by environmental groups concerned especially for the habitat of the marbled murrelet, an endangered seabird. Environmentalists ended their protest following a request by the Ahousaht First Nation whose representatives stated that they supported the forestry work, which is employing some of their members, and offered their assessment that it would not destroy wildlife. This incident may be worth noting as a possible harbinger of growing future divergence of interests between environmental groups and First Nations as the latter increasingly establish their roles in economic development and their interests in the returns to resource exploitation. Similar divergence may appear in attitudes toward fish farms in Clayoquot Sound and elsewhere, as it has, of course in pressures for construction of Arctic pipelines .

grade, old growth cedar, or selective value-added activities. Whether these would be adequate to support an economically viable or sustainable industry is doubtful, however.

The key unresolved and pressing current question therefore remains whether market activism will ultimately lead to adequate rewards for certified responsible harvesting. Will consumers in global markets really prove willing to pay the price for their avowed principles when it comes to sustainable, clearcut-free ecoforestry?

In the meantime, a more immediate challenge must be faced. A recent application by Interfor seeking approval of amendments to its Forest Development Plan in the region threatens renewed division within the community. To the extent that these amendments envisage a dramatic increase in the scale of logging activity, including cutting in sensitive areas widely thought to have been protected by current understandings both within Clayoquot Sound and more broadly, they raise the spectre of renewed international consumer boycotts and market campaigns by major international environmental organizations.

Case Study #2: Fisheries

Whereas most natural resources fall within the jurisdiction of provincial governments, the Constitution Act confers upon the federal government the power to make laws in relation to both coastal and inland fisheries. Nonetheless, various aspects of fisheries management have over the years been assumed by provincial governments under administrative arrangements: “thus, fish swimming in salt water are federal, while, once caught, fish and trade in or processing of them are – except in respect to aboriginal fisheries – matters for provincial regulation.” (Dobell and Mitchell, 1997). Thus, the

federal Department of Fisheries and Oceans has the power to regulate activities that directly might negatively affect fish, while provincial governments regulate human activities having an impact on fish habitats.

In the Clayoquot Sound region, fishing activities have traditionally centered on highly migratory stocks, especially the Pacific salmon. The difference between a good harvest and a poor one has often turned on the question whether one major component of the fishery chooses to return to its spawning grounds in the Fraser River system by traveling down the outside of Vancouver Island or the inside, as well as on the size of these passing runs.

In 1994 salmon returns in the Fraser River fell unexpectedly short and in 1995 the Fraser River run was still more severely threatened. Over 5.5 million fish did not return. With the collapse of East Coast cod fisheries fresh in the minds of all observers, government officials sought to secure a sustainable future for salmon stocks. But conservation efforts have been hampered by a number of factors. On the one hand, salmon runs are very difficult to manage, count or predict. It has been observed that a Fraser River salmon may pass through two countries, three provinces/states, 22 BC regional districts, over 100 traditional First Nations territories, and over 200 communities. Faced with multiple claims to the same fish, it is DFO's responsibility to ensure the catch is distributed according to an allocation framework that sets conservation as the fundamental priority, followed by First Nations' food, social and ceremonial fisheries, and then commercial and recreational harvests (Institute for Dispute Resolution, 2001). On the other hand, while there can be little doubt that a big reason for the decline in West Coast salmon over the years has been overharvesting and the waste as well as

destruction caused by unselective technologies, fisheries biologists have also to take into account factors such as the effect of hydroelectric dams, logging, and human settlement on accessible spawning beds, as well as possible effects of global change such as regime shifts in ocean systems, rising ocean temperatures, disruptions in plankton densities, or shifting locations of predator fish populations like mackerel that prey on juvenile ocean-bound salmon.

To save endangered coho stocks, DFO called for the most severe measures in 1998, including a “zero mortality” policy to protect all coho. This brought to an end more than a century of “mixed stock” fisheries management and established “selective” fisheries as a cornerstone of salmon management. In practical terms, this policy meant that, if fishers in an area could not avoid harvesting a few coho while fishing, then the area must be closed to all fishing, even though other, stronger, stocks appeared plentiful.

These severe restrictions on both commercial and recreational fishing were accompanied by announcement of a \$400 million adjustment assistance package to assist the fishing industry and coastal communities in making the transition to the new regime. The money was to be spent on additional license buy-back schemes, research and development, habitat protection and restoration, public education programs and early retirement programs for fishers. But the policy development process for salmon fisheries management was hampered by a serious lack of trust among the parties concerned. Local communities repeatedly pointed out that given the impact of harvest management and allocation decisions on their interests, they had a vital stake in those decisions. The general feeling remained that decisions were made “in the halls” and that certain interests were privileged. An independent review, initiated by the DFO, recently concluded that

Improving decision-making processes based on administrative fairness, such as transparency, consulting those affected and providing reasons for decisions, is critical to the future of the Pacific salmon fishery (Institute for Dispute Resolution, 2001).

Against this general background, on the West Coast of Vancouver Island Nuu-chah-nulth leaders led local communities in setting up a Regional Aquatic Management Society (RAMS) in 1997 to seek to influence decisions by the DFO and to establish local authority for an area-based management structure.. There was a widespread feeling that since local communities suffered the consequences of public policy, they needed a greater say in resource management. A particular concern in Ucluelet has been the extent to which DFO policy has been seen to favor concentrated corporate interests (for example, through the license buy-back program which, though voluntary, tended to favour large corporate interests working out of urban centres), rather than the health of the local community. Two of Ucluelet's three fuel docks have closed, as have buying stations, fish processing and packing plants, and restaurants. Similar dramatic reductions in commercial fishing activity have occurred in Tofino, though there some of these losses have been partially offset by increases in processing for the salmon aquaculture industry, and also in ecotourism. Only a handful of fishing licenses remain in Ahousaht or Hot Springs Cove. Very little of the revenue generated by fishing on the West Coast is flowing into the local community and coastal communities throughout the province are facing similar situations.

Pressure from RAMS has now apparently succeeded in pushing negotiations for a Regional Aquatic Management Board to a successful conclusion, with formation of the Board apparently accepted by the federal, provincial and regional governments as a pilot

project (Annex G). In the face of substantial skepticism and resistance by some major stakeholders (concerned primarily about the prospect of area-based regional groups managing migratory salmon stocks), DFO is at pains to emphasize the pilot nature of the Board. But the potential value of this pilot project or policy intervention as an opportunity to learn more about the complex character of the social systems involved in fisheries management should be emphasized (Diller, 2001). Given the extensive debate about the feasibility of such area-based community structures, it is important to explore the dynamics of such arrangements in a concrete manner.

Further pressure has led to a proposed decision-making process that would extend a participatory model of shared decision-making throughout West Coast salmon fisheries (see the preliminary recommendations of the IDR consultative process, Institute for Dispute Resolution, 2001.)

In March 2001, the terms of reference detailing RAMB's structure were announced. The Board consists of two members appointed by the Government of Canada, two members appointed by the Province of British Columbia, two members appointed by Nuu-chah-nulth Tribal Council, two members appointed by regional districts and 8 non-government members "jointly appointed by governments pursuant to nominations solicited from coastal communities and other persons or bodies affected by aquatic management in the management area." All members are meant to be appointed on the basis of their skills, knowledge, and experience and a commitment to the Board's vision, purpose and principles.

¹⁰ Concerns about community-based management include taking too much time for most commercial and recreational harvesters to participate; undermining existing representative organizations many of which are regionally based; increasing scope for confusion and misallocations.

The purpose of the RAMB is to act as a forum in which coastal communities and other persons and bodies affected can participate more fully with governments in all aspects of the integrated management of aquatic resources in the area. The work of the Board is to be governed by principles that share much in common with those of the Clayoquot Biosphere Trust and *Iisaak*, again perhaps an interesting example of effective social learning, reflecting the central involvement of Nuu-chah-nulth leaders bringing a consistent approach based on traditional principles to all these separate initiatives.

The work of the Board is to manage aquatic resources on an ecosystem basis consistent with the principles of *Hishukish Ts'awalk* and *Iisaak*. “The belief underlying these two principles is that the goal in interacting with other people or species is not to maximize personal benefit, but to produce mutually beneficial outcomes. These outcomes arise from understanding and respecting the needs of other people or species, and recognizing an essential “oneness” or interconnection with other people or species” (RAMB, Annex G).

As with the forestry sector, a ‘conservation-first’ approach is to be followed to ensure that aquatic resource use is conducted in an environmentally sustainable manner. RAMB also emphasizes an adaptive management approach and the need to integrate relevant local knowledge, together with appropriate ecological, social, and economic information, with the goal of continual improvement. Yet, as required by the precautionary approach now entrenched in the Oceans Act, the need to err on the side of caution when making resource management decisions is also stressed: “where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used

as a reason for postponing cost-effective measures to prevent environmental degradation” (RAMB, Annex G).

One venture being organized collaboratively by fishers, fish processors, community organizations and government agencies has been a survey of the coast to determine whether a Tanner crab trap fishery is feasible. A major objective is to ensure the crab is processed adjacent to harvesting locations to derive the greatest financial benefit possible for the local communities. The Tanner crab fishery would be the first to be evaluated according to the ecological, socio-economic and cultural principles of the Aquatic Conservation Trust (Loucks and Scarfo, 1998) being promoted by RAMS. Other plans include developing numerous new business opportunities (from soup-stock to pharmaceuticals) to generate value out of traditional 'waste products' and to create employment in BC coastal communities by working closely with local restaurateurs and distributors.

The significant concerns and apprehensions that have been raised about the feasibility of a community-based fisheries management strategy ought to be clearly stated. It has been argued that:

- community-based management of migratory species generates distortions in decision-making; spillovers and externalities may be ignored;
- community (area-based) management may conflict with existing more broadly-based regional bodies;
- the creation of such structures could undermine existing representative organizations;
- they may demand too much time—and thus preclude most small commercial and recreational harvesters from participating—and be subject to slow operational decision-making and thus jeopardize the interests of both small and large operators.

But there are also strong arguments in favour of such mechanisms, arguments which—as seen above—are relevant to the forestry sector as well.

- Communities and conservation groups are strongly affected by harvest management decisions and have a ‘right’ to participate in them;
- Community-based bodies provide a way to influence policies and gain access to decision-making processes and thus promote compliance;
- They provide a local, trusted structure for co-ordinating local initiatives and decisions;
- They provide a forum for dialogue, deliberation and conflict resolution.

The evolution and potential role of the Westcoast Vancouver Island Aquatic Management Board are reviewed in more detail in Diller (2001).

Case Study #3: Central Region Board

Confronted in 1993 with strong Nuu-chah-nulth opposition to the Clayoquot Sound Land Use Decision, and with environmental organizations strongly supporting the First Nations demands, the provincial government began direct negotiations with the Nuu-chah-nulth. As noted, the two parties signed an Interim Measures Agreement in March 1994 to protect First Nations values in resource management pending a final treaty, and to recognize an unprecedented degree of agency for the Nuu-chah-nulth in land use and resource management in their traditional territories. A Central Region Board (CRB) was established as the administrative body charged with implementing the collaborative management process as outlined in the IMA. Under this process, every resource development plan that affects Clayoquot Sound must be reviewed by the CRB.

Based on their stated objectives (see below) the CRB makes recommendations to government ministries either to accept, modify, or reject a development plan.¹¹

The CRB is composed of five Nuu-chah-nulth representatives (one from each of the five Central Region First Nations) and five local, non-native representatives appointed by the BC Government. It also has two co-chairs, one from the Nuu-chah-nulth and one appointed by the provincial government. CRB voting is technically meant to operate on the basis of a double majority; however, in practice, CRB decision-making has operated on the basis of consensus.¹² The Board's key objectives focus on the following:

- promoting greater sustainability, economic development, and diversification for communities, including infrastructure within those communities;
- reducing the 70% unemployment levels within aboriginal communities to a level comparable to the unemployment rate in non-aboriginal communities;
- attaining 12% representation of ecological zones for future generations;
- enhancing levels of fish and wildlife and restoring damaged stream and forest areas;
- providing a sustainable forest industry, and assessing compliance with world class forest standards;
- protecting aboriginal resource uses and preserving options for treaty settlement for the First Nations;
- increasing local ownership within the forest industry;

¹¹ The Agreement expired in March, 1996, at which time, since treaty negotiations were still in progress, the Interim Measures Extension Agreement [IMEA] was signed, extending the terms of the original agreement for another three years. The IMEA expired on April 26, 1999, and ultimately, in March, 2000 was replaced by the Clayoquot Sound Interim Measures Agreement: A Bridge to Treaty” (See Annex D). This agreement intends to “serve as a ‘bridge’ between planning processes and strategic level initiatives in Clayoquot Sound and the negotiation of substantive treaty issues”.

¹² In part, this has been a matter of practical necessity, since views differ on what the ‘double majority’ means. Nuu-chah-nulth representatives see it as requiring a majority of the Nuu-chah-nulth members and a majority of the Board overall; others see it as a majority of each of the two groups on the Board simultaneously.

- working towards reconciliation between environmentalists, labour, industry, First Nations, recreational users, governments, and all others with concerns about Clayoquot Sound;
- encouraging respect for aboriginal heritage;
- developing an ongoing dialogue within the communities and assisting in making better land use decisions for the area through background consultant studies and community workshops.

With the signing of the IMEA in March 1996, the renewed agreement mandated the CRB to oversee the implementation of the Scientific Panel recommendations for sustainable forestry in Clayoquot Sound. This seems to have provided additional authority for the Board's management approach, which stresses First Nations' perspectives and ecosystem-based planning incorporating a wide variety of socio-economic values.

A number of conclusions are suggested by a review of the Clayoquot Sound Central Region Board's initial period of operations (Abrams, 2000). First, the Board's position at the community-government interface has allowed it to offer practical ideas that have helped policy makers better address complex issues such as ecological biodiversity and the protection of First Nations rights. Second, the Board's emphasis on multi-party dialogue and collaboration has increased social cohesion. For example, the success of the consensus-building process leading to the UNESCO Biosphere Reserve nomination and the successful development of shellfish harvesting activities have both been attributed at least in part to the Board's presence. Third, the Board has contributed significantly to the generation of local knowledge related to resource management issues, and to the ability to effectively apply that knowledge.

As Abrams concluded, “the CRB’s history shows that collaborative governance can deliver short term social and economic benefits. Clayoquot Sound is enjoying a social peace thought impossible 5 years ago, and more resource management and land use issues are being resolved locally through multi-party collaborations. The Board’s experience also reveals that ecological and social values can be enhanced as long as decision-making power is exercised at both the strategic and operational levels of resource governance. Outcomes such as healthier communities and sustainable economic development require a longer time horizon; fundamental structural changes in political and economic systems are required, involving many more parties beyond the Board. However, the CRB experience indicates that an institutional presence at the community level is vital to effecting the transformation necessary” (Abrams, 2000).

Unfortunately, this optimistic reading may have to be tempered in light of more recent developments over the summer of 2001. As noted at the conclusion of the forestry case study, a recent application for expanded logging activity has divided community opinion once again. This division is reflected in the fact that, for the first time in its history, the Central Region Board failed to reach consensus in its consideration of a land use question, and on this application was forced to an explicit vote in which environmental concerns seemed clearly isolated. As a consequence, at least in the short run, its effectiveness in reconciling community perspectives on the social and ecological dimensions of sustainability with the imperatives of economic development must be questioned.

Concluding Observations and Issues for Discussion

To be sure, institutional innovations in community-based management in the Clayoquot Sound region have emerged out of a specific context, one determined in part by unique attributes and features that are products of particular circumstances. Yet conflicting interests, similar to those that drove innovations in the Clayoquot Sound region, are elsewhere being addressed in a similar way on a larger scale, for example now on the Central Coast of BC. There, as in the Clayoquot example, discussions among formal stakeholders seem to become more fruitful when First Nations and local communities are also brought into discussions with a focus on dialogue and a search for areas of shared common interests that can support innovative mechanisms such as green investment, community forests, cooperatives or trusts to institutionalize new relationships. Expectations of effective voice and shared decision-making appear to be growing throughout civil society, and the dynamics of the learning processes integral to the development of collaborative institutions in Clayoquot Sound are perhaps becoming more comprehensive and more inclusive, and spreading.

Still, the dust is far from settled on this story, and many questions remain. In addition to the insightful ‘troublesome’ questions posed by Lee (1999), we should also consider the following topics.

- **Government’s role.** Community visions of community control are, at best, rarely shared by governments. Many government agencies seem, perhaps understandably, still to be fearful of the existence, let alone expansion, of the model of local control and community-based management. Yet, new and larger accords now seem to be driving the determination of corporate practices on public land without recourse to legislation or appeal to government authority.

It is crucial to recognize how dramatic a change is being proposed in some of the discussion around these local institutional innovations. In the case of West Coast salmon fisheries, for example, some proposals for reform of decision-making processes envisage officials from both federal and provincial governments becoming advisory to a consensus-seeking process, rather than seeing the consensus-seeking

process as advisory to them.¹³ Government officials (or Ministers) would be expected to exercise powers to make independent decisions only in cases where the consensus-seeking process fails to achieve consensus on necessary management action. (One may note here the growth of interest in mechanisms such as consensus conferences on the Danish model, as described, for example, by Grundahl (1995). We return below to consider recent skeptical review such as Coglianese (2000) of all this enthusiasm for consensus.)

- **Legitimacy, agency and accountability.** This development of participatory mechanisms of course leads to complex questions of legitimacy and agency amongst the formal civil society organizations and informal groups claiming places at the table and voice in decisions. Which groups speak for whom? Who speaks for the trees? How do we recognize the role of groups speaking for environmental concerns (Stone, 1993)? How informed are they? How easily marginalized? Which can claim to be representative, accountable and eligible to participate in the contested interpretations of uncertain evidence flowing from interventions as experiments? Who elected them? Are there limits to the tactics they might properly pursue in advancing their particular agenda in the face of general resistance? What is the status of a consensus decision in a process from which some principal groups have absented themselves, or a failure to achieve consensus in a process in which fringe groups seem to be adopting more extreme positions for bargaining purposes as the leverage of outliers increases? (From the experiences with the CORE processes emerged recognition of a phenomenon that Stephen Owen has called the ‘paradox of increasing noise’, in which an approach to consensus gives rise not to increasing harmony but to louder and more intransigent voices from uncompromising groups at the periphery.)
- **Sensitivities.** From the uncertainties surrounding answers to these questions flow other concerns about sensitivities, rivalries and conflict within communities. Explicit protocols may be developed to bridge or reconcile some of the differing perspectives brought by various parties to processes of community-based management, but in other cases only long periods of institutional investment in building trust and confidence can establish the degree of shared commitment to joint undertakings that would be necessary to ensure that the process continues to be accepted as legitimate even though individuals may encounter adverse outcomes in particular cases. That is, it is crucial that participants become willing to stay on in the process even though they cannot win on every decision, or even avoid individual costs on some. What will motivate them to do so?
- **Fragmentation and horizontality.** The usual problem of dispersed government responsibilities and mandates arises here in a crucial way, fragmenting attempts to deal in an ecosystem-based fashion with integrated resource management. For example, consider that the task of sustaining the fishery must be seen as sustaining

¹³ “Perhaps we need a new institutional paradigm that sees management agencies not as providers of solutions, but as facilitators and partners with citizens (i.e., true “civil servants”) to help find joint solutions.” (Johnson, 1999). Or perhaps we need to think of a restoration of citizen agency, a reclaiming by the citizen of the powers of the principal relative to the governments that ought to serve as her agent?

fishing communities as well as sustaining fish stocks (Hilborn et al, 2001). At what scale should the necessary integration and conflict resolution be attempted? The mandate of the Department of Fisheries and Oceans, and the expressed priorities of recent ministers, for example, emphasize conservation. Should DFO itself attempt to balance these priorities against the concerns with sustainable coastal communities that should preoccupy social and economic departments? Have they the knowledge base and expertise to do so?¹⁴ How can departments or governments assure that their many representatives sitting at many different tables speak with one voice—or at least do not contradict each other in responding to needed community action?

- **Subsidiarity.** With the spillovers inherent in ecosystem-based resource management, can the authorities and autonomy necessary to effective adaptive management be exercised on the ground, within local decision-making bodies, without unacceptably fettering the discretion or pre-empting the responsibilities of Ministers or governments? Are we already seeing bureaucratic efforts to contain this threat, for example, to reduce the impact of the precedents set by creation of the Scientific Panel or the Central Region Board?
- **Trusts.** A striking feature of some of the institutional developments sketched here is the manner in which they evolve toward an underlying structural theme, that of the trust as an alternative institutional mechanism. The formation of the Clayoquot Biosphere Trust was an institutional legacy of the UNESCO Biosphere Reserve designation. Forest trusts have been a solution emerging in the search for an end to the ‘war in the woods’; the British Columbia government has pursued trials of community forests as part of forest licensing and tenure reform discussions. Ecotrust Canada has been active in the region. Interest in the broader concept of a Community Ecosystem Trust (M’Gonigle 2001) is growing. Aquatic Conservation Trusts to hold retired licenses at regional level have been proposed in the fisheries context as a means to preserve some community rights of access to the fishery in the face of the reductions in numbers of licenses and concentration in their ownership as a consequence of license buyback and fleet rationalization programs (Loucks and Scarfo, 1998). Discussion of a lands trust is being pursued as a way of resolving the most vexed and explosive of the land use issues in the Clayoquot Sound region, the question of Meares Island. (Note the provision for such a trust set out in the Agreement in Principle on a modern treaty with the Nuu-chah-nulth Nation—now in abeyance following its rejection by Nuu-chah-nulth voters—set out in Annex H.) And, most speculatively, there is now discussion of a coast-wide ‘sustainability trust’ to pursue the goal of cooperative resolution of conflicts in practices and claims with respect to resource use and ecosystem health.

¹⁴ [A fascinating recent court case in BC (the Tulsequah Chief Mine case) is interesting in this respect. The judicial decision overturned a Ministerial approval for the mine site development, on the grounds that the assessment failed to deal adequately with concerns for social sustainability and the survival of traditional Tlingit villages. One wonders how many public servants, faced with a legislative requirement to undertake exhaustive consultation and render timely recommendations would feel confident knowing how to deal with considerations of social sustainability and the survival of a traditional way of life in remote communities.

In reflecting on this concept of trusts identified as one general governance theme, it is important to note the significance of this development as a way of enabling devolution and decentralization, not to private corporations, but to other institutional forms more representative of a balanced community interest rather than only a possibly distant shareholder interest. This has the effect of recognizing not just financial capital or formal intellectual property, but the claims of other forms of capital—human, social, cultural and natural, as well as tacit and traditional knowledge. (And in this respect it has fascinating resonance with the emerging World Bank ‘many capitals’ approach to measuring the wealth of nations and reporting on progress toward sustainability. One attempt to put the approach to work can be found in the Environment and Sustainable Development Indicators project (Smith, Simard and Sharpe, 2001) launched by the National Roundtable on Environment and Economy in response to Finance Minister Martin’s call for environmental indicators to parallel the economic indicators on which budgets are based.) It is also worth noting that such trust arrangements, while avoiding explicit controversy over ownership, offer mechanisms for sharing responsibilities for resource stewardship, and for arriving at agreement on the distribution of returns or revenues from resource management.

- **Certification.** The crucial role of certification processes and the flow of information has also to be emphasized here. Ultimately all these processes of market democracy, shareholder activism and similar approaches to reliance on decentralized decisions driven by the informed citizen rest crucially on adequate access to information enabling citizens to judge not just the products or outcomes of corporate or public decisions, but also the adequacy and acceptability of the means and the processes which generated them. But all these mechanisms also run up against the old reality of corporate control, and the separation of control from ownership, whether formal or virtual. Along with the movement to entrench investor rights, it might be argued, we are seeing also an attempt to counter the effectiveness of market democracy by extending the enclosures movement to the whole realm of knowledge as a global public good. What all this means for the role of the public servant is an important contemporary question. (One distinct but crucial illustration related to openness and the responsibilities of the public servant in possession of internal knowledge but participating in deliberative processes is explored in Dobell, 2001.)
- **Realism: feasibility of adaptive management.** How practical, in fact, in an ecosystem-based resource management setting, is the notion of a program of learning based on incremental, reversible interventions? Can we really reconcile the idea of adaptive management with an allegiance to precautionary approaches to resource management? Does the Clayoquot Sound experience perhaps suggest that adaptive management for conservation purposes is more successful as idea than as practice simply because, in practice, there is little scope for policy interventions as conscious experimentation designed for learning, without risking too much?

- **Realism: capacity to support adaptive management.** Is there in fact adequate capacity to carry out the necessary shared decision-making as envisaged? Are there the resources to maintain the monitoring processes, data capture, information-sharing, synthesis and interpretation necessary to support ongoing informed deliberation? Is this an area where initiatives such as the Social Sciences and Humanities Research Council's innovative Community-University Research Alliance program (sadly now already a victim of questionable budget decisions) or the new Community-University Connections initiative (webwsite ref) may make an important difference?
- **Realism: implementability.** Is it also possible to conclude that the consensus essential to adaptive management (amongst other modes of participatory governance) may be achieved around decisions in principle, but will erode quickly as the hard choices of concrete implementation have to be faced? Is this more likely to be the case given the time scales involved with such resources as old-growth forests, and the limits on community capacity? How do we respond to the need for interim returns, early harvests, concrete evidence of progress and tangible benefits?
- **Realism: pursuit of consensus.** The enthusiasm for adaptive management, and for extending its reach to inclusion of traditional knowledge, and broadly participatory shared decision-making may have to be tempered by questioning the impact on the quality of decisions themselves. Observers like Coglianesse (2000) have argued that decision rules requiring consensus are neither necessary nor desirable. Reasoning principally from work in regulatory rule-making, Coglianesse argues that such decision rules lead to lowest common denominator results that fail to address the difficult issues. The point that is missed by these criticisms, of course, is that the concern is not with single decisions or particular outcomes; the focus is on consensus-seeking and learning processes. It is on relationships, not individual transactions; it is on building a track record, not recording individual victories; it is on a social context where mutual gains from continuing cooperation, not concentrated winnings from competitive victories, are the goal. Coglianesse and others with similar criticisms fail to appreciate the difference between specific decisions demanding consensus and cohesion built by consensus-seeking processes.
- **Realism: market tests.** Ultimately, market tests in some form must be faced. Despite the best hopes of smart growth advocates or ecological footprinters, regional self-sufficiency is not an option—neither feasible nor desirable. The resources to enter into trade and commercial relations outside the region must somehow be earned. Will consumers really pay the premium involved in ecologically responsible resource harvesting? Can certification really force wholesalers to direct procurement to responsible producers? Can investors be persuaded to offer sufficient funding to purchase investment units embodying environmental values to the extent necessary to support viable commercial operators? Will sufficient philanthropic inflows be feasible on terms that do not conflict with local values and principles, and hence influence decisions towards activity unacceptable to community interests?

- **Realism: what community?** In the end, it seems, we still grapple with the core problem of institutions (multi-national enterprises, governments, civil society organizations) from far away doing deals about the exploitation and conservation of regional resources. Global transactions shape local life chances. Are communities of place any closer, as a result of all this institutional innovation, to real participation in the management of adjacent resources and the consequences for their own futures?

These questions and observations thus lead us back to the more extended context of social learning, and to the longer-term evolution of ideas and beliefs. In the case of Clayoquot Sound, we perhaps can see the effects of a dramatic evolution of ideas independently at two different scales. On one hand, we see an evolving view of universal rights and an expectation, within a globalizing civil society, that values can appropriately spill over from one community to influence—indeed, must constrain—the conduct of activity (and hence public decisions) in another. Practices in Clayoquot Sound are thus forced to conform to the demands of distant markets reflecting the exhortation of distant advocacy groups. (See Cohen (1996) for some prescient commentary on these developments.) On the other hand, at the same time, at a local scale, we note a heightening sense of entitlement to be not just involved in policy deliberation, but to be substantively engaged, with a significant degree of agency and autonomy, in policy formation and realization on matters that previously might have been thought to rest solely with Ministers in Victoria or Ottawa.

This paper began with the problems of coastal communities facing the strains and challenges of transformation from an unsustainable model of resource exploitation and economic development to a vision of a journey to sustainability. Recognition of the problems of the old model and the essential shape of the new are both still contested, and approached from many perspectives. But a key element of the new vision is to see human relationships and institutions—the human subsystem—as embedded in the

ecosystem as a whole, crucially dependent on relationships with the natural systems that form part of the surrounding biosphere.

In exploring this transformation, a key focus was the fascinating story of the development of new, more inclusive, participatory mechanisms for shared decision-making, involving a synthesis of traditional and local knowledge with information developed from conventional scientific methods.

At the same time, principles of adaptive management have been developed as part of the effort to understand resource systems—marine ecosystems, forest ecosystems, food webs and so on—better, to reduce the uncertainty surrounding our estimates of the state or evolution of these systems, and to manage human activities—particularly resource harvesting activities—more effectively to contain impacts on resource systems within margins that do not threaten the sustainability of those systems.

In this process, ideas of adaptive management have been extended to broader participation in more inclusive processes, offering possibilities for integration of traditional and local knowledge with ongoing scientific observation and monitoring.

The idea explored in this paper is to extend these principles of adaptive management to seek better understanding of the human subsystem within the ecosystem, to explore the dynamics of relationships in social and economic systems and institutions.

The people of Clayoquot Sound have given us the policy interventions, the social experiments. The challenge for us is to consider what we can learn from them about the functioning of participatory mechanisms and shared decision-making, as alternatives to conventional industrial and hierarchical models.

This observation then takes us back to the original hypothesis of this paper. One can argue the case for participation on three different grounds. The first is intrinsic, based on the inherent right of all individuals to have voice and influence in decisions that affect them profoundly. The second is substantive, based on the conviction that greater participation brings greater awareness, promotes synthesis of local and traditional knowledge with conventional science, and hence leads to substantively better decisions. The third is instrumental, based on the belief that broad participation is essential to acceptance of the legitimacy of decisions, and hence to compliance with them. The focus on adaptive management in this paper suggests an emphasis on the second explanation for the institutional innovations central to the recent history in Clayoquot Sound. But perhaps it is necessary to ask whether the simpler, more direct inherent or instrumental motivations might be both immediate and sufficient explanations? That is, does the idea of adaptive management really matter here at all?

One might argue that the experience of Clayoquot Sound underlines the importance of processes of social learning in managing the impacts of human activities and dealing with the realities of collective action in a world of profound uncertainty. The over-riding feature of such management is to find order emergent, from the interplay of many voices, from participation and deliberation, not from expertise and calculation. The organizational challenge of accommodating the discretion essential to adaptive management at local scale is dramatically multiplied as both public expectations and legislative directives dictate vastly extended consultative processes, integrated approaches and synthesis of many forms of knowledge.

The transformation toward a sustainable path has not yet been accomplished. Indeed there must be reservations about whether any of the new institutions described here is really working well, really meeting the objectives set out for them. Despite earlier arguments that the old industrial model is not working, it still remains the driving paradigm, it seems, in almost all relevant decision-making quarters. Transformation of organizational cultures in the federal Department of Fisheries and Oceans or the provincial Ministry of Forests has not been achieved, despite pockets of evangelical promotion of sustainable management and participatory decision-making in each. Forest operators, fishing enterprises, land development companies, despite some participation in some of the new institutions explored here, remain largely constrained to a focus on industrial products rather than ecosystem values (though perhaps now more apprehensive about potential influences from market activism arising out of concern for the latter). Indeed, as First Nations and other community interests develop more immediate economic interests in the returns from production, pressures to deliver the fish and get the logs out now fragment pressures for sustainable management and create local antagonism to external exhortation about principles of sustainable development. The figure-ground reversal that brings people to see economic activity as properly limited within the broader framework of continuing stewardship of a common heritage of humankind has not been achieved; the focus on cooperative action for mutual gain has not yet offset the drive to immediate short-term returns. The willingness to engage in true sharing of hierarchical power has not withstood the pressures of concentrated corporate interests and conventional bureaucratic mindsets.

On the other hand, to all these reservations and challenges it may be necessary to offer the same hopeful but incremental response. The hope here lies in social learning over decades or generations; the returns are not all in yet. There is a process of social movements attempting to establish a rules-based globalism that permits a social frame around the transactions of a global economy, a frame that ensures that economic and commercial relationships are pursued within underlying charter principles of social and ecological integrity. These influences on all formal institutions—governments and civil society organizations as well as corporations—are creating external realities to which institutional decisions must respond. Though there is a looming threat of institutional control of necessary information and access channels, and consequent irreversible loss of citizen agency, this threat is not yet a reality.

Thus the challenge of drawing the right lessons from the fascinating recent history of the Clayoquot Sound region, and the institutional models and innovations presently in place (and the countervailing forces to which they may give rise), remains.

¹⁵ “Perhaps we need a new institutional paradigm that sees management agencies not as providers of solutions, but as facilitators and partners with citizens (i.e., true “civil servants”) to help find joint solutions.” (Johnson, 1999). Or perhaps we need to think of a restoration of citizen agency, a reclaiming by the citizen of the powers of the principal relative to the governments that ought to serve as her agent?

¹⁶ [A fascinating recent court case in BC (the Tulsequah Chief Mine case) BC, is interesting in this respect. The judicial decision overturned a Ministerial approval for the mine site development, on the grounds that the assessment failed to deal adequately with concerns for social sustainability and the survival of traditional Tlingit villages. One wonders how many public servants, faced with a legislative requirement to undertake exhaustive consultation and render timely recommendations would feel confident knowing how to deal with considerations of social sustainability and the survival of a traditional way of life in remote communities.

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Glossary and Links

British Columbia Treaty Commission [BCTC]

The BCTC is responsible for facilitating treaty negotiations in the province, not including the Nisga'a treaty negotiations. As the independent and impartial keeper of the process, the Commission is responsible for accepting First Nations into the treaty making process, It assesses when the parties are ready to start negotiations, and allocates funding, primarily in the form of loans, to First Nations. The Commission monitors and reports on the progress of negotiations, identifies problems and offers advice, and assists the parties in resolving disputes. <http://www.bctreaty.net/files/bctreaty.html>

Central Region Board [CRB]

The Clayoquot Sound Central Region Board was created by the 1994 Interim Measures Agreement and continued under the 2000 Interim Measures Extension Agreement: A Bridge to Treaty.. Its mission is to manage land and resources in Clayoquot Sound, prior to the conclusion of a treaty, in a manner that: provides opportunities for First Nations consistent with aboriginal resource uses and heritage, and considers options for treaty settlement; conserves resources in Clayoquot Sound and promotes resource use that supports sustainability, economic diversification, and ecological integrity; and, encourages dialogue within and between communities and reconciles diverse interests. <http://www.island.net/~crb/>

Certification

Sustainable forest management certification systems are still evolving. The standards currently most relevant in BC include:

ISO 14001: an internationally recognized standard for environmental management systems developed by the International Organization for Standardization. It defines the management system elements that an operation must adopt in order to attain environmental goals.

CSA Z809: a national standard in Canada for sustainable forest management. It was developed under the auspices of the Canadian Standards Association through a consultative stakeholder process, and is based on criteria approved by the Canadian Council of Forest Ministers, representing each Canadian province. Implementation of the CSA standard requires extensive local stakeholder consultation in setting management goals, measurable performance indicators and objectives.

Chain of Custody: a certification system that verifies a manager's ability to track the flow of raw materials from the forest to final product. It does not offer an assessment of forest management practices, but it is a necessary tool in allowing a manager to label a product as having originated in a certified forest.

The Forest Stewardship Council [FSC] certification standard was originally developed by environmental organizations (notably the World Wildlife Fund) in conjunction with a group of forest product consumers. Like the CSA standard, it provides for a local (regional or national) process to elaborate on a set of global principles.

http://www.weyerhaeuser.com/coastalwood/wycedar/cedar_cert.htm

http://www.interfor.com/managing_our_forests/bulletins/certification.html

Clayoquot Sound Archive Project

The Clayoquot Sound Archive Project supports a web site index of documents relating to the recent history of Clayoquot Sound. <http://sitka.dcf.uvic.ca/CLAYOQUOT/>

Clayoquot Sound Land Use Decision [CSLUD]

After years of inconclusive discussion, the government of British Columbia made a decision in April 1993 on land use in Clayoquot Sound. As a result of the 1993 CSLUD, 34 percent of Clayoquot Sound is to be preserved for all time. The decision placed a further 21 percent of the Sound under special management, which allows some sensitive logging while emphasizing the protection of wildlife, recreation, and scenic values. Before the land-use decision, the area assigned to general integrated resource management — the usual designation for logging and other resource extraction — included 81 percent of Clayoquot Sound. The Government reduced this to 40 percent. First Nations were outraged at being excluded from the decision making process, and environmental groups were outraged that the plan permitted too much logging of old growth forest. While the provincial government's decision concerning logging in Clayoquot Sound has not been explicitly reversed, the government responded to the opposition by setting up the independent Scientific Panel. <http://www.for.gov.bc.ca/het/Clayoquot/clay.htm#hpp>

Clayoquot Sound UNESCO Biosphere Reserve [Biosphere Reserve]

Biosphere Reserves are areas of terrestrial or marine ecosystems which are internationally recognised within UNESCO's Man and the Biosphere [MAB] Program for promoting and demonstrating a balanced relationship between people and nature. Individual countries propose sites within their territories that meet a given set of criteria for this designation. The Clayoquot Sound UNESCO Biosphere Reserve has as a guiding principle the Nuu-chah-nulth First Nations philosophy *Hishuk ish ts'awalk*, or "everything is one." This concept stresses the importance of recognising and learning about the interconnections within and between ecosystems in order to promote truly sustainable local communities and economies, while protecting the environment for future generations.

<http://www.clayoquotbiosphere.org/> <http://www.unesco.org/mab/wnbr.htm>

Commission on Resources and the Environment [CORE]

Established by the provincial government in 1992, CORE's mandate included the development of strategic land use plans in four of the province's most controversial regions (though Clayoquot Sound was excluded from its mandate). Although none of the regional land use planning processes initiated by CORE reached consensus at the table, the recommendations made by the Commissioner were extremely influential in the final regional land allocations decided by Cabinet. CORE was disbanded in 1996, with the expectation that the consultative processes would be carried on with the ongoing Land and Resource Management Planning (LRMP) process at the sub-regional scale (Dobell and Mitchell, 1997).

Coastal Forest Conservation Initiative (and Joint Solutions Project)

An announcement setting out the marketing strategies motivating calls for cooperation on the Central Coast of British Columbia can be found at

<http://forests.org/archive/canada/bcecosgr.htm>. More generally, the website <http://forests.org> provides documentation on forests sustainability issues globally.

On the Coastal Forests Conservation Initiative launched by forest companies in BC, see <http://www.coastforestconservationinitiative.com/>, and specifically on the Joint Solutions Project undertaken by these companies with major environmental organizations see <http://www.coastforestconservationinitiative.com/pdf/Joint%20Solutions%20Project-%20march16.pdf> .

Forest Practices Board [FPB]

The Forest Practices Board is the "public watchdog" agency established under the Forest Practices Code of British Columbia Act to audit the activities of both the forest industry and the government.

Forest Practices Code [FPC]

The Forest Practices Code refers to regulations made by Cabinet to regulate activities in the forest, particularly to reduce the size of clearcuts, strengthen requirements for reforestation, reduce the environmental impacts of logging roads, and protect water quality and fish habitat. Ostensibly, the code represents a "get tough" approach to dealing with unacceptable logging practices which has been welcomed by environmentalists, but criticized by the forest industry on the grounds that the code is complex, unwieldy and imposes excessive costs of compliance (Dobell and Mitchell, 1997).

Forest Tenures

Forest tenures are the manner by which the cutting of timber and other user rights to provincial Crown land are assigned. Virtually all of the forested land in the province is covered either by volume-based licenses in Timber Supply Areas or area-based Tree Farm Licenses. Most of the timber harvested is transferred to processing facilities owned by large vertically-integrated companies, and processed into relatively low value commodities such as pulp and dimension lumber (Dobell and Mitchell, 1997).

Iisaak Forest Resources

Iisaak was created to provide a new model of forest management in Clayoquot Sound, and is the direct result of commitments made by the Nuu-chah-nulth Central Region First Nations and MacMillan Bloedel Ltd. (now Weyerhaeuser) in the 1996 Interim Measures Extension Agreement. Through the joint venture agreement, the Central Region Nuu-chah-nulth First Nations own 51 percent through Ma-Mook Natural Resources Limited (Ma-Mook) and Weyerhaeuser (formerly MacMillan Bloedel Limited) owns the remaining 49 percent. In the Nuu-chah-nulth language, *iisaak* (pronounced E-sock) means "respect". "Iisaak Forest Resources is committed to *Hishuk-ish ts'awalk* (pronounced He-shook ish sha-walk), the Nuu-chah-nulth belief of respecting the limits of what is extracted and the interconnectedness of all things. This guiding principle of

respect is the foundation for restructuring the economic, ecological and social elements of sustainable resource management in Clayoquot Sound.” www.iisaak.com

Interim Measures

While treaties are being negotiated, interim measures aim to assist First Nations to develop economic and social capacity and new skills, enter into partnerships with industry and local communities, and access real economic development opportunities. "The objective of Interim Measures (including Treaty-Related Measures) is to support and facilitate the treaty process by, for example, building relationships/partnerships, building capacity, providing tangible benefits, resolving contentious issues, and balancing interests." <http://www.gov.bc.ca/aaf/default.htm>

Interim Measures Agreement [IMA], Interim Measures Extension Agreement [IMEA]

In 1994, a two-year Interim Measures Agreement [IMA] between the provincial government and the five First Nations of the Nuu-chah-nulth Central Region, was signed. The IMA acknowledged that the Ha'wiih (Hereditary Chiefs) of the First Nations have the responsibility to conserve and protect their traditional territories and waters for generations which will follow. As a result of this agreement, the First Nations and the province became partners in a joint management process for land use planning and resource management in Clayoquot Sound to be carried out by a Central Region Board [CRB] composed of First Nations representatives and provincial government appointees. In 1996, because treaty negotiations were still in progress, an extension to the initial IMA was signed, known as the Interim Measures Extension Agreement (IMEA). In April 2000, this agreement was replaced by the Clayoquot Sound Interim Measures Extension Agreement: A Bridge to Treaty.

<http://www.island.net/~crb/agmts.htm>

http://www.gov.bc.ca/aaf/down/IMEA_Final4.pdf

Land and Resource Management Plan [LRMP]

A strategic, multi-agency, integrated resource management plan at the subregional level (distinct from CORE regional plans). LRMP's are based on the principles of enhanced public involvement, consideration of all resource values, consensus-based decision making, and resource sustainability.

<http://www.for.gov.bc.ca/PAB/PUBLCTNS/GLOSSARY/L.htm>

Long Beach Model Forest [LBMF]

The Model Forest Program recognizes the need for a shift from sustained yield to sustainable development, accounting for both economic and environmental outputs. The Long Beach Model Forest is one of eleven model forests within Canada and is also part of a growing international network of model forests. Together these sites represent an opportunity for public participation in establishing new models of forest use that respect the full range of societal values. <http://www.lbmf.bc.ca/about.htm>

Ma-Mook Development Corporation

In 1997 Ma-Mook Development Corporation was established to represent the collective economic interests of the five Nuuchahnulth Central Region First Nations. In 1998, Ma-Mook Development Corporation and MacMillan Bloedel signed a shareholders agreement detailing their partnership in a joint venture company, Iisaak Forest Resources.

Nuuchahnulth Tribal Council

The Nuuchahnulth Tribal Council represents 14 first nations on the West Coast of Vancouver Island from Brooks Peninsula north of Kyuquot to Sheringham Point south of Port Renfrew. <http://www.nuuchahnulth.org/>

Pacific Rim National Park [PRNP]

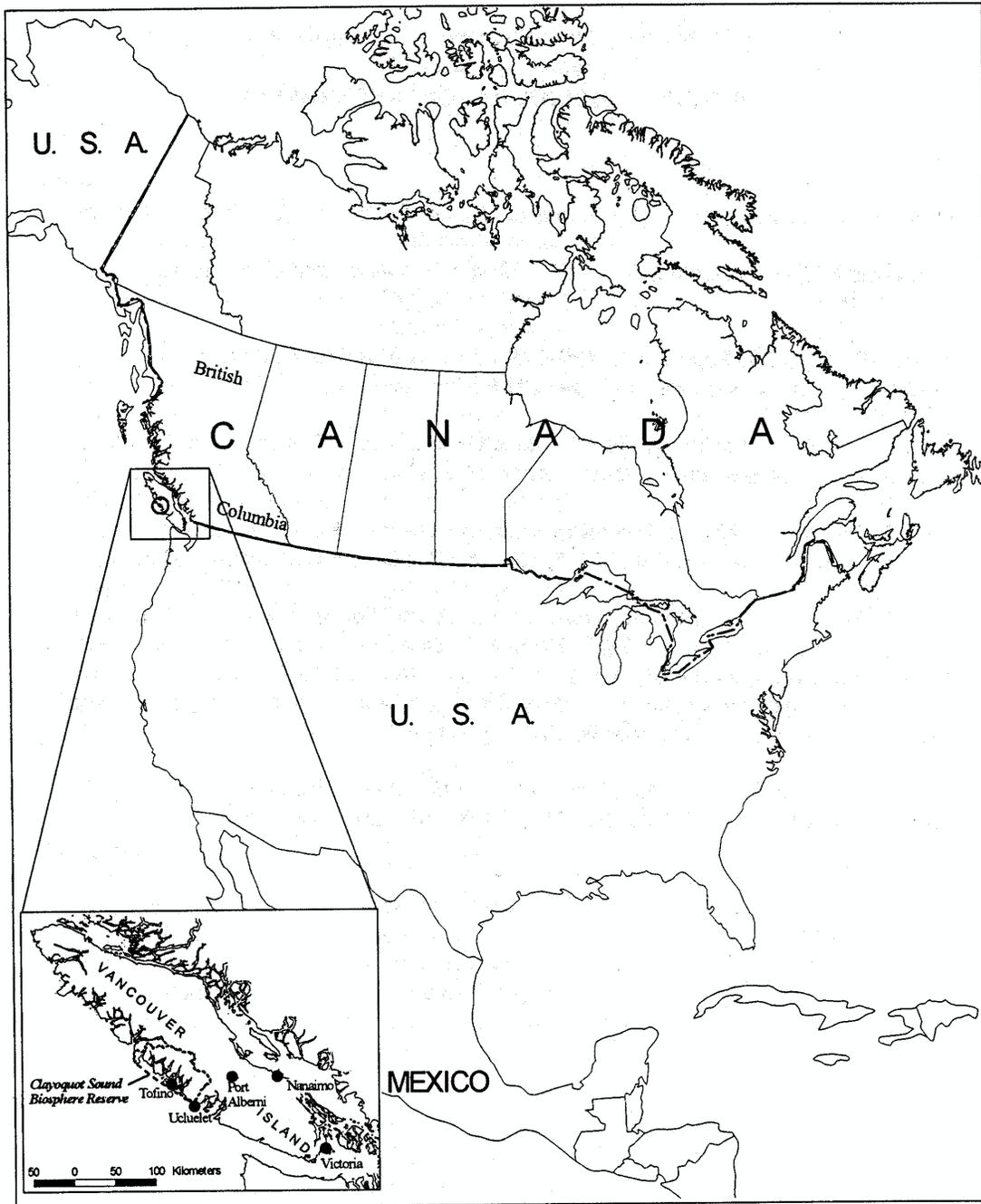
The park is composed of three parts - Long Beach, the West Coast Trail and the Broken Group of islands. Interpretive programs are available throughout the summer. http://parkscanada.pch.gc.ca/parks/main_e.htm

Regional Aquatic Management Society [RAMS]

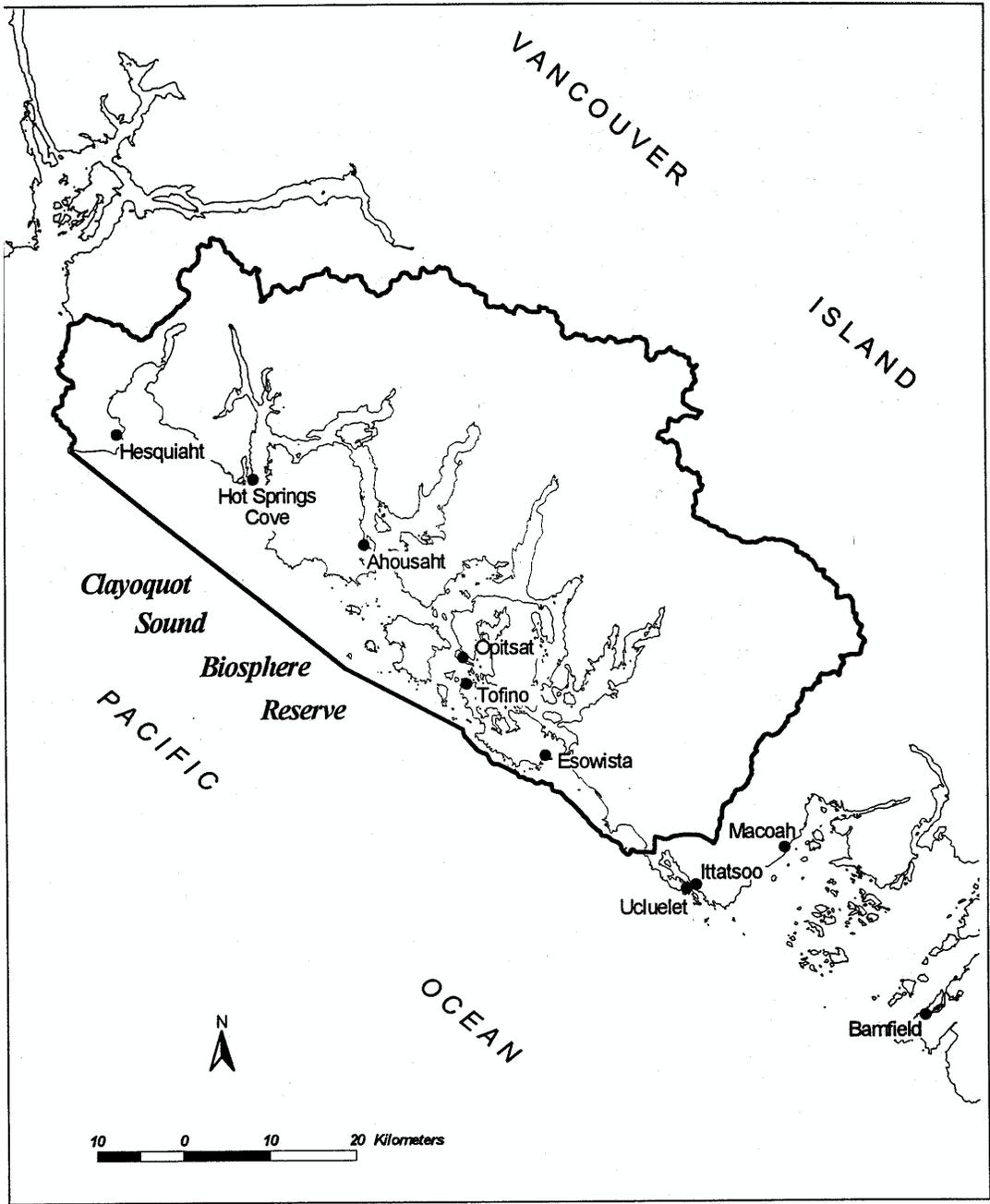
Formed in May 1997, RAMS is a community-based organization with the purpose of establishing regional management of aquatic resources in Nuuchahnulth traditional territory on the West Coast of Vancouver Island. The society was a key participant in negotiations leading to the creation of the Regional Aquatic Management Board [RAMB] (See Annex G). <http://www.RAMS-WCVI.org/RAMS/overview.htm>

Scientific Panel on Sustainable Forest Practices in Clayoquot Sound

The Scientific Panel, which included First Nations resource management experts and leading scientists, was created by the BC government following the April 1993 decision on Clayoquot land use. The panel's mandate was to review current forest management standards in Clayoquot Sound and make recommendations for changes and improvements. The goal of the panel was to develop world-class standards for sustainable forest management in Clayoquot Sound by combining traditional and scientific knowledge. <ftp://ftp.hre.for.gov.bc.ca/pub/clayoquot/clay1.pdf>



Location of the Clayoquot Sound Biosphere Reserve



Principal Settlements of the Clayoquot Sound Area

Annex B * ***TIMELINE***

- 1978:** The Nuu-chah-nulth Tribal Council (NTC) was asked by its member First Nations to address the declining employment of First Nations in the forest sector, and the damage poor logging practices were causing to fisheries and other resources.
- 1980:** The fourteen Nuu-chah-nulth First Nations of the west coast of Vancouver Island reclaimed their traditional lands. The Canadian government accepted the land claim for negotiation.
- 1984:** Tofino residents organized a boat blockade of Meares Island. The Tla-o-qui-aht and Ahousaht Nations declared the island a Tribal Park.
- 1985:** A court injunction was granted against logging on Meares Island pending treaty settlement.
- 1989:** Clayoquot Sound Sustainable Development Task Force was set up by the BC government to create a sustainable development strategy. The Task Force failed due to disagreements over interim logging and representation at the table.
- 1990:** The BC government established the Clayoquot Sound Sustainable Development Strategy [CSSDS] Steering Committee. Environment Groups walked out following a decision to approve interim logging.
- 1991:** The BC government instructed the Commission on Resources and Environment (C.O.R.E.) to develop a comprehensive land use plan for Vancouver Island excluding Clayoquot Sound.
- 1993:** Following the failure of the CSSDS Steering Committee to reach full agreement on areas to be protected, the BC government announces the Clayoquot Land Use Decision.
- 1993:** Opposition to logging in Clayoquot Sound led to widespread civil disobedience with at least 9,000 people from all walks of life passing through the Clayoquot Sound 'Peace Camp'. More than 800 people from across Canada, Europe, the US and Australia were arrested, the largest protest in Canadian history.
- 1993:** BC government initiates the *Scientific Panel for Sustainable Forest Practices in Clayoquot Sound*. And independent panel of First Nations and scientific experts in biodiversity, fisheries and wildlife, forest harvest planning and scenic resources have the goal to develop world-class standards for sustainable forest management by combining traditional (First Nations experience) and scientific knowledge (western science).
- 1994:** A historic two-year Interim Measures Agreement [IMA] was signed between the provincial government and the five First Nations of the Nuu-chah-nulth Central Region: Ahousaht, Hesquiaht, Tla-o-qui-aht, Toquaht and Ucluelet. The IMA acknowledged that the *Ha'wiih* (hereditary chiefs) of the First Nations have the responsibility to conserve and protect their traditional territories and waters for generations that follow. Consequently, joint management of the Nuu-chah-nulth traditional territory's lands and resources was granted until the completion of treaty negotiations.
- 1994:** Creation of the Central Region Board [CRB], a unique board with equal aboriginal and non-aboriginal membership to oversee development in Clayoquot Sound. The CRB is the first significant joint-management structure in B.C. between First Nations and the provincial government, and provides the Clayoquot Sound communities with unprecedented opportunities to have input into resource management, economic development and social issues.

* Sources: www.iisaak.com; LEAD, 2000.

- 1995:** The Scientific Panel completed a series of groundbreaking reports that describe how to manage the forests in Clayoquot Sound sustainably. The BC government accepts all 120 recommendations.
- 1996:** An extension of the IMA is signed, the Interim Measures Extension Agreement, schedule II of which commits MacMillan Bloedel and the First Nations in Clayoquot Sound to begin negotiations with the objective of forming a joint venture based on a shared commitment to achieving change.
- 1997:** Ma-Mook Natural Resources Limited was founded to represent the collective interest of the five Nuu-chah-nulth Central Region First Nations.
- 1998:** MacMillan Bloedel Limited and Ma-Mook Development Corporation signed a shareholders agreement detailing their partnership in the operation of a new company to operate in Clayoquot Sound. The new company was named Iisaak Forest Resources Ltd. Iisaak (pronounced E-sock) means "respect" in the Nuu-chah-nulth language.
- 1999:** A Memorandum of Understanding was signed between Iisaak Forest Resources and Greenpeace Canada, Greenpeace International, Natural Resources Defense Council, Sierra Club of BC and Western Canada Wilderness Committee. The Memorandum of Understanding established that environmental groups would be committed to: Support Iisaak's operations; actively engage in promoting markets for Iisaak's products; and, develop an ongoing mechanism for sustaining cooperation. Iisaak is committed to: respecting the role of First Nations in resource management activities; achieving certification; managing *eehmiis* (Nuu-chah-nulth for 'precious') areas emphasizing non-timber values; and, developing ongoing mechanisms for sustaining cooperation.
- 1999:** Transfer of Clayoquot portion of Tree Farm license 44 and timber licenses to Iisaak Forest Resources. MacMillan Bloedel becomes a wholly owned subsidiary of Weyerhaeuser Canada, thereby replacing MB as the minority shareholder of Iisaak.
- 2000:** An extended Interim Measures Agreement is struck called the *Clayoquot Sound Interim Measures Agreement: A Bridge to Treaty* that extends the Central Region Board and defines how First Nations and non-First Nations communities can participate in regional sustainable development.
- 2000:** Establishment of Clayoquot Sound UNESCO Biosphere Reserve that involves the collective efforts of central region tribes of the Nuu-chah-nulth, the Central Region Board, labor, local communities and environmental organizations. The Clayoquot Biosphere Reserve is an area where communities balance conservation with sustainable economies and social and cultural development and includes 350,000 hectares known as Clayoquot Sound.
- 2000:** Budgetary provision by the federal government as a first financial contribution to fund the Clayoquot Biosphere Trust, to serve as the institutional legacy associated with the Biosphere Reserve, to promote research, education and training initiatives in the community.
- 2000:** Representatives of First Nations, local governments, the Governments of Canada and the Province of British Columbia, and the United Nations Educational, Scientific and Cultural Organisation (UNESCO) were joined by local residents and invited guests from around the world to officially commemorate the designation of Clayoquot Sound as a UNESCO Biosphere Reserve.
- 2000:** Establishment of West Coast of Vancouver Island Aquatic Management Board to lead and facilitate the development and implementation of a strategy for the integrated management of aquatic ecosystems.
- 2001:** Canada, BC and the Nuu-chah-nulth Tribal Council initial the largest agreement in principle in the treaty process.

- 2001:** Agreement to protect significant valleys within the internationally recognized Great Bear Rainforest.
- 2001:** Agreement between BC government and First Nations on land-use planning in BC's central and north coast regions.

Annex C

Clayoquot Sound Scientific Panel

2.0 Terms of Reference

The general goal of the Panel as defined by Premier Harcourt, "is to make forest practices in the Clayoquot not only the best in the province, but the best in the world."

The Scientific Panel's terms of reference in meeting this goal are to:

1. Review existing management practices for Clayoquot Sound and, as necessary, recommend changes to these standards appropriate to the ecological conditions of Clayoquot Sound based on the best available scientific information.
2. Recommend priorities for research to improve forest management standards for Clayoquot Sound.
3. Recommend key ecological indicators for future monitoring of forest management standards in Clayoquot Sound.

To meet its goal effectively, the Panel found it necessary to refine its terms of reference in two ways:

- The Panel will consider planning processes explicitly. Specifically, the role of standards in the planning process will be evaluated and the planning process itself will be examined.
- The Panel will make recommendations for implementing standards. Education and training are essential if standards are to be effectively applied. Implementation also requires that standards are clearly defined, understandable, measurable, appropriate for monitoring, and enforceable.

The terms of reference do not include addressing issues of economic sustainability. The long-term economic sustainability of the region, however, depends on sustaining the area's forest ecosystems. The Panel's activities focus on the development of forest management standards to ensure the sustained productivity and health of forest ecosystems in Clayoquot Sound. These standards will provide the foundation for long-term, broad-based economic activity.

The Panel reports to the public on January 31, March 31, and June 30, 1994.

3.0 Operating Principles of the Scientific Panel

3.1 Protocol

A "protocol" is an agreed procedure by which a group reaches a decision or accomplishes a task. A protocol helps ensure that different perspectives and abilities are respected and constructively incorporated in group processes. Protocol is especially important when the group is diverse and the task is complex, as is the case with the Scientific Panel in recommending the best standards to govern forest management in Clayoquot Sound.

The Panel's task in Clayoquot Sound is one example of the larger task of managing all of British Columbia's provincial forests. The Panel must consider a wide range of issues, including: First Nations land use, timber extraction, recreation, fisheries, and the maintenance of the area's ecosystems. In doing so, the Panel must merge the traditions and belief systems of two groups with a long history of conflict - indigenous and non-indigenous peoples. Traditional, scientific, and practical knowledge must be assimilated and applied.

Together, the Panel forged a protocol equal to the task. The protocol reflects the Nuu-Chah-Nulth approach to group processes whereby all members participate in determining the issues, information, and actions relevant to the Panel's task. It is characterized by a demonstrable and inclusive respect for one another, for different values, and for data founded both in science and "lived experience." It calls for each Panel member to exercise patience, flexibility, tolerance, endurance, and faith in a process and task that are surrounded by conflict and turmoil.

The Panel members' shared commitment to achieving world-class standards for Clayoquot Sound created an atmosphere that encourages open discussion and the pursuit of consensus. Statements of the Panel reflect the collective experience and views of Panel members. Following full discussion of all matters deemed relevant by members, decisions are made based on the collective wisdom of the group.

3.2 General and Guiding Principles

Current forest management standards in Clayoquot Sound relate primarily to timber production. They focus on accessing, developing, and harvesting timber products rather than on managing forest ecosystems. To ensure the long-term sustainability and health of the forests of Clayoquot Sound, and to incorporate both First Nations and non-indigenous perspectives in the evaluation of current forest management standards, the Panel collectively developed the following general and guiding principles.

General Principles

The Clayoquot Scientific Panel recognizes natural systems and processes as the source of resource values and products. In this context, the Panel holds as paramount the management of forest ecosystems for their long-term health. The Panel also holds desirable the management of forest ecosystems for a mix of ecosystems for resource values and products.

The Panel's general principles concerning forest management in Clayoquot Sound are:

- 1. The world is interconnected at all levels; attempts to understand it entail analysing its components and considering the whole system.*
 - 2. Human activities must respect the land, the sea, and all the life and life systems they support.*
 - 3. Long-term ecological and economic sustainability are essential to long-term harmony.*
 - 4. The cultural, spiritual, social, and economic well-being of indigenous people is a necessary part of that harmony.*
 - 5. Restoration of historical degradation is a necessary part of a healthy human relationship with the land.*
 - 6. Standards must accommodate new information and changing social values.*
 - 7. Information on the resources of Clayoquot Sound and understanding of its forest ecosystems are incomplete.*
 - 8. Standards cannot be designed to meet all situations that will be encountered on the ground.*
 - 9. British Columbia can and should show leadership in the stewardship of forest ecosystems.*
-

Each of these principles is explained more fully.

- 1. The world is interconnected at all levels; attempts to understand it entail analysing its components and considering the whole system.*

In the course of scientific study or the development of guidelines, specific

functions or aspects of a system may be targeted at the expense of others, or of the system as a whole. In developing guiding principles, the Panel has tried to maintain a holistic view of forest ecosystems, to recognize connections across the landscape, and to draw on both scientific knowledge and the Nuu-Chah-Nulth "lived experience." Current forest management standards will be assessed, and new standards developed, in this context.

2. *Human activities must respect the land, the sea, and all the life and life systems they support.*

Living organisms have a place in nature that must be sustained to maintain the health of the system in which they exist. The necessity to maintain natural ecological systems - including the land and sea themselves - supersedes the value that society may place on any individual component of those systems.

3. *Long-term ecological and economic sustainability are essential to long-term harmony.*

The Panel views harmony as a stable and healthy relationship between people and the ecosystems that support them. Maintaining harmony is the responsibility of each generation to those that follow. Standards guiding land use and resource management should ensure ecological, cultural, and long-term economic sustainability. Current rates of population growth and resource extraction may not be sustainable or permit the desired harmony.

4. *The cultural, spiritual, social, and economic well-being of indigenous peoples is a necessary part of that harmony.*

Indigenous peoples live within the landscape from which they and the rest of society extract resources. Because of their longer, often closer connections to nature, the cultural and spiritual relationships of First Nations peoples with their environment are different from those of other cultures. Such cultural and spiritual needs must be accommodated in standards governing land use and resource management.

5. *Restoration of historical degradation is a necessary part of a healthy human relationship with the land.*

Long-term harmony requires the repair of systems that have been degraded by human activities. Standards should require the rehabilitation of sites damaged through past activities, and should prevent activities that will contribute to future degradation.

6. *Standards must accommodate new information and changing social values.*

Forest management standards reflect, but lag, changing social values and improvements in information and understanding. Standards for land and resource management must continue to evolve by nurturing new knowledge and accommodating changing values.

7. *Information on the resources of Clayoquot Sound and understanding of its forest ecosystems are incomplete.*

The forest ecosystems of Clayoquot Sound are varied and complex. Understanding how these systems function and respond to human actions is incomplete. Where available, the Panel will use published literature to support the development of standards. However, its recommendations cannot be limited to what is written down. Reasoned judgment and the "lived experience" of First Nations peoples and resource managers will be incorporated in the development of standards. Areas that are poorly understood will be addressed in recommendations for research.

8. *Standards cannot be designed to meet all situations that will be encountered on the ground.*

Standards must prescribe management activities appropriate at both landscape- and site-specific levels and must communicate expected levels of performance. At the same time, standards must allow for local variance to accommodate individual situations, recognizing that external factors influence responses and that the response in one watershed system will not necessarily be the same in the next. Standards must be conservative to maintain options and flexible to accommodate new knowledge.

9. *British Columbia can and should show leadership in the management of forest ecosystems.*

British Columbia is one of the most biologically diverse regions in the northern hemisphere. British Columbians have a moral obligation to maintain that diversity for future generations. Clayoquot Sound presents an opportunity to show leadership in the management of forest ecosystems for a multitude of values. The area is rich in resources and is highly valued by residents and tourists alike. Indigenous people with an extensive history of resource use still live in the region. The area has had significant industrial resource development in the forest and fishery sectors. Most of its forest land is publicly owned in large contiguous tracts which permit considerable flexibility in resource allocation and use.

Guiding Principles

Following from these general principles, the Panel established 18 guiding principles that provide the framework for reviewing existing standards and developing new standards for forest management in Clayoquot Sound.

Forest management standards must prescribe practices that:

1. *Meet or exceed international and emerging world standards.*
2. *Are based on the capabilities, limitations, and sensitivities of ecosystems.*
3. *Recognize cumulative effects and response thresholds within ecosystems.*
4. *Maintain healthy ecosystems that sustain well-distributed populations of native species.*
5. *Avoid activities that would damage natural ecosystems, and where unforeseen damage has occurred due to human activity, rehabilitate such landscapes and habitats.*
6. *Recognize the watershed as the basic unit for planning and management. More than one watershed may be required to plan for values such as biodiversity, scenery, and cultural features.*
7. *Take an ecosystem approach to planning, in which the primary planning objective is to sustain the productivity and natural diversity of the Clayoquot region, and the flow of specific forest products are determined in a manner consistent with this objective.*
8. *Recognize that the rate (percent of area affected per unit time) and geographical distribution of timber harvesting are more important determinants than total volume when wood harvest is planned and removed.*
9. *Provide for sustainable activities such as logging, fishing, tourism, and cultural pursuits.*
10. *Accommodate the needs of First Nations for cultural, social, and economic well-being.*

**Clayoquot Sound
Scientific Panel**

11. *Protect cultural and spiritual values and other special sites.¹⁷*
 12. *Represent the best application of scientific, traditional, and local knowledge and experience in the Clayoquot region.*
 13. *Are adaptive and respond to new knowledge and experience as well as to unforeseen natural and human-induced environmental changes.*
 14. *Involve local people and affected parties in planning and management processes.*
 15. *Provide a constructive and safe working environment.*
 16. *Are clear, understandable, and enforceable. Where local decisions may replace prescribed standards, they must result in equal or better integrated resource management.*
 17. *Are supported by ongoing education and training programs to ensure that standards are applied correctly and effectively.*
 18. *Are continually monitored, evaluated, and improved.*
-

This simple list of principles does not adequately express their underlying foundations. To support these guiding principles, Panel members have assembled knowledge and developed targets for specific components of natural systems; these are not summarized here.

The relevance of these principles in light of stewardship responsibilities has also been considered. For instance, aboriginal self-government and jurisdiction over land and resources, currently being addressed by government, may substantially influence forest practices in Clayoquot Sound. The guiding principles articulated above, however, derive from the vision of future forest stewardship shared by all Panel members. The Panel believes that these principles will remain relevant as guidelines for developing world-class forest management standards regardless of the outcome of deliberations about resource jurisdiction.

¹⁷ For example: areas of cultural or spiritual significance; habitats for threatened, rare, or endangered species; exceptional natural features (e.g., caves and hot springs); community watersheds; or important recreational and scenic areas.

**CLAYOQUOT SOUND
INTERIM MEASURES
EXTENSION AGREEMENT:
A BRIDGE TO TREATY**

Between

*HER MAJESTY THE QUEEN in right of the
Province of British
Columbia ("British Columbia")*

And

*THE HAWIIH of the Tla-o-qui-aht First Nation,
the Ahousaht
First Nation, the Hesquiaht First Nation, the
Toquaht First
Nation and the Ucluelet First Nation (the "First
Nations")*

(the "Parties")

I. WHEREAS:

A. Her Majesty the Queen is represented by the Government of British Columbia.

B. The Hawiith of the First Nations are represented by the First Nations. For the purposes of this Interim Measures Extension Agreement: A Bridge to Treaty, the First Nations are those tribes whose membership is substantially co-extensive with the membership of the Tla-o-qui-aht Band, the Ahousaht Band, the Hesquiaht Band, the Toquaht Band and the Ucluelet Band which are Bands within the meaning of the *Indian Act, R.S.C. 1985, c.I-5*.

C. Pursuant to the August 20, 1993 Protocol Respecting the Government-to-Government Relationship between the First

Nations Summit and the Government of British Columbia, it was agreed that, "a government-to-government relationship exists between First Nations and the Government of British Columbia".

D. British Columbia has accepted the June 1991 Report of the B.C. Claims Task Force (the "Task Force Report"), including the recommendation that, "the parties negotiate interim measures before or during treaty negotiations when an interest is being affected which could undermine the process".

E. The Parties acknowledge that the Hawiith of the First Nations have the responsibility to preserve and protect their traditional territories and waters for generations which will follow.

F. The First Nations wish to apply the concept of a tribal park to certain selected areas within Clayoquot Sound.

G. The Parties support the designation of Clayoquot Sound as an UNESCO Biosphere Reserve and support this initiative.

H. The Parties wish to ensure the public lands and natural resources in Clayoquot Sound are managed in accordance with the spirit and intent of this Interim Measures Extension Agreement: A Bridge to Treaty.

I. The Parties have ratified this Interim Measures Extension Agreement: A Bridge to Treaty.

II. THE PARTIES AGREE:

1. This Interim Measures Extension Agreement: A Bridge to Treaty (the "Agreement") is an interim measures agreement within the meaning of the Task Force Report and the August 20, 1993 Protocol Respecting the Government to Government Relationship Between the First Nations Summit and the Government of British Columbia (the "Protocol").

2. This Agreement intends to conserve resources for future generations by incorporating the Scientific Panel Recommendations, and its acceptance and recognition of traditional ecological knowledge.

3. This Agreement is to be interpreted in light of the commitment by British Columbia that the Clayoquot Sound Land Use Decision of April, 1993 is "without prejudice" to aboriginal rights and treaty negotiations.

4. For greater certainty, this Agreement does not define or limit the aboriginal rights, title and interests of the First Nations, or define or limit statutory authority.

5. This Agreement is intended by British Columbia as an exercise of its powers of management over the subject lands, to the extent of its interest in those lands.

III. DEFINITIONS:

6. In this Agreement:

a) "**Board**" means the Central Region Board reappointed by the Parties pursuant to section VI of this Agreement to deal with resource management and land use planning in Clayoquot Sound;

b) "**Central Region Economic Working Group**" means the First Nations Working Group responsible for developing the economic development workplan;

c) "**Clayoquot Sound**" has the same meaning as in British Columbia's April, 1993 Clayoquot Sound Land Use Decision;

d) "**Clayoquot Sound Planning Process**" means the process established to plan the implementation of the Scientific Panel Recommendations and other resource and land use planning initiatives agreed to by the parties;

e) "**Culturally Modified Tree**" means any tree or portion of a tree from which aboriginal peoples have used bark or wood for traditional, sustenance, medicinal, ceremonial, or transportation purposes. This definition does not include trees bearing trail blazes or evidence of marks associated with agriculture, trapping, prospecting, mining, timber cruising, logging or land surveys. In addition, "Culturally Modified Tree" shall mean any tree which would normally be identified as a culturally modified tree by archaeologists and qualified First Nation representatives;

f) "**Forestry Operations**" means activities such as engineering, harvesting and silviculture, pursuant to approved operational plans;

g) "**Hawiih**" means hereditary chiefs;

h) "**Joint Venture**" means business organizations which create economic opportunities and responsibilities for First Nations in a corporate partnership or co-operative relationship with others;

- i) "**Management for a Living Hesquiaht Harbour**" is the name of an ongoing comprehensive study that includes traditional ecological knowledge based management processes being conducted by the Hesquiaht First Nation;
- j) "**Operational plan**" is an annual plan which includes goals, objectives, projects, deliverables and a budget;
- k) "**Plans**", specifically referred to in section 17a) iv), v), vi), viii), and x) are written reports and map products which provide objectives and guidelines for the management of lands and resources in Clayoquot Sound. Plans do not consist of direction for the specific location and installation of facilities, specific site level resource management practices, or specific land tenure applications;
- l) "**Scientific Panel Recommendations**" refers to the reports of the Scientific Panel established by British Columbia in October 1993, which includes First Nations perspectives, and was accepted by British Columbia on July 6, 1995; and
- m) "**Tribal Parks**" mean geographic areas that are managed according to the principle of "Hishuk ish ts' awalk (everything is one)", as a result of a designation to which the Parties have agreed. Management of tribal parks includes economic activities associated with resources in the park.

IV. PURPOSE

7. The Parties agree that significant progress has occurred with respect to the development of positive relationships between British Columbia, the Hwiih of the First Nations, local government, and stakeholders in Clayoquot Sound since this Interim Measures Agreement was first entered into. The development of these relationships has led to an opportunity to reassess and refocus this Agreement and to provide for it to evolve as a mechanism leading up to treaty and to provide for regional economic development within the area outlined in Schedule IV.
8. The Parties agree that this Agreement should be continued with a renewed emphasis so as to provide the Parties the ability to cooperate effectively on resource planning initiatives occurring in Clayoquot Sound that are of fundamental importance to treaty negotiations.

9. This Agreement will serve as a "bridge" between planning processes and strategic level initiatives in Clayoquot Sound and the negotiation of substantive treaty issues.

V. OBJECTIVES

The Parties agree the following objectives will guide this agreement:

10. General Objectives

- a) to respect the Agreement and its implementation;
- b) to further the interests of the Parties;
- c) to consider options for treaty settlement for the First Nations, paying special attention to the need to preserve options for:
 - i. treaty settlement with respect to the Clayoquot River Valley, Flores Island, Hesquiaht Point Creek Watershed, and Meares Island, as well as
 - ii. the expansion of the land and resource base for the First Nations;
- d) to develop an ongoing dialogue within and between the communities, and to develop better ways to determine the best uses of resources and the economic, social and cultural advantages of each use;
- e) to promote the conservation of resources in Clayoquot Sound, including the recommendations of the Scientific Panel; and
- f) to promote the full participation of Central Region First Nations in regional development.

11. Resource Management Objectives

- a) continue working with existing programs and any new initiatives that may be introduced which are intended to restore and enhance levels of fish and wildlife and damaged stream and forest areas within Clayoquot Sound;
- b) to assess the implementation of sustainable ecosystem-based forest management in Clayoquot Sound;
- c) to continue working towards viable, sustainable resource industries within the area outlined in Schedule IV , including but

not limited to forestry, fisheries, tourism, mariculture and aquaculture;

d) to continue working towards local economic initiatives that will enhance community benefits;

e) to ensure that the maintenance of visual attractiveness and ecological integrity is given high priority in any proposed plans regarding resource extraction or development in Clayoquot Sound;

f) to respect and protect aboriginal uses of resources in Clayoquot Sound;

g) to continue working towards reconciliation between environmentalists, labour, industry, First Nations, recreational users, governments, and all others with concerns about Clayoquot Sound; and

h) to encourage respect for aboriginal heritage within the area outlined in Schedule IV including ensuring the protection of burial sites and physical artifacts of previous generations of First Nations, as well as any other notable historic sites.

12. Economic Objectives

a) to continue working towards sustainability, economic development, and diversification for communities within the area outlined in Schedule IV , including infrastructure within those communities;

b) to continue working towards increasing employment levels within aboriginal communities in the area outlined in Schedule IV to a level comparable to the employment rate in non-aboriginal communities;

c) to continue to support an increase in local ownership within resource industries; and

d) the Parties acknowledge that the Minister of Aboriginal Affairs, on October 29, 1999, agreed in a speech to the First Nations Summit to discuss alternative treaty fiscal financing arrangements on the condition that the government of Canada participates in these discussions and that these discussions occur on a broader basis than table-by-table.

VI. CENTRAL REGION BOARD

The parties agree to continue a joint management process through the Central Region Board that addresses resource management and land use planning within Clayoquot Sound pursuant to the principles set out in the Report of the B.C. Claims Task Force of June, 1991 and the Government to Government Protocol of August 20, 1993 between the Province and the First Nations Summit. The process shall apply to the whole of Clayoquot Sound and shall operate as follows:

13. Structure

- a) The Board shall be made up of five members appointed by British Columbia, five members appointed by the First Nations, and two co-chairs appointed pursuant to section 13(b);
- b) One co-chair shall be appointed by British Columbia and one co-chair shall be appointed by the First Nations;
- c) The Board shall have a secretariat;
- d) Members of the Board shall be subject to the conflict of interest guidelines referenced in Schedule I to this Agreement;
- e) The Board shall develop an operational plan on an annual basis. The Parties will meet to review and approve these operational plans to ensure they include the objectives of the Parties and to ensure the objectives of the previous year's operational plan have been achieved;
- t) The Board shall determine its rules of operation based on the principles of efficiency, effectiveness, sound resource management and respect for the interests of current and future generations; and
- g) The operations of the Board shall be guided by the principles of openness as identified in Schedule II of this Agreement.

14. Strategic Planning Role

- a) The Board is responsible for providing advice to the Parties on the planning processes and outcomes of plans and strategic initiatives affecting resource management and land use planning in Clayoquot Sound; and
- b) The Board shall participate in the development of a regional economic development strategy as directed by the Parties.

15. Public Consultation

- a) When the Board is reviewing a plan or strategy as outlined in section 17, it will seek public input and consult with local communities as recommended by either Party; and
- b) The Board shall provide the Parties with a summary of all public consultations.

16. Administration

- a) The Board shall be accountable to British Columbia for its expenditures;
- b) The Board shall develop an annual budget, in accordance with Treasury Board guidelines, subject to review and approval by British Columbia. The budget may include:
 - i. remuneration and travel expenses for attendance of board members at Board meetings;
 - ii. the costs of public hearings and meetings;
 - iii. a budget for research review, public information and other activities;
 - iv. the costs of staff and of the operation and maintenance of the office;
 - v. other items as the Board and the Parties agree upon; and
- c) The funding of the Board by British Columbia is subject to an appropriation being available for that purpose in the relevant fiscal year.

17. Responsibilities

The Board shall meet periodically and shall have the following responsibilities:

- a) At the discretion of either Party, the Board shall review:
 - i. Forest Development Plans as defined in the *Forest Practices Code of British Columbia Act*;
 - ii. Strategic plans as defined in the *Forest Practices Code of British Columbia Act*;

- iii. Clayoquot Sound Scientific Panel subregional and watershed plans;
- iv. Plans related to the alienation, conservation and protection of land, water or marine resources;
- v. Plans related to mariculture and aquaculture, including shellfish and finfish aquaculture;
- vi. Plans related to tourism and commercial recreation;
- vii. Plans related to Park Management, including Management Direction Statements and Master Plans;
- viii. Plans related to wildlife management;
- ix. Applications for permits submitted pursuant to the *Mines Act*; and
- x. Plans related to the designation of Marine Protected Areas.

The Parties may amend this list by mutual agreement.

- b) In the absence of a plan referred to under section 17(a), at the discretion of either Party, the Board shall review any site level application submitted to a ministry with resource management or land use planning responsibilities related to resource development in Clayoquot Sound;
- c) Monitoring activities undertaken by the Clayoquot Sound Planning Process to ensure that these activities are consistent with the objectives of this Agreement;
- d) Where the Parties deem necessary, the Board will initiate new work with respect to specific issues not considered by the Clayoquot Sound Land Use Decision or the Scientific Panel Recommendations;
- e) Monitoring to ensure that the fiduciary obligation of the Crown with respect to aboriginal rights has been met;
- f) Hearing public concerns on resource management or land use planning in Clayoquot Sound and making recommendations to the Parties for their resolution;

g) Carrying out planning tasks as agreed to and directed by the Parties; and

h) Carrying out other projects as agreed to and directed by the Parties.

18. Referrals to the Board

Where the Board undertakes a review under section 17(a) or (b), the Parties agree to provide the Board with the best available information.

19. Recommendations by the Board

Within 30 days of receipt at the Board Office of any referral pursuant to section 17(a) or (b), the Board shall:

a) Accept;

b) Propose modifications to; or

c) Recommend rejection of the referral. The findings and recommendations of the Board shall be directed back to the originating ministry, agency, or panel within the 30 day period.

20. Referral of Decisions to Cabinet

a) If the findings of the Board in relation to the plan or application are not implemented to the satisfaction of the Board within 30 days after the originating ministry, agency, or panel receives the findings and decisions of the Board, the Board shall report the findings to the Parties and either Party may refer the matter to Cabinet;

b) Decisions of the Board shall be by double majority vote. For greater certainty, there must be a majority vote of the First Nations representatives for any decision to pass the Board. The Board may exercise decision making by consensus, upon agreement between the Parties;

c) The Parties hereby continue the Central Region Resource Council (the Council) composed of the Hereditary Chiefs of the First Nations and Ministers of British Columbia. The Hereditary Chiefs and the Ministers may appoint designates to the Council so long as the designate may exercise the powers of a Hereditary Chief or a Minister within the operations of the Council. The Council may invite a Minister of the Government of Canada as it deems appropriate; and

d) The Council shall meet to consider solutions when Cabinet does not accept the Board's decision on a matter referred under section 20(a) and one of the Parties refers the matter to the Council.

VII. RESOURCE MANAGEMENT

21. The Parties agree that forestry operations shall continue in Clayoquot Sound, pursuant to the Scientific Panel Recommendations, the *Forest Practices Code of British Columbia Act*, the Clayoquot Sound Planning Process, and by incorporating First Nations perspectives. If British Columbia amends the Scientific Panel Recommendations or alters its commitment to implement them, the Parties shall request a meeting of the Central Region Resource Council, to resolve any differences that may result from this.

22. The Parties will participate in the Clayoquot Sound Planning Process and all plans will be completed by the Parties on a timely basis.

23. The Parties agree that First Nations have 30 working days from the date of receipt at the First Nations office to respond to proposals from resource tenure holders or government agencies regarding resource management activities in Clayoquot Sound.

24. The Parties will develop options respecting land use planning and tenure arrangements in Clayoquot Sound and will provide recommendations to British Columbia.

VIII. CULTURALLY MODIFIED TREES

25. Subject to the consent provision in this clause, British Columbia shall require in its cutting authorities that Culturally Modified Trees in Clayoquot Sound, whether standing trees or fallen trees, whether live or dead, be protected. Culturally Modified Trees may only be moved, cut or logged with the consent of the First Nation within whose traditional territory the Culturally Modified Trees are located.

IX. TOQUAHT FORESTRY

26. The Parties shall work together to maintain for the Toquaht First Nation a continuing commercial position in the forest industry within Toquaht territory, in accordance with existing provincial legislation and policies. The Ministry of Forests will assess, on an ongoing basis, the feasibility of the stumpage rate associated with the forest tenure.

X. MANAGEMENT FOR A LIVING HESQUIAHT HARBOUR

27. Hesquiaht First Nation shall complete and implement the plan "Management for a Living Hesquiaht Harbour" and the following shall apply:

- a) Hesquiaht First Nation shall apply to the Economic Development Fund to support initial planning phases of the study;
- b) When completed, the plan "Management for a Living Hesquiaht Harbour" will address management and development in Hesquiaht traditional territory. Wherever First Nations interests will be incorporated, future land and resource management plans will create linkages to the plan "Management for a Living Hesquiaht Harbour";
- c) Hesquiaht First Nation and British Columbia will ensure coordination and consistency between the Watershed component of the plan "Management for a Living Hesquiaht Harbour," Scientific Panel Recommendations, the *Forest Practices Code of British Columbia Act*, and other relevant provincial legislation; and
- d) The Parties agree to jointly request the involvement of an appropriate federal minister necessary for resolution of issues which arise from the ocean component of the plan "Management for a Living Hesquiaht Harbour".

28. A watershed level plan as described in the Scientific Panel Recommendations is required for the Hesquiaht Point Creek Watershed. The Hesquiaht First Nation shall be involved on a government to government basis in the development of any watershed plan.

29. Hesquiaht Lake, Satchee Creek and the Hesquiaht Peninsula shall be identified as an economic development base for the Hesquiaht First Nation and future generations. British Columbia, the Hesquiaht First Nation and the Board shall ensure that new development plans will be consistent with the plan "Management for a Living Hesquiaht Harbour" and will incorporate First Nations interests.

30. British Columbia will fund economic development projects consistent with the "Management for a Living Hesquiaht Harbour" for the Hesquiaht First Nation in the amount of \$100,000 per year for two years, provided that the First Nation prepares and submits an economic development plan and budget approved by the Province, as represented by the Minister of Aboriginal Affairs, and subject to an appropriation being made available for that purpose in the relevant fiscal year.

31. Within 30 days British Columbia and the Hesquiaht First Nation will each

identify a liaison for the purposes of financial administration pursuant to section 30.

XI. ECONOMIC DEVELOPMENT

32. The Central Region Economic Working Group will promote economic development opportunities for the First Nations and work with other interests to promote economic development initiatives, as identified in Schedule III.

33. The recommendations of the Central Region Economic Working Group will continue to be guided by the "Plan for Support of Economic Development For the Central Region Tribes of the Nuu-chah-nulth Tribal Council". The Central Region Economic Working Group shall determine its rules of operation based on the principles of efficiency, effectiveness, and sound financial management.

34. British Columbia will fund the economic development initiatives according to an annual budget and workplan prepared by the Central Region Economic Working Group and approved by British Columbia, as represented by the Minister of Aboriginal Affairs, subject to Treasury Board appropriation. An amount of \$8.0 million will be added to the Economic Development Fund according to the following disbursement schedule:

- a) A disbursement of \$2.0 million immediately following the signing of the Agreement;
- b) A disbursement of \$1.5 million at the beginning of fiscal year 2000/01;
- c) A disbursement of \$1.5 million at the beginning of fiscal year 2001/02;
- d) A disbursement of \$1.5 million at the beginning of fiscal year 2002/03; and
- e) A final disbursement of \$1.5 million at the beginning of fiscal year 2003/04.

35. Prior to the disbursement of funds under section 34 c), d) and e), the Central Region Economic Working Group will submit a report to British Columbia outlining the following:

- a) expenditures related to previous disbursements under this Agreement based upon Generally Accepted Accounting Principles (GAAP);
- b) status of any loans advanced under previous disbursements under this Agreement;
- c) status of businesses established under previous disbursements under this Agreement, including the acquisition of substantial assets;
- d) the number of jobs created under previous disbursements under this Agreement;
- e) any studies or reports supported under previous disbursements under this Agreement; and
- f) any other items the Parties may agree upon.

XII. INTERPRETATION OF THE AGREEMENT

36. The Parties shall use their best efforts to ensure that this Agreement is binding and unassailable, having regard to the spirit and intent of the Agreement.

37. In the event that any question arises with respect to the validity or effectiveness of any term or provision of this Agreement the Parties shall:

- a) use their best efforts to negotiate diligently and in good faith the term or provision so as to render it valid, effective, binding and unassailable, having regard to its spirit and intent; or
- b) alter their performance under the term or provision having regard to its spirit and intent so as to avoid the invalidity; or
- c) take whatever other action the Parties deem necessary and appropriate in order to protect the Agreement. The Parties agree that this action may include exploring amendments to existing legislation as necessary to protect and ensure the effectiveness of the Agreement.

38. In the event that any term or provision of this Agreement, or Schedules attached hereto, is deemed illegal or invalid for any reasons whatsoever as determined by a court of law, such term or provision shall be severable and the same shall not affect the validity of the remainder of this Agreement and the Schedules attached hereto.

XIII. MEARES ISLAND

39. This Agreement is without prejudice to the rights of the parties in the Meares Island court case (Martin v. The Queen, British Columbia Supreme Court Action No.845934 Vancouver Registry), both substantive and procedural, which is presently adjourned with no date fixed for continuation.

XIV. RECOGNITION OF THE B.C. TREATY PROCESS

40. This Agreement compliments the process of identifying areas for First Nations land, areas for joint management and areas for development. The Parties intend that this process will be concluded on the effective date of a treaty currently being negotiated by Canada, British Columbia, and First Nations at the Nuu-chah-nulth Tribal Council Treaty Table.

XV. AMENDMENT TO THE AGREEMENT

41. The provisions of this Agreement shall only be amended with the consent of the Parties.

XVI. ANNUAL MEETING OF THE PARTIES

42. The Parties will meet annually on the anniversary of this Agreement to review progress with respect to the implementation of this Agreement and to approve the annual operational plan of the Board.

XVII. TERM OF THE AGREEMENT

43. This Government to Government Agreement serves as a bridge to treaty negotiations currently being conducted between Canada, British Columbia and the Nuu-chah-nulth Tribal Council. This agreement is for a term of five years or the effective date of the treaty, which ever occurs first. After 3 years or the signing of an Agreement in Principle between Canada, British Columbia and the Nuu-chah-nulth Tribal Council, whichever occurs first, the Parties may serve notice to mutually consider examining the term of this Agreement and identifying any issues which need to be reviewed and amended, if necessary.

XVIII. EFFECTIVE DATE OF AGREEMENT

44. This Agreement is an amended extension of the Interim Measures Agreement, dated March 19, 1994, and the Interim Measures Extension Agreement, dated April 24, 1996, and will come into effect when signed

by all parties, and replaces the Interim Measures Extension Agreement, dated April 24, 1996.

XIX. SCHEDULES

45. Schedules I, II, III and IV attached to this Agreement are apart of this Agreement.

SCHEDULE I

CONFLICT OF INTEREST GUIDELINES

1. Members of the Central Region Board will avoid any conflicts of interest that could impair or damage the independence, integrity or impartiality of the Board.
2. Members will disclose all actual and potential conflicts to the Board.
3. A Member is in a conflict where the Member has a personal financial interest, asset or holding which is closely or directly affected by any decision, information or other matter that may be heard by or acted upon by the Board. However, a personal financial interest, asset or holding does not include an indirect personal financial interest, asset or holding in a business or organization which is communally owned or controlled.
4. A Member is in a conflict if roles or other activities undertaken as a citizen of the community could unduly influence the responsibilities held as a member of the Board. However, a member is not in conflict if roles or other activities as a community leader influence his participation or decisions relating to a matter before the Board.
5. A Member is in a conflict if his or her employment or contractual relations are dependent on a recommendation, information or other matter to be dealt with by the Board.
6. A Member is in a conflict if memberships, directorships, voluntary or paid positions or affiliations which could unduly influence or are opposing to the responsibilities of a Member are held. However, a member is not in conflict if roles or other activities as a community leader influence his participation or decisions relating to a matter before the Board.
7. Members will ensure that their other activities do not undermine the best interest or the reputation of the Board.
8. Member's actions in the course of Board duties should neither cause nor suggest the reality or perception that a member's ability to exercise those duties have or could be affected by his or her private gain or interest.
9. Members must inform the Board of any circumstance that may have a negative effect on their ability to perform the duties required of their appointment.

10. A co-chair will disclose a conflict to the Board.

11. If a conflict of interest arises, the Member will cease from participating in any discussions or decisions relating to the matter.

12. When the Board is discussing or making a decision, a Member that has a conflict of interest will leave the room for the duration of the discussion and decision making on that matter.

SCHEDULE II

OPENNESS OF THE CENTRAL REGION BOARD PROCESS

1. The Board will provide information to the public in accordance with the *Freedom of Information and Protection of Privacy Act*.
2. Any report or study that the Board has considered in making a finding or decision that is not available through the originating organization shall be made available to the public on request.
3. All recommendations of the Board related to resource management and land use planning shall be in writing and made available to the public on request.
4. All meetings of the Board shall be open to the public, except where the Board co- chairs direct that a meeting, or any portion of a meeting, be held in camera.
5. All minutes of the Board shall be made available to the public on request, including decisions and recommendations developed during in camera sessions.
6. The Board may develop its own policies and procedures on the routine release of information to the public and costs associated with the provision of information.

SCHEDULE III

ECONOMIC DEVELOPMENT INITIATIVES

TO BE CONSIDERED BY THE CENTRAL REGION ECONOMIC WORKING GROUP

1. Forest tenures or licences, forest management contracts or other forest industry opportunities;
2. Training for foresters and forestry standards inspection personnel, skills training, timber auditing, and cruising;
3. Road reclamation;
4. Silviculture;
5. The value added component of the forest industry;
6. Stream rehabilitation;
7. Salmon enhancement;
8. Foreshore management and shellfish harvesting;
9. The whale watching industry;
10. Recreation site and trail construction and maintenance;
11. Provincial park and forest warden and management opportunities;
12. Exploration of the concept of a tribal park;
13. For greater certainty, the Parties shall consider applying the concept of tribal parks for all or part of Flores Island, Wah-nah-juss/Hilth-hoo-iss/Meares Island and the Clayoquot River Valley;
14. In partnership with the Federal Government, Tofino Airport and Pacific Rim National Park;
15. Tourism and business development opportunities;
16. Skills development and training;

17. Community development and infrastructure opportunities;
18. Other initiatives as proposed by the First Nations, including initiatives involving provincial Ministries not already included in this list; and
19. Initiatives proposed by other interests, if deemed advisable by the Central Region Economic Working Group, provided the third parties are respectful of the government to government nature of the process.

Annex E

**Memorandum of Understanding
Between
IISAAK FOREST RESOURCES LTD.
AND
ENVIRONMENTAL GROUPS**

On the condition that IISAAK, in consultation with the First Nations in whose traditional territory the proposed activities would occur, will:

1. Gain control of the forest tenure in Clayoquot Sound.
2. Operate within its tenure:
 - a) according to the spirit, principles and recommendations of the Clayoquot Sound Scientific Panel;
 - b) giving respect to the traditional values of First Nations, and
 - c) in a holistic way so as to sustain:
 - i) bio-diversity and all timber and non-timber resources;
 - ii) water systems and water-related resources, including salmon;
 - iii) eco-tourism, recreational and scientific research opportunities;
 - iv) spiritual and sacred values
 - v) traditional cultural uses; and,
 - vi) economic development which is culturally, socially and ecologically sustainable.
3. Designate already fragmented areas for ecologically sustainable commercial forestry and other ecologically sustainable commercial and non-commercial uses, as determined and prioritized through ongoing research.
4. Prioritize production of ecologically sustainable volumes of high-value-added, second-growth forest products so as to minimize the production of forest products from old-growth areas, ensure that all old-growth forest characteristics be well-maintained within harvest areas on the stand as well as on the landscape level, and nurture the long-term transformation of second growth forests into old-growth forests.
5. Designate “*ehmiis*” (undeveloped areas that are, in Nuu-chah-nulth, “very, very precious”) (see attached map) for activities listed below that maintain their pristine nature and spiritual and sacred values and that generate non-timber benefits for the region (see Section 13), as determined by ongoing research:
 - a) ecologically sustainable harvest of non-timber forest products;
 - b) eco-tourism;
 - c) traditional cultural uses;
 - d) scientific research; and,
 - e) other activities agreed to by the signatories to this agreement.
6. Operate under an independent, internationally recognized certifying agreed to by both the Central Region First Nations and the undersigned Environmental Groups.

The Undersigned Environmental Groups then agree to:

7. Endorse and actively promote Iisaak as a globally significant model of ecologically sustainable forestry.
8. Actively support the consolidation of existing Crown forest tenures in Clayoquot Sound into the control of Central Region First Nations of the Nuu-chah-nulth Tribal Council.

9. Actively assist Iisaak, within the capacity of each Environment Group, in Iisaak's institutional development, including research, financing and capacity-building endeavours.
10. Actively assist Iisaak, within the capacity of each Environment Group and as enabled by FSC-accredited certification, in the marketing of Iisaak's forestry and associated value-added forest products.
11. Actively assist Iisaak and the Central Region First Nations, within the capacity of each Environment Group, in the development and marketing of specified non-timber forest products.
12. Actively assist Iisaak and the Central Region First Nations, within the capacity of each Environment Group, in the development and marketing of specified eco-tourism products.

Together, IISAAC and the undersigned Environment Groups agree to:

13. Establish, participate in and fund a small and effective joint working group that will:
 - a) identify options for and assist in the establishment of a non-timber tenure and/or similar mechanisms as an overlay to existing forest tenure that will enable Iisaak and the Nuuchahnulth Central Region First Nations to manage and derive benefits from non-timber and eco-tourism resources in Clayoquot Sound;
 - b) draft a corporate Code of Ethics for Iisaak;
 - c) identify and recommend specific opportunities for strengthening the relationship between Iisaak and the undersigned environment groups;
 - d) identify and recommend ongoing mechanisms for sustaining cooperation between Iisaak and the undersigned environment groups; and,
 - e) table recommendations on sections 13 to the signatories to this agreement by November 1999.

Annex F

**Memorandum of Understanding
Respecting the Establishment of an Integrated and Co-operative Approach to Forest Management
and Harvesting throughout Clayoquot Sound**

Between

**IISAAK FOREST RESOURCES
As Represented by the Ma-Mook Development Corporation
And MacMillan Bloedel Limited
(‘IFR’)**

and

THE CLAYOQUOT SOUTH COMMUNITY

**As Represented by
Their Advisory Committee
(‘the South End’)**

(The Parties)

WHEREAS:

1. There have been several major changes in the Clayoquot Sound area with respect to the terms under which forest harvesting can take place including the advent of the Scientific Panel, the Interim Measures Extension Agreement, and the recently negotiated joint venture between MacMillan Bloedel and Ma-Mook Development Corporation; and
2. These changes have had the impact of displacing forest workers and phase contractors in MacMillan Bloedel’s Kennedy Division; and
3. The joint venture known as Iisaak Forest Resources has clauses within its provisions which indicate a desire to involve former Kennedy employee and contractor interests displaced by the change in a restructured approach to utilizing the forest resource in Clayoquot Sound, and consistent with the employment clause in this MOU, preference will be given to former Kennedy Lake employees; and
4. First Nations people and organizations and South End people and organizations resident in the Clayoquot area are seeking avenues for addressing their interests in a manner that is respectful, builds trust, and constructs durable ways of sharing benefits; and
5. This Memorandum of Understanding (MOU) is to establish and maintain an integrated and co-operative approach to forest management and harvesting throughout Clayoquot Sound, with a focus on contracting and employment; and
6. This Memorandum of Understanding sets out commitments intended to guide and support the business planning of Iisaak Forest Resources (IFR) and does not supersede the IFR Shareholders Agreement.

NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:

1. DEFINITIONS

‘Advisory Committee’	The Committee mandated by interested South End residents to provide direction to the negotiation process with IFR.
‘Corporation’	The legal entity which may be formed by South End residents to facilitate the delivery of local benefits from forest management and harvesting pursuant to the MOU.
‘First Nation Contractors’	(definition to be provided by IFR)
‘Local Contractors’	Contractors whose primary residence is in the area shown in the map referred to in Section 4.1, or are recognized as having has a long standing contractual relationship with MB in that area, who provide contracting services to IFR, and who will abide by the terms and conditions of the MOU.
‘IFR’	Iisaak Forest Resources Ltd. Is a share corporation owned by the MA-Mook Development Corporation and MacMillan Bloedel Limited.
‘Local’	The are shown on the map referred to in Section 4.1, within which the terms and conditions of the MOU shall apply.
‘MB’	MacMillan Bloedel Limited and its representatives.
‘MDC’	The Ma-Mook Development Corporation, the membership of which consists of the five Nuu-chah-nulth First Nations of the Central Region.
‘South End’	Residents of the south end of the Clayoquot area who include members of the District of Ucluelet Council, former Kennedy Lake employees, the private sector and the general public who are represented by their Advisory Committee.

2. PURPOSE

2.1 The purpose of this document is to establish between the parties a co-ordinated and co-operative approach to forest management and harvesting throughout Clayoquot Sound. This approach will be based upon the requirement to operate an economically viable business which generates economic and social benefits to IFR shareholders and the Local area, and which is within the guidelines established by the Clayoquot Sound Scientific Panel.

3. OBJECTIVES

- Operating within the Vision Statement attached as Appendix I, the objectives of the MOU will be to:
- 3.1** Establish and maintain an integrated and co-operative approach to forest management and harvesting throughout the Local area, with a focus on a long term community stability through such things as contracting and employment;
 - 3.2** Maximize Local contracting, employment and business opportunities;

- 3.3 Maximize Local benefits from the resource base;
- 3.4 Ensure consistency between the MOU and the IFR Shareholders Agreement;
- 3.5 Ensure that business viability is the paramount consideration in the implementation of the general terms and conditions of the MOU;
- 3.6 Establish a time period for the South End and Central Region First Nations to adjust to change through some security of access to training, contracting and employment opportunities, provided that competency targets are met within specified time frames and performance criteria;
- 3.7 Establish a co-operative information management system; and
- 3.8 Ensure that a high standard of safety will apply to all activities undertaken through the MOU.

4. APPLICATION

- 4.1 The general terms and conditions of this MOU shall apply to the areas of MB tenure in Clayoquot Sound exclusive of the Upper Kennedy/Marion Creek area, shown in the map attached as Schedule A. With regard to Local Contractors, the area of application shall apply to geographic areas of the five Central First Nations included in Area C of the Alberni Clayoquot Regional District, as shown in the map attached as Appendix II.
- 4.2 The areas may be modified by the mutual consent of the parties; and
- 4.3 Where this MOU outlines the subject matters of further negotiations between the parties it shall be considered as a declaration of intent only and shall not give any right of action or claim by one party against the other.

5. TERMS AND CONDITIONS

5.1 The general terms and conditions of the MOU are as follows:

- 5.1.1 Through their joint venture agreement, First Nations have 51% ownership and MB 49% ownership of IFR. It is agreed by the parties to this MOU that, two years after the execution of the Shareholders Agreement IFR will, at the request of the Corporation, enter into negotiations for the purpose of providing South End participation in IFR up to a maximum of 10% ownership, the nature of the participation will be determined at the time of negotiations, but will include the following options:
 - a) MacMillan Bloedel Ltd. selling or transferring up to 10 of its IFR common shares to the Corporation;
 - b) Issuing another class of IFR shares to the Corporation; and
 - c) IFR appointing a representative of the Corporation from 4 nominees identified by the Corporation as a member of the IFR Board of Directors.
- 5.1.2 Negotiations on participation will commence within 30 days of written notice to IFR from the Corporation of the intent to exercise this option to negotiate direct participation in IFR.
- 5.1.3 Both market and non-market values will be taken into consideration to establish the basis for the Corporation to secure an ownership/equity position.

5.2 Contracting

- 5.2.1 It is the intent of the Local Contractors to form a Contractors Association for the purpose of implementing the contracting and employment provisions of this MOU.
- 5.2.2 Existing First Nations and Local Contractors are identified in the attached Appendix II.
- 5.2.3 In order to help achieve the objectives in 3.0, new First Nation Contractors will have the benefit of IFR's First Nations preference policy if they are:
- a) wholly owned by Central Region First Nations or their members; or
 - b) partnered with a Local Contractor identified in Appendix III.
- 5.2.4 For greater certainty, contractors not identified in Appendix III, or described in 5.2.3, will not be restricted from bidding on contracts for which bids are invited, but will not have the benefit of the First Nations preference policy or favoured trading partner status. All contractors will be expected to adopt the spirit and intent of this MOU, including:
- a) First Nation employment and business content;
 - b) Local employment;
 - c) Local business opportunities; and
 - d) Development of Local capacity.
- 5.2.5 IFR will adopt a policy of maximizing the use of Local Contractors within a cost effective, performance oriented framework.
- 5.2.6 Local Contractors will adopt a policy of maximizing the use of locally provided goods and services within a cost effective, performance oriented framework.
- 5.2.7 The Local Contractors will adopt as policy the employment preference provisions as set out in Section 5.3.
- 5.2.8 The Local Contractors will have a favoured trading partner status with IFR.
- 5.2.9 For the purposes of this agreement, 'favoured trading partner' status means:
- a) IFR will meet with the Local Contractors at regular intervals within its business planning cycle to identify contract opportunities;
 - b) If the Local Contractors can satisfy IFR's reasonable requirements with respect to quality, time and cost as developed by the process established under Section 5.2.11, a direct contract will be awarded prior to IFR inviting interests from other parties;
 - c) If IFR and the Local Contractors are not successful in achieving a direct contract, the Local Contractors will not be precluded from participating in any subsequent tender process;
 - d) The contracts may contain provisions with respect to recruitment and training;
 - e) IFR reserves the right to contract short term and/or specialized capacity where there is no demonstrated Local capacity;

- f) Where there is no demonstrated Local capacity, IFR and the Local Contractors will explore options to develop Local capacity should there likely be further contracting opportunities; and
 - g) Where there is more than one Local Contractor qualified to provide services, tenders may be utilized.
- 5.2.10 IFR will utilize the following policies to guide the favoured trading partner relationship with the Local Contractors:
- a) Meeting employment and training objectives through the co-operative and co-ordinated process specified in Section 5.4;
 - b) The implementation of a management information system which meets IFR, First Nations and the Local Contractors requirements through the process specified in Section 5.5;
 - c) The Board of IFR will explore the options for developing a profit sharing plan and to design a plan that is appropriate to the purpose of this agreement and the business strategy set in place by the management and Board of IFR;
 - d) Facilitation of the growth of First Nation and Local contracting capacity on a systematic and realistic basis starting with the capacity which is currently available;
 - e) Facilitation and encouragement of joint ventures between First Nations and Local Contractors consistent with criteria for First Nation participation referred to in clause 5.2.12 (c);
 - f) Reducing the scope of a contract to match the capacity of the Local Contractors provided that there will be no adverse economic effect to IFR;
 - g) Co-ordinated and co-operative business and operational planning with the First Nation and Local Contractors; and
 - h) Reasonable contractor performance review and evaluation criteria as negotiated under clause 5.2.12.
- 5.2.11 There will be an annual review process established whereby IFR and the Local Contractors jointly review and assess the progress of the implementation of the contracting provisions of the MOU. In the interim, pilot evaluations will be identified which may, by agreement of the parties, refine the process identified in clause 5.2.9.
- 5.2.12 In accordance with this MOU, IFR and the Local Contractors will negotiate a set of contracting, employment and training guidelines which will include, but not be limited to:
- a) Cost and performance standards;
 - b) Preference and favoured trading partner clauses;
 - c) Criteria for determining significant First Nation ownership;
 - d) Information exchange, management and confidentiality;
 - e) Contractor monitoring and evaluation;
 - f) Hiring and dismissal standards; and
 - g) Successor and/or buy/sell guidelines to support the principle of First Nation and Local ownership.

5.3 Employment

- 5.3.1 Where there are employment opportunities in the Local area, the terms and conditions of the MOU will apply.
- 5.3.2 IFR and the Local Contractors, through a contracting relationship as set out in Section 5.2, will institute a local hiring preference policy in accordance with the following:
- a) First preference to qualified First Nation candidates resident within the Local area, until such a time as the IFR policy of 50% First Nation employment within 10 years has been achieved;
 - b) The next preference to qualified South End residents with due consideration for displaced Kennedy Lake employees. For the purpose of this MOU due consideration means that in the event of two candidates with equal qualifications, preference will be given to the displaced Kennedy Lake employee; and
 - c) Next preference to qualified persons resident within the Local area.
- 5.3.3 IFR is prepared to assist the Local Contractors in the recruitment and selection of First Nation employees upon request and to the extent necessary.
- 5.3.4 The Local Contractors under contractor guidelines will have the ability to dismiss employees based upon fair dismissal standards as developed through the process established under Section 5.2.12.

5.4 Training

- 5.4.1 The parties understand and agree that, given the complex and uncharted areas facing them with respect to effectively implementing the MOU over time, there is a universal learning requirement. In this respect, there is a commitment to seek funding to achieve the high quality of training and personal and professional development which will be required to meet the intent of the MOU.
- 5.4.2 IFR has a requirement to train First Nation people in a variety of forestry operational areas, and the Local Contractors have a number of skills which could be utilized to meet a range of training requirements. IFR will be developing a First Nation training strategy, and the parties agree that they will work co-operatively to develop and implement a co-ordinated and cost effective training strategy that is linked to Section 5.2.11.
- 5.4.3 This training strategy will be based upon the capacity requirements identified through the business planning process, and will be linked to contractor awards and other employment opportunities.
- 5.4.4 Training must be structured to have clear and time framed competency targets. IFR will co-operate to secure training resources that support competency building within defined time frames.
- 5.4.5 Neither IFR nor Local Contractors will be expected or required to pay all the costs associated with training beyond the costs associated with normal business practices. Training costs, which may take into consideration effects to productivity, will be covered through either:
- a) An agreed amount built directly into the contract; or
 - b) A separate program.
- 5.4.6 IFR is prepared to assist the Local Contractors in the recruitment and selection of First Nation trainees to the extent necessary. IFR may request MDC co-operation in this area.

5.4.7 If trainees do not meet IFR competency requirements within time and funding budgets, the contractor will have the right to let the person go based upon the guidelines developed through Section 5.2.12.

5.4.8 There will be an annual review process established whereby IFR and First Nation and Local Contractors jointly review and assess the progress of the implementation of the MOU training terms of reference.

5.5 Information Management

5.5.1 IFR, the Corporation and First Nations and Local Contractors agree that a co-operative approach to information exchange and management is essential.

5.5.2 IFR will make its business development planning and management information available to First Nations, the Corporation and Local Contractors in a timely and appropriate manner.

5.5.3 On a reciprocal basis, First Nations, the Corporation and Local Contractors will provide IFR with business development planning and management information in a timely and appropriate manner.

5.5.4 Further to 5.5.2 and 5.5.3 the parties agree that they will jointly develop and implement a co-operative and co-ordinated information management system to the extent deemed necessary and practical by the parties.

5.6 Salvage

5.6.1 The parties will make best efforts to negotiate an agreement with respect to salvage consistent with the objectives set out in Section 3.0 and which reflects the spirit and intent of the MOU.

5.7 Tenure and Fibre Supply

5.7.1 Subject to the IFR Shareholders Agreement and the objective in Section 3.5, it is the policy of IFR to maximize the supply of fibre to support the development of Local value added industries and IFR is prepared to enter into supply agreements with local industries that meet their criteria. IFR will consult with Local value added interests with regard to the implementation of this policy when developing IFR business management and marketing plans.

6. IMPLEMENTATION

Under the Sections 5.2, 5.3, 5.4, 5.5, 5.6 and 5.7, the Terms and Conditions of the MOU identify specific follow-up requirements which are deemed necessary by the parties to implement the MOU. In this regard it is recognized by the parties that implementation funding on a timely basis will be required to facilitate the establishment of the Corporation and Local Contractors Association, and to concurrently address these requirements. It is recognized by the Parties that appropriate resourcing for an MOU implementation phase will be negotiated by the South End and MB.

6.1 Contracting and Employment

6.1.1 The South End will review and assess organizational options which will include but not be limited to: a community economic development corporation; a co-operative; a corporation; an association; and a non-profit society for the purpose of implementing the equity, and information provisions of the MOU.

6.1.2 The Local Contractors will identify and analyze their current capacity to provide contracting services to IFR under the guidelines to be negotiated under Section 5.2.12.

6.1.3 The Local Contractors will identify and plan for anticipated capacity requirements with respect to business skills and small business financial assistance.

6.1.4 The Local Contractors will participate in establishing work sharing criteria.

6.2 Training

6.2.1 IFR and First Nation and Local Contractors will review organizational options with regard to the provision of training services.

6.2.2 First Nation and Local Contractors will co-operate with IFR to develop and implement a targeted training plan which will take into consideration, but not be limited to:

- a) The capacity requirements of the parties as identified through their business planning processes;
- b) Their capacities to provide training;
- c) The need for First Nation cultural training; and
- d) The possibility of establishing a 'blue ribbon' Training Advisory Committee.

6.3 Economic Transition

6.3.1 The Corporation and First Nation and Local Contractors will work with IFR to establish a co-operative information management system.

6.3.2 The Corporation will work to link and integrate the MOU process with broader regional economic development interests, which include, but are not limited to: the Ucluelet Working Circle; a community forest license, woodlots, value-added projects; and interpretive/research centre; eco-tourism opportunities, and bi-lateral negotiations with MB.

7 TERMS OF AGREEMENT

7.1 By April 1st, 1999, IFR and the South End interests agree to identify and recommend ongoing mechanisms for sustaining cooperation between IFR and the signatories to the Memorandum of Understanding

7.2 The MOU will be reviewed by the parties two years from its effective date.

Background

BG-PR-01-009E

February 26,2001

WEST COAST OF VANCOUVER ISLAND AQUATIC MANAGEMENT BOARD

Terms of Reference

The work of the Board will be governed by the following principles:

Hishukish Ts'awalk and Isaak:

Aquatic resources should be managed on an ecosystem basis, which is consistent with the principles of Hishukish Ts'awalk and Isaak. TheNuu-chah-nulth-phrase Hishukish Ts'awalk (pronounced 'he-shook-ish tsa-walk') means 'everything is one'. Isaak (pronounced 'e-sock') means 'respect'. These phrases embody an understanding that all things are sacred and nothing is isolated from other aspects of life surrounding and within it. This concept contributes to a value system that promotes the need to be thrifty, not to be wasteful and to be totally conscious of one's actual needs when interacting with others. The belief underlying these two principles is that the goal in interacting with other people or species is not to maximize personal benefit, but to produce mutually beneficial outcomes. These outcomes arise from understanding and respecting the needs of other people or species, and recognizing an essential 'oneness' or interconnection with other people or species.

Conservation

The protection, maintenance, and rehabilitation of aquatic resources, their habitats, and interconnected life support systems, should take precedence in managing aquatic resources, to ensure ecosystem sustainability and biodiversity. A 'conservation-first' approach will help ensure that aquatic resource use is conducted in an environmentally sustainable manner.

Precautionary Approach

Decision-makers should err on the side of caution when making conservation and resource management decisions. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

Adaptive Management

Aquatic resource management decision-makers should integrate relevant local knowledge, together with appropriate ecological, social, and economic information, with the goal of continual improvement.

Sustainability

Sustainability is the use of aquatic resources such that the ecological, social, and economic factors are considered and balanced, while ensuring that current activities do not affect the potential for future generations to sustain themselves.

Shared Responsibility

The governments, coastal communities, and other persons and bodies affected by aquatic resource use are together responsible and accountable for integrated aquatic resource management.

The responsibility for integrated management decisions should coincide with the ecological unit, nature of the issue, the scale of impact, the ability to collect relevant information, and management capacity. There should be effective communication, information flow and linkages between various levels.

Inclusivity

Coastal communities and other persons and bodies affected by aquatic resource management should have an opportunity to participate in the formulation and implementation of integrated aquatic resource management decisions. The participation of coastal communities and other persons and bodies affected by aquatic resource management will promote improved decisions.

Benefits

Aquatic resources offer significant opportunities for economic diversification and the generation of wealth for the benefit of all Canadians, and in particular for coastal communities. Internal and external costs and benefits (including social, ecological, and economic) should be appropriately considered when making decisions related to aquatic resources.

Flexibility

Integrated aquatic resource management is a continuous process. Administrative structures and processes should be flexible and expected to evolve, and grow, to accommodate the management process.

Objectives:

The objective of the Board is to lead and facilitate the development and implementation of a strategy for the integrated management of aquatic ecosystems in the management area, in a manner consistent with statutory authorities, policies, standards, and processes, which will:

- protect, maintain and rehabilitate aquatic resources
- manage aquatic resources on an ecosystem basis
- respect and protect First Nations' food, social and ceremonial requirements and treaty obligations
- support a precautionary approach to aquatic resource management
- consolidate information relating to different aquatic resource uses and utilization to provide a holistic picture of the health of ecosystems within the management area
- integrate expertise and knowledge from First Nations, local, scientific, and other sources
- ensure opportunities for coastal communities and other persons and bodies affected by aquatic resource management to participate in all aspects of integrated management, protection and restoration of aquatic resources
- foster initiatives that maintain or enhance opportunities for coastal communities to access and benefit from local aquatic resources, while achieving sustainable social, cultural, and economic benefits from the integrated management and harvesting of aquatic resources for British Columbians and other Canadians.

Appointment Process

The Board will consist of eight government and eight non-government members. Government members will include two representatives each from the federal, provincial, regional and Nuu-chah-nulth governments. Non-government members will be generally representative of the diverse geography and range of aquatic resource interests in the management area, including commercial harvesting, aboriginal harvesting, recreational harvesting, processing, environment / stewardship, aquaculture, tourism and labour. Board members will not be selected to represent individual organizations or groups. Instead, they will be appointed on the basis of: commitment to the Board's vision, purpose, principles and objectives; skills, knowledge and experience relating to aquatic management issues in the management area; and, base of support. Members will also be chosen based on a blend of expertise, experience and a range of perspectives. Each member should add value to the work of the board and work well with other members. The appointments process will be guided by these goals, to ensure the desired composition and balance.

Annex H

SUMMARY OF NUU-CHAH-NULTH AGREEMENT-IN-PRINCIPLE

Ministry of Aboriginal Affairs

March 10,2001

SUMMARY OF NUU-CHAH-NULTH AGREEMENT-IN-PRINCIPLE

Canada, British Columbia and twelve First Nations of the Nuu-chah-nulth Tribal Council have reached an Agreement-in-Principle. The Nuu-chah-nulth First Nations include: the Ka:'yu:'k't'h'/Che: k'tles7et'h', Ehattesaht, Nuchatlaht, Mowachaht/Muchalaht, Hesquiaht, Ahousaht, Tla-o-qui-aht, Ucluelet, Toquaht, Tseshah, Uchucklesaht, and Huu-ay-aht. Their population totals approximately 6500 people.

An overall maximum land quantum of 55,000 hectares, plus approximately 4200 hectares of existing Nuu-chah-nulth Indian reserves, will become Nuu-chah-nulth First Nation Lands. Nuu-chah-nulth will receive a capital transfer of 205.8 million.

General Provisions

- The Agreement-in-Principle is not a final agreement.
- The Agreement-in-Principle is not legally binding; it provides the basis for negotiating the Final Agreement.
- The Final Agreement will not change the Constitution of Canada.
- The Final Agreement will be a treaty and land claims agreement.
- Federal and provincial laws and the Charter of Rights will apply to Nuu-chah-nulth.
- Once the treaty comes into effect, the Indian Act will not apply to the Nuu-chah-nulth First Nations and there will be no Nuu-chah-nulth Indian reserves.
- The Final Agreement will be a full and final settlement that will comprehensively set out Nuu-chah-nulth rights.
- The precise legal technique for achieving certainty will be negotiated prior to concluding the Final Agreement.

Lands

- Nuu-chah-nulth First Nation Lands will include all or a portion of those lands identified in the joint federal/provincial government December 11, 2000 offer to Nuu-chah-nulth.
- During negotiations of the Final Agreement, the Parties will identify the precise description, location and amount of Nuu-chah-nulth First Nation Lands.
- Each Nuu-chah-nulth First Nation will own Nuu-chah-nulth First Nation Lands in fee simple and the lands will include both Nuu-chah-nulth Indian reserves and Crown land.
- Interests on Nuu-chah-nulth Indian reserves and Crown land, existing on the effective date of the Final Agreement, will continue and access to these interests will be assured.
- Subsurface resources on Nuu-chah-nulth First Nation Lands will be owned by the Nuu-chah-nulth First Nations, except for Crown-granted (privately-owned) subsurface resources, and subject to the terms of the Final Agreement.

- The Final Agreement will contain provisions which will allow each Nuu-chah-nulth First Nation to add a specified amount of land to Nuu-chah-nulth First Nation Lands. The addition of lands will be at no cost to Canada and British Columbia. Any additions proposed within municipal boundaries will require a municipality's consent.
- Submerged lands, including foreshore, will not be part of Nuu-chah-nulth First Nation Lands.
- The Agreement-in-Principle includes provisions for federal and provincial expropriation of Nuu-chah-nulth First Nations Lands under specified terms and conditions. Prior to the Final Agreement, British Columbia and Nuu-chah-nulth will attempt to reach agreement on the maximum amount of Nuu-chah-nulth First Nation Land that British Columbia may expropriate.
- When the Parties agree on all of the lands that are to become Nuu-chah-nulth First Nation Lands, the Parties will negotiate an interim protection measure that would be in place for two years.

Water

- The Final Agreement will not alter federal or provincial laws in respect of proprietary interests in water.
- Prior to the Final Agreement, the Parties will attempt to reach an agreement on a water reservation for each Nuu-chah-nulth First Nation from the rivers and streams wholly on or partially within each Nuu-chah-nulth First Nation Lands.
- Any sale of water by Nuu-chah-nulth will be under federal and provincial laws.

Access

- The public will have access to Nuu-chah-nulth First Nation Lands for temporary recreational and non-commercial use.
- Nuu-chah-nulth will be able to designate some Nuu-chah-nulth First Nation Lands as private lands, to which public access would be restricted.
- Crown corridors and provincial roads will not be part of Nuu-chah-nulth First Nation Lands and will remain under provincial jurisdiction.

Domestic Fisheries

- Nuu-chah-nulth will have a right to harvest fish and aquatic plants for domestic purposes, limited by conservation, public health and public safety. This right will be exercised within a geographic area which will be identified prior to the Final Agreement. This right will be implemented through a Nuu-chah-nulth fish licence.
- The Agreement-in-Principle sets out allocations for harvesting sockeye, chinook, herring, halibut and dungeness crab for domestic purposes.
- Prior to the Final Agreement, allocations for coho, chum, sablefish, groundfish, prawns and other species will be negotiated.
- Nuu-chah-nulth will have law-making authority with respect to management of its own fishery.
- The respective Minister will retain authority to manage and conserve fish, aquatic plants and fish habitat.
- Nuu-chah-nulth will produce annual fish plans for the management of its fishery .
- A fisheries committee will be established to facilitate cooperative planning and to provide advice to the Minister. Prior to the Final Agreement, British Columbia will determine the nature of its involvement on the fisheries committee.
- The Agreement-in-Principle provides for Nuu-chah-nulth participation in public fisheries advisory processes. These processes will be outside of the treaty.

- Prior to the Final Agreement, the Parties will address the issue of a Nuu-chah-nulth fishing right as it applies to marine mammals.
- The Agreement-in-Principle provides for stewardship, enhancement and enforcement participation by the Nuu-chah-nulth in accordance with federal and provincial laws.

Commercial Fisheries

- The Agreement-in-Principle sets out allocations for harvesting sockeye, chinook, herring, halibut and dungeness crab for commercial purposes. Allocations for commercial purposes will be set out in a harvest agreement which will be outside of the Final Agreement.
- On the effective date of the Final Agreement, at the request of Nuu-chah-nulth, Canada will issue any licenses that are currently held in trust for Nuu-chah-nulth, through the Aboriginal Fisheries Strategy, as commercial fishing licences.

Freshwater Fisheries

- Nuu-chah-nulth will have a right to harvest freshwater fish for domestic purposes, limited by conservation, public health and public safety. Prior to the Final Agreement, the geographic extent and the mechanism for implementing the right will be identified.
- Freshwater fish will not be available for sale.

Wildlife and Migratory Birds

- Nuu-chah-nulth will have a right to harvest wildlife and migratory birds for domestic purposes, limited by conservation, public health and public safety. This right will be exercised within a defined geographic area or harvest area prior to the Final Agreement. This right will be implemented through an annual harvest plan approved by the Minister.
- The Minister may authorize uses or dispose of Crown land in the harvest area, while ensuring that Nuu-chah-nulth members retain a reasonable opportunity to harvest.
- The respective Minister retains authority for wildlife and migratory birds, their management, conservation and habitat.
- The Final Agreement will set out a process for establishing any wildlife or migratory bird allocations.
- Nuu-chah-nulth will have law-making authority with respect to management of wildlife and migratory birds harvested under the Final Agreement.
- Any sale of wildlife or migratory birds by Nuu-chah-nulth will be under federal and provincial laws.

Forestry

- Forest resources on Nuu-chah-nulth First Nation Lands will be owned by Nuu-chah-nulth First Nations.
- Nuu-chah-nulth will manage their forests according to forest practices and standards that meet or exceed federal and provincial standards.
- Nuu-chah-nulth and British Columbia will share revenues from the harvesting of timber from Nuu-chah-nulth First Nation Lands, excluding present Nuu-chah-nulth Indian reserves on a 50/50 basis for 25 years following the effective date of a final agreement.
- The Final Agreement will set out the terms and conditions, including the total amount of timber to be harvested over the 25-year term on Nuu-chah-nulth First Nation Lands, in respect of the collection and the sharing of timber revenues.
- The Agreement-in-Principle provides that British Columbia may issue to Nuu-chah-nulth, at Nuu-chah-nulth's cost, an area-based forest tenure of 250,000 cubic metres.

Parks and Protected Areas

- The Agreement-in-Principle sets out specific provisions relating to Pacific Rim National Park.
- The Final Agreement will provide for participation by Nuu-chah-nulth First Nations in the management of specific provincial protected areas.
- British Columbia and Nuu-chah-nulth will address potential economic opportunities, consistent with park management plans, outside of the Final Agreement.

Meares Island

- Ownership of Meares Island, with the exception of two Indian reserves, any private land and any land selection agreed to by the Parties during final agreement negotiations, will be transferred to a trust. The lands in the trust will be held as fee simple. The parties to the trust will be British Columbia, Ahousaht and Tla-o-qui-aht First Nations.

Governance

- Nuu-chah-nulth Tribal Government will be the central government of Nuu-chah-nulth and each Nuu-chah-nulth First Nation will have a government.
- Nuu-chah-nulth and each Nuu-chah-nulth First Nation will each have a constitution.
- Nuu-chah-nulth's Constitution will address issues such as: the democratic election of Nuu-chah-nulth Government; generally accepted standards of accountability and financial administration; and the recognition and protection of rights and freedoms of Nuu-chah-nulth members.
- Nuu-chah-nulth Tribal Government and each Nuu-chah-nulth First Nation Government will have law-making authority with respect to certain areas of responsibility set out in the Final Agreement.
- The Agreement-in-Principle sets out which laws prevail in the event that a Nuu-chah-nulth law conflicts with a federal or provincial law.
- The Final Agreement will set out how individuals who are not Nuu-chah-nulth citizens, residing or having a property interest in Nuu-chah-nulth First Nation Lands, will participate in decisions of the Nuu-chah-nulth Government.
- Nuu-chah-nulth Government will consult with individuals who are not Nuu-chah-nulth citizens, residing or having a property interest in Nuu-chah-nulth First Nation Lands, regarding proposed Nuu-chah-nulth Government decisions that may directly and significantly affect them.
- Nuu-chah-nulth Government will provide that individuals who are not Nuu-chah-nulth Citizens, residing on or having a property interest in Nuu-chah-nulth First Nation Lands, will have access to appeal and review procedures.

Municipal and Regional Government Relationships

- The Final Agreement will address the Nuu-chah-nulth Government's relationship with the Albemarle-Clayoquot and Comox-Strathcona Regional Districts, including member municipalities of these regional districts-
- Matters to be addressed include the delivery of and payment for services, co-ordination between the governments for common areas of responsibility, and Nuu-chah-nulth representation in the regional districts.

Cash Elements

- Canada and British Columbia will provide a capital transfer of \$205.8 million to Nuu-chah-nulth over a period to be negotiated.
- Additionally, Canada and British Columbia will provide \$6 million to the Ucluelet First Nation for economic development purposes, in lieu of lands-
- Funding of up to \$29.45 million will also be provided to Nuu-chah-nulth for various initiatives. Fiscal Relations and Taxation

- Funding to support agreed upon programs and services will be provided by Canada and British Columbia. This funding would be provided through fiscal financing agreements and these agreements would be outside of the Final Agreement.
- Nuu-chah-nulth will contribute to the funding of its own government from its own sources.
- Nuu-chah-nulth will have direct taxation authority over its members on Nuu-chah-nulth First Nation Lands.
- Upon agreement with Canada or British Columbia, Nuu-chah-nulth may have taxation authority over non-members on Nuu-chah-nulth First Nation Lands; any such arrangement would not be part of the treaty.
- The Indian Act tax exemptions will end, for Nuu-chah-nulth members, after 8 years for transaction taxes and 12 years for all other taxes.

Culture and Heritage

- The Parties will negotiate the sharing of or transfer of artifacts held by Canada or British Columbia.
- Subject to federal and provincial laws, any Nuu-chah-nulth ancient human remains removed from heritage sites will be returned to Nuu-chah-nulth.
- British Columbia and Nuu-chah-nulth will attempt to reach agreement on key sites of cultural and historic significance outside Nuu-chah-nulth First Nation Lands to be protected under provincial legislation or through other measures.
- Nuu-chah-nulth and British Columbia will negotiate specific geographic features to be named or renamed prior to concluding the Final Agreement.

Eligibility and Enrolment

- Existing Nuu-chah-nulth Indian Band members and persons with Nuu-chah-nulth ancestry will be eligible to be enrolled along with their descendants and adopted children.
- An enrolment committee and appeal board will be established.

Other Provisions

- The Final Agreement will include provisions for a dispute resolution process, an implementation plan and committee, environmental assessment and protection, and a process for ratifying the Final Agreement.
- Prior to the Final Agreement, Nuu-chah-nulth and British Columbia will develop management plans for proposed commercial recreation tenures.

Annex I

News Release

For Immediate Release April 4, 2001

Office of the Premier

COASTAL PLAN CREATES UNIQUE PROTECTION AREA, ECONOMIC AGREEMENT AND NEW OPPORTUNITIES FOR FIRST NATIONS

VANCOUVER -The B.C. government has agreed to protect significant valleys within the internationally recognized Great Bear Rainforest and is entering into a unique agreement with First Nations on land-use planning in B.C.'s central and north coast regions, Premier Ujjal Dosanjh announced today.

These two achievements mark the latest milestones in B.C.'s 10-year land-use planning program, which has put more responsibility for regional land-use planning in the hands of local communities and residents.

While the preliminary recommendations of the Central Coast land-use process are still a work in progress, the government is accepting them today to give protection to more of B.C.'s unique natural heritage and provide greater economic and community stability for the region, Dosanjh said.

"The people of the coast -and all British Columbians -can take pride in these achievements," said Dosanjh. "They have reached a hard-won consensus aimed at saving areas of global significance. They've shown that what is good for the environment can be good for working people and communities."

Dosanjh said the government has accepted the preliminary map agreed upon by the Central Coast land-use table, including the protection of major valleys within the Great Bear Rainforest and other areas, subject to consultation with First Nations and confirmation of boundaries.

In creating the 96,458-hectare Spirit Bear protection area, the government is saving essential habitat of the Spirit Bear- a rare white subspecies of black bear -and recognizing the cultural significance of the area to the Kitasoo and Gitga'at nations.

"The area referred to as the Great Bear Rainforest is an icon of the unique environmental and cultural values B.C. can share with the world," said Dosanjh. "All of the people involved in this decision -First Nations, environmentalists, industry, workers, communities and government - have recognized what's at stake, and have fulfilled B.C.'s role as environmental leaders on the world stage.

"We are also preparing an enabling agreement to be signed by the province and the 17 central coast First Nations participating in the planning process. This agreement will set out a process for their continued participation, as well as a mechanism for further discussion of resource management issues."

The B.C. government is also signing a First Nations protocol on interim measures and land-use planning with six First Nations today. This protocol agreement covers an area ranging from Cape Caution in the south to the Alaska border - including Haida-Gwaii -and has a population of around 80,000. It includes the territories of the First Nations signing the agreement.

"This protocol agreement will establish a leadership role for First Nations in remaining land-use decisions and ongoing management, helping ensure that future decisions respect the region's unique environmental, cultural, tourism and resource values," said Dosanjh. "First Nations may develop their own land-use plans,

work with stakeholders and be able to address any outstanding issues with the province. The protocol agreement will ensure regional economic opportunities and environmental sustainability that will benefit coastal communities and families."

Guujaw, president of the Council of the Haida Nation -speaking for the six First Nations - welcomed the protocol agreement. "It involves compromise from all parties, including ourselves and the B.C. government. While compromising can be difficult, the alternative is much less acceptable." He also noted that the ongoing conflicts on the coast are detrimental to everyone's interests.

The agreement was also hailed by environmentalist David Suzuki, whose foundation works with the First Nations involved in the agreement. "I am proud that the B.C. government has signed this agreement. This could lead to a sustainable, diversified economy for generations to come."

Other areas of agreement stemming from the coastal land-use process to date include:

--The designation of protection, operating and "option" areas, as well as special management zones for visual quality as recommended in the preliminary map (see backgrounder for further details).

--Further implementation of ecosystem-based logging in operating areas that seeks to encourage a viable future for forestry on the coast while ensuring the coexistence of healthy, fully functioning ecosystems and human communities. This principle has been agreed to by the forest companies in the Central Coast region.

--Shared economic transition strategies:

--While land-use planning continues, agreement has been reached that Forest Renewal BC will contribute \$10 million for short-term mitigation.

--It is anticipated that government, the forest industry and the environmental community will share in the costs of longer-term community transition strategies.

--Creation of an independent information team to examine outstanding issues and make recommendations to the land-use planning tables. The team must consider ecological and socio-economic impacts.

"This is a large and unique part of our province -the planning achievements reached so far reflect those unique values and set the stage for the successful resolution of outstanding issues," said Dosanjh.

"I applaud the work of the many people who contributed to this complex process. In all, around 60 groups and over 100 people have participated, and their ability to reach this initial consensus speaks to the commitment they share of protecting our environment while furthering economic stability and prosperity for local communities."

Participants in the Central Coast land-use process welcomed today's achievements.

"International markets want resolve on issues involving critical ecosystems and endangered forests on the B.C. coast," said Linda Coady, vice-president of Weyerhaeuser. "This agreement will help the coastal B.C. forest sector address other market access challenges, including pressures for independent, third-party certification and competition from other forest jurisdictions and wood substitutes."

"This is a real turning point for the future of B.C.'s rainforests," said Merran Smith, senior forest campaigner for the Sierra Club of B.C. "It means that the ancient rainforests that have stood in over 40 coastal valleys for the last thousand years will be standing for the next thousand."

"As a result of these agreements, we will suspend our campaigns targeting the major coastal logging companies," said Tzepomh Herman, H.C. co-ordinator for forest ethics. "We look forward to working with all stakeholders over the next two years to achieve final resolution."

It's estimated the work of the independent information team and the resolution of outstanding land-use issues and final boundaries will take between 12 and 24 months. With today's protocol agreement, it's also been agreed that any final decisions by government in response to the final land-use recommendations will be made in consultation with First Nations.

The Central Coast land-use region ranges from Bute Inlet in the south to Princess Royal Island in the north -including the coastal nearshore waters -and incorporates much of Tweedsmuir Park to the east. About 4,500 people live in this area, most of whom are First Nations.

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Annex J

April 4, 2001

Land Use Coordination Office

PRELIMINARY CENTRAL COAST LAND AND COASTAL RESOURCE MANAGEMENT PLAN

Plan Area

The Central Coast Land and Coastal Resource Management Plan (CCLCRMP) is one of the largest plan areas in the province, covering about 4.8 million hectares of marine, foreshore and upland area on the west coast of British Columbia. It includes the communities of Bella Bella, Shearwater, Ocean Falls, Klemtu, Bella Coola and Oweekeno.

The Central Coast region is home to over 4,400 people, mostly First Nations. It features temperate rainforests and important watersheds, rugged shorelines and steep mountainous terrain. The area, known internationally as the home of the Spirit or Kermode bear, includes many pristine watersheds containing some of B.C.'s key remaining, undisturbed coastal temperate rain forests.

Primary resource activities, including forestry and fisheries, represent some of the most significant elements of local economies. The economic benefit from Central Coast resources extends well beyond the plan boundaries. Many of the forestry, aquaculture, tourism and fisheries jobs on the Central Coast are held by workers living in communities on Vancouver Island and in the Lower Mainland.

Plan Process

The Central Coast LCRMP was initiated in July 1996. More than 60 interested parties have been participating in this process, including local governments, federal and provincial agencies, 17 First Nations, several environmental groups, forest companies and tourism and recreational interests.

The Central Coast process was designed to provide an opportunity for all interests, including marine and coastal interests, to work together to produce a plan for Crown land and coastal resources that considers all resources and values, and the needs and interests of the people and industries who use them. Agreement has been reached on the first phase of the Central Coast LCRMP. Government has reviewed the agreement recommendations from the Central Coast LCRMP table on land and coastal resources, and is providing some immediate decisions to provide greater land use certainty.

Preliminary Land Use Zones for the Central Coast

The following land use zones are confirmed by government subject to further consultation with First Nations and others. They apply to terrestrial values only, as zoning for coastal and marine areas will be undertaken in more detailed planning exercises.

1. Candidate Protection Areas (13 per cent of the plan area)

These areas have been generally agreed on as prime candidates for future protection. Some of these areas may also be subject to further discussion for some type of pre-treaty management measures. Final definition, designation and management planning for these areas must take into account the views of First Nations. Their cultural, economic and traditional uses must to some degree be accommodated in these areas. Accordingly, these areas will be designated in the interim under the Environment and Land Use Act until the definition of objectives for protection and management actions are resolved.

Two of these candidate areas, Spirit Bear and Klinaklini, have been of particular interest to stakeholders. Spirit Bear (96,458 hectares): The area of Princess Royal Island, commonly referred to as the "Spirit Bear," will receive protection to provide essential habitat for the Kermode bear and to acknowledge its cultural importance to the Kitsoo/XaiXais and Gitga'at First Nations. Government will designate this area as the "Spirit Bear Protection Area" under the Environment and Land Use Act. The final extent of this area may increase as public planning participants determine the final status of adjacent Option Areas during the Central Coast LCRMP completion phase.

Klinaklini: Klinaklini will be protected through the Environment and Land Use Act for a period of 15 years to allow for mineral exploration and for access to mineral resources. If no development is feasible then this area will be designated as a protection area.

Along with existing parks in the Central Coast LCRMP area, the total protected area for this region will total 21 per cent.

2. Option Areas (11 per cent of the plan area)

Option areas are where there are significant cultural, ecological and economic values, and where more work is required in order to determine whether these terrestrial areas will be protected or open to activity under ecosystem-based management.

3. Special Management Zones for Visual Quality (four per cent of the plan area)

These areas are recognized for their high tourism values. To protect these values, special visual quality objectives for forest harvesting have been assigned in the interim. Management of these areas will seek to accommodate industrial and commercial activities, while maintaining scenic values for tourism and recreational purposes.

For the balance of the plan area, opportunities for forest harvesting activities have been identified for the short term in order to preserve a measure of economic stability while the plan is completed. It is expected that these activities would proceed within existing levels of environmental protection but would move toward ecosystem-based management as lessons are learned on the coast. Some areas will be "pilot areas" for testing ecosystem-based management.

All current tenures will remain with their current terms and conditions. Any new applications or applications being processed will be reviewed to determine if the proposed activity is in conflict with the values that have been identified in the protection area. If the proposed activity is compatible, then the tenure application will be able to proceed.

4. Remaining Areas

The remaining areas include operating areas for timber harvesting and resource management.

Acceptance of Ecosystem-Based Management

All development activity in the plan area will be based on the principles of "ecosystem management." Ecosystem-based management is a strategic approach to managing human activities that seeks to ensure the coexistence of healthy, fully functioning ecosystems and human communities. The intent is to maintain those spatial and temporal characteristics and processes of whole ecosystems such that component species and human social, economic and cultural activities can be sustained. A working definition of ecosystem-based management will be developed by the LCRMP table as part of completion of the Central Coast plan.

Ecosystem-based management will be piloted within some operating areas to determine best practices and to test economic and environmental outcomes. An independent information team will assemble information

and make recommendations on land use to the Central Coast plan completion table. Government and stakeholders will participate in and resource this team.

A Framework for Managing Transition

Government will work with stakeholders to address the short and long term impacts on local communities and workers and to make a transition toward a more diversified forest industry and local economy. A number of forestry jobs have already been affected by voluntary deferrals. It is estimated that a total of 250-300 forestry jobs may be impacted. The loss of timber from the coast, combined with expected, unrelated timber supply reductions in other timber supply areas, could also have an impact on milling operations.

In the Central Coast plan agreement, stakeholders have proposed a partnership approach to managing transition. In support of this proposal, government will contribute \$10 million to mitigate the short term impacts of protection and option areas. Government will continue to work with partners in the forest and environmental sectors to establish a long-term fund for transition.

Central Coast Plan Completion

Government is committed to the completion of the Central Coast LCRMP with the following timelines and components:

--Continuation of the Central Coast LCRMP stakeholder table, with First Nations involvement and a more focused participation and a dispute resolution process.

--Finalization of the Central Coast LCRMP, based on the interim draft plan to be released in the coming weeks. The draft interim plan will contain government's detailed response to stakeholder consensus recommendations for coastal and marine resources.

--Creation and utilization of an Independent Information Team, with government representation, to: 1. Verify information used to date and recommend future information required. 2. Identify options for additional protection areas and other designations to the table. 3. Recommend the types of practices needed for ecosystem-based management.

--Use of a government-to-government process with First Nations for the resolution of any disputes arising from the LCRMP that cannot be resolved in that forum.

--Resourcing of government staff to assist in plan completion, and partial funding of the independent information team-

--Assessment of plan progress and recommendations to government by March 31, 2002.

For further information:

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Annex K

PROTOCOL AGREEMENT ON LAND-USE PLANNING, INTERIM MEASURES

Land-Use Planning

The Province will work with the Gitga'at, Haisla, Heiltsuk, Kitsoo/Xaixais, Metlakatla and Haida Nations to define principles and anticipate scope and outcomes of the land-use planning processes for the Haida Gwaii (Queen Charlotte Islands) and North Coast. The First Nations may develop their own land-use plans and bring them forward to new planning forums that include local stakeholders. Where a First Nation cannot agree to a recommendation from the planning forum, a government-to-government process will be established to resolve the outstanding matter directly with the province. *Note that Central Coast Plan completion is subject to a more detailed agreement with the First Nations, as it is a more advanced stage that the QCI and North Coast Plans, which are not yet started.*

This agreement does not apply to the majority of First Nations participating in the Central Coast land and coastal resources management plan. For that reason a separate agreement is being reached with those nations.

Prior to First Nations involvement with the land-use plan for Haida Gwaii, the Haida Nation and B.C. will identify issues of concern that require immediate resolution.

Interim Measures

The province will identify opportunities and help develop measures to facilitate First Nation involvement in forestry economic development including:

- **Joint ventures with existing forest companies and contractors. .Forest tenures, including community forest pilot projects.**
- **Development of a forest management workforce, including silviculture crews.**
- **Contracting for forest management services.**

B.C. will also identify timber availability and forest business opportunities and support the development of First Nations business and capacity building plans. Forestry companies and the federal government will be asked to participate.

First Nations and the province will develop a comprehensive tourism strategy for the region. The tourism industry and the federal government will be asked to participate in these discussions. Individual interim measures may be negotiated to support the development of business plans to advance tourism.

Ecosystem- Based Management

Land-use planning and management will be guided by ecosystem-based management focused on maintaining healthy ecosystems while sustaining human social, economic and cultural activities. An information body formed of representatives from First Nations and local communities and

experts in related fields will assist land-use planning processes and First Nations doing their own plans.

Annex L

Traditional Ecological Knowledge Protocols for Researchers (developed by the Long Beach Model Forest Traditional Ecological Knowledge Group)

Traditional Ecological Knowledge Group

DRAFT Protocols for Researchers

Communities in Clayoquot Sound and Barkley Sound share concerns over the sustainability of their resources. Information exchange, research and adaptive management can lead towards sustainability. The acceptance of the Scientific Panel's recommendations has opened the way for inventory, monitoring and research projects in the area. Forest Renewal BC has a large budget to spend on projects within Clayoquot Sound and has received hundreds of proposals for work this year.

Long Beach Model Forest (LBMF) is concerned that communities will not be involved in these research activities. Although some communities have their own research programmes and protocols for outside researchers, others do not. Nuu-chah-nulth community members have expressed concerns that researchers come from outside an area and take from the community without leaving any benefits. Other people are concerned about the lack of respect for Traditional Ecological Knowledge. Some people wish to document endangered knowledge for their community, but are concerned about protection of this knowledge.

TEK Group

The Long Beach Model Forest (LBMF) is interested in cooperating with Nuu-chah-nulth communities and researchers to explore intellectual property rights. The Traditional Ecological Knowledge (TEK) group includes individuals interested in ensuring that research meets community needs. It is open to anybody who wants to develop ethics for researchers who use our practitioner's knowledge.

Presently, LBMF does not have a process to address the rights of our practitioners. LBMF requires a mechanism to determine funding eligibility for proposals. In the TEK group, our initial work will be to draft a document of individual concerns that will ensure that Nuu-chah-nulth needs are addressed. The process was initiated with protocol and respect as guiding principles, and is not intended to begin research on the matter of very personal or private medicinal plant information. LBMF intends to support community initiatives, and to assist in the process of developing a "code of ethics" that is binding to researchers.

Protocol: the starting point

This document offers a suggested protocol for researchers coming into communities from outside an area. The suggestions are taken from discussions with community members and from codes of ethics published elsewhere. Communities are also developing internal protocols as foundations for research processes.

Because research programmes fall into two categories in terms of community involvement, we suggest two levels of protocols. The first deals with general scientific research with low community involvement (this research may still meet community needs- e.g. in developing holistic resource management plans). The second is more involved, dealing with community-led research or projects with a large TEK component, where issues of protection of knowledge become critical.

Western Science

Intent and Approval

- 1) Research topics must be approved by band councils based on a written or oral presentation documenting the intent, implications (to knowledge and to the community) and mechanism of data distribution.
- 2) Researchers will allow the opportunity for community members to discuss issues related to the project.

Researchers

- 1) Researchers will provide the community with details about who is conducting the research, who supports the research (i.e. partners) and what are their qualifications.
- 2) Researchers will employ community members as assistants where possible.

Implications

- 1) Researchers will list possible benefits and costs of the work (to knowledge, to resources, to communities, to training).

Data Distribution

- 1) All data will be available for community use.
- 2) Researchers will provide copies of documents and data to interested community members.
- 3) Chief and council (and interested community members) will have an opportunity to read and review reports before publication. Strong community objections to research conclusions, perspectives and data will be noted and published.

Traditional Knowledge

Intent and Approval

- 1) Research topics will be directed by the communities and research strategies will be developed with collaboration among the researchers and the communities.
- 2) Community members will have the opportunity to discuss issues related to the project with the researchers.
- 3) Researchers will document the intent of the research (e.g. to answer community questions, to document knowledge for the community, to help in holistic resource management, to incorporate TEK and science in working towards sustainability).
- 4) Researchers will demonstrate that the project is cooperative and collaborative and will show flexibility. Community members can halt the project at any time subject to internal community protocols.
- 5) Research topics will be approved by community experts, elders and chiefs and council based on a written or oral presentation documenting the intent, implication (to knowledge and to the community) and the mechanism of data distribution.
- 6) Researches will discuss the discipline necessary for research processes with community members.

Researchers

- 1) Researchers will provide the community with details about who is conducting the research, who supports the research (i.e. partners) and what are their qualifications.
- 2) Projects will employ community members as researchers and assistants.
- 3) Projects will offer the opportunity for training (both for and by community members).

Implications

- 1) Researchers will list possible benefits and costs of the work (to knowledge, to resources, to communities, to training).
- 2) Researchers and communities will discuss possible implications and come to agreement as to how to avoid negative implications.

Data Distribution

Data and knowledge will be categorized in three classes.

1) Data available for publication

- a) Community will have a copy of all data (e.g. notes, data, recordings, photos) within two months of their production to use as they wish.
- b) Community (experts and council) will have the opportunity to review document before publication.
- c) Copyright -- still needs investigation. Probably can be held by the community or the Tribal Council. Some portions may need special consideration (e.g. for university Master's theses).
- d) Dialects and information differ between communities. These differences must be discussed fully before being recorded, so that everybody understands why something is written a certain way.

2) Data available for limited distribution

- a) This data will not be published. It may be included in appendices in theses (which can be protected from distribution).
- b) Distribution of data or knowledge arising from the study will be at the discretion of community members and will be agreed to in writing. Data could be available to the holder of the knowledge, within a family, within a tribe or throughout Nuuchahnulth territory.
- c) Community members will stipulate where and in what form the data can be transmitted (e.g. just to community/family, in M.Sc. appendix, to other local communities, not in English).

3) Data unavailable for distribution

- a) Information that is *klipt yuqix* (for one person only; e.g. medicinal plants, sacred places, as determined by the holder of the knowledge) will not be distributed in any form. All private information identified by the expert will be omitted from reports.
- b) If the holder of such information wishes, the knowledge could be documented with a single copy held by the expert. Any research notes would also be held by the expert.

Researchers will sign an agreement regarding the distribution of data. This agreement will stipulate that information cannot subsequently be used against First Nations communities, that off-record statements cannot be published and that data will be owned by the community.

Compensation will be discussed and agreed upon in writing before the start of any study.