



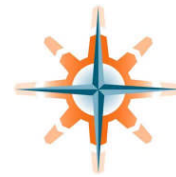
Carrier Sekani  
Tribal  
Council



British Columbia  
Assembly of  
First Nations



Union of  
British Columbia  
Indian Chiefs



FIRST  
NATIONS  
SUMMIT

## B.C. First Nations Mountain Pine Beetle Action Plan

September 27<sup>th</sup>, 2005

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## Preamble

The Carrier Sekani Tribal Council and the First Nations Leadership Council of B.C. initiated an emergency forum in Prince George on September 19-20 for those First Nations in British Columbia who are impacted or potentially impacted by the mountain pine beetle. The forum's purpose was to allow delegates to inform a broad-based action plan that addresses their respective priorities in light of the federal government's \$100 million mountain pine beetle response, which was committed to the B.C. provincial government in March 2005. The forum was well attended, with participants from over 75 Bands and organizations, representing over 80 communities. This action plan is the outcome of that forum.

## Introduction

We, the assembled First Nations from across British Columbia are inextricably linked in spirit and culture to our sacred lands and to which we have an inescapable legal and economic interest based on our Aboriginal Title and Rights. Therefore, we speak with one voice in the face of the impacts and challenges from the mountain pine beetle epidemic that is currently sweeping through our respective territories and communities.

We clearly recognize that this epidemic is expected to cause the loss of approximately 800 million cubic meters of pine forest in the British Columbia, and one which must be recognized and treated as an emergency. This emergency creates multi-faceted challenges for us to address forest management issues and to develop forest-based economies over the short and long-term. Moreover, we recognize that this epidemic will pose a major threat to the future well-being of our communities and will effect all First Nations-Crown negotiations and other processes underway or those proposed that are intended to give substance to our Aboriginal Title and Rights.

Given this time of crisis and the ever-increasing need to establish sustainable forest management practices, measures must be implemented immediately to facilitate joint action with all other affected parties – federal and provincial governments, municipalities, industry, and other relevant bodies – so that the broad challenges associated with the epidemic's destructive impact on forest ecology can be met head on.

In developing this initial action plan we have taken into account the applicable goals, strategies, guiding principles, and action plans from *The New Relationship* document that is presently guiding an improving relationship with the Government of British Columbia (see Appendix). This action plan is also informed by the *Building Land and Resources Alliances Among First Nations: Joint Statement from Participating Nations, September 12, 2003* (see Appendix) and the BC Mountain Pine Beetle Action Plan 2005-2010.

The vision set out in *The New Relationship* describes, among other things, the need to achieve “economic self sufficiency for First Nations” through “land and resource benefit sharing” based on “realizing the economic component of aboriginal title.” It describes the need “to ensure that lands and resources are managed in accordance with [our] laws, knowledge and values and that resource development is carried out in a sustainable manner including the primary responsibility of preserving healthy lands, resources and

ecosystems for present and future generations.” It says these goals are to be achieved through new “processes and institutions for shared decision-making” based on our “jurisdiction.” Therefore, it is our expectation that all epidemic-related actions taken by any party or parties will respect these two important guiding documents and this action plan.

This action plan is intended to inform agreements with relevant parties in response to the **emergency** facing our Nations and communities as a result of the epidemic. It is presented here without prejudice to Aboriginal and Treaty rights and Aboriginal title of First Nations in British Columbia.

## Action Areas

The following areas represent at this time our priorities which require action:

1. Rights to Use and Management of Forest Resources
2. Consultation and Accommodation
3. Environmental Sustainability
4. Economic Opportunities and Sustainability
5. Institutional Arrangements for Joint-Decision Making
6. Trade and International Negotiations Affecting Forest Policy
7. Social and Cultural Sustainability
8. Funding

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### 1. Rights to the Use and Management of Forest Resources

Aboriginal Peoples, Aboriginal and treaty rights exist in British Columbia, and First Nations people have collective rights in and to their territories and have the rights, collectively, to make decisions about their territories.

- First Nations will work with federal and provincial governments to establish a common vision and strategy with the MPB infestation and its impacts.
- Ensure government supports the development or the implementation of our land use plans and reconcile such plans through equal treatment with their land and resource use plans;
- First Nations will work with the Province to develop a long-term, replaceable and economically viable Aboriginal Forest Tenure;
- Develop a legislative framework to respect and recognize First Nations use and management of non-timber forest resources.

## 2. Consultation and Accommodation

The standard for this action item is the free, prior and informed consent of First Nations.

- Shared decision-making with respect to provincial strategic, administrative, and operational plans and decisions (e.g. Timber Supply Area reviews, forest license renewals, replacements, awards);
- Undertake First Nations Interests and Use Studies in order to ensure meaningful participation in consultation and referrals which requires the free, prior, and informed consent of First Nations;
- Within 60 days, develop a new process that addresses consultation on provincial referrals, with an interim process that allows for an open-ended extension on all referrals until a permanent process is in place;
- Have consultation costs to implement *The New Relationship* covered through innovative mechanisms such as Fee for Service and/or other arrangements;
- Develop a policy requiring proponents of forest-related activities to pay First Nations costs in dealing with referrals;
- Creation of a First Nations capacity initiative for technical support on mountain pine beetle issues;
- Establish First Nations liaison officers to assist in accessing forestry-related funding;
- Address training, professional development and organizational support issues;
- Full participation of First Nations in decision-making on current and future federal and provincial mountain pine beetle funding;
- Provision for our right to fully participate in Competition Bureau reviews.

## 3. Environmental Sustainability

- Develop and implement institutional structures and policies to ensure the environmental impacts of the mountain pine beetle epidemic and related climate change impacts are monitored, forecasted, and managed consistent with the First Nations perspective of sustainable development and with the least possible negative impact on First Nations communities and rights; inclusive of but not limited to the following:
  - Work with other parties on the influence of climate change on the mountain pine beetle epidemic and biodiversity;

- Ensure full First Nations participation in the management and restoration of the resources, taking into account First Nations values and priorities;
- Immediate protection of threatened wildlife and salmon habitats including the restoration of impacted areas;
- Maintain environmental sustainability through monitoring and compliance with sustainable forestry practices;
- Develop a concurrent and post-epidemic restorative strategy;
- Examine the mountain pine beetle's place in the ecosystem in order to modify our forest management approaches based on accepting their presence as a natural phenomenon;
- Support implementation of sustainable forest practices and restorative planning by non-Aboriginal licensees in full partnership with First Nations, on whose territories they operate;
- Replace pesticide use in forest practices with environmentally appropriate methods;
- Protect the forest understory when removing MPB impacted stands.

#### 4. Economic Opportunities and Sustainability

The MPB infestation has resulted in AAC uplifts and created economic opportunities for First Nations. However the approach by the Province has been very limited – narrowly constructed Forest and Range Agreements which provide MPB timber on a per capita basis while requiring First Nations to concede that infringements on the economic components of Aboriginal Title is accommodated. As well, First Nations with FRAs are now finding that due to small volumes allocated to their communities and to the oversupply to industry, the economic opportunity is extremely minimized or totally uneconomic.

- Ensure existing Forest and Range Agreements are revised and provide for economically viable long-term replaceable tenure, such that they address the socio-economic needs of our communities;
- Address the development of a viable First Nations economy based on the forest resource, as well as the need for diversification;
- Appoint a technical committee to devise an alternative resource allocation system from the current one;
- Develop alternatives to the **per capita** system for allocating First Nations timber and forestry-related funding;

- Ensure 50% of all wood fibre that results from the management of the pine beetle epidemic is made available to First Nations;
- Establish long-term, economically viable forest tenures of adequate quantity and quality without stumpage or other fees or rents payable by First Nations entities;
- Participate in the development of alternative wood products and wood utilization, including acquiring cutting-edge technology to refit our mills;
- Provide true revenue sharing based on the volume of timber removed from our respective territories;
- Develop acceptable and commercially viable non-timber forest product enterprises;
- Have a marketing strategy developed for First Nations' timber and non-timber forest products (including log sales, oriented strand board, wood pellets, bio-fuel, etc.);
- Have the viability of preserving beetle-impacted wood in water for future use thoroughly examined;
- Have an investment strategy developed consistent with our objectives;
- Ensure the board of the Northern Development Initiative has equitable (at least 50% Board membership) First Nations representation;
- Comprehensive examination of all federal and provincial initiatives and resources available in order to better evaluate opportunities related to mountain pine beetle impacts.

## 5. Institutional Arrangements for Joint Decision Making

- Establish a First Nations-British Columbia intergovernmental management committee for cooperation on the mountain pine beetle epidemic and forest management institutional change processes;
- Establish a First Nations mountain pine beetle coalition(s);
- Establish a First Nations forestry council to advise the Leadership Council on forestry issues, inclusive of but not limited to:
  - A strategy for First Nations land use planning rooted in traditional and contemporary knowledge, values and governance systems;
  - Creation of a First Nations forest products marketing group;
  - Creation of a First Nations forest certification body;

- A First Nations-led research institute on sustainable forest management including mountain pine beetle impacts (e.g., study effects on fish/wildlife, employment, economic forecasting, forms of Aboriginal Tenure, climate change);
- Curricula development for educational institutions;
- Consultations with forestry associations;
- First Nations governance in forest management;
- Creation of a First Nations forest management authority;
- Technical and advisory services on forestry matters, such as the structuring of economically viable tenures;
- An independent First Nations forest industry association;
- Establish an Ombudsman-like office sanctioned by both provincial and First Nations governments to address land use matters;
- Establish three regional First Nation positions, as committed to by the Minister of Forests specific to the provincial emergency response team which would report to the Leadership Council and to the Minister of Forests and Minister of Aboriginal Relations and Reconciliation;
- Ensure regular First Nations mountain pine beetle meetings to inform and plan with impacted communities.

## 6. Trade and International Negotiations Affecting Forest Policy

- Participate in trade negotiations to ensure that there is no negative impact on our Aboriginal Title and Rights or on our ability to develop forest-based businesses;
- Engage in international forest policy development on matters relating to our interests;
- Develop a strategy to gain a favourable marketing position for First Nation businesses with respect to softwood lumber;
- Have an equitable share in any softwood lumber duties returned to British Columbia;
- Develop and implement a First Nations log and lumber export policy.

## 7. Social and cultural sustainability

- Immediately develop and implement fire protection measures and emergency response plans for our communities;
- Have ‘sustainability’ defined that is consistent with maintaining and enhancing healthy, autonomous communities;
- Develop a comprehensive mountain pine beetle-related communications plan that supports community empowerment and development and that enhances dialogue between and amongst ourselves;
- Establish systemic cross-cultural awareness and training in all institutional systems;
- Protect, restore, and strengthen our environment, cultural practices and social systems in the face of the epidemics impacts, inclusive of but not limited to:
  - Fish, water, wildlife, medicinal and edible plants;
  - Trails, traditional and sacred/spiritual sites;
  - Protection of traditional knowledge as Intellectual Property Rights;
  - Leadership mentoring of youth;
- Establish collaborative processes with relevant ministries and licensees in order to reconcile our management practices and philosophies with industrial forest management strategies;
- Establish broad fiscal transfer payments that support community, social, and cultural priorities.

## 8. Funding

- Immediately establish adequate funding to further develop and implement those initiatives identified in this document, and for our coalition(s) to undertake immediate action on them.
- A five-year plan and budget will be developed by the coalition(s) by March 31, 2006.

## Conclusion

The action items set out here are a reasonable first step and are consistent with The New Relationship and the *Building Land and Resources Alliances Among First Nations: Joint Statement from Participating Nations, September 12, 2003*. The document should be viewed holistically and its action items inter-connected, not separate. It provides formidable groundwork for on-going planning and its strategic components are

evolutionary; hence, they should continued to be developed as required such that they continue to address the short and long term impacts that the mountain pine beetle epidemic will have on our Nations and communities.

## Next steps

1. Leadership Council to present action plan to the Premier, Minister of Forests, Minister of Aboriginal Relations and Reconciliation, and Members of the Legislative Assembly in the MPB impacted areas in order to seek an immediate funding commitment.
2. Leadership Council to present the action plan to Minister of Industry, Minister of Health, Minister of Western Economic Diversification, Senator Jack Austin, British Columbia caucus chair Don Bell, and all Members of Parliament from British Columbia.
3. Leadership Council to present the action plan to the BC Leader of the Opposition and members of the NDP caucus.
4. Immediate appointment by the Leadership Council of an interim host agency to administer start-up funds related to coordination activities and to support immediate developments associated with this action plan including the development and coordination of appropriate activities related to rolling out this action plan which includes community consultations.
5. Immediate appointments by the Leadership Council of an interim working group, who will, under terms of reference, develop an interim budget and work plan in order to initiate and support immediate action related to the roll out of this plan.
6. Leadership Council to appoint First Nations persons to the MPB emergency response team.

## APPENDIX

# **The New Relationship**

## **I. Statement of Vision**

We are all here to stay. We agree to a new government-to-government relationship based on respect, recognition and accommodation of aboriginal title and rights. Our shared vision includes respect for our respective laws and responsibilities. Through this new relationship, we commit to reconciliation of Aboriginal and Crown titles and jurisdictions.

We agree to establish processes and institutions for shared decision-making about the land and resources and for revenue and benefit sharing, recognizing, as has been determined in court decisions, that the right to aboriginal title “in its full form”, including the inherent right for the community to make decisions as to the use of the land and therefore the right to have a political structure for making those decisions, is constitutionally guaranteed by Section 35. These inherent rights flow from First Nations’ historical and sacred relationship with their territories.

The historical Aboriginal-Crown relationship in British Columbia has given rise to the present socio-economic disparity between First Nations and other British Columbians. We agree to work together in this new relationship to achieve strong governments, social justice and economic self-sufficiency for First Nations which will be of benefit to all British Columbians and will lead to long-term economic viability.

## **II. Goals**

Our shared vision includes a celebration of our diversity, and an appreciation of what we have in common. We recognize the vision of First Nations to achieve the following goals:

1. To restore, revitalize and strengthen First Nations and their communities and families to eliminate the gap in standards of living with other British Columbians, and substantially improve the circumstances of First Nations people in areas which include: education, children and families, and health, including restoration of habitats to achieve access to traditional foods and medicines;

2. To achieve First Nations self-determination through the exercise of their aboriginal title including realizing the economic component of aboriginal title, and exercising their jurisdiction over the use of the land and resources through their own structures;
3. To ensure that lands and resources are managed in accordance with First Nations laws, knowledge and values and that resource development is carried out in a sustainable manner including the primary responsibility of preserving healthy lands, resources and ecosystems for present and future generations; and
4. To revitalize and preserve First Nations cultures and languages and restore literacy and fluency in First Nation languages to ensure that no First Nation language becomes extinct.

The strategic vision of the Province for British Columbians is:

1. To make B.C. the best educated, most literate jurisdiction on the continent;
2. To lead the way in North America in healthy living and physical fitness;
3. To build the best system of support in Canada for persons with disabilities, special needs, children at risk and seniors;
4. To lead the world in sustainable environmental management, with the best air and water quality, and the best fisheries management, bar none; and
5. To create more jobs per capita than anywhere else in Canada.

This vision can only be achieved if First Nations citizens attain these goals. To achieve these strategic goals, we recognize that we must achieve First Nations economic self-sufficiency and make First Nations a strong economic partner in the province and the country through sustainable

land and resource development, through shared decision-making and shared benefits that support First Nations as distinct and healthy communities. All British Columbians will benefit from a richer understanding of First Nations culture and from economic, political and cultural partnerships with First Nations. We therefore agree to the following principles and action plan.

### **III. Principles to Guide the New Relationship**

We will mutually develop processes and implement new institutions and structures to achieve the following:

- integrated intergovernmental structures and policies to promote co-operation, including practical and workable arrangements for land and resource decision-making and sustainable development;
- efficiencies in decision-making and institutional change;
- recognition of the need to preserve each First Nations' decision-making authority;
- financial capacity for First Nations and resourcing for the Province to develop new frameworks for shared land and resource decision-making and to engage in negotiations;
- mutually acceptable arrangements for sharing benefits, including resource revenue sharing; and
- dispute resolution processes which are mutually determined for resolving conflicts rather than adversarial approaches to resolving conflicts.

This vision statement to establish a new relationship has been written as a measure of good faith by

the parties to put into words our commitment to work together to explore these concepts and develop their full meaning.

#### **IV. Action Plans**

We agree to work together to manage change and take action on the following:

1. Develop new institutions or structures to negotiate Government-to-Government Agreements for shared decision-making regarding land use planning, management, tenuring and resource revenue and benefit sharing;
2. Identify institutional, legislative and policy changes to implement this vision and these action items;
3. Develop additional protocols or accords to further the implementation of the vision, as required from time to time;
4. Identify processes to ratify agreements;
5. Establish funding and distribution structures/institutions to support First Nations' capacity development and effective participation in the processes established through these action items;
6. Establish effective procedures for consultation and accommodation;
7. Appoint a joint working group to review Forest and Range Agreements and make recommendations to the parties on options for amending those agreements, in order to make them consistent with the Vision and Principles above;
8. Identify and develop new mechanisms on a priority basis for land and resource

protection, including interim agreements;

9. Develop impartial dispute resolution processes and work towards a decrease in conflicts leading to litigation; and
10. Create an evaluation process for monitoring and measuring the achievement of this vision and these action items.

## **V. Management Committee and Working Groups**

The parties will establish a joint management committee of senior officials to:

- develop terms of reference, priorities, and timelines for the management committee and the working groups by May 31, 2005;
- identify current issues of substantial concern, and consider short and long term steps the parties could take to facilitate their resolution;
- jointly develop policy frameworks;
- establish joint working groups and provide direction, timelines and co-ordination to further the implementation of the action items;
- identify and allocate financial and technical resources for the work of the management committee and the working groups;
- make recommendations to the parties to address problems as they arise in the implementation of the vision; and
- engage the Government of Canada.

# BUILDING LAND AND RESOURCES ALLIANCES AMONG FIRST NATIONS

## Joint Statement from Participating Nations

September 12, 2003

WHEREAS, Aboriginal Title and Aboriginal and Treaty Rights continue to exist in British Columbia

WHEREAS, the First Nations of British Columbia never surrendered jurisdiction over our lands.

WHEREAS, First Nations from across British Columbia have come to Okanagan territory for the first in a series of province-wide First Nations sessions to initiate collaborative strategic action around land and resources issues and to build alliances.

WHEREAS, recent court cases have affirmed the legal position of First Nations in their advancement of Aboriginal Title and Treaty Rights by confirming the obligation on the Crown and third parties to consult with Aboriginal people and reach meaningful accommodation on land and resource matters;

WHEREAS, the provincial Crown has deliberately attempted to undermine these legal advances through sweeping amendments to the Forest Act and to the framework for forest practices, land use planning and land designations, all of which will interfere with the provincial Crown's ability to meet its fiduciary duties to First Nations and will infringe Aboriginal Title and Aboriginal and Treaty Rights.

WHEREAS, the provincial Crown has unilaterally implemented these sweeping amendments ignoring the court-recognized legal obligations for meaningful consultation and accommodation in the development, passage and implementation of the Forest Act amendments and other related legal, administrative and policy changes (e.g. Forest and Range Practices Act, Working Forest, defined forest areas management, sustainable resource management plans, etc),

WHEREAS, meaningful consultation and accommodation is not occurring with First Nations regarding decisions related to tenure and the allocation of resources.

WHEREAS, the provincial Crown's document "*Strategic Policy: Approaches to Accommodation*" unilaterally places unreasonable constraints on First Nations access to tenure and revenue-sharing, calling into question the provincial Crown's rhetoric regarding new opportunities for First Nations.

WHEREAS, draft forestry interim measures (or "Forestry/Range Agreements") unilaterally developed and offered by the Ministry of Forests require First Nations to restrict our ability to exercise Aboriginal Title and Aboriginal and Treaty Rights.

WHEREAS, there is inadequate capacity and financial resources for First Nation to meaningful participate in consultation.

WHEREAS, research directed by institutions throughout British Columbia is primarily focused on developing information, data and policies that serve interests of government and industry and not the interests of First Nations.

We, the assembled treaty, non-treaty and non-aligned nations from across British Columbia

## BUILDING LAND AND RESOURCES ALLIANCES AMONG FIRST NATIONS

Joint Statement from Participating Nations

speak with one voice to say:

1. We will stand united in the face of threats by the provincial Crown and resource industries to our Aboriginal Title and Aboriginal and Treaty Rights.
2. Only the First Nations of BC can provide the certainty that the provincial Crown and resource industries are seeking. Until proper accommodation occurs neither businesses nor their investors will have the certainty they seek.
3. We will work together to protect the well being of our land, water and air by developing and implementing a coordinated and integrated Action Plan to exercise First Nation interests in the lands and resources of our territories.
4. We will use legal, financial and political opportunities to protect the integrity of the land and resources and advance Aboriginal Title and Aboriginal and Treaty Rights including:
  - Legal challenges to the constitutionality of tenures and forestry legislation;
  - Informing investors that BC is not open for business until First Nations have been dealt with honourably;
  - Continuing to exercise our Aboriginal Title and Aboriginal and Treaty Rights on our land; and
  - Building alliances amongst First Nation organizations and with like-minded supporters.
5. We seek reconciliation with the provincial Crown. The terms of engagement for beginning this process include:
  - Jurisdiction over allocation and management decisions (at least equal decision-making authority);
  - Compensation for past activities;
  - Revenue-sharing;
  - Exclusive use and occupation of specified areas within our traditional territories; and
  - Openness/fairness and accommodation of First Nations in forestry and range law and policy changes.
6. The next step in developing and implementing a coordinated Action Plan will be in a province-wide First Nations meeting hosted by Carrier Sekani Tribal Council in Prince George, British Columbia on October 21-23, 2003.