

> FEBRUARY 2018

# FOREST VIEWS

MAKING DECISIONS TOGETHER ON HAIDA GWAI

## NEWS FROM THE HAIDA GWAI MANAGEMENT COUNCIL

- On Building Consensus – A Short History
- Looking at the Timber Supply Review
- Major Amendment Signed Off
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# THE HAIDA GWAII MANAGEMENT COUNCIL

The Haida Gwaii Management Council is a joint decision-making body that is made up of four members and one Chairperson. Two members are appointed by the Haida Nation, two are appointed by the Province of British Columbia, and the neutral Chairperson is jointly appointed.

The members of the HGMC work collaboratively to achieve decisions by consensus. If a consensus cannot be reached, and if a vote amongst members is tied, it is the role of the Chairperson to make the final decision.



#### CHAIR – WARREN MITCHELL

Warren was appointed as Chair of the HGMC in Spring 2016. He holds a Bachelor of Science degree in Botany and is a retired professional biologist, professional forester and certified silviculturist. Prior to joining the HGMC, Warren worked with the British Columbia Public Service in resource and land use management for 32 years. At the time of his retirement from public service, Warren was the Assistant Deputy Minister responsible for Crown Land Administration. He has been involved in work across the province – with the Old Growth Project, the Protected Areas Strategy and the Land Use Coordination Office. Since retiring he has been a land and resource management consultant undertaking a broad range of projects including helping develop a Recreational Trails Strategy for British Columbia and working with a number of First Nations, including the First Nations Forestry Council.



#### PROVINCE OF BC – BRIAN BAWTINHEIMER

Brian was first appointed to the HGMC in December 2015. Brian has worked for the British Columbia Public Service for over 25 years in protected areas, resource stewardship and land management. He has served as the Executive Director for the Conservation, Planning and Aboriginal Relations Branch of BC Parks and as the provincial representative and past Chair of the Canadian Parks Council and the Canadian Heritage Rivers Board. He is currently the Executive Director, Land Use Planning with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD).



#### HAIDA NATION – HUUX Percy Crosby

Percy was first appointed to the HGMC in April 2016. He is currently in his third term as a Skidegate elected representative for the CHN. In his time as a representative he has acted as Chair and Committee Member on the Executive, Heritage and Natural Resources, Cultural Wood, Protected Areas, and HaiCo Recommendations Committees. He has held an executive position on the boards of Gwaii Trust and Gwaii Forest Charitable Trust and is currently the chair of Haida Gwaii Community Futures and on the board of Coast Funds. Percy works for FLNRORD as a First Nations Liaison. He is responsible for developing the co-managed cultural wood access program and represents the province on the Haida Gwaii Cultural Wood Advisory Board.



#### HAIDA NATION – KUNG XYAALAS Tyler Bellis

Tyler was first appointed to the HGMC in April 2016. He has worked in forestry and land planning on Haida Gwaii for over a decade. As part of the CHN/BC Joint Management Team and the Joint Technical Team, Tyler was involved in developing and implementing the Haida Gwaii Land Use plan. Tyler has also represented the CHN at the Solutions Table, and he is an Old Massett elected representative for the CHN. Tyler recently completed his Bachelor of Science degree, specializing in Community and Aboriginal Forestry.



#### PROVINCE OF BC – SHARON HADWAY

Sharon was first appointed to the HGMC in December 2013. She has a Master's degree in Natural Resource Management and is currently the Regional Executive Director for the Ministry of Forests, Lands and Natural Resource Operations and Rural Development in the West Coast Region (including Haida Gwaii). Sharon has worked for the Province for 24 years in the areas of First Nations relations, forest tenures and natural resource management.

#### Past Haida Nation representatives include:

- Skil Hiilans *Allan Davidson*
- Gidandsa *Guujaaw*
- Ginn waadluu un uula isdaa ayagang *Trevor Russ*

#### Past Province of BC representatives include:

- Darrell Robb
- Lindsay Jones
- Monica Perry

#### Past Chair

- Derek Thompson

[WWW.HAIDAGWAIIMANAGEMENTCOUNCIL.CA](http://WWW.HAIDAGWAIIMANAGEMENTCOUNCIL.CA)

## GIISLUXAN KAYDAAY – TREE ESTIMATE

The Haida Gwaii Management Council (HGMC) is in the midst of a Timber Supply Review (TSR) in preparation for determining the Allowable Annual Cut (AAC) on Haida Gwaii later this year.

The Timber Supply Review examines the likely impact of current forest practices on an area's timber supply, economy, environment, and social conditions. This information is then used to help determine the Allowable Annual Cut, which limits how much wood can be logged each year.

In 2012, under the authority of the *KaayGuu Ga ga Kyah ts'as – Gin 'inaas 'laas 'waadluwaan gud tl'a gud giidaa Haida Stewardship Law*, and the provincial *Haida Gwaii Reconciliation Act* and *Forest Act*, the HGMC determined its first AAC for the Timber Harvesting Land Base (THLB) of Haida Gwaii. Up until 2012, the province's Chief Forester had determined the AAC for the Islands, wherein a separate AAC determination was made for each Timber Supply Area (TSA) and Tree Farm Licence (TFL). Taking into account a commitment made in the 2007 Strategic Land Use Agreement (SLUA) to an AAC of no less than 800,000 cubic metres, the HGMC's 2012 AAC determination reduced the amount of forest that could be logged on Haida Gwaii by 47.6 per cent, from 1,772,616 cubic metres to 929,000 cubic metres.

The *Haida Gwaii Reconciliation Act* requires that the AAC be re-evaluated every 10 years, however, a review is beginning early for a number of reasons. Top among these are concerns about the current harvesting levels and species selection practices, particularly in regards to old ts'uu and sGaahlan *Red* and *Yellow cedar*. In addition, newly available Vegetation Resource Inventory (VRI) is being incorporated into the TSR to provide more accurate information about the composition of Haida Gwaii's forests.

To work on the technical aspects of the review the HGMC has formed a Joint Technical Working Group comprised of members representing

the Council of the Haida Nation and the Ministry of Forests, Lands, Natural Resource Operations and Rural Development. This working group is responsible for reviewing and analyzing the vegetation data and presenting its findings to the HGMC. These findings will provide the HGMC with more accurate data on which to base the new AAC determination.

There have long been concerns about the level of harvest of old ts'uu and sGaahlan on Haida Gwaii. In 1993, recognizing that old ts'uu and sGaahlan was being depleted due to logging, the *House of Assembly* passed a resolution to develop policies to set aside stands of old ts'uu and sGaahlan from harvesting. Eight years later, the House of Assembly passed another resolution to develop a 1000-year plan for Haida Gwaii to ensure the long-term supply of ts'uu and sGaahlan for Haida cultural needs. The Strategic Land Use Agreement, signed by the CHN and province, includes a commitment to protect ts'uu and sGaahlan for current and future cultural use. This commitment has also been reflected in the Land Use Objectives Order (LUOO) by including provisions for Cedar Stewardship Areas (CSA), as well as protection for monumental ts'uu and sGaahlan and ensuring that ts'uu and sGaahlan stands are regenerated. CSAs are areas formally protected from commercial logging, where Haida can access ts'uu and sGaahlan for cultural purposes.

But, despite these initiatives, there continues to be a concern about ensuring that the commercial harvest level of ts'uu and sGaahlan in the THLB is not out of proportion to its contribution to the timber inventory. In 2012, recognizing that ts'uu and sGaahlan was being over harvested, the HGMC requested that the Chief Forester implement a partition. A partition limits what portion of the



Chief Forester Diane Nicholls is employed by the Province of British Columbia. As Chief Forester, she is responsible for determining the AACs for all Timber Supply Areas (TSA) and Tree Farm Licences (TFL) across the province. On Haida Gwaii, the Chief Forester is responsible for applying the HGMC's AAC determination to TSA 25 and TFL 50 and 60. Nicholls joined the BC government in 2006 and has held the position of Chief Forester since 2014.

AAC can come from a specific type of timber. At that time, the Chief Forester chose to identify a 'target' for ts'uu and sGaahlan rather than a more formal partition. The target was set at 39 percent of the annual cut and companies were asked to stay within that limit. While this target was achieved in TFL 60 and 58, licensees operating in TSA 25 exceeded the target.

After an analysis of recent logging across Haida Gwaii determined the level of ts'uu and sGaahlan being cut in TSA 25 was above the 2012 target, and following a request by the HGMC, the Chief Forester made a decision in October 2017 to establish a partition for ts'uu and sGaahlan in TSA 25 and indicated that a ts'uu and sGaahlan management strategy should be developed for the TSA. •

## A SHORT HISTORY OF THE COUNCIL ON BUILDING CONSENSUS

Haidas have long been stewards of Haida Gwaii and for thousands of years the forests have sustained a vibrant north coast culture. In the early 1900s, commercial logging began in earnest on Haida Gwaii, and Haida control over the lands and resources of the islands was gradually usurped. Under provincial forest management practices, forest companies clearcut old growth forests at a rate that was viewed as unsustainable and inconsistent with long-standing Haida stewardship practices and evolving social expectations. Opposition to this management regime grew and in 1985, Haida elders, youth, cultural leaders and activists took a stand on a logging road at Athlii Gwaii *Lyell Island*.

For both the Crown and the Haida Nation, the stand at Athlii Gwaii was a defining moment. The 1985 stand halted logging in the area and sparked talks between the Haida Nation and Canada that opened the door to a new era of resource management and land protection on Haida Gwaii. Through these talks, the Haida Nation and

and affirmed by Canada and the Haida Nation began to share in the management of the Islands.

In the years since, the relationship between the Haida Nation and the federal and provincial governments has continued to evolve and move toward a more cooperative and respectful partnership. In 2004, the Supreme Court of Canada ruled

a commitment by both governments to co-manage lands and resources.

To further this new relationship the Kunst'aa Guu – Kunst'aayah Reconciliation Protocol was formalized two years later, in 2009. This protocol establishes that specific decisions about resource development and land use on Haida Gwaii are to be shared by the Haida Nation and British Columbia. To implement this new model of shared decision-making, the Province's *Haida Gwaii Reconciliation Act* and the Haida Nation's *KaayGuu Ga ga Kyah ts'as – Gin 'inaas 'laas 'waadluwaan gud tl'a gud giidaa Haida Gwaii Stewardship Law* were enacted, providing for the formation of the Haida Gwaii Management Council in 2011.



Photographer: Don Phillips/Univision (Basset & Phillips Collection)

S<sub>G</sub>aay Taw Siiwaay K'adjuu Takakia Lake and Ts'uu Guus G<sub>aw</sub>Ga Security Inlet

Canadian government negotiated the Gwaii Haanas Agreement in 1993. This agreement resulted in the official creation of Gwaii Haanas National Park Reserve and Haida Heritage Site, the first National Park Reserve that is cooperatively managed by both an Indigenous government and the Canadian government. For the first time, Haida rights were formally recognized

on *Haida Nation v British Columbia (Minister of Forests)*, [2004] 3 S.C.R. 511. The case found the Crown has a “duty to consult with Aboriginal peoples and accommodate their interests” prior to taking any actions that might infringe upon their rights and title. And in 2007, the Haida Nation and Province of BC signed a Strategic Land Use Agreement (SLUA), affirming

### ESTABLISHING THE HGMC

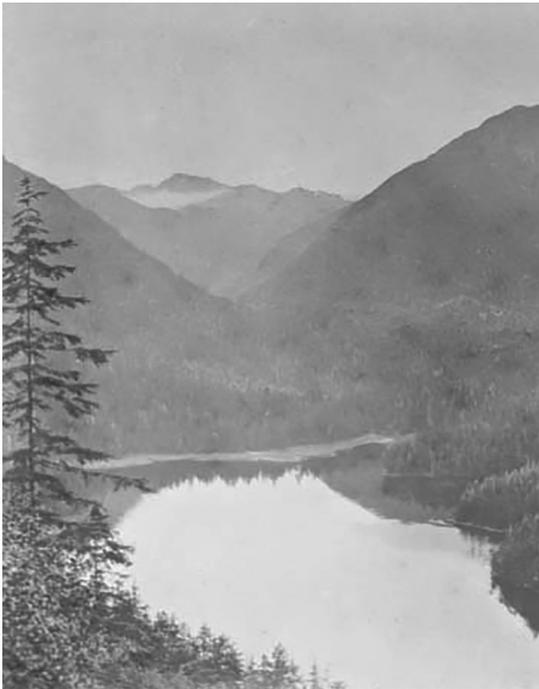
For the better part of a century leading up to the signing of the Kunst'aa Guu – Kunst'aayah Reconciliation Protocol in 2009, decisions about land and resource use on Haida Gwaii were made mostly by the Crown. Recent legal principles established by Canadian courts, as reflected in the Kunst'aa Guu-Kunst'aayah Reconciliation Protocol, are moving Haida Gwaii away from this approach and towards a more shared and joint decision-making model.

Although the Crown and the Haida Nation disagree about who holds Title to Haida Gwaii, both governments have taken steps to create a more productive and respectful working relationship by committing to joint and shared decision-making regarding land and natural resource development on the Islands. In order to facilitate this collaborative decision-making,

each government appoints two representatives to the HGMC and together they appoint a Chairperson.

The HGMC is responsible for the implementation of the Strategic Land Use Agreement; setting the Allowable Annual Cut; developing and ensuring the implementation of Land Use Objectives for forest practices; approving management plans for protected areas; and developing policies and standards for the identification and protection of heritage sites.

While this form of management is a significant change from how resources have been managed over the



T'aahldii Lockeport area

past century, the guiding principles are not new. The Haida view of stewardship, or the obligation of responsible use and protection of the natural world, has existed for many thousands of years. When the HGMC was established, it signalled a return to a management system that corresponds more closely with the Haida approach to natural resource management, grounded in yahguudang *respect*.

For the province, this new arrangement is the only one of its kind and represents a desire to work collaboratively and in the spirit of reconciliation with the Haida Nation.

There is still a long way to go

in the process of reconciliation. As the Kunst'aa Guu – Kunst'aayah Reconciliation Protocol says, what has been achieved so far represents, “an incremental step in a process of reconciliation of Haida and Crown Titles.” Until the matter of Title is resolved, the work of the HGMC is essential to ensure the respectful and responsible management of Haida Gwaii lands and resources.

### HOW IT ALL WORKS

The establishment of the Haida Gwaii Management Council has resulted in a more productive and respectful approach to land and resource management on Haida Gwaii. A number of decisions about land use and resource development on Haida Gwaii are now made by consensus at the HGMC table.

The HGMC is responsible for the following:

- Creation, use of, and changes to Land Use Objectives for forest practices;
- Setting the Allowable Annual Cut for Haida Gwaii;
- Approval of management plans for protected areas; and,
- Developing policies and standards for heritage site identification and conservation.

The HGMC is also responsible for:

- Monitoring and reviewing the work of the Solutions Table; and,
- Identifying policy issues that the Province of BC and the Haida Nation should consider.

### TAKING THE LEAD

In 2012, the HGMC carried out a Timber Supply Review (TSR) for all of Haida Gwaii. The purpose of a TSR is to analyze the impacts of current forest practices on an area's timber supply, economy, environment, and social conditions.

The 2012 Haida Gwaii TSR was used to determine the first Allowable

Annual Cut (AAC) set by the HGMC. An AAC is the total amount of timber, measured by cubic metre, that may be logged from an area in one calendar year – the determination excludes private lands. In determining the AAC, the HGMC considered the following factors:

- The sustainable rate of forestry in the area, which is based on:
  - Forest composition and rate of growth;
  - The length of time needed for a forest to re-establish itself;
  - Timber uses; and,
  - Non-commercial uses of the forest.
- Consequences of a change in the rate of timber harvesting in the area;
- Wood processing facilities;
- Economic and social goals for the area; and,
- Loss of forest due to insect infestations or disease.

Public involvement and comment are also important factors in the TSR process, which includes opportunities for public consultation and input that is considered by the HGMC when an AAC is being determined.

On April 4, 2012, the HGMC set Haida Gwaii's AAC at 929,000 cubic metres, a 47.6 percent reduction from the previous AAC of 1,772, 616 cubic metres. An updated TSR is expected to be completed later this year, with a new AAC following shortly thereafter.

Over the last several years, the HGMC has also held Forest Strategy forums, approved a minor amendment (2014) and a major amendment (2017) to the Land Use Objectives Order, and undertaken work to update the Protected Area management plans to align with the recently completed Marine Area Plans. The HGMC also continues to develop a draft policy for the identification and conservation of heritage sites.

The HGMC is working with the Reconciliation Table and Solutions Table to better understand the non-consensus issues that are arising at the Solutions Table. •

## MAJOR AMENDMENT SIGNED OFF

The Haida Gwaii Management Council has signed off on a major amendment to the Land Use Objectives Order. This is the second amendment the Council has made to the original 2010 LUOO, the first being a minor amendment made in 2014. This new amendment went through the HGMC's full decision-making process, including a public review and comment period, and received final approval in early September 2017.

The Haida Gwaii Land Use Objectives Order (LUOO) is a set of legally established objectives that guide forestry practices and ensure the implementation of ecosystem-based management (EBM) on Haida Gwaii. The Haida Gwaii Management Council is responsible for reviewing the LUOO and amending or establishing new objectives as needed.

The Haida Nation and Province began working on defining the Objectives in 2008, and the two governments formally passed the Land Use Objectives Order in late 2010. The Haida Gwaii LUOO has some of the highest environmental standards and practices regulating forestry in all of North America.

The Land Use Objectives are guided by the Strategic Land Use Agreement, which was implemented to protect Haida cultural values, support biodiversity, and maintain the integrity of important wildlife habitats. The Objectives apply to all major forest licensees on Haida Gwaii, but not on private lands.

- The **cultural objectives** are in place to protect Cedar Stewardship Areas, Haida heritage forest features, culturally modified trees, monumental ts'uu and sGaahlan *Red and Yellow cedar*, and ensure the retention of hGiid *Western yew* and ts'uu and sGaahlan.
- The **aquatic objectives** address the protection of Type I and II fish habitats, active fluvial units, upland stream areas, and sensitive watersheds.
- The **biodiversity objectives** cover forested swamps, ecological representation, and red- and blue-listed ecological communities.

- The **wildlife objectives** include protection for taan *Black bear* dens and nesting habitats for ts'allang.n-ga *Marbled murrelet*, stads k'un *Northern goshawk*, hGuu *Great blue heron*, and the st'aw *Northern saw whet owl*.
- The **forest reserves** have no commercial logging in order to meet objectives for ecological representation and ts'allang.n-ga *Marbled murrelet* nesting habitats.

Now that the major amendment has been approved, the HGMC has publicly posted a Notice of Order and filed the Order with the Haida Nation and the Haida Gwaii Natural Resource District office in Daajing Giids *Queen Charlotte*.

### The 2017 major amendment includes:

- Adding new rare plants to the list of Class 1 Haida Traditional Forest Features, such as hlunxid *Richardson's geranium* and others.
- Removing common and abundant Class 3 Haida traditional forest features, such as: daall sgiGga *Sitka columbine*, k'aalts'ida gyaa'adGa *Old man's beard*, tllGaanGa hlk'aay.yii *Kinnikinnick*, and others.
- Creating new reserves for stads k'un *Northern goshawk* at Feather Creek and Hancock River; and, requiring licensees to submit digital data showing reserve zones set aside to protect taan *Black bear* dens.
- New objectives to protect the integrity of gwaay k'yah *Indian hellebore*, maintaining a minimum of 50% of gwaay k'yah plants in stand level retention.
- Allowing the alteration or removal of a Class 1 or 2 Haida Traditional Forest Feature, provided that an intergovernmental process is completed, and the alteration or removal is required for road access or other infrastructure, and there is no alternative route or location for this road or infrastructure.
- Providing for the modification of reserve zones around Class 1 and 2 Haida Traditional Forest Features to address safety concerns or to protect these features from windfall.
- Allowing for the alteration or removal of a reserve zone protecting Type I and Type II fish habitats to allow for road and bridge construction, or to address safety concerns, if there is no alternative route. An intergovernmental process must be completed, an adaptive management plan must be developed and implemented, an assessment of risk to the fish stream must be completed by a qualified professional, and the integrity of the fish habitat must be maintained.

# SGAAGIIDAAY KUUYA - PROTECTED AREAS

When the K'aas Gandlaay area is included in the Duu Guusd Heritage Site and Conservancy, as agreed to by the Haida Nation and the Province, it will add 1,202 hectares to the more than half-million hectares of upland and foreshore area already protected on the Islands. These areas, including the Gwaii Haanas National Park Reserve and Haida Heritage Site, Gantl' Gadaas Pure Lake and Naay Kun Naikoon Provincial Parks, five Ecological Reserves, and 11 Protected Areas, cover more than 52% of the archipelago.

When the boundaries for Duu Guusd were established in 2008, K'aas Gandlaay, an area of high cultural value, was considered for inclusion but outstanding issues had not been resolved. At the time, Husby Forest Products was active in the area and had already made an investment towards road development. Through negotiation, the Haida Nation reached an agreement with Husby to cease activity around K'aas Gandlaay, but that occurred after the establishment of the Duu Guusd protected area.

In the years since, the Haida and provincial governments have agreed that K'aas Gandlaay should be included within the protected area of Duu Guusd. In the interim, the provincial government established a forest reserve in the area to provide protection until K'aas Gandlaay could be desig-

nated as part of Duu Guusd. Following that, the HGMC sent a letter to the Deputy Minister, Ministry of Environment, requesting that the boundaries of Duu Guusd be amended to include K'aas Gandlaay. The Haida Nation and the province have now agreed on technical aspects of the boundary and the Province is prepared to seek a legislative amendment to the Duu Guusd Haida Heritage Site and Conservancy to include the K'aas Gandlaay area.

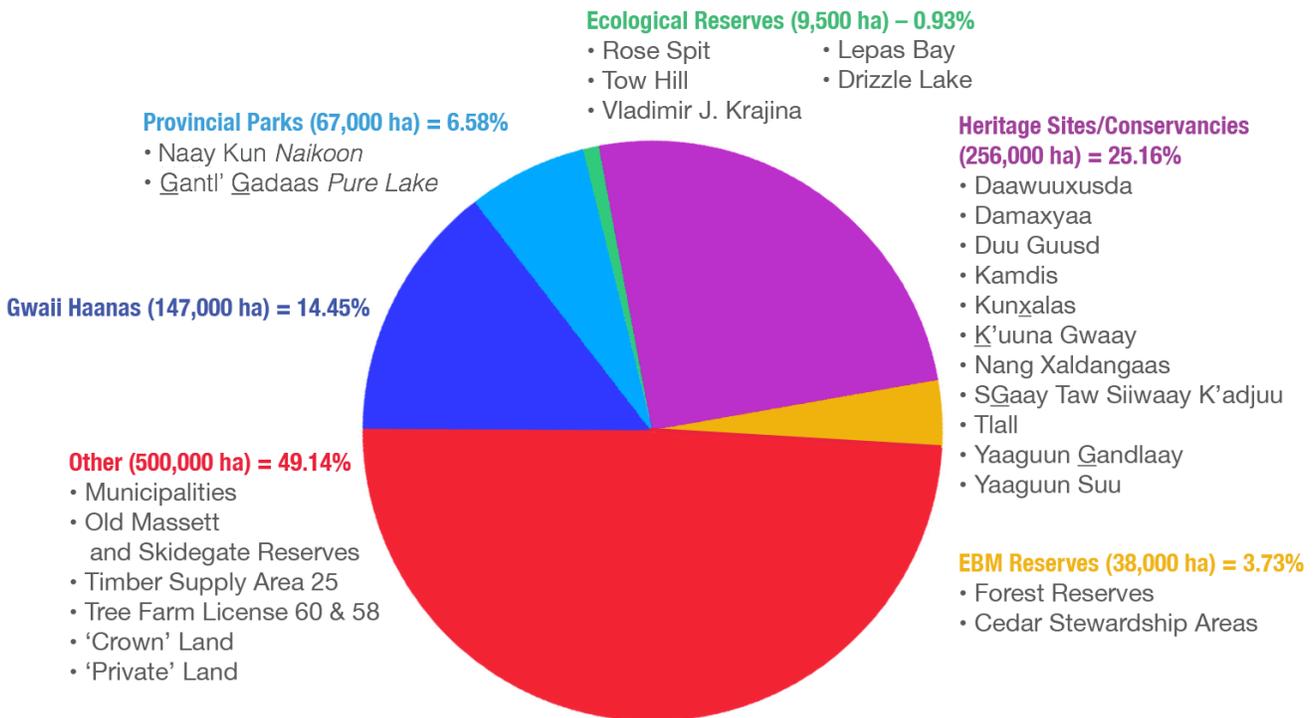
The Haida Gwaii Management Council is responsible for developing policies and standards for the identification and conservation of heritage sites, and for the approval and amendment of management plans for protected areas. Protected areas, which are jointly managed by the Haida Nation and the Province, are important as cultural, social, ecological and spiritual sites. They include

permanent and seasonal village sites, places for the collection of food and medicine, trade and potlatching sites, and areas containing biologically diverse habitat for endangered and at-risk plants and animals.

The Haida and provincial governments are currently in the process of setting priorities for updating management plans for the protected areas, which are formally recognized by the Haida Nation as Haida Heritage Sites and by the Province of British Columbia as Conservancies. Each management plan establishes the vision, long-term strategic direction, guidance, and acceptable uses of the area; ensures that any activities are respectful of the natural values and not in conflict with Haida social, ceremonial and cultural uses; ensures protection for lands and seas in their

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## LAND DESIGNATIONS ON HAIDA GWAI



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natural state; describes the background and legal context of the area; and, manages visitor use. The governments are updating the plans to ensure that the objectives and strategies of each plan are in line with the recently developed Haida Gwaii Marine Plan. Once the HGMC approves the new or amended Protected Area Management Plans they become legal documents under the *Haida Gwaii Reconciliation Act*.

The Haida Gwaii Management Council is responsible for approving plans for:

**Haida Heritage Sites & Conservancies:**

- Daawuuxusda
- Damaxyaa
- Duu Guusd
- Kunxalas
- K'uuna Gwaay
- Nang Xaldangaas
- Sgaay Taw Siiwaay K'adjuu
- Yaaguun Gandlaay
- Yaaguun Suu
- Tlall
- Kamdis

**Ecological Reserves:**

- Drizzle Lake Ecological Reserve
- Lepas Bay Ecological Reserve
- Rose Spit Ecological Reserve
- Tow Hill Ecological Reserve
- Vladimir J. Krajina Ecological Reserve

**and, Provincial Parks:**

- Naay Kun Naikoon Provincial Park
- Gantl' Gadaas Pure Lake Provincial Park



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