



# FIRST NATIONS AS FULL PARTNERS

Recommendations to support the  
Revitalization of the BC Interior Forest Sector







# A Revitalized Forest Sector with First Nations as Full Partners

Since 2006, the BC First Nations Forestry Council (FNFC) has been advocating for an increased role of BC First Nations in the governance and stewardship of forest lands and resources.

As the original stewards of forest lands and resources, First Nations should share in the benefits derived from forestry activities within their territories. FNFC supports the efforts of BC First Nations to have their interests, values, and priorities reflected in forest policies, legislation, and programs in order for them to become full partners in the forest sector.

In 2018, the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) committed to developing the first *BC First Nations Forest Strategy* in collaboration with First Nations in BC to advance reconciliation, implement the principles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and the TRC *Calls to Action*. FNFC and FLNRORD collaborated to produce a draft *BC First Nations Forest Strategy*, which has been informed by direct input from BC First Nations for over a decade.

British Columbians and First Nations both benefit from a thriving, sustainable forest sector that recognizes the key role First Nations play in the economic landscape. The Forest Strategy improves certainty, and encourages investment in the BC forest sector.

**The BC First Nations Forest Strategy advances reconciliation, shared decision-making, and supports partnerships with industry and others to provide jobs, building a strong, inclusive way forward with First Nations as full partners.**

The Forest Strategy provides a path forward to work collaboratively to address current challenges, and make the changes needed to revitalize the BC forest sector to provide benefits today, and for future generations.

The transformation of the forest sector must recognize First Nations as full partners in order to increase certainty, encourage future investments, and ensure the economic and environmental longevity of the sector for generations to come.

Reconciliation is hard work, and we all have a role to play. There is no power in talk unless it is acted upon.

Time for talk is over, it's time for change: #ItsTime



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# Introduction

## AN INDUSTRY IN TRANSITION

Forestry has always been a vital part of BC's economy as a large contributor to government revenues, and a source of jobs for thousands of Indigenous and non-Indigenous people in British Columbia.

The forest sector in the interior is undergoing a transition, and correction, as a result of the impacts on mid-term timber supply, caused by the mountain pine beetle epidemic (MPB) and two severe wildfire seasons (2017 and 2018). Although devastating for many communities, this provides an opportunity to revisit forest management, learn from the past, and look for ways to manage the sector differently.

The legislation governing the forest sector has changed and adapted over the years to reflect the needs of the sector. However, a main piece of governing legislation, the *BC Forest Act*, has been largely focused on a sustained yield, timber-centric model. Although there have been changes to legislation to reflect the need to manage for other forest values, including the 2004 *Forest and Range Practices Act*, the focus is still on managing for timber supply first.


Management of timber supply first puts the whole ecological system at risk.

Current forest policies, legislation, and practices do not include the safeguards needed to protect environmental and other values, and mitigate the impacts of environmental catastrophes which put the forest industry, and forest-dependant communities, at risk.

The fall down in mid-term timber supply in the interior of BC was predicted in the mid-2000s. Although the risks and impacts of the MPB on timber supply were known, little was done to prepare for the necessary reduction in the annual allowable cut to reflect the reality the BC forest sector was facing.

To ensure the sustainability of the BC forest sector, we need to revisit forest management models to include management objectives for environmental, cultural and non-timber values that are not focused on managing for timber first.

For too long First Nations have been left out of decision-making regarding the use of forest lands and resources in their territories. As the original stewards, with a deep connection to the land, First Nations hold a knowledge that goes back generations.



**First Nations need to be key players in the transformation of the forest sector in BC, and involved in the identification of collaborative solutions to address the economic, social, and environmental challenges of managing forest lands and resources.**

Changes to forest policies and legislation are needed to advance reconciliation, and implement UNDRIP, to develop a stronger, inclusive economy that shares the benefits from forestry activities, and increases economic opportunities and partnerships between First Nations and industry.

# A NEW WAY FORWARD

## The BC First Nations Forest Strategy

### PURPOSE OF THE FOREST STRATEGY

The *BC First Nations Forest Strategy* (the “Forest Strategy”) was developed collaboratively by BC First Nations, the BC First Nations Forestry Council (FNFC), and the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (MFLNRORD) to advance reconciliation and support modernization of the government-to-government relationship through a collaborative approach to forest governance, stewardship, and joint decision-making.

The Forest Strategy was informed by direct input from First Nations and is based on recommendations they have provided for almost a decade. **The Forest Strategy has been endorsed by the First Nations Leadership Council and supported by resolutions from the Union of BC Indian Chiefs, the First Nations Summit, and the BC Assembly of First Nations.**

The Forest Strategy doesn’t just support reconciliation with First Nations: it promotes sustainable forest management, fosters the economic prosperity of BC, and supports the revitalization of rural BC.

### The Forest Strategy has 6 goals:

GOAL 1	Shared Governance and Joint Decision-Making
GOAL 2	A Strong Forest Economy that Supports Meaningful Sharing of Revenues with First Nations
GOAL 3	Forest Legislation and Policy Development and Reform
GOAL 4	Tenure Reform that Recognizes UNDRIP and Supports a Healthy and Strong Forest Sector
GOAL 5	Collaborative Stewardship and Land Use Planning
GOAL 6	Maximize First Nations Involvement in the Forest Sector

The Province of BC committed to involving First Nations in the renewal of the Coastal and Interior forest sectors through the review of, and changes to, forest legislation, policy, and regulations to identify changes needed to support sustainable forest management, a stronger, globally competitive forest sector, resilient communities, and reconciliation with Indigenous communities.







The Forest Strategy and its implementation are concrete steps towards advancing reconciliation by making changes to forest policy, legislation, programs, and practices that support shared decision-making.

These updates will also provide increased economic opportunities for First Nations, which will in turn increase certainty for the industry and encourage future investments to build a stronger, inclusive, more resilient sector with First Nations as full partners. Having First Nations as full partners in forestry was a goal set by the 2009 Working Roundtable on Forestry that was never achieved.

## UNDRIP provides critical guidance for the Province and First Nations to jointly implement the Forest Strategy and make systematic change.

The six goals of the Forest Strategy link directly to several of UNDRIP’s articles:

ARTICLE 3	the right to self determination	Goals 1 & 3
ARTICLE 19	prior, informed consent	Goals 1, 3 & 5
ARTICLE 26	the right to land, resources, territories	Goals 2, 3, 4, 5 & 6
ARTICLE 28	the right to redress	Goal 2
ARTICLE 29	the right to conservation and protection of the environment	Goals 1 & 5
ARTICLE 31	the right to control, protect and develop their cultural heritage and TK	Goals 1, 3 & 5
ARTICLE 32	the right to determine and develop priorities and strategies for use of land and resources	Goal 1, 3, 5 & 6

**You can download the full *BC First Nations Forest Strategy* online at:**  
<https://www.forestrycouncil.ca/cpages/forest-strategy-public>

<sup>1</sup>Working Roundtable on Forestry, 2009; [www.bcfii.ca/forestry-roundtable-report-released](http://www.bcfii.ca/forestry-roundtable-report-released)

# RECOMMENDATIONS

## TO SUPPORT THE RENEWAL OF THE INTERIOR FOREST SECTOR

Key themes and recommendations have been identified in the Forest Strategy, and discussed at three regional workshops with First Nations, cohosted in September 2019 by FNFC and the MFLNRORD.

The regional workshops identified four priority areas to support a renewed interior forest sector:

- > SHARED GOVERNANCE & LAND USE PLANNING
- > TENURE REFORM AND FIBRE SUPPLY
- > REVENUE SHARING
- > INCREASED FIRST NATIONS PARTICIPATION IN THE  
WORKFORCE



# SHARED GOVERNANCE AND LAND USE PLANNING

Shared governance is a long-term goal that aims to reconcile the interests of Indigenous and Crown governments. Shared governance requires changes to the existing regulatory framework to implement UNDRIP, and to modernize government-to-government relationships.

**Joint decision-making and shared governance are predicated on the recognition of First Nations as governments.**

Changes to forest legislation, policies, and regulations are needed to increase the role First Nations play in the governance and stewardship of forest lands and resources.

All British Columbians benefit from a strong forest sector. First Nations play an important role in revitalizing the forest sector. Meaningful First Nations participation is an important component of our collective success. We need to move from consultation models and the identification of minimum legal standards for consultation, to collaborative decision-making processes.

Shared governance requires multiple streams of revenues to support, and strengthen, First Nations' capacity to meaningfully participate in planning and decision-making processes. This will reduce the current frustration shared by all; First Nations, government, industry, and other stakeholders.

## Land Use Planning (LUP)

First Nations and the Province share a responsibility in the stewardship of forest lands and resources. This shared responsibility is reflected in the Forest Strategy (Goal 5). First Nations have emphasized the need for their own land management frameworks and plans for their traditional territories. Having their own LUPs would allow Nations to identify their values and stewardship objectives. First Nations' LUPs could be operationalised and formalized, through landscape level planning and other initiatives to modernize land use planning. This information would also help Nations advance their interests in forestry-related administrative and operational decisions.

Nations require the information and resources to participate in an informed and meaningful manner to respond to referrals and advance their stewardship objectives in landscape level planning. Research the FNFC has undertaken determined that only 51% of First Nations in BC have their own land use plans. First Nations require the resources, data, tools, and capacity to develop their own land management frameworks for their territories. Without this, First Nations do not have the information they need to make informed decisions. Nations also want access to better information, such as LIDAR, to help them understand what is happening in their territories.

Most land use plans developed in the 1990s had little or no involvement of First Nations. These higher-level plans set management objectives that do not include Indigenous knowledge, cultural values or priorities Indigenous communities have regarding the use and management of lands and resources within their traditional territories.



## We all win from increasing First Nations involvement in the forest sector

Modernization of land use planning will not address issues regarding certainty on the land base when resources are only provided to some, and not all, First Nations to develop land management frameworks.

All Nations want to work with the Province government-to-government (G2G) on the development of land management frameworks that reflect a shared vision and stewardship objectives. To do this requires the Province to provide **resources to all Nations, not just some**, to develop their own land use management frameworks for their territories, so they have the information they need, to meaningfully work with the government on modernizing LUPs to reflect Indigenous values and perspectives.

Some First Nations have developed a LUP for their territories. These need to be formally recognized and operationalized through G2G discussions, similar to what the Haida have had since 2010 in a Land Use Objectives Order and Legislation.

### From Volume to Values Based Management

There is a need to move from management for volume, to management for values – to better manage for water, wildlife, biodiversity, cultural values, and non-timber forest resources. Management and use of forest lands and resources should focus on managing for values, not only on getting more value from volume. Stewardship objectives need to be developed collaboratively to recognize, and include, Indigenous Knowledge.

## Managing for values focuses on diversity of values, not just volume.

Policies are needed to ensure Indigenous Knowledge is recognized, protected, and viewed as equally important as western science when it comes to informing decisions regarding the use and management of forest lands and resources.

Traditional knowledge, although linked to a specific area, often has a more holistic view than western science and is focused on more than resources.

First Nations should also play a pivotal role in stewardship and compliance-monitoring through programs such as existing guardian and other monitoring programs. This must be combined with mechanisms for joint decision-making regarding the management and stewardship objectives for forest lands and resources in their territories.





**WORKING TOGETHER TO CREATE A PATH FORWARD**

Actions the Province can take to move forward regarding shared governance and meaningful participation of First Nations in land use planning.

**SHARED GOVERNANCE**

- 1.1

Recognition of First Nations as governments. Following the precedent that was set by Haida under the *Haida Gwaii Reconciliation Act* (2010);
- 1.2

Modernization of G2G relationship through the development of collaborative processes for joint decision-making with First Nations regarding the use and management of forest and range lands and resources;
- 1.3

Engagement with First Nations in developing forest policies, legislation, and regulations to incorporate Indigenous perspectives, interests, and values;
- 1.4

Provision of the necessary financial and technical resources for First Nations to meaningfully participate, and ensure their interests and values are better reflected, in forest stewardship plans and operational and administrative decisions regarding the use of forest and range lands and resources.
- 1.5

Revision of the Timber Supply Review (TSR) process to advance collaborative decision-making, involve First Nations in the development of the data package and determination of AAC for their territories. This includes providing the resources needed for First Nations to meaningfully participate in this process.

**MEANINGFUL INVOLVEMENT IN LAND USE PLANNING**

- 1.6

Development of policies to respect, recognize, and protect Indigenous Knowledge;
- 1.7

Revisions to *Forest and Range Practices Act* and regulations to reflect First Nations’ values and priorities into how forest and range practices are conducted, including changes to the definition of resource values;
- 1.8

Increased access to the resources First Nations need to participate in the development of plans for their territories that reflect their stewardship objectives and priorities;
- 1.9

Development of collaborative G2G process for shared decision-making regarding the management objectives and outcomes for key values, including joint monitoring, and reporting;



1.10 Development of collaborative G2G process for shared decision-making regarding the management objectives and outcomes for key values, including joint monitoring, and reporting; and

1.11 Access to resources and programs to support First Nations involvement in the development of guardianship and other monitoring programs.

### Climate Change and Wildfire Mitigation

Climate change is affecting the forest ecosystems and making wildfires bigger and more dangerous; fire suppression has contributed to this.

It is important to develop programs that support traditional methods of wildfire mitigation, such as controlled burns and planting natural fire breaks to help reduce and prevent wildfires.

There is also a need for better coordination and cooperation between BC Wildfire Service, First Nations, and First Nations Emergency Services on efforts to increase fire protection and support wildfire prevention initiatives.

### WORKING TOGETHER TO CREATE A PATH FORWARD:

Actions the Province can take to move forward regarding wildfire mitigation.

1.13 Reduce costs and fees associated with removing fibre and fuels through incentives in the appraisal manual;

1.14 Develop programs to increase the use of traditional methods such as natural fire breaks and controlled burns; and

1.15 Support First Nations' led initiatives to enhance knowledge of traditional fire management.





# TENURE REFORM AND FIBRE SUPPLY

Concentration and control of tenure by a few big players is a shared concern for First Nations and British Columbians.

Recently, FLNRORD did not involve First Nations in developing Bill 22 and in doing so, missed the opportunity to implement the principles of UNDRIP.

Bill 22 should be amended to include the consideration of infringements on Aboriginal title and rights, and provide opportunities for a takeback with any sale or transfer of tenure for redistribution to local First Nations through community forest agreements, First Nations Woodland Licences, and other forms of tenure.

**A collaborative approach to resolving barriers to reconciliation is the best way for the Province and First Nations to develop opportunities in the forest sector.**

Implementation of UNDRIP recognizes the right First Nations have to be land managers and determine priorities for the use of lands and resources. Industry requires fibre certainty. This provides an opportunity to form a natural partnership.

Reallocation of volume to First Nations will lead to partnerships with industry who have the manufacturing facilities. This shift will create certainty and lead to increased investment through the development of stronger, more meaningful partnerships.

The annual allowable cut in the interior needs to be reviewed, and must be reduced to a sustainable level that reflects the realities on the ground.

Working together to do more with less volume, develop policies and practices to support increased fibre utilization through incentives for small First Nations' tenure holders is in everyone's best interest.

**As rights holders, First Nations should be key players in the forest sector with access to tenure and other economic opportunities.**

For First Nations to become full partners in the forest sector, they require increased access to volume and tenure opportunities needed to level the playing field.

Reconciliation can support reallocation of tenure to ensure that First Nations have access to the volume needed to be sustainable and viable.



## WORKING TOGETHER TO CREATE A PATH FORWARD:

Actions the Province can take to move forward regarding tenure reform.

- 2.1 Revise the *Forest Act* to enable reapportionment to support First Nations access to increased volume and tenure opportunities;
- 2.2 Increase First Nations access to area-based tenures, including community forest agreements, to support local decision-making (expand the Community Forest Agreement Tenure program)<sup>2</sup>, and management for a diversity of values, including of cultural values and priorities;
- 2.3 Update the Appraisal Manual to include all First Nations direct award tenures (less than 50,000 m<sup>3</sup>/yr.), including First Nations Woodland Licences, under tabular rates, to reduce administrative and operational costs, increase fibre utilization and level the playing field;
- 2.4 Discontinue policies that award volume based on a per capita approach, and replace with policies that increase access to tenure that support sustainable economic opportunities;
- 2.5 Amend Bill 22 to include consideration of infringements on Aboriginal title and rights, and insert a clause for takeback of volume (minimum 10%) to be reallocated to local First Nations, with any tenure transfer and/or sale;
- 2.6 Use the apportionment decision to increase the allocation of volume (AAC) to First Nations;
- 2.7 Collaborate with First Nations to co-design access to volume, which could include redistribution of volume currently administered by BC Timber Sales (BCTS) and/or have Nations jointly administer the BCTS program; and
- 2.8 Increase First Nations access to range tenures.

<sup>2</sup> BC Community Forest Association Submission, 2019; <https://bit.ly/2K3BPie>






# REVENUE SHARING

The forestry economy has a role to play in closing the socio-economic gap, supporting and rebuilding strong, healthy, Indigenous communities.

Reconciliation requires a new fiscal relationship with First Nations that supports economic reconciliation, governance capacity and meaningful sharing of benefits derived from the use of forest lands and resources.

All governments require multi-streams of revenues to support their governance capacity.

Meaningfully sharing the benefits derived from the use of forest lands and resources will facilitate First Nations in becoming full partners in the economic development, and growth of British Columbia.

 **By sharing wealth and benefits, we can build stronger communities.**

Meaningful sharing of stumpage revenues supports the modernization of the government-to-government (G2G) relationship, the well-being of First Nations communities, the development of governance capacity, and increases the ability of Nations to participate in forest sector. This will assist First Nations in becoming full partners in the revitalization of the forest sector in British Columbia.

## WORKING TOGETHER TO CREATE A PATH FORWARD:

Actions the Province can take to move forward regarding revenue sharing.

- 3.1 Develop models and approaches to fully share revenues derived from forest lands and resources with First Nations;
- 3.2 Increase the current revenue sharing model under FCRSA program to share 40%<sup>3</sup> of stumpage revenues with First Nations, increasing up to 50% over the next three years;
- 3.3 Return a minimum of 75% of stumpage paid by First Nations on First Nations direct award tenures; and
- 3.4 Review and update revenue sharing agreements to meet current legal standards; support meaningful shared decision-making, and reconciliation.

<sup>3</sup> COFI report – Smart Future – A path forward for BC's forest products industry, 2019; <https://www.cofi.org/>



# INCREASED FIRST NATIONS PARTICIPATION IN THE WORKFORCE

All British Columbians benefit from a strong forest sector. First Nations can play an important role in revitalizing the forest sector. The 2009 Working Roundtable on Forestry recognized that for a vibrant and sustainable forest industry to exist, First Nations should be full partners in its economic development and growth.

**The Province and First Nations both benefit from a thriving sustainable forest sector that recognizes the key role First Nations play in the economic landscape.**

In 2018, FNFC launched a *BC First Nations Forestry Workforce Strategy* (the “Workforce Strategy”) in collaboration with industry to help connect First Nations talent to forest sector opportunities and growth in BC.

This Workforce Strategy’s mission is to achieve sustainable and meaningful career, employment, and business outcomes for Indigenous Peoples in the BC forest sector through collaborative partnerships among forest companies, ISETP (formerly ASETS), First Nations, and FNFC while reflecting community cultural values, UNDRIP, and TRC *Calls to Action*.

A robust forest sector requires strong and meaningful collaboration between First Nations, industry, and the Province in all areas of forestry, including operations and decision-making.

## WORKING TOGETHER TO CREATE A PATH FORWARD:

Actions the Province can take to increase First Nations participation in the forest sector:

4.1 Support the implementation of the *BC First Nations Forestry Workforce Strategy*;

4.2 Ensure continued support to grow the Indigenous Forestry Scholarship Program, which is aimed at increasing the involvement of First Nations in the forest sector workforce through development of meaningful career, employment, and business opportunities;

4.3 Develop programs and initiatives to support increased partnerships between First Nations and industry; and,

4.4 Ensure that programs, including the Strategic Forestry Initiative, continue to support the involvement of First Nations in the forest sector and encourage business-to-business partnership agreements, such as purchasing tenure or investing in manufacturing, are available to all First Nations.



# MEANINGFUL PARTICIPATION OF FIRST NATIONS IN THE FOREST SECTOR WILL FACILITATE A CLIMATE FOR INVESTMENT BASED ON SUSTAINABLE RESOURCE DEVELOPMENT.



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