

Nimpkish Woodlands Advisory Committee and Vancouver Island North Woodlands Advisory Group

Annual Joint Meeting

Meeting Notes

October 27, 2016

Attendance: Kathy DesRochers (Senior Advisor, First Nations Relations, MOFLNRO), Seanna McConnell (Director, First Nations Partnerships and Business Ventures, WFP), Kelly McMahon (Area Planner, CIFO, WFP), Patrick Donaghy (VINWAG), Tom Doak Dunelly (VINWAG), Pat English (VINWAG/NWAC), Jon Flintoft (Senior Operations Planner, NIFO, WFP), Leith Paganoni (Marine Harvest), John Tidbury (VINWAG), Mike Green (Regional Manager First Nations Partnerships, WFP), Stu Ellis (NWAC), Chris Bowden Green (NWAC), Dave Trebett (VINWAG), Ione Brown (VINWAG), Jim McDowell (Planning Manager, NIFO, WFP), Paul Barolet (Advisor, MoFLNRO), Jeff Houle (VINWAG), Ray Harper (VINWAG), Cam Brady (NWAC Nominee), Steve Lacasse (VINWAG/NWAC)

Regrets: Fred Robertson (VINWAG), Gaby Wickstrom (VINWAG), Shirley Ackland (VINWAG, Mayor, Town of Port McNeill), Jack Millar (NWAC), Ben Trerise (VINWAG), Gunnar Wigard (VINWAG),

Facilitator: Annemarie Koch

Notes: Kelly McMahon, Jon Flintoft, Annemarie Koch

Annemarie reviewed the safety procedures with the group and then opened the meeting by welcoming everyone, thanking them for attending and asking them to introduce themselves for the benefit of the presenters. She invited Jon and Kelly to summarize the September 22-23rd all-PAG event in Port McNeill and to acknowledge long serving NWAC and VINWAG members. She then reviewed the purpose of the meeting, which was to hear an update on First Nations consultation legal requirements and practices, have an update on WFP's First Nations partnerships initiatives, have an open discussion on these topics, and set the dates for the next NWAC and VINWAG meetings. She noted that Pat English had asked for an opportunity to provide an update on the Forest Industry Workforce Strategy and RDF application near the end of the meeting, and then invited Jon and Kelly to proceed with a summary of the all-PAG event held in September.

Jon noted that the all-PAG meeting was a great success. He noted that WFP CEO Don Demens, WFP Chief Forester Shannon Janzen and WFP VP Marketing Frank Turnbull, of WFP's senior management team, had addressed the group. He noted that Don expressed his appreciation for the work of the PAG members. Jon noted that Chief Forester Shannon Janzen had explained why the SFI certification method had been selected for the WFP management areas not currently under CSA certification on the mainland coast and for TFL 19 (which encompasses communities of Gold River, Tahsis and Zeballos).

Jon reviewed some of the success stories that had been identified during group discussions at the event, including involvement of young people in sustainable management initiatives, ability of PAG members to participate in audits and greater understanding of the forest industry. He reviewed some suggestions

from the group discussions, including more tours of the DFA's and sharing of information between group facilitators.

Jon noted that Frank Turnbull had outlined why certification matters and noted his appreciation for the role of PAG members in this process.

Jon noted that Will Sloan closed the afternoon presentations with a look at his life as an auditor.

Jon noted that the event continued with a dinner and ceremony recognizing the work of long serving PAG members, and a presentation on the Nimpkish Valley Railway by Duncan MacGregor.

Jon summarized the areas covered during the field trip the following day, including a look at the SCHIRP research site, a harvesting area and a discussion of log quality, a look at the railway and how it fits into WFP's operations, a presentation by Paul Griffiths on karst and karst management, and a presentation by Trevor Egely on First Nations cultural values and the DANYAS partnership at a cut block near Little Huson Caves. Jon noted that the group also looked at Loci 113 at the Woss Heritage Park developed through the RDMW, followed by a presentation by Randy Hunt on the railway and a look at the Grove's Creek trestle.

Jon noted that the various PAG members had a great opportunity to see forestry operations in this area. Stu noted his thanks to the organizers of the event and expressed his appreciation for being able to be a member of NWAC. Jon thanked Steve for acting as master of ceremonies for the event.

Jon then acknowledged the work of long serving VINWAG members Steve Lacasse, Fred Robertson, Dale Dorward and Ray Harper, and presented a vest to Ray for his 12 years with VINWAG.

Kelly thanked Steve Lacasse, Ray Lutz and Jack Millar for their long service as NWAC members.

Jon noted that a full copy of the event summary was available on the PAG website Home page at <http://www.northislandpag.com/>

Annemarie reviewed the format of the meeting, noting that the meeting would open with a presentation by Senior Advisor, First Nations Relations for the Ministry of Forests, Lands and Natural Resource Operations for the North Island Central Coast Natural Resource District, Kathy DesRochers, on the current legal requirements and practices around First Nations consultation, followed by a presentation by WFP Director, First Nations Partnerships and Business Ventures, Seanna McConnell on the company's First Nations partnership initiatives.

Annemarie noted that, while there would be time for open discussion with the presenters near the end of the meeting, the speakers had agreed to take a limited number of questions during their presentations, through the facilitator.

Kathy Desrochers, Senior Advisor, First Nations Relations, MOFLNRO, *First Nations Consultation: Current Legal Requirements and Practices*

Kathy noted that, while she headed up a specific First Nations division for the Ministry, all staff at MOFLNRO are engaged in some way with First Nations issues and initiatives. She pointed with pride to the work that is done by Ministry representatives to engage respectfully with First Nations in the district.

Kathy noted she had a presentation prepared, but asked PAG members, before she started, whether they had any particular questions for her. She acknowledged that the meeting was being held within the territory of the 'Namgis and Kwakiutl First Nations.

Steve asked how PAG members could advise WFP on First Nations issues when they don't generally have access to information on these issues. Kathy noted that she would try to help identify some opportunities in this area.

Kathy reviewed why MOFLNRO has a First Nations department, noting there are over 200 First Nations in B.C., each with unique cultures and territories. She noted that there are 34 distinct language groups in the Province and over 200,000 people who identify themselves as First Nation, all with strong connections to the land. She added that, within the North Island Central Coast Natural Resource District, there are 21 First Nations, including Tsimshian, Coast Salish and Kwakwaka'wakw people. She noted that the majority of First Nations in our district are Kwakwaka'wakw. She noted that these groups have large traditional territories and many seasonal resource camps where families fiercely defend the resources within their areas. She noted many communities are remote, many have some form of agreement with the government, many are active in the forestry sector and there is one Douglas Treaty First Nation.

Kathy noted that many First Nations in the District have revenue sharing agreements that may represent accommodation for the impact of forestry activities on their territories.

Kathy referred to the takeback of volume in 2004 that provided forest area for BCTS, woodlots and community forest programs to develop, and tenure for First Nations.

Kathy outlined how the Douglas Treaty specifically affects First Nations rights as interpreted by the Provincial Government.

Kathy noted that her department helps to lead and support First Nations consultation and information sharing, and to negotiate forestry-related agreements with First Nations. She added that the program helps with access to cultural wood and to develop and sustain ongoing First Nations relationships.

Kathy noted that things don't always go well and that there are situations where blockades are set up, but that efforts are always made to ensure relationships are respectful and that disagreements don't become personal.

Kathy noted that land management and resource use decisions are key areas of concern to First Nations. She pointed out that there is a significant history between our government and First Nations and that

we need to listen and allow for some healing time. She added that the relationship between the provincial government and First Nations can be difficult at times, and continues to be governed by the courts.

Kathy noted that the relationship between the Province and First Nations is grounded in the Constitution Act of 1982. She reviewed the constitutional duty of the Province to First Nations, requiring that the Province must act honourably. There was a discussion of the term 'aboriginal' versus 'indigenous'.

Kathy noted that Section 35 affirms aboriginal rights, but does not address the proof, location and nature of those rights. She noted that, since 1970, the courts had been attempting to clarify the general nature of these rights. She referenced one specific declaration, namely the Tsilhqot'in First Nation decision, where a legal test for aboriginal rights had been outlined.

She reviewed the evolution of aboriginal law cases by the Supreme Court of Canada, starting with Calder in 1973 to the 2014 Tsilhqot'in decision.

There was a discussion of the government taking a proactive versus a reactive approach to First Nations treaty negotiations. Kathy pointed to some pros and cons of taking either approach.

Kathy pointed to the Province's legal duty to consult with First Nations, in good faith, and to substantially address concerns of First Nations whose aboriginal interests may be affected by a government action. She noted that consultation enables the Province to gain a better understanding of aboriginal interests. She stressed that consultation is not intended to prove or disprove aboriginal claims.

Kathy noted that the threshold was extremely low for the duty of consultation to kick in, i.e. consultation is required when the Province has knowledge of claimed or proven aboriginal treaty rights, but the level of consultation is proportionate to the strength of the claim to title.

Kathy reviewed a spectrum of aboriginal rights, through to modern treaties and historic treaties that outline specific rights of the aboriginal people.

Kathy reviewed the duty to accommodate, e.g. a need to adapt or harmonize aboriginal interests with a crown activity such as forestry activities. She noted that the accommodation was rarely cash, but might be a modification in behavior or operations.

Kathy reviewed the role of the proponents, noting the Province can delegate certain procedural aspects to applicants, tenure holders or other proponents. She pointed to where proponents might be in a better position to deal directly with a First Nation.

Kathy reviewed the procedural aspects of consultation, including documenting discussions.

Kathy reviewed how to engage more effectively, noting an understanding of the general views of the First Nation was required, along with an understanding of the capacity challenges and business realities

of First Nations. She encouraged proponents to listen and be willing to adapt, if they can, and to engage first and then plan.

She reviewed the benefits of forming effective relationships with First Nations, including access to First Nations labour, more certainty for a proposal process, access to services available from the First Nations, marketing and social responsibility, support for government consultation and access to local knowledge.

Kathy defined a successful relationship as one that is based on clear objectives and responsive to First Nations interests. She noted that formal or informal approaches can be used, and that 'one size does not fit all.'

Kathy outlined what might be done to be more culturally aware, including increasing your knowledge of social and legal issues facing First Nations, improving your cultural awareness and enriching your life by participating in First Nations cultural events, acting with honour, being open and transparent, developing and understanding and showing respect, and developing a First Nations engagement and social responsibility policy.

There was an open discussion and it was suggested that it might help to clarify that it is 'engagement' and not 'consultation' with First Nations that is directed by the CSA Z809 standard.

Seanna McConnell, WFP Director, First Nations Partnerships and Business Ventures

Seanna provided some information on her background, including her work with B.C. Hydro and the federal treaty negotiations team. She noted she was glad to be back on the North Island working with people like Mike Green.

Seanna opened her presentation by referencing the following video link:

<https://www.youtube.com/watch?v=92HTvjB3Ya4>

Seanna then went on to review WFP's mission and how it relates to aboriginal engagement. She noted that, while the establishment of WFP's First Nations Partnerships and Business Ventures department has been recent, the company has been working with First Nations for a long time on the coast. She reviewed the First Nations Traditional Territory map and pointed out the First Nations within the NIFO and CIFO DFA's, including the 'Namgis, Quatsino and Kwakiutl. She reviewed some of WFP's partnership initiatives, including information sharing that might formally be enshrined in information sharing protocols or less formal, support for First Nations technical positions and committees, and monitoring post-harvest results with First Nations.

It was noted that efforts have been made to bring together First Nations, WFP and the Ministry to gain greater understanding and certainty around operations on a traditional territory, and that this has proven productive in the past.

Seanna reviewed some of the Indicators related to information sharing under the SFMP. There was a discussion of how PAG members can more effectively share information with First Nations. It was noted that, as a general rule, First Nations don't identify themselves as stakeholders in the CSA process, and that they have a relationship directly with the Crown, and capacity and resourcing issues that also affect their participation. It was noted that any First Nations individuals attending meetings such as the PAG meeting did not want to be seen as representing First Nations generally. It was noted that it might be helpful if the PAG makes very clear what interests the First Nations individual was representing. It was suggested that something less formal be offered as an avenue for discussion, like a field tour or a luncheon. It was suggested that an individual be invited to offer insight into First Nations interests and cultural values, acting like an advisor or a presenter, sharing general information, but not representing First Nations.

Seanna moved on to talk about ways that WFP is developing relationships with First Nations, including development of joint principles and guidelines, training, employment and education and community projects.

She reviewed some of the approaches to establishing joint principles and guidelines, eg identifying common interests around environmental sustainability.

Mike discussed some of the training, employment and educational needs of First Nations and where this intersects with WFP's needs. He pointed to huge opportunities in employment for First Nations on the North Island.

Seanna reviewed some specific programs such as the Logging Fundamentals Training program in Woss from 2012-2015. Mike noted that many of the individuals trained through the program had found jobs in the industry.

Seanna added that WFP was looking at a more structured and comprehensive approach to training and employing First Nations individuals.

Mike pointed to the many employment opportunities in forestry, from entry level logging jobs to forest engineering and planning and cultural monitoring.

Seanna referenced the following video links and invited PAG members to access them via the Internet:

<https://www.youtube.com/watch?v=U2M5OL2DY5s&index=5&list=PL9OIpJT3NP9-rgfFvVXovg5BRe1j-874W>

<https://www.youtube.com/watch?v=w090dKAtLy8&list=PL9OIpJT3NP9-rgfFvVXovg5BRe1j-874W&index=9>

<https://www.youtube.com/watch?v=CdaxsK4I6TA&index=7&list=PL9OIpJT3NP9-rgfFvVXovg5BRe1j-874W>

<https://www.youtube.com/watch?v=YGOSRe6-tfw&index=8&list=PL9OIpJT3NP9-rgfFvVXovg5BRe1j-874W>

Seanna pointed to some of the other projects initiated by WFP, including access to cultural wood for drum logs, totems, big houses and firewood.

Seanna pointed to some other partnerships with First Nations, including the 'Namgis agreement that attempts to reduce the industry's economic impact on treaty land selections, the preservation of cultural heritage resources, ensuring future supply of large cultural cedar resources and identification of volume opportunities.

There was a discussion of how a more integrated and strategic approach might be taken to engaging more effectively and comprehensively with First Nations on resource activities throughout the region.

Seanna reviewed some of the business partnerships WFP has with First Nations, including Quatern LP (est. 2010) and DANYAS LP (est. 2015). She noted that WFP was looking to expand existing and grow new partnerships throughout the company's tenure.

She reviewed other less formal, short term agreements with First Nations, e.g. to harvest an area, or use of a timber purchase agreement.

Seanna reviewed the WFP team, including Mike, Andy Steinke and Sarah Ozog.

There was a general discussion of how First Nations cultural values can still be found in areas on the North Island and how these values might be protected in future.

It was agreed that there is a tremendous amount of local knowledge that can be gained from First Nations.

Annemarie noted that Seanna and Kathy would be providing copies of their presentations to the group, and that she would post these on the PAG website.

Steve thanked WFP for their recent support for the annual broodstock take at the Marble River.

Next Meeting

Annemarie noted that the next regularly scheduled meeting for VINWAG was Thursday, November 3 and that the main topic would be a round table discussion of SFMP priorities, and that the next NWAC meeting was scheduled for November 24th.

She invited Pat English to provide a summary of the Forest Sector Development initiative to attract forest workers to live and work on the North Island. He noted that the group was now submitting an application to the B.C. Rural Dividend Fund to resurrect the Woss Logging Fundamentals Program and provide training here on the North Island for future forestry workers. He noted that it was hoped industry would sponsor students going into the school.

Annemarie thanked everyone for participating and wished everyone a safe drive and a good night.