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## **"First Nations First": Understanding the Status of Aboriginal Involvement in British Columbia's Community Forests**

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**“FIRST NATIONS FIRST”:  
UNDERSTANDING THE STATUS OF ABORIGINAL INVOLVEMENT IN BRITISH  
COLUMBIA’S COMMUNITY FORESTS**

A Thesis Presented

by

SEAN G. O’DONNELL

Submitted to the Graduate School of the University of Massachusetts Amherst in partial fulfillment  
of the requirements for the degree of

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Department of Landscape Architecture and Regional Planning

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Since my time at the University of Guelph – and strengthened by my own family connections in British Columbia – it was a dream of mine to meet those communities I had spent so much time reading about. This trip, and so many other fortunes of my life these past few years, have been made possible thanks to the continued guidance and support of Professor Elizabeth Brabec. As an advisor and friend, Elizabeth has always been generous with her time and knowledge, helping me grow as a writer, researcher, and a gardener too, to be sure.

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## ABSTRACT

### “FIRST NATIONS FIRST”: UNDERSTANDING THE STATUS OF ABORIGINAL INVOLVEMENT IN BRITISH COLUMBIA’S COMMUNITY FORESTS

MAY 2018

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In 2014, the legal landscape shifted in British Columbia with the unanimous Supreme Court decision, *Tsilhqot’in Nation v. British Columbia*. The case resulted in a recognition of Aboriginal title, and real and substantial Aboriginal authority over large tracts of land in the province. According to legal analysts, the most significant element is the requirement for stronger consultation with First Nations and – in many cases – consent that needs to be pursued by the province’s resource extraction industries prior to development.

British Columbia’s community forest sector is unlikely to be immune to this shift. A baseline for First Nations involvement in community forestry – both in terms of breadth and depth – has not yet been established. While *Tsilhqot’in* is expected to dramatically impact stakeholder engagement, to what degree and in which locales this change will occur is not well known. Through a series of semi-formal interviews conducted with people in a leadership position in 19 of the province’s community forests, this paper establishes this baseline, as well as considers the potential impact of the *Tsilhqot’in* decision for the province’s community forest sector.

## TABLE OF CONTENTS

	PAGE
ACKNOWLEDGEMENTS.....	III
ABSTRACT.....	IV
LIST OF TABLES.....	VI
LIST OF FIGURES.....	VII
CHAPTER	
1. AN OVERVIEW OF COMMUNITY FORESTRY IN BRITISH COLUMBIA.....	1
2. CRITIQUES OF COMMUNITY FORESTRY.....	6
3. FIRST NATIONS INVOLVEMENT IN COMMUNITY FORESTRY .....	10
4. 'TSILHQOT'IN V. BRITISH COLUMBIA.....	14
5. METHODS.....	17
6. FINDINGS .....	19
7. DISCUSSION.....	26
REFERENCES .....	30

## LIST OF TABLES

TABLE	PAGE
1. Five attributes influencing progress in British Columbia's 10 initial Community Forest Agreements.....	7
2. Summary of interview responses with managers of 19 of British Columbia's community forests.....	20

**LIST OF FIGURES**

FIGURE	PAGE
1. Distribution of initial community forests in British Columbia.....	3
2. Community forests in British Columbia.....	5

## CHAPTER 1

### AN OVERVIEW OF COMMUNITY FORESTRY IN BRITISH COLUMBIA

The idea of community forestry, “a public forest managed by the community as a working forest for the benefit of the community” (Teitelbaum et al. 2006, 417) has been an increasingly discussed topic in British Columbia for the past few decades (British Columbia Community Forest Association 2015a). The call to put communities back into forestry management was largely due to their marginalization over the past century by industry and government and often their proximity and knowledge of a resource (Scott 1998; Doornbos et al. 2000).

The construct of community forestry as a land use and management system has four major attributes: 1) the title to the land is owned by the local, regional or national government; 2) tenure to the land is given to a local community or more accurately, a consortium of community groups, associations or organizations; 3) the tenured group, organization and/or consortium is required to manage that land for the benefit of the community; and, a key issue for the purposes of this article; 4) there is an assumption of “public” input and control over the decisions that are made about the land and its resources.

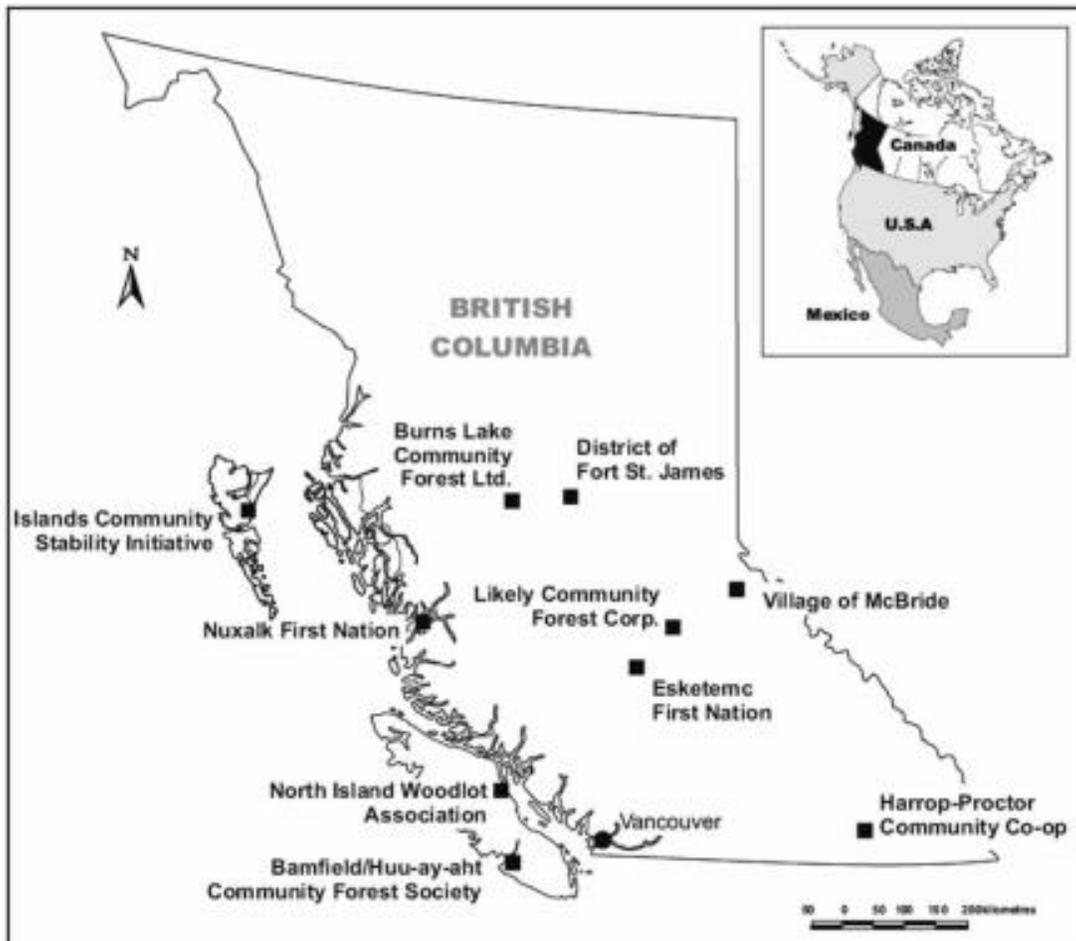
During the 1990s, the first community forests were developed in BC with agreements signed in Revelstoke, Kaslo and Creston, among others. In each of these communities, there was a significant emphasis on industrial forms of forest management, reflective of small-scale industrial forestry, and little on the promotion of more sustainable practices (McCarthy, 2006). In 1998, with the passing of the *Forest Statute Amendments Act* (FSAA), the province took an active role in promoting community forestry as a new form of management. The reasons for this initiative included the rise of neoliberalism, rising demand for community-based resource management, and

the recognition of foreign successes in the use of this kind of forest management (Haley and Luckert, 1998; Haley 2002; McCarthy, 2006).

Following the implementation of FSAA, the province's Community Forest Agreement program was formed, at first on an experimental basis. Labeled BC's Community Forestry Pilot Project (CFPP) by the Ministry of Forests, 27 communities formally applied to be given more comprehensive management power and ownership over their local forest resources; seven were granted probationary status in June/July 1999 and three more were included as initial Community Forest Pilots within the next two years. The geographic dispersal of these ten initial pilot communities can be seen in "Figure 1: Distribution of Initial Community Forests in British Columbia".

The intentions of the community forest program included: (1) providing long-term opportunities to achieve a range of community objectives, including employment, education and skills training, as well as other social, environmental, and economic benefits; (2) meeting environmental stewardship standards, including the management of timber, water, fisheries, wildlife, and cultural heritage resources, in accordance with legislation and approved use plans; (3) diversifying the benefits and uses obtained from the CFA area; (4) encouraging co-operation among stakeholders; and (5), providing social and economic benefits to the province (Cathro et al. 2007).

Figure 1: Distribution of initial community forests in British Columbia (Source: McIlveen and Bradshaw, 2009)

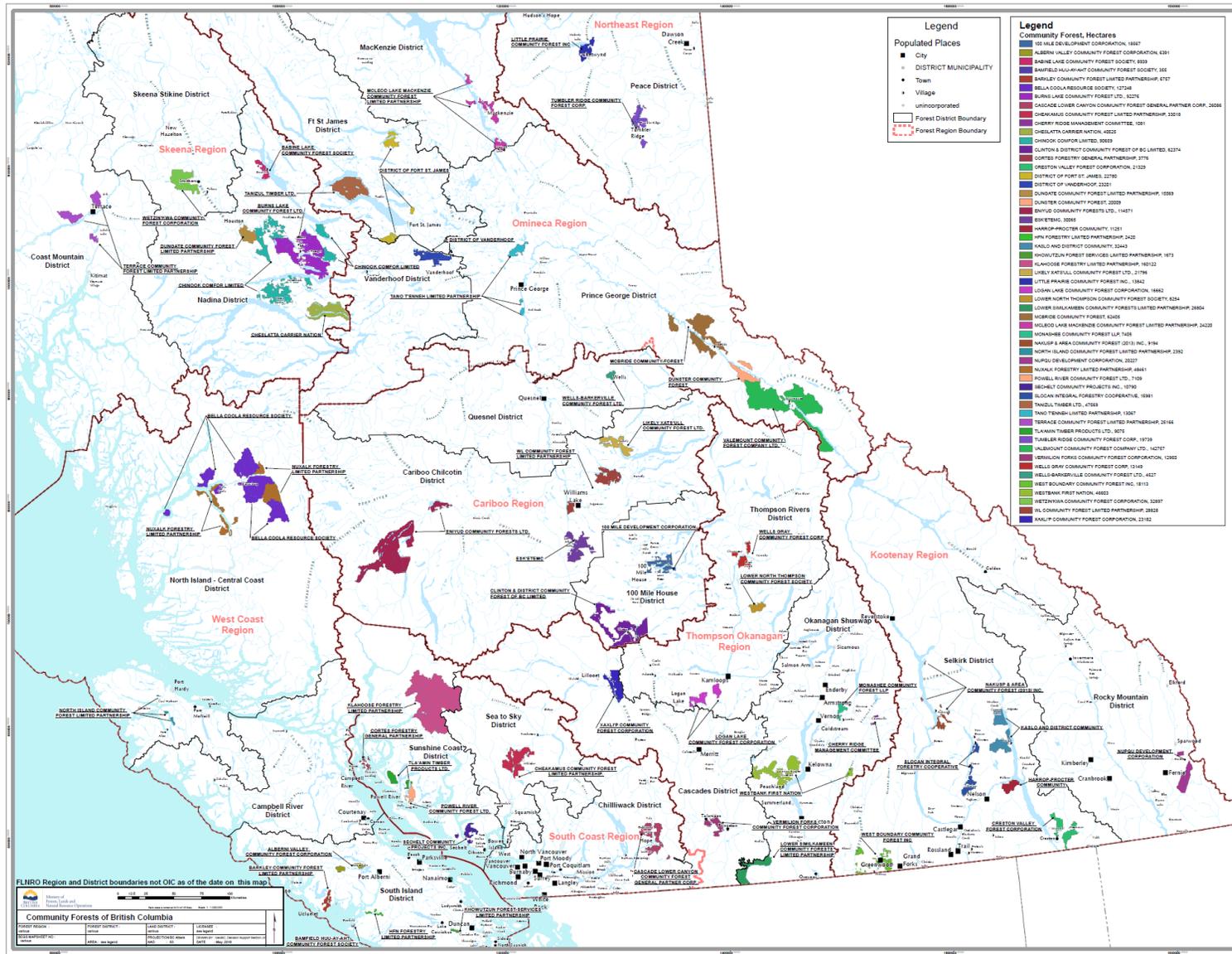


The CFPP intended to promote public empowerment and greater environmental governance around forest resources through new tenure arrangements in approximately 30,000 hectares of Crown forest (British Columbia Ministry of Forests, 2005). By 2015, this number had risen to near 1.5 million hectares managed under community-based tenures (British Columbia Community Forest Association, 2015a). Beyond a level of empowerment, the CFPP was designed to also “provide opportunities at the community level to test some new and innovative forest management models” and maintain “forest-related community lifestyles and values, while providing jobs and revenue that contribute to community stability” (British Columbia Ministry of Forests, 1997).

While the statute does not limit the size of a community forest, the agreements are constrained temporally to be between 25 and 99 years and may be defined to limit the uses allowed, and also define the groups eligible to obtain tenure. The Act limits these eligible groups to a First Nations band, a society, an association, a corporation, or a partnership of two or more of these groups (*Forest Act*, RSBC 1996, c157, s43.3). The key to eligibility is that the interests presented by the applicant must be considered to represent broader community interests. To ensure community buy-in, the province demands thorough public consultation prior to the submission of an application. After submission (a one-step process), the Minister of Forests reviews the application, and – if accepted – a tenure agreement is granted along with harvesting and timber sale rights. As the land is under the management – as opposed to fee simple ownership – of the community, these rights are not transferable or inalienable.

As of June 2017, there were 60 community organizations either operating an existing Community Forest Agreement or in some stage of planning. In May 2016, a map was generated to plot community forests and their landbase by the Ministry of Forests, Lands and Natural Resources Operations. This map is presented in “Figure 2: Community forests in British Columbia” (full resolution available on the BC Community Forest Association’s website here: [http://bccfa.ca/wp-content/uploads/2011/02/CommunityForestKey\\_May\\_18\\_2016.pdf](http://bccfa.ca/wp-content/uploads/2011/02/CommunityForestKey_May_18_2016.pdf)).

Figure 2: Community forests in British Columbia (British Columbia Ministry of Forests, Lands and Natural Resource Operations, 2016).



## CHAPTER 2

### CRITIQUES OF COMMUNITY FORESTRY

Each community forest is governed by a separate agreement, written to address the specific conditions, and constraints of the particular community and land area in mind. As a result, community forestry agreements are unique in land base, stakeholders, and governance structure. Coupling the multiplicity of conditions with their relatively new status and the growth in the BC forest sector, the problems which arise in community forest agreements are both varied and still not fully understood.

Critiques of community forestry can be categorized broadly to include an arguable lack of inclusive public participation, government support, and capacity in managing the forest to achieve community objectives (McIlveen and Bradshaw, 2006). Based on McIlveen and Bradshaw (2009), community forestry (and community initiatives as a whole) will be most successful given “broad community support and participation; social cohesion and even a shared sense of identity; a precise fit between a community’s needs and initiative design and substantial community capacity as manifest in human, financial and natural capital” (197). This capacity must not only be available in achieving a community’s original objectives, but also in order to allow a community to sufficiently adapt as conditions and objectives change over time (Reed and McIlveen 2006). McIlveen and Bradshaw (2009) outlined what they believe to be the most significant attributes when assessing progress within each community: social cohesion, community support, broad community participation, appropriate expertise, and experience. As demonstrated in “Table 1: Five attributes influencing progress in British Columbia’s 10 initial Community Forest Agreements”, none of the 10 initial Community Forest Pilots were able to reflect all 5 and only one was able to achieve 4 of these attributes.

Name (and location)	Social cohesion	Community support	Broad community participation	Appropriate expertise	Experience
Significant Progress					
Burns Lake Community Forest Corp.	✓	✓	-	✓	✓
Esketem'c First Nation	✓	✓	-	✓	✓
Harrop-Procter Community Coop	✓	✓	✓	-	-
Likely-Xats'ull Community Forest	✓	✓	-	-	-
Limited Progress					
Bamfield Huu-ay-aht	✓	✓	-	-	-
District of Fort St. James	-	-	-	✓	✓
Village of McBride	-	-	-	✓	✓
No Progress					
Island Community Stability Initiative	-	-	-	-	-
North Island Woodlot Corp.	-	-	-	-	-
Nuxalk First Nation	-	-	-	-	-

Table 1: Five attributes influencing progress in British Columbia's 10 initial Community Forest Agreements  
(Source: Adapted from McIlveen and Bradshaw, 2009)

From a participatory perspective, researchers have pointed out a significant lack of inclusivity for initiatives which have been proposed and implemented in the name of “community” (Reed and McIlveen, 2006; Bradshaw, 2007). In a meta-analysis of community forests around the world, it was found that inclusive participation was present in only 27.5% of successful communities (Pagdee et al., 2006). The seeming lack of meaningful and inclusive public participation raises questions about its role in community forestry, including whether or not community-scale

management demands inclusive participation as part of ongoing management of the forests in question. Is the emphasis on inclusion of multiple stakeholders and opinions potentially a barrier or distraction in effective forest management? And how can CFAs truly be reflective or demonstrative of sustainable forestry management when potentially significant groups are being omitted from the process?

Often, experts and technical expertise are seen as being too dominant in the process and the community is not given sufficient choice as to potential alternatives or encouraged to innovate (Kakoyannis et al. 2001; Sheppard and Meitner 2005). Nevertheless, improvement in participatory decision-making has been demonstrated to reach more equitable results in community-based management before through an open engagement of ideas, greater decision-support systems, as well as a more comprehensive monitoring and of sustainability indicators (Sheppard and Meitner, 2005). However, greater inclusivity and participatory action has not always guaranteed more beneficial outcomes. In fact, exclusive decision-making and high levels of expertise are considered of greater value in certain community forestry projects (McIlveen and Bradshaw 2009). With limited resources, and potential opportunity costs, it is perhaps not surprising that public consultation is not as robust as many academics feel would be beneficial.

Community forestry in British Columbia has received additional criticisms beyond concerns of public participation and community representation. For one, many projects lack sufficient start-up funds or support in order to complete even the most basic and necessary tasks such as forest surveying. And while some communities have received the necessary support and start-up funds from BC's Ministry of Forests, others have found the governmental process and incentives to be a hindrance to their success (McCarthy 2006). Plan approval may take months depending on the conditions of the community forest and their proposed activities, which can be frustrating. Additionally, communities have claimed the existing revenue appraisal system is incompatible with

their original intentions as it incentivizes high volume extraction of solely timber products (McIlveen and Bradshaw 2006). This high-level extraction – akin to other industrial forms of forestry – raises concerns given the role of communities as potentially more responsible and sustainable managers of a resource. While the rights to the forest include non-timber forest products, including opportunities for recreation, mushroom and berry harvesting, etc., the incentives are weighed heavily toward the benefits of traditional industrial forms of forestry.

Potentially clouding many of these assessments of community forestry is an inadequate definition of “community”. The term should imply connections between people and places, with an attachment not only to a locality, but also a sense of “belonging... in its institutions and with its people” (Fitchen 1991, 253). This layering of associations and attachments, according to Reed and McIlveen (2006), must include a greater sensitivity and engagement with previously marginalized groups, including local First Nations.

## CHAPTER 3

### FIRST NATIONS INVOLVEMENT IN COMMUNITY FORESTRY

Aboriginal peoples within Canada have used a vast variety of forest resources to sustain themselves physically, culturally, and spiritually for many generations (Turner and Cocksedge, 2001). Yet more than 80% of Canada's 603 First Nations living within productive forest areas remain threatened by corporate tenure, and still are largely excluded from forest allocation and management decisions (Ross and Smith, 2002). The government's response to this problem has been a more recent shift toward increased First Nations participation in forest management. However, this is almost always reflective of what the Royal Commission on Aboriginal Peoples defined as "the integration approach". By largely assimilating First Nations viewpoints and culture into an already existing model of industrial management practices, governments have suppressed their ability to implement their own skills and strategies in Canada's forest sector (RCAP, 1996; Ross and Smith, 2002). Yet, many of those communities who have managed successfully to avoid "the integration approach" have used their capacity to achieve greater economic prosperity and more sustainable management strategies (Turner and Cocksedge, 2001).

Given their long-held interest, knowledge, and proximity to the landscapes –and evident in programs such as the Community Forest Pilot Project in British Columbia, the growth of Impact-Benefit Agreements, as well as co-management agreements being signed across the country –many First Nations communities in Canada are beginning to gain greater control over their local forest resources. With long-standing familiarity with ecosystems, often embedded in language and traditional practices, many indigenous communities stand to be competent managers capable of crafting locally-adapted solutions to resource problems (Davidson-Hunt, 2003). This recognition is the fruit of several-decades-long action on the behalf of First Nations in the form of political activism and court battles (Coates, 1992; Houde, 2007). Precedent-setting court cases like the

Supreme Court's 1973 Calder decision –which recognized the Nisga'a people's title to land–or the 1990 Sparrow decision–which gave the Mi'kmaq unique rights to fish for subsistence outside of designated fishing periods –have helped elevate the status of First Nations communities in Canada's resource sector (Houde, 2007). Many of Canada's First Nations people have made their concerns clear: gaining economic development, securing and regaining access to traditional lands, ensuring protection of traditional ecological knowledge (TEK) and cultural integrity, as well as conserving forest ecosystems and their species (Russo and Etherington, 1999; Chapeski, 1999; Turner and Cocksedge, 2001).

In “The Community Forestry Guidebook”, the BC Community Forest Association describes the benefits attainable through community forestry:

“On the monetary side, benefits include local employment and economic development.

Non-monetary benefits are derived from the many values associated with forests, including ecological (such as the protection of drinking water), cultural, spiritual, medicinal, recreational, and aesthetic values.” (British Columbia Community Forest Association 2004, 2).

While the role of ecosystem service valuation is important when discussing the economic potential of the community forest, it does have limits. As Liu et al. (2010) point out, the benefits provided by the forest in the form of spiritual and historic values are less amenable to economic valuation. These are values which are especially significant when discussing First Nations involvement in community forestry (Booth and Muir 2013).

Many First Nations have strong spiritual and cultural values associated with the collecting and processing of plants, especially those with a medicinal value (Tedder et al. 2002; Hamilton 2012). Currently, community forestry represents the only form of tenure which offers rights to harvest and use these “non-timber forest products” (NTFPs). The management of NTFPs are seen

by some as a way to revitalize and maintain First Nations culture (Hamilton 2012). Some plant species contribute to cultural artifacts (for example, plants used traditionally to make baskets, twine, or as a means for smoking meat) or to potential economic activities through the development on non-timber products including berries, mushrooms, syrups, etc. (Booth and Muir 2013). These values – wildlife protection and maintenance and access to medicinal plants – is consistent across much of the literature (Treseder and Krogman 1999; Karjula and Dewhurst 2013. In: Booth 2013; Sherry et al. 2005; O’Flaherty et al. 2008; Booth and Skelton 2011).

When looking at indicators for sustainable forest management in British Columbia, Gough et al. (2008) argued there are significant gaps in our criteria and understanding, particularly for social and cultural indicators. To assess the success and benefits of community forestry in the province, the Community Forest Association developed a list of 18 indicators. These indicators are organized into broad categories of community forest objectives: economic (8), social (6), cultural (1), and environmental (3) (British Columbia Community Forest Association 2015b). The cultural objective of community forestry in BC is to “promote communication and strengthen relationships between Aboriginal and non-Aboriginal communities and persons” (British Columbia Community Forest Association 2015b, 9). The Association measures this by referring to the “breadth and depth of First Nation involvement in community forests” (British Columbia Community Forest Association 2015b, 9). This is an important step in understanding cultural impacts of community forestry and attempts to address the issue of better social and cultural indicators related to Aboriginal concerns (Gough et al., 2008).

Looking into the Association’s framework and methodology behind the indicators report, this cultural indicator is more clearly defined. It is intended to gauge the involvement occurring with First Nations in the province’s community forests beyond legal requirements (British Columbia Community Forest Association, 2014). During annual indicator surveys, the Community Forest

Association requests that the province's community forests complete a checklist to determine the level of First Nations involvement. Signs that First Nations are being represented in community forestry include the following:

1. The community forest is held by a First Nation;
2. The governance structure is a partnership with local First Nation(s);
3. There is designated First Nations representation on the board;
4. There is an employment contract with First Nations;
5. There is cooperative planning among the stakeholder groups;
6. There exists a Memoranda of Understanding (MOU);
7. There are capacity building activities such as training and education (British Columbia Community Forest Association 2014, 19).

The list above provides a start to consider the level of First Nations involvement and helped inspire some the interview questions used in this study. The recent Supreme Court decisions, *Tsilhqot'in v. British Columbia* has further amplified the importance of good relations with local First Nations communities.

## CHAPTER 4

### TSILHQOT'IN V. BRITISH COLUMBIA

On June 26, 2014, the Supreme Court of Canada (SCC) gave an astounding unanimous 9-0 judgment in favor of the Tsilhqot'in First Nation in their case against the province of British Columbia (*Tsilhqot'in Nation v. British Columbia*). With this judgment, the SCC effectively ruled that the province no longer has the power to authorize logging without Aboriginal consent in those areas where Aboriginal title is affirmed. The Supreme Court's decision sets a new precedent for land tenure in British Columbia and is predicted to have profound impacts on the province's resource sectors (Morse 2017).

The Tsilhqot'in Nation encompasses six distinct First Nations bands, totaling approximately 3,000 members located in south central British Columbia. The lands disputed under the case included 1700 km<sup>2</sup> (656 miles<sup>2</sup>) of forested terrain 200 km (120 miles) west of Williams Lake. In 1983, the province issued a forestry license to Carrier Lumber Ltd. for a ten-year period within these lands. The following years saw a series of blockades, protests, and the subsequent termination of Carrier's license in 1992. During that time, Chief Roger William of the Xenigwet'in (one of the Tsilhqot'in six nations) also presented a legal challenge to the BC Supreme Court (BCSC) to prevent the issue of similar licenses in the future. Originally, this challenge was issued on the grounds the license would have deleterious impacts on the nation's traplines. In 1998 the challenge was amended to include a stronger argument for Aboriginal title on the lands.

Due to the exorbitant cost of legal bills, fundraising took years, and the trial was not presented in front of BCSC until 2002. The next 5 years saw 339 days in court and a cost of close to 30 million dollars (Aboriginal Law Group [11]. In: Morse, 2017). In 2007, the courts argued in favor of the Tsilhqot'in Nation for 30% of the lands where title was being asserted, along with a small amount of land outside of the original proposed area (Tsilhqot'in SCC, supra note 1 at para 7). The

Nation was pleased with the reasoning of the Justices' arguments, but nevertheless appealed to receive a ruling to be applied to their entire territory. The federal and BC governments also appealed to contest the Justices' ruling.

When presented to the BC Court of Appeal (BCCA) – the highest court in the province – in 2012, the original decision was upheld. However, the Justices took a considerably narrower approach to Aboriginal title. A more “postage stamp” approach was recommended so as not to interfere with the Crown’s authority to act in Canadians’ best interest (*Tsilhqot’in v. British Columbia*, 2012). Again, the *Tsilhqot’in* Nation appealed the decision – this time to the Supreme Court of Canada (SCC) – in the hopes of having Aboriginal title recognized for their entire territory.

In 2014, the SCC ruled unanimously in favor of the *Tsilhqot’in* Nation in their pursuit of recognized Aboriginal title. To gain this judgment, the *Tsilhqot’in* Nation were required to demonstrate their use – historical and present – of the land. The landmark case was decided 9-0 on June 26<sup>th</sup> and with the new judgment, any private person, corporation or local government must first “obtain the consent of the Aboriginal title holders” prior to making use of said land. (SCC *supra* note 1 at para 76). Before this decision, consultation with affected First Nations has largely been seen as a “procedural rather than a substantive duty triggered by the expectation that the Crown will always act honourably” (Morse 2017, 75).

It is difficult to overestimate the importance of the *Tsilhqot’in v. British Columbia* judgment. The implications of the *Tsilhqot’in* judgment are still being studied and untangled in the context of other Aboriginal title case judgments (Morse, 2017), but a couple things appear to be clear. First, resource extraction on Crown lands in British Columbia will face increasing challenges by First Nations asserting Aboriginal title in those lands, citing this case as precedent. Second, future tenure agreements between the province and individuals, corporations, or local governments will likely

need to move beyond limited *consultation* with Aboriginal groups as has been required in the past. Rather, they will need to seek *consent*, and benefit-sharing partnerships where possible.

Altogether, the *Tsilhqot'in* decision sets a new legal precedent that leaves many current and prospective forest managers with questions regarding the security of their tenure. In addition to understanding the current involvement of First Nations in community forest agreements, community forest officials were interviewed to better understand how much they perceive the *Tsilhqot'in* decision might impact their current CFA.

## CHAPTER 5

### METHODS

In June 2015, interviews were conducted with community forest managers and directors at the British Columbia Community Forest Association's (BCCFA) Annual Conference and General Assembly. The event was held by the Wells Gray Community Forest in Clearwater, BC from June 11-13. Attendance included more than 130 people, representing 26 community forests in the province. Over the course of the three days, as well as subsequent conversations by email, 19 officials from 19 different community forests were interviewed. The interviews were structured around the following questions:

1. What is your community forest's relationship with the local First Nation(s)?
2. How are they engaged?
3. Are you familiar with your local First Nation's history and political structure? Do you plan to learn more about it?
4. What have you done to understand First Nations values on your community forest land base? What are you doing beyond the legal requirements?
5. Are you incorporating traditional knowledge into your own planning? How?
6. Within the context of your current relationship, what are the benefits you are seeing? Challenges?
7. How do you accommodate First Nations cultural differences in timeframes and communication within the context of a business?
8. What impact do you see *Tsilhqot'in* (the Supreme Court decision) having on your community forest?
9. When thinking about First Nations and community forestry, is there anything else you would like to add?

These questions were developed with the help of the British Columbia Community Forest Association's Manager of Extension and Communication, Susan Mulkey. The audio of all in-person interviews were recorded, transcribed and coded. Responses received by email were also coded as part of the dataset.

## **CHAPTER 6**

### **FINDINGS**

Over the three days of the BCCFA conference, managers from 13 different community forests in the province were interviewed. In the subsequent weeks, written responses to the survey questions were returned by email from six additional community forests through email. The findings of all interviews are synthesized in “Table 2: Summary of interview responses with managers of 19 of British Columbia's community forests”.

<i>Community Forest</i>	<i>First Nations Ownership</i>	<i>First Nations Partnership</i>	<i>First Nations Board Members</i>	<i>Traditional Knowledge Incorporated in Planning</i>	<i>Other Indicators of Collaborative Planning</i>	<i>Benefits Identified</i>	<i>Challenges Identified</i>	<i>Notes</i>
<b>Barkley Community Forest</b>		✓	✓	Not as yet		Employment opportunities, use of local First Nation's sawmill	None	
<b>Cascade Lower Canyon Community Forest</b>		✓	✓	Uncertain	N/A	N/A	N/A	Manager interviewed was new to the position. Spoke positively about the partnership from what he has seen so far.
<b>Cheakamus Community Forest</b>		✓	✓	Yes	All plans referred to First Nation, employment of archaeology staff, mapping of cultural areas	Smooth approval of logging plans	None	
<b>Columbia Headwaters Community Forest</b>			✓	Yes		Community involvement, added timber values, inclusion of community and historical values	Potential land claims, business model adoption	
<b>Cowichan Lake Community Forest</b>		✓	✓	Yes	Memorandum of Understanding	Smooth approval of logging plans, local employment	Priority setting, but overall very positive relationship	Revising Memorandum of Understanding following <i>Tsilhqot'in</i> decision
<b>Dungate Community Forest</b>			✓	What is provided at board meetings		Uncertain	Uncertain	
<b>Dunster Community Forest</b>			✓	None has been provided	Regular information sharing	Informed decision-making, legal and political benefits	None	The local First Nation has received their own CFA. Potential conflict of interest with current FN board member.
<b>Esketemc Community Forest</b>	✓		✓	Yes, decisions ultimately made by elders in community	Three of five board members are from band, with two from outside the community with government or industry expertise	Economic benefits, employment	None	Esketemc history and community culture inseparable from community forest. As is traditional, women in the community have decision-making powers while men do the work. Ecosystem management based on historic grasslands, deadlines adapt to community circumstances (example of a band member's death)

<b>Harrop-Procter Community Forest</b>				Limited, include gathering areas but no specific traditional knowledge given	Archaeological resources have been studied, protocol agreements established for FSC certification	Relationship building, gaining FSC certification with the help of agreements	Referral process as sometimes getting in the way of relationship building	
<b>Lower North Thompson Community Forest</b>			✓	Requested, but little has been provided as of yet	Summer student programming	Salmon rehabilitation on the landbase	Relationship building and meeting with the members	
<b>McBride Community Forest</b>				No		Relationship building, plan approval	The consultation process, maintaining a relationship	No communities very nearby, local First Nations unlikely to have strong strength of title claim in the community forest area
<b>Nakusp &amp; Area Community Forest</b>				Yes, for preliminary field reviews and archaeological impact assessments. Culturally important features are protected as required	Information sharing with 16 different First Nations bands during forest development planning	Good working relationships and improved planning processes	Commonly need to work on extended timeframes and deadlines when doing consultation	
<b>Nuxalk Community Forest</b>	✓		✓	Yes, including locations of culturally-sensitive and traditional-use areas. Archaeological assessments are completed on all proposed harvest areas where traditional use is evident/suggested		Economic benefits for the First Nation	Approximately 20% of the community opposes commercial forestry	
<b>Smithers Community Forest</b>		✓	✓	Very little	Shared economic benefits and plan development	Support and approval; the community forest would not exist without the approval of the local band	Multi-headed governing system (hereditary, elected, etc.) and the challenges of broader engagement and knowing who to speak with	

<b>Tumbler Ridge Community Forest</b>				None has been provided	Information sharing, in-person meetings every 6 months, incorporate feedback into Forest Stewardship Plan	None provided	None provided	
<b>Wells Gray Community Forest</b>			✓	Very little	Workshops and symposiums around non-timber forest products, information-sharing, Memorandum of Understanding at one time (which has now expired)	Co-management, future opportunities of working community-to-community	Limited capacity, challenge of having FN members attend meetings and receiving a response	Seat reserved for member of Simpcw First Nation, but no one has attended a meeting from the community since circa 2010.
<b>Wells-Barkerville Community Forest</b>				Not as yet		Improved community-to-community relations, and the possibility of benefit-sharing in the future (but too early to say)	Perceptions among some in own community about this not being a First Nations space/traditional territory and reluctance to the idea of benefit-sharing	One of the most newly approved community forests at the time of interview. Planning for the community forest just beginning.
<b>Westbank First Nation Community Forest</b>	✓		✓	Yes		Employment opportunities, skill-building and employment for youth	Public consultation - very few members show up to open houses or consultation meetings	
<b>Williams Lake Community Forest</b>		✓	✓	Yes	Regular consultation, co-writing of management plans	Rapid and favorable review of plans without delays, in part due to this partnership		

Table 2: Summary of interview responses with managers of 19 of British Columbia's community forests

Of the 19 community forests interviewed, three CFAs are held solely by a First Nation (Esketemc, Nuxalk, and the Westbank First Nations). Six of the community forests are managed as an equal partnership between a First Nation and a non-Aboriginal community (Barkley, Cascade Lower Canyon, Cheakamus, Columbia Headwaters, Cowichan Lake, Smithers, and Williams Lake). 14 of the 19 community forests included in the study have First Nations representation on their board of directors, while 5 have no formal First Nations involvement.

All community forest officials stated the importance of relationship-building with local First Nations. Beyond formal representation on their board, 11 community forests showed indicators of collaborative planning. Information-sharing with local bands is common, and often required by the terms of the tenure. For several community forests, consultation and input is included in forest management plans; those with a formal partnership discussed co-writing of their plans with input from all communities involved.

The advantages of having a strengthened relationship or partnership ranged considerably and included both tangible and intangible benefits for the community forest as a whole. For seven of the community forests, by having demonstrated a good working relationship, they are considered to be of low-risk to First Nations interests, and therefore have benefited from a more rapid review process of their proposed forest plans.

Shared economic benefits and employment were mentioned in five of the interviews as well. These employment benefits included the forest operations and milling, but also what seems to be a common practice of hiring local First Nations band members to do archaeological digs and research on the landbase. A few of the community forest managers shared their appreciation to their local First Nations for their initial letters of support when they submitted their application for tenure; without that support, they felt they were unlikely to receive the CFA. Overall, all community forest managers seemed to recognize the greater benefit of relationship-building between their different

communities to ensure a positive working relationship and explore opportunities for greater collaboration in the future.

11 of the 19 community forest managers gave specific challenges they face when working with local First Nations. Two of these officials spoke of resistance within the community to commercial forestry practices. More commonly, however, the challenges identified spoke to the difficulties of relationship-building including the distance between the rural communities, the challenges of getting a large turnout for events and workshops, and the work required to maintain a relationship that transcends the operations of the business. The procedural steps involved in getting approval (both the requirements by the province and a band's multi-headed governing system) were also stated as potential challenges when fostering a relationship between communities.

The final question for community forest managers - "What do you think the impact of the *Tsilhqot'in* decision will have on your community forest?" - had a wide range of responses. No manager felt an immediate threat to the current status of tenure, but many were left with a feeling of uncertainty for the future. In the short-term, there seemed to be a recognized slowdown of approval of plans and activities by the government province-wide. More long-term, the Supreme Court's decision seems to have led a lot of managers to give careful thought to the new legal landscape and what it may mean in the coming years:

"Potentially – it should have an impact everywhere because It could be positive and negative. The negative would be we might lose area because First Nations might get title. Our community forest particularly I don't think there's real strong strength of claim for title specific to our area. I think it will have a positive impact on the province as a whole once all the title questions are sorted out. Because this is First Nations title land, this is Crown Land, let's sort it out and get on with business. That can only help."

Another interviewee indicated they were just waiting to see what the impact would be, and went further to say:

"The biggest impact will likely be a result of the BC government imposing longer and deeper consultation requirements. It may also be difficult to expand the CFA agreement areas and increase AAC"

One manager was particularly pessimistic about the future following the judgment:

"If this decision means 'we the people' are squatting on their land as the provincial representatives are expounding, then I foresee many negative impacts, especially in long term land-based investment decisions."

From the perspective of one manager representing a community forest held solely by a First Nation, there is a feeling of empowerment in the wake of *Tsilhqot'in*:

"There is a heightened sense by many Band members that - due to the *Tsilhqot'in* case - the [community forest] land is theirs. It is too soon since the decision to see a meaningful impact on the way business is done... cutting approvals, stumpage paid, etc. still come through the BC government."

Overall, the managers interviewed appreciated the big impact of the decision on forestry as a whole in British Columbia, including community forestry. As one interviewee stated, "Oh, for sure. It's going to have sort of reverberating ongoing impacts for decades, I think. For everybody in BC. Anybody in any kind of resource management. I think it's going to take a while I think for everyone to figure out exactly how it's going to work. It's huge."

## CHAPTER 7

### DISCUSSION

When asked whether there was something he would like to add, one official said to "beware of generalizations. There is significant diversity between communities and your analysis should resist drawing generalizations." When looking at the overall depth and breadth of First Nations involvement in BC's community forests, it does become clear that analysis is perhaps best suited to a case-by-case basis. There are a large range of variables which factor into involvement and representation in the community forest: size of and distance between communities, interest in forest management, historic relationships, etc. The nature of resource management is managing complex variables unique to that place, even if the resources' boundaries remain constant. Still, because of the diversity and distribution of First Nations communities across British Columbia, each community forest official interviewed had a great deal of insight and personal experience to add to this study. And together they are also grappling with a new compounding variable – a shifted legal landscape which will have impacts that cut across all resource management activities in the province and beyond.

With this shift, community forest officials understand there will be many potential benefits of working more closely and collaboratively with local First Nations. Because of their shared interests as neighboring communities, community forests are uniquely positioned to lead the charge in co-management of resources. As put by one community forest manager:

"The government is moving forward very slowly and very cautiously. And I think businesses like community forests realize that while they sit around and debate the merits of a new regulatory direction or strategic policy, community forests and small operators are going to

seek to form partnerships with First Nations and make sure their position is solidified. And they have a unique ability to do that. They're not constrained in the way the government is.”

The same official went on to say:

"I think the community forests and the woodlot licensees and people on the ground in the communities understand the importance of partnering and collaborating and working with First Nations. And I think that's where the real change is going to happen”

Perhaps the best model of adaptation for non-Aboriginal-held community forests in light of *Tsilhqot'in v. British Columbia* is Cowichan Lake Community Forest Co-operative (CLCFC). The CLCFC established in 1995; at that time there was no formal representation of First Nations on the board. The member stated in the interview that the local Pacheedaht First Nation had been invited to have a seat on the board but did not accept this offer. Over time, however, a relationship was established and today the CFA is managed as a 50-50 partnership between the two communities. Beyond the legal partnership, there is a Memorandum of Understanding (MOU) which outlines the Pacheedaht's desires and expectations. As stated during our interview:

“For us to move forward, we are operating within the traditional territory of this particular First Nations. So for us to be successful over the long-term, we need to understand what their interests, issues, values are, and how their culture's integrated into that.”

At this time, the original MOU was being revised in light of the *Tsilhqot'in* decision. This restatement of wants and expectations can strengthen this partnership and provide resiliency in an era of greater legal uncertainty. In the words of the manager, “If at some time, [the First Nation] ends up going to a Supreme Court case over their traditional territory, well we'd like to think we're in a better stead because of the partnership arrangements we've already got.” Beyond their own CFA, he added the following:

“I think it’s just part of the reality being in community forests or any kind of business involving traditional territory land or crown land, or however you want to describe it, in British Columbia today: you need to incorporate the First Nations in the understanding and planning, and you need to understand them and hopefully they can understand you, and you can work out things that make sense for everybody.”

Certainly, the implications of the *Tsilhqot’in* decision on community forestry are predicted to be much larger than what is explored in this paper. Where this new legal framework may be most impactful is in the application and approval of future CFAs, or the approval of activities for existing community forests. For example, when asked about the impact of *Tsilhqot’in* on his community forest, one manager stated, “We haven't had any specific impacts from the Supreme Court decision, other than the province wide slow-down in activity approvals by the provincial government.” For those non-Aboriginal communities seeking to sign a CFA, the question of existing or future Aboriginal title also takes on a much greater meaning than for previous applicants. It seems reasonable to predict the community forest agreements signed in this new era will have a higher bar to demonstrate participatory action, including strengthened partnerships with adjacent First Nations communities. The forestry sector as a whole may also see more rights asserted and therefore greater benefits requested in future partnerships on the behalf of local bands.

Where things currently stand, however, is in a period of uncertainty. The resultant confusion and hesitation may impact the growth of community forestry which has been in action since the late 1990s. As put by one community forest manager, “I look forward to gaining some clarity, and I wish it is something that happened years ago...You know, there’s been so much ambiguity and so much fighting and so much money wasted, that it’s developed a very unhealthy relationship, and I would like it to be resolved, and I’m hoping that these things are moving in that direction.” Still, what is

clear is those community forests who have partnered with local First Nations have benefited from increased capacity for management, expedited approval of plans, and are likely better positioned in light of the *Tsilhqot'in* judgment. And, even with a new legal precedent, any approval of Aboriginal title will be a long and expensive process. In the short-term, community forest managers can actively strengthen relations with neighboring communities and have a goal of increased collaborative planning. Because of their shared interests in sustainably managing the resources and their proximity as neighboring communities, community forests are uniquely positioned to lead the charge in the co-management of resources and innovating new governance models in a post-*Tsilhqot'in* era.

## REFERENCES

- Adam, M.C. and D. Kneeshaw. (2008). Local level criteria and indicator frameworks: A tool used to assess aboriginal forest ecosystem values. *Forest Ecology and Management* 255(7): 2024–2037
- Alemagi, D. (2010). A comparative assessment of community forest models in Cameroon and British Columbia, Canada. *Land Use Policy* 27: 928–936 BC CFA 2004
- Beckley, T.M., J.R. Parkins, S.R.J. Shappard (2006). Public participation in sustainable forest management: A reference guide. Sustainable Forest Management Network. Available online: [http://www.northeasternforests.org/FRPC/files/1237487548SR\\_200506beckleypub\\_en.pdf](http://www.northeasternforests.org/FRPC/files/1237487548SR_200506beckleypub_en.pdf)
- Booth, A.L. and B.R. Muir (2013). “How far do you have to walk to find peace again?”: A case study of First Nations’ operational values for a community forest in Northeast British Columbia, Canada. *Natural Resources Forum* 37: 153–166
- Booth, A.L. and N.W. Skelton (2011). “There’s a conflict right there”: Integrating indigenous community values into commercial forestry in the Tl’azt’en First Nation. *Society & Natural Resources* 24(4): 368–383
- Bradshaw, B. (2003). Questioning the credibility and capacity of community-based resource management. *The Canadian Geographer* 47: 137–150
- Bradshaw, B. (2007). On definitions of “success” and contingencies affecting success in community forestry: A response to Reed and McIlveen (2006) and Pagdee et al. (2006). *Society and Natural Resources* 20: 751–753
- British Columbia Community Forest Association (2004). *The Community Forestry Guidebook: Tools and Techniques for Communities in British Columbia*. Available online: [http://www.forrex.org/sites/default/files/forrex\\_series/FS15.pdf](http://www.forrex.org/sites/default/files/forrex_series/FS15.pdf)
- British Columbia Community Forest Association (2014). *Measuring the Benefits of Community Forestry: Community Forest Indicators Framework & Methodology*. Available online: [http://www.bccfa.ca/index.php/about-us/community-forest-indicators-report-2104/item/download/243\\_497c202a6105d1eb66af3b58ac47aded](http://www.bccfa.ca/index.php/about-us/community-forest-indicators-report-2104/item/download/243_497c202a6105d1eb66af3b58ac47aded)
- British Columbia Community Forest Association (2015a). *A Brief History of Community Forestry in BC*. Available online: [http://www.bccfa.ca/index.php?option=com\\_k2&view=item&layout=item&id=15&Itemid=30](http://www.bccfa.ca/index.php?option=com_k2&view=item&layout=item&id=15&Itemid=30)
- British Columbia Community Forest Association (2015b). *Community Forest Indicators 2014: Measuring the Benefits of Community Forestry*. Available online: <http://www.bccfa.ca/pdf/BCCFA%20Report%202014%20Jan%2031%20for%20Web.pdf>

- British Columbia Ministry of Forests (1997). “Jobs and Timber Accord Pilots New Community Forests Tenure”. Available online:  
<http://www2.news.gov.bc.ca/archive/pre2001/1997/1997nr/1997093.asp>
- British Columbia, Ministry of Forests (2005). Community Forest Pilot Agreement Status Table. Victoria: British Columbia Ministry of Forests.
- Burns Lake Community Forest Ltd. (2009) *Community Forest Corporation Donates DVD to Burns Lake Library*. 6 Nov. 2009.
- Cathro, J., S. Mulkey, and T. Bradley (2007). A bird’s eye view of small tenure holdings in British Columbia. *BC Journal of Ecosystems and Management* 8(2): 58–66
- Chapeski, A. (1999). Northern homelands, northern frontier: Linking culture and economic security in contemporary livelihoods in boreal and cold temperate forest communities in northern Canada. NTFP Conference Proceedings, Kenora, Ontario: 31–41
- Clogg, J. (1999). “Tenure Background Paper”. Kootenay Conference on Forest Alternatives, Nelson, BC.
- Coates, K. (1992). Ed: *Aboriginal land claims in Canada: A regional perspective*. Copp Clark Pitman, Toronto, Canada.
- Davidson-Hunt, I. (2003). Indigenous lands management, cultural landscapes and Anishinaabe people of Shoal Lake, Northwestern Ontario, Canada. *Environments* 31(1): 21–41
- Dornbos, M., A. Saith, and B. White, eds. (2000). *Forests: Nature, people, power*. Oxford, U.K.: Basil Blackwell.
- Fitchen, J. (1991). *Endangered spaces, enduring places: Change, identity, and survival in rural America*. Boulder, CO: Westview Press
- Gough, A.D., J.L. Innes, and S.D. Allen (2008). Development of common indicators of sustainable forest management. *Ecological Indicators* 8: 425–430
- Haley, D. (2002). Community forests in British Columbia: The past is prologue. *Forests, Trees and People Newsletter* 46: 54–61
- Haley, D. and M.K. Luckert (1998). Tenures as economic instruments for achieving objectives of public forest policy in British Columbia. In *The wealth of forests: Market, regulation, and sustainable forestry*, ed. C. Tollefson, 123 – 51. Vancouver: University of British Columbia Press.
- Hamilton, E. (2012). Non-timber forest products in British Columbia: Policies, practices, opportunities, and recommendations. *Journal of Ecosystems and Management* 13(2): 1–24
- Houde, N. (2007). The six faces of traditional ecological knowledge: Challenges and opportunities for Canadian co-management arrangements. *Ecology and Society* 12(2): 34

- Kakoyannis, C., B. Shindler, and G. Stankey (2001). Understanding the social acceptability of natural resource decision making processes by using a knowledge base modelling approach. General Technical Report PNW-GTR-518. USDA Forest Service, Pacific Northwest Research Station, Portland, OR.
- Liu, S., R. Costanza, S. Farber, and A. Troy (2010). Valuing ecosystem services: Theory, practice, and the need for a transdisciplinary synthesis. *Annals of the New York Academy of Sciences* 1185: 54–78
- McCarthy, J. (2006). Neoliberalism and the politics of alternatives: Community forestry in British Columbia and the United States. *Annals of the American Geographer* 96(1): 84–104
- McIlveen, K. and B. Bradshaw (2006). A preliminary review of British Columbia's Community Forest Pilot Project. *Western Geography* 15/16: 68-84
- McIlveen, K. and B. Bradshaw (2009). Community forestry in British Columbia, Canada: The role of local community support and participation. *Local Environment* 14(2): 193–205
- Meadows, D. (1999). Leverage points: Places to intervene in a system. The Sustainability Institute. Available online: <http://www.donellameadows.org/archives/leverage-points-places-to-intervene-in-a-system/>
- Morse, B.W. (2017). Tsilhqot'in Nation v. British Columbia: Is it a game changer in Canadian Aboriginal title law and Crown-indigenous relations. *Lakehead Law Journal* 2(2): 65–88
- O'Flaherty, R.M., I. Davidson-Hunt, and M. Manseau (2008). Indigenous knowledge and values in planning for sustainable forestry: Pikangikum First Nation and the Whitefeather Forest Initiative. *Ecology and Society* 13(1): 6
- Olsson, P. and C. Folke (2001). Local ecological knowledge and institutional dynamics for ecosystem management: A study of Lake Racken Watershed, Sweden. *Ecosystems* 4: 85–104
- Pagdee, A., K. Yeon-Su, and P.J. Daugherty (2006). What makes community forest management successful: A meta-study from community forests throughout the world. *Society and Natural Resources* 19: 33–52
- RCAP (1996). People to People: Nation to Nation. Highlights from the Report of the Royal Commission on Aboriginal Peoples. Ottawa, ON: Minister of Supply & Services Canada.
- Reed, M.G. and K. McIlveen (2006). Toward a pluralistic civic science?: Assessing community forestry. *Society and Natural Resources* 19: 591–607
- Ross, M. and P. Smith (2002). Accommodation of Aboriginal rights: The Need for an Aboriginal Forest Tenure. Synthesis Report. Edmonton, AB: Sustainable Forest Management Network. 51 pp.
- Russo, L. and T. Etherington (1999). Non-wood news: An information bulletin on non-wood forest products. Wood and Non-Wood Products Utilization Branch (FOPW), FAO Forest Products Division 6 (March, 1999).

- Schlager, E. and E. Ostrom (1992). Property-rights regimes and natural resources: A conceptual analysis. *Land Economics* 68(3): 249–262
- Scott, J.C. (1998). *Seeing Like a State: How certain schemes to improve the human condition have failed*. New Haven, CT: Yale University Press. (Chapter 1; pp. 11–52).
- Sheppard, S.R.J. and M. Meitner (2005). Using multi-criteria analysis and visualisation for sustainable forest management planning with stakeholder groups. *Forest Ecology and Management* 207: 171–187
- Sherry, E., R. Halseth, G. Fondahl, M. Karjala, and B. Leon (2005) Local-level criteria and indicators: An Aboriginal perspective on sustainable forest management. *Forestry* 78(5): 513–539
- Tedder, S., D. Mitchell, and A. Hillyer (2002). *Property rights in the sustainable management of non-timber forest products*. B.C. Ministry of Forests, Economics and Trade Branch, Victoria, BC.
- Teitelbaum, S., T. Beckley, and S. Nadeau (2006). A national portrait of community forestry on public land in Canada. *The Forestry Chronicle* 28: 416–428
- Turner, N. and W. Cocksedge (2001). Aboriginal use of non-timber forest products in northwestern North America: Applications and issues. *Journal of Sustainable Forestry* 13(3/4): 31–57