



Aboriginal expectations and forest tenures in northern British Columbia

Highlights

- A full understanding of Aboriginal expectations of forests and forest management is a pre-requisite for developing the basic features of Aboriginal forest tenures.
- Understanding the degree to which Aboriginal expectations are being met by the existing forest tenure systems will provide critical inputs to the tenure reform process.
- New Aboriginal tenures in northern BC should be area-based and long-term (minimum 25 years), forest management plans should be based on Aboriginal values and not on the annual allowable cut, and the stumpage system should account for the dire economic conditions on Aboriginal traditional territories.
- New Aboriginal tenures should be flexible to accommodate the expectations of individual communities, and the tenure application processes should be transparent, simple, and easy.

Many of British Columbia's Aboriginal communities are forest dependent and thus rely upon forest resources for their cultural and economic survival. However, researchers and Aboriginal groups suggest that the current tenure system in BC serves as a barrier to Aboriginal people, limiting their ability to access these resources for their economic and cultural needs. Meanwhile, the BC forest industry is facing unprecedented challenges to remaining competitive as a result of the changing global economy and an unfavorable economic climate. There is clearly a need for tenure reform in BC for economic reasons. This provides an excellent opportunity to invest in the future of Aboriginal communities by enhancing Aboriginal participation in the forest industry and providing increased resource security to Aboriginal people.

This research note summarizes a study that examined Aboriginal expectations for sustainable forest management and current forest tenures in the Kaska traditional territory in British Columbia. The note provides recommendations for tenure reform in order to better accommodate the needs of forest dependent Aboriginal communities.

A unique case study

The Kaska Territory

The Kaska Traditional Territory encompasses much of northeastern British Columbia and the southeastern Yukon. In British Columbia alone the territory encompasses about 100,000 km² (10 million ha) as shown in Figure 1.

In British Columbia there are three Kaska communities: Kwadacha (Fort Ware); Daylu (Lower Post); and Good Hope Lake. Fort Ware is an isolated forest-dependent community that can be accessed via logging road or by air, and is the community where the majority of the research in this note was conducted.



Figure 1. Kaska Traditional Territory in British Columbia.

For this area of the traditional territory, the main body responsible for forest management is the Kwadacha Natural Resources Agency (KNRA). The KNRA consists of several directors in charge of natural resource portfolios including traditional knowledge, park management, Muskwa-Kechika land reserve planning, and guiding and outfitting.

Forest management and the Kwadacha Nation

The Kwadacha Nation holds two forest tenures, one 15-year, 53,404 m³ non-replaceable forest license (NRFL) and a 20-year, 1069 m³ woodlot license awarded nearly 10 years ago. Additionally, the Kwadacha Nation signed an agreement with Abitibi Consolidated (now Abitibi-Bowater Inc.) which recognized the Kaska right to harvest timber and required that all plans developed by Abitibi be approved by the forester employed by the Kwadacha Nation. Other provisions in the agreement included revenue sharing and the company paying for the right to harvest. The Kwadacha Nation has also undertaken its own business venture, Akie Gataga Forestry (AGF).

AGF was awarded the NRFL and the right to harvest 200,000 m³ from Abitibi and Canfor’s forest licenses. However, since the creation of the company there has been more interest from the community in forest management activities. Additionally, with the closures of the Canfor sawmill, Abitibi sawmill and Pope and Talbot Pulp and Paper mill in early 2008 there are few opportunities in the region for traditional forestry activities.

The need for a new tenure system

As a result of all of these factors, there is bound to be a shift in the future away from local employment in commercial logging, and towards other resource-based opportunities like guiding, forest protection, forest management planning and small-scale local harvesting operations for this community. Currently the community is pursuing area-based tenure within the traditional territory as a more secure alternative to NRFLs. The main challenges for forest management on Kwadacha’s traditional territory in this area include the high prices of stumpage and fuel, long hauling distances, competition with larger operations and, most recently, mill closures in the area. Another current challenge facing northern BC that has had a profound effect on the Kaska is the mountain pine beetle epidemic, which has shifted the focus of the forest industry. In addition to these challenges, Aboriginal peoples’ expectations of forest management are generally quite different than the expectations of government and industry forest managers, and no forest tenure system can be successful, specifically on Aboriginal traditional lands, without addressing Aboriginal expectations. Hence, recent challenges imposed by economic factors have provided an excellent opportunity for the provincial government to design a new tenure system which jointly addresses current economic realities as well as Aboriginal expectations of forests and forest management.

Aboriginal expectations from forests and forest management

The first step in our study was to identify the expectations of the Kaska people in regards to forests and forest management within the Kaska traditional territory. Band members from the Kwadacha Nation and Liard First Nation (northeastern Yukon) were interviewed to identify expectations and then rank them in terms of their relative importance (Table 1). In order to get a representative sample of the Kaska Nation, 30 participants from the Kwadacha Nation (25% of the adult population) and 22 participants from the Liard First Nation (10% of the adult population) participated in the ranking exercise. Since

about 50% of the on-reserve population of the Kaska Nation in BC lives on the Kwadacha reserve, and there is a significant amount of movement between communities in the Kaska population, these interviews of Kwadacha band members are representative of the Kaska population in BC.


In general, the expectations tied to the protection of cultural resources and resources related to sustenance living were rated highest. Expectations related to education and employment were ranked less important. The least important expectations were technical issues related to forestry and the environment like harvesting methods and climate change; this is possibly due to a limited exposure to these concepts among many community members. In essence, mapping of areas of spiritual and cultural importance, controlled access to those areas and their protection, protection of water and wildlife habitat, assistance in training and capacity building, employment, incorporation of traditional knowledge, and management for present and future generations are important expectations Aboriginal people have of forests and forest management.

Importance	Expectation
High	<ul style="list-style-type: none"> • Protect areas of Aboriginal importance • Protect water (river, streams and fish) • Maintain animal populations and habitat
Medium-High	<ul style="list-style-type: none"> • Incorporate Traditional Knowledge into forest management • Government assistance in training and capacity building • Consult with Aboriginal people to access Aboriginal land • Government and corporate cooperation with Aboriginal people in planning • Map areas of spiritual and cultural importance and use the information
Medium	<ul style="list-style-type: none"> • Manage trees and other forest products for the use of Aboriginal people now and in the future • Prevent uncontrolled access to traditional lands by resident hunters • Compensation for areas damaged by logging operations • Education and training for youth and Aboriginal loggers • Continuous employment from logging ventures • Create special management areas in areas of Aboriginal importance • Protect the land from erosion, landslides and other degradation
Medium-Low	<ul style="list-style-type: none"> • Assistance with community access road maintenance and deactivation of roads in sensitive areas
Low	<ul style="list-style-type: none"> • Produce, sell and manage for other forest products • Slow down climate change • Use alternative methods of harvesting • Area-based tenure • Use labor intensive methods of vegetation control

Table 1. The Kwadacha Nation peoples' expectations from forests and sustainable forest management (SFM) on the Kaska traditional territory.

How well are Aboriginal expectations currently being met?

After identifying and analyzing the relative importance of the expectations Aboriginal people have of forests and forest management, we interviewed representatives from First Nations, the provincial government and industry to examine how well these Aboriginal expectations are currently met. We asked participants to rank how well both industry and First Nations tenure meet Aboriginal expectations. We then asked what type of institutional arrangements, like legal requirements from the BC Forest and Range Practices Act (FRPA) or partnerships between companies and First Nations, contribute to meeting, or not meeting, the expectations. The information from this analysis along with additional comments from the interviews was used to make recommendations about tenure reform to accommodate Aboriginal expectations and address new economic challenges, specifically those faced by Aboriginal people.



Evidence from both First Nation responses and government responses suggested that many of the expectations, which were ranked as medium-high to high importance, are being addressed by the current tenure system. However, two expectations that were of medium-high importance— government assistance in training and capacity building, and government and corporate cooperation with Aboriginal people in planning—are not currently being met. In addition, many Aboriginal expectations of medium importance are also not being met. These expectations include: (i) prevention of uncontrolled access to traditional lands by resident hunters; (ii) compensation for areas damaged by logging operations; (iii) education and training for youth and Aboriginal loggers; (iv) continuous employment from logging ventures to Aboriginal people; (v) creation of special management areas in areas of Aboriginal importance; (vi) protection of the land from erosion, landslides and other degradation; and (vii) maintenance of roads for community access and deactivation of roads in sensitive areas. Hence, many Aboriginal expectations are not being addressed adequately by the current tenure system, and tenure reforms are necessary to incorporate these kinds of Aboriginal expectations into forest management.

Interestingly, there were no statistical differences between the responses of Aboriginal, government, and industry participants with respect to meeting Aboriginal expectations through the current tenure system. This indicates that local government and industry employees in charge of resource management have a high level of awareness about how well tenures held by First Nations meet the expectations of Aboriginal people. This awareness of industry and government representatives about Aboriginal expectations and the degree to which they are being met by the current tenure system should facilitate the tenure reform process.


Key considerations for tenure reforms

The forest tenure system is the key legal instrument for offering an opportunity to Aboriginal people to manage forests in such a way that their expectations can be met. Hence, forest tenure reforms are necessary, and should be done as early as possible to minimize social and economic costs to society in general, and specifically to Aboriginal people. Some of the unfulfilled Aboriginal expectations could be met by incremental changes in the current tenure system. These expectations include government assistance in training and capacity building, government and industry cooperation with Aboriginal people in forest planning, compensation for damaged areas, and maintenance of roads for community access and deactivation of roads to sensitive areas. However, there are some key unfulfilled Aboriginal expectations and economic challenges, some of which have been reported by previous studies (see Further Reading), that will require the creation of a new Aboriginal tenure system.

The new Aboriginal tenure system should have four key features:

1. Aboriginal tenures should be area-based and not volume-based, and areas should be linked to traditional territories of Aboriginal people.
2. Aboriginal tenures should be long-term (minimum 25 years) and replaceable.
3. Aboriginal tenure holders should be allowed to develop forest management plans according to Aboriginal values, and should not be forced to develop forest management plans based on an annual allowable cut (AAC) determined by government authorities. The tenure holders should be allowed to determine their own AAC based on traditional knowledge.
4. The stumpage system should account for the dire economic conditions on traditional territories such as long hauling distances to markets, high fuel costs in remote areas, and competition of business organizations of Aboriginal people with big corporations.

In addition to these four key features, Aboriginal tenure should allow flexibility such that there can be some local control of the tenure terms to accommodate the expectations of individual communities. Tenure application processes should be transparent and worded such that resource managers in



Aboriginal communities are able to easily understand them. Finally, it is necessary to recognize, by both government and Aboriginal people, that many factors such as timber market dynamics and natural threats to forests cannot be controlled directly by forest tenures, but forest tenures can be made adaptive to address such unforeseen situations.

New legislation on First Nations forest tenure is currently under consideration by the BC Government. This legislation includes key elements: area based tenure; new appraisal system; tenure for all forest products; and carbon offset opportunities. The approval and implementation of this legislation would address some of the key findings of this research.

Further reading

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Management Implications

- Reforms to the current tenure system in BC are key to creating forest tenures that meet the needs of Aboriginal communities. Although some of the expectations of local communities could be met by changing current tenures, some require the creation of an entirely new tenure designed with Aboriginal communities in mind.
- Aboriginal tenure legislation should allow flexibility such that there can be some local control of the license terms to accommodate the needs and goals of individual communities. In this study the two case study communities had different priorities for SFM on their traditional territory and agreements should be able to reflect this diversity.
- Area-based tenures, AAC levels that can be determined locally, long-term licenses, government incentives and stumpage based on local market conditions are desirable attributes of Aboriginal tenures.



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The views, conclusions and recommendations contained in this publication are those of the authors and should not be construed as endorsement by the Sustainable Forest Management Network.

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