

What We Heard from Indigenous Nations



***Forest and Range Practices Act
Improvement Initiative:
Renewal and Resilience***



Ministry of
Forests, Lands, Natural
Resource Operations
and Rural Development

Table of Contents

| | |
|---------------------------------------|----|
| Executive Summary | 3 |
| Introduction | 4 |
| What We Heard from Indigenous Nations | 7 |
| What We're Doing Moving Forwards | 9 |
| Next Steps | 10 |
| In Your Own Words | 11 |
| Collaboration | 12 |
| Cultural Integrity | 13 |
| Stewardship | 14 |
| Accountability | 15 |
| Indigenous Knowledge | 16 |

Executive Summary

This report provides an overview of what we heard from Indigenous Nations during twelve months of engagement on how to improve the *Forest and Range Practices Act* (FRPA). A key objective of proposed changes to FRPA is to reduce barriers to reconciliation with Indigenous peoples in British Columbia (B.C.) by enhancing opportunities for meaningful collaboration. Together, FRPA and its regulatory framework govern the planning and practices of all forest and range activities taking place on public lands and is the foundation for sustainable and competitive forest and range sectors across B.C.

Throughout the engagement process, Indigenous Nations called on the Province to advance reconciliation in changes to FRPA by supporting the following key interconnected values:

- **Collaboration** – working together in government-to-government strategic level decision-making regarding forest and range activity.
- **Cultural Integrity** – managing and utilizing the land in ways that support and maintain cultural and spiritual practices.
- **Stewardship** – balancing resource values to support a more holistic and integrated approach to forest and range management.
- **Accountability** – clarifying expectations for, and improving oversight of, human activities on the land base.
- **Indigenous knowledge** – the need for Indigenous knowledge and capacity to be recognized, supported and utilized.

Proposed changes to FRPA may address many of the values highlighted by Indigenous communities and their leadership primarily through the implementation of a new landscape-level planning (LLP) regime. Landscape-level plans will enhance the ability of Indigenous Nations to influence forest and range development planning by working with government to collaboratively establish clear objectives for the management of forest and range resource values over a defined landscape, such as a timber supply area. Over time, LLPs will replace existing forest stewardship plans (FSPs), helping to address many of the challenges raised by Indigenous Nations regarding the current forest planning regime.





Introduction

The Ministry of Forests, Lands, Natural Resource Operations and Rural Development ('the ministry') is working on behalf of the Province of British Columbia ('the Province') to make improvements to the *Forest and Range Practices Act* (FRPA). Together, FRPA and its regulatory framework govern the planning and practices of all forest and range activities taking place on public lands across British Columbia (B.C.). Beginning in September 2018, B.C.'s Chief Forester invited Indigenous communities and their leadership to work with the Province to contemplate changes to FRPA in order to enhance the ability of Indigenous Nations to participate in forest and range management, to strengthen oversight of the forest sector and to restore public trust in how forest and range lands are managed across the province.

This report provides a high-level summary of input solicited by ministry staff during twelve months of engagement with Indigenous Nations. Between September 2018 and October 2019, ministry staff participated in government-to-government discussions on FRPA with Indigenous Nations representing 71 bands from across BC. In addition to providing input in-person and by phone, 18 written submissions were also submitted.

Information on changes to FRPA was also provided as part of a series of coastal and interior workshops hosted by the Province and the First Nations Forestry Council on the development of the First Nations Forest Strategy.



Ministry staff would like to thank all those Indigenous Nations from across B.C. who participated in the engagement process and spent time sharing their knowledge, experience and expertise.





Key Interconnected Values



What We Heard from Indigenous Nations

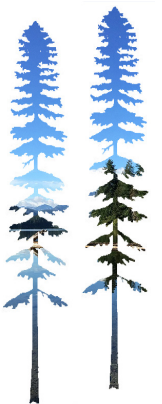
Indigenous Nations expressed a range of priorities and perspectives throughout engagement discussions on FRPA, helping ministry staff to identify some common opportunities for improvement. At the highest level, Indigenous Nations called on the Province to advance reconciliation in forest and range management by supporting the following key interconnected values: collaboration, cultural integrity, accountability, stewardship and traditional knowledge. Each of these themes have helped to inform the amendment process and will provide the basis for contemplating future improvements to forest policy.

Collaboration

Indigenous Nations are committed to working with the Province to support sustainable forest and range management across B.C. Throughout the engagement process, Indigenous Nations expressed a desire for collaborative decision-making and meaningful participation in strategic-level forest and range planning. For many Indigenous Nations, forest stewardship plans (FSPs) provide inadequate information and ad hoc approaches to engagement by licensees has resulted in disconnected and uneven approaches to managing Indigenous values across the province. We heard that earlier engagement and more meaningful input into decision-making is desired.

Cultural Integrity

All the natural ecosystems of B.C., including forest and range lands are directly tied to the integrity of Indigenous Nations' cultural and spiritual practices. Throughout the engagement process, Indigenous Nations expressed a desire for Indigenous values and objectives to be better reflected in planning and managed for in operational activities. For many Indigenous Nations, more clarity and oversight are required to ensure that cultural heritage resources, including plants used for food, shelter, technology and medicine, are managed cooperatively in ways that ensure sustainability and long-term access. We heard that recognizing and when necessary protecting sites of cultural and spiritual significance is an important part of managing forest and range resources.



Stewardship

Sustainable forest and range management is the foundation of B.C.'s international reputation and efforts to address issues such as wildfire, flood and climate change impacts. Throughout the engagement process, Indigenous Nations highlighted the need for a more balanced and integrated approach to forest and range management through an ecosystem or landscape-level scale of planning. Many Indigenous Nations expressed a desire for more coordinated and forward-looking planning over a larger area in order to mitigate the cumulative effects of forest and range activities. We heard that sustainable forest and range management requires a more holistic approach, including greater on the ground coordination and planning.

Accountability

Sustainable forest and range management requires clarity in the care and use of B.C.'s public lands including rules and objectives for both industry and public stakeholders. Relatedly, throughout the engagement process, Indigenous Nations expressed a desire for resource roads to be efficiently and effectively deactivated and, in some cases, remediated. Some Indigenous Nations pointed out a need for greater compliance and enforcement capacity and an increase in monitoring of forest and range activities. We heard that accountability in forest and range management includes clarifying expectations for, and oversight, of human activity on the land base.

Indigenous knowledge

Indigenous Nations hold a significant and important body of knowledge about how to care for, and sustainably live on, the land base. Indigenous Nations pointed to the need for Indigenous knowledge to be recognized, supported and utilized in forest and range planning in ways that ensure ownership, access, control and possession are appropriately defined and respected. Many Indigenous Nations expressed a desire for greater capacity and funding to develop territory-based land use plans, inventories and forest health assessments in order to meaningfully contribute to decision-making. We heard that Indigenous Nations have an important role in monitoring within their traditional territories and that Indigenous knowledge can and should be meaningfully incorporated into the planning process.



What We're Doing Moving Forward

Proposed changes to FRPA have been informed by feedback provided throughout the engagement process and may address many of the values highlighted by Indigenous Nations primarily through the implementation of a new landscape-level planning (LLP) regime. LLPs will enhance the ability of Indigenous Nations to influence forest and range development planning by working with government to collaboratively establish clear objectives for the management of forest and range resource values over a defined landscape, such as a timber supply area (TSA). Over time, LLPs will replace existing forest stewardship plans (FSPs) helping to address many of the challenges identified by Indigenous Nations regarding the current forest and range planning regime.

Landscape-level planning will facilitate coordinated planning of forest operations between multiple licensees within a defined area and help to resolve overlapping activities, clarify government direction and align resource management objectives, targets and strategies. The new landscape-level planning regime is expected to be more effective than the current forest stewardship planning model in: translating or considering strategic land-use objectives, promoting ecological resilience in the face of climate change; mitigating the effects of natural disturbance events on forests; and, mitigating the cumulative effects of forest development on environmental and social values. It will also increase efficiency in subsequent forest operations and in realizing the allowable annual cut (AAC) established by the Province's Chief Forester.

Until such a time as landscape-level plans are in place, the current FSP model will continue to govern forest planning and practices. Therefore, changes to FRPA will also enhance the existing FSP model by clarifying and broadening government objectives for resource values, by enhancing access to information about proposed forest operations, and by ensuring forest and range plans and practices protect environmental and social values, public health and safety, and the interests of Indigenous Nations and other tenured resource users.



Next Steps

The Ministry is committed to identifying opportunities to continue to work with Indigenous communities and their leadership to promote Indigenous engagement throughout the multi-year lifespan of the FRPA Initiative. The development of regulation and policy to bring into force changes outlined in the legislation will continue through 2021 and will help to provide further detail regarding a new landscape-level planning regime for forestry and range.





In Your Own Words

"To be meaningful, engagement and consultation needs to extend beyond information sharing and promote shared decision-making."

"Consultation occurs too late in the process of decision-making. Indigenous Nations need to be involved in strategic level planning and be engaged before decisions have been made."

"Treaty and government-to-government agreements need to be observed and accounted for in the planning process."

"Indigenous Nations need to be empowered to express their consent or lack of consent to forest and range activities planned for their territories."

"Engagement with Indigenous Nations by each forestry company is different. Standards and practices are inconsistent, and licensees aren't always willing to share information."

"Indigenous Nations should have a greater role in monitoring forest and range activities in their territories."

Collaboration

Working together in government-to-government strategic level decision-making regarding forest and range management.



Cultural Integrity

Managing and utilizing the land in ways that support and maintain cultural and spiritual practices.

"Management objectives and practices for cultural heritage resources need clarifying to better protect sites and resources that are not covered by the Heritage Conservation Act."

"The requirement for management objectives to be measurable and verifiable doesn't translate well to cultural heritage resources."

"Statutory decision-makers should be required to consider how cultural resources are identified and managed for in their approval of operational plans."

"Indigenous values and objectives on the land base need to be explicitly considered in the planning process."

"Indigenous plants used for food, shelter, technology and medicine need to be managed in ways that ensure sustainability and long-term access."

"Recognize and protect sites of spiritual and cultural significance to Indigenous Nations."

"Indigenous Nations are best positioned to create results and strategies and/or practice requirements for cultural heritage resources."



“‘Without unduly impacting timber supply’ elevates timber above all other resource values and is fundamentally inconsistent with sustainability.”

“All land and water should be managed and protected as part of an ecosystem level approach to forest management.”

“FRPA should establish targets for old-growth and mature forest retention.”

“Glyphosate spraying should be immediately stopped to promote broadleaf growth and help prevent wildfire.”

“Remediation and restoration of resource roads should be prioritized.”

“Stocking standards need to be revised to support a mixture of species, including those plants of importance to Indigenous people.”

“Coordination between licensees operating in a given area is needed to avoid harvesting activities being concentrated in easily accessed, high-value timber areas.”

Stewardship

Balancing resource values to support a more holistic and integrated approach to forest and range management.



Accountability

Clarifying expectations for, and improving oversight of, human activities on the land base.

"The Province needs greater authority to manage operational decisions on the ground. Decision-makers need more discretion to direct forest operations."

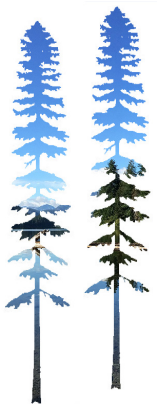
"Fines and penalties are currently seen by industry as the cost of doing business. The government needs to enable more effective deterrents."

"Performance outcomes should be considered as part of how FSPs are evaluated at time of replacement. This would help to strengthen performance reporting and promote compliance by licensees."

"Too many roads are being abandoned by licensees that restructure or file for bankruptcy. Licensees should be legally responsible for road deactivation."

"There is currently only one provincial conservation officer for our whole territory. There needs to be much more oversight of operations on the ground."

"Indigenous nations currently have no ability to trigger compliance and enforcement for activities occurring on their territory."



“Indigenous knowledge needs to be recognized and incorporated into the planning process in collaboration with Indigenous Nations.”

“Landscape-level forest planning should be informed by community-level planning documents such as Indigenous land use plans.”

“Full inventories and assessments of resource values are needed to inform planning at a landscape-level.”

“Indigenous Nations should be empowered to identify and create management strategies for their own cultural heritage resources.”

“Indigenous knowledge needs to be part of generating baseline data to inform how and where harvesting occurs.”

“Monitoring and public education programs should be expanded to the forest and range sectors to increase the quality and understanding of information about the land base.”

Indigenous Knowledge

The need to have Indigenous knowledge and capacity recognized, supported and utilized in forest and range management.



We look forward to continuing to work with Indigenous Nations throughout B.C. to improve FRPA and its regulatory framework in ways that support reconciliation.



FOREST AND RANGE PRACTICES ACT IMPROVEMENT INITIATIVE

For additional information or to get involved, please contact Shane Ford,
Manager of First Nations Strategic Policy at: **Shane.Ford@gov.bc.ca**



Ministry of
Forests, Lands, Natural
Resource Operations
and Rural Development