

Summary of Land and Resource Protocol Agreement Between Turning Point First Nations and the Province of BC

<p>Land and Resource Forum</p>	<ul style="list-style-type: none"> • Parties establish a Land and Resource Forum. Senior representatives of FNs and Minister (or designate) to work collaboratively in CCLRMP and NCLRMP implementation • LRF to guide work of EBM WG and PIC. • LRF to develop ToR. • Through LRF, parties to provide recommendations on <ul style="list-style-type: none"> ○ implementing measures that improve land and resource management and decisions ○ regional economic initiatives ○ issues regarding Protocol or laws, policies, customs of parties ○ further development, implementation of EBM • A smaller subgroup of the LRF may convene to discuss above matters. Consultations may include <ul style="list-style-type: none"> ○ Consideration of alternative policies, plan amendments or related proposals ○ Providing information necessary for parties to understand implications of policies, amendments or related proposals ○ Providing responses to proposals and amendments • Parties to review options on economic, management and legal objectives and make recommendations on implementation
<p>Organization</p>	<ul style="list-style-type: none"> • Organizations established to support LRF include <ul style="list-style-type: none"> ○ A Land and Resource WG to: <ul style="list-style-type: none"> ○ consist of senior reps of Coastal FN and Province ○ Facilitate meetings between FN and Minister at least once/year ○ Review implementation progress ○ Review resource mgmt issues ○ Appoint and provide oversight to Technical Committee ○ Make recommendations to LRF or specific FN regarding dispute resolution mechanisms ○ Conduct specific work requested by the LRF • Technical Committee to: <ul style="list-style-type: none"> ○ Include technical representatives of FN and Province ○ Monitor progress, ID issues and develop recommendations to resolve ○ Establish subcommittees to carry out specific work ○ Administer meetings for LRF and WG ○ Coordinate meetings for Ministers and Coastal FNs reps
<p>EBM</p>	<ul style="list-style-type: none"> • Agreement to implement EBM in accordance with Protocol • Province to implement objectives in Schedule B through legislation/policy • Parties to review implementation strategy for economic objectives • Economic objectives, indicators and targets to monitor and guide implementation of CC/NC plans, agreements, EBM • Parties to undertake G2G on

	<ul style="list-style-type: none"> ○ Establishment of WG ○ Establishment of Legal objectives ○ Policies to support progress towards Socio-economic objectives. ○ Timelines for transition to full EBM ○ Application of flexibility ○ How activities, laws and policies, tenuring, etc may be made to be consistent with mgmt objectives or legal objectives
Dispute Resolution	<ul style="list-style-type: none"> ● Parties agree to recognize, explore and resolve differences which may arise ● Resolution to be respectful of G2G relationship ● Parties through LRWG and TC to develop procedural options for resolving disputes, considering ● Traditional and modern forms used by Coastal FNs ● Pros and cons of using neutral parties ● Pros and cons of using arbitration, court proceedings or other binding processes ● Identifying processes and people that may be helpful in implementing dispute resolution processes
Resourcing	<ul style="list-style-type: none"> ● The Province of BC to provide Turning Point with an appropriation of \$75,000/year for 3 years to implement the Protocol ● Land and Resource WG to develop an annual workplan and budget and seek additional funding to implement each FN Strategic Land Use Planning Agreement
General Provisions	<ul style="list-style-type: none"> ● Protocol is not a treaty or lands claims agreement ● Protocol does not affect positions of either party on jurisdiction, responsibility and/or decision making authority ● Parties to monitor “New Relationship” discussions and may jointly consider amendment of Protocol to reflect developments ● Once ratified by the Parties, the Protocol will be a legally binding document ● Clauses related to fulfillment of consultation obligations are dealt with in SLUPAs rather than the Protocol

Schedule B Summary

Flexibility

Parties acknowledge that flexibility may be required in the development/implementation of legal objectives. These include situations where

- Landscape units, where the objectives apply, have already been significantly developed
- Application of legal objectives limits resource use such that it impacts the well-being of First Nations and communities.

Accordingly legal objectives may incorporate a default or risk managed target or both.

Where a legal objective contains both a default and risk managed target either party can propose that an operational plan utilize the risk managed target in accordance with the provisions set out in the legal objective.

Either party may propose a variance and must document why the variance is being sought..

Schedule B Management Objectives

First Nations cultural heritage and traditional resources	<ul style="list-style-type: none"> • Identify First Nations’ cultural heritage and traditional resources • Maintain the integrity of First Nations’ traditional resources • Sustain First Nations’ traditional resources (wild plant foods, botanical medicines, wildlife, etc.).
Monumental cedar	<ul style="list-style-type: none"> • Identify and conserve monumental cedar for First Nations’ traditional use. • Reserve and/or sustain stands of Monumental Cedar
Western red and yellow cedar	<ul style="list-style-type: none"> • Retain cedar within harvest units • Maintain a supply of cedar for cultural/social purposes in each First Nation’s Traditional Territory.
Culturally modified trees (CMTs)	<ul style="list-style-type: none"> • Identify and protect culturally modified trees during operational planning.
Freshwater ecosystems and habitats (watershed level)	<ul style="list-style-type: none"> • Maintain water quality and quantity within the natural range of variability in anadromous fish-bearing and/or sensitive watersheds • Maintain the natural ecological function of streams, lakes, wetlands and estuaries classified as high value fish habitat • Maintain the natural ecological function of streams (Class 1-3), lakes, wetlands and estuaries. • Maintain the natural ecological of Active Fluvial Units • Maintain the natural ecological function of upland streams • Maintain the natural ecological function of forested swamps.
Landscape level biodiversity	<ul style="list-style-type: none"> • Maintain the representation of common and very common old forest ecosystems in the landscape units shown on Map 1 • Maintain the representation of modal, rare and very rare old forest ecosystems in the landscape units shown on Map1. • Manage the amount of mid seral in each ecosystem surrogate within the landscape units shown on Map1. • Manage the amount of early seral in each ecosystem surrogate in each landscape unit in a manner that is generally consistent with natural disturbance. • Maintain the structural and functional integrity of red-listed plant communities. • Maintain the structural and functional integrity of selected blue-listed plant communities.

Stand level biodiversity	<ul style="list-style-type: none"> • Retain forest structure and diversity at the stand level.
Grizzly bear habitat	<ul style="list-style-type: none"> • Protect grizzly bear critical habitat.

Schedule C – Social and Economic Objectives for the Plan Area

Application

The Parties to use indicator data and other relevant information to guide implementation of the Agreement.

- A baseline for the indicators will be established
- Indicator data will be collected annually and trends compared to indicator targets
- If targets are not met, the Parties to consider available economic data and information of the plan areas and assess why they have not been met. Recommendations to be made to the Forum
- Analysis to use the best available information and include input from First Nations, PICs and the EBM Working Group
- Failure to meet any economic objective is not a breach of the Agreement and will not necessarily trigger reassessment of implementation of LRMPs, SLUPAs and EBM
- If monitoring indicates a likelihood that implementation of LRMPs, SLUPAs and/or EBM is impeding progress towards achieving economic objectives, the Parties will work to develop other economic initiatives and policy measures to increase the likelihood of achieving the targets

First Nations cultural / traditional sustenance resources (plants and animals)	<ul style="list-style-type: none"> • Sustain cultural / traditional resources (cedar, foods, medicines and other plants and animals) for First Nations' domestic use
Community viability	<ul style="list-style-type: none"> • Promote stable or growing population levels in Central Coast and North Coast Plan Areas and Plan Area communities.
Economic contribution of Plan Area resources to local communities	<ul style="list-style-type: none"> • Promote plan area resource development by local individuals and communities to contribute to local and provincial economies
Economic diversification	<ul style="list-style-type: none"> • Diversify the economies of First Nations and other communities in the Plan Area.
Employment	<ul style="list-style-type: none"> • Improve prospects for employment in the Plan Area(s)
Wages and incomes	<ul style="list-style-type: none"> • Promote growth in annual incomes

Schedule A Summary – EBM Implementation Framework

Parties to work collaboratively to achieve full implementation of EBM

The goal of the Parties is to achieve full EBM by March 31, 2009

EBM Working Group

Within 3 months of signing the agreement, the Land and Resource Forum, the KNT Forum and the Tsimshian Stewardship Committee will develop a Terms of Reference for an EBM Working Group (WG) that will undertake scientific and technical work and deliver recommendations to the Parties on further development and implementation of EBM.

Workplans, and budgets to be reviewed and approved by the Land and Resource Forum, the KNT Forum and the Tsimshian Stewardship Committee.

Initial membership of WG may include

- 4 Provincial representatives (one to be co-chair)
- 4 First Nations representatives (one to be co-chair)
- 1 representative from North Coast communities
- 1 representative from Central Coast communities
- 1 representative from the forest industry
- 1 representative from the environmental sector
- Parties may agree to add representation from other parties

To facilitate implementation of the plans and the agreement, the Province will:

Work with coastal FN to develop legal objectives

Work with Coastal FN on all aspects of implementation

Give notice to existing forest licensees and other resource tenure holders operating in the plan areas

During transition to the implementation of EBM, the Province will support voluntary adherence to the management objectives where they do not conflict with Provincial legislation.

Upon signing of the agreement, the LRF, the KNT Forum and the Tsimshian Stewardship Committee will strive to develop a workplan within 3 months. Key milestones include

Milestones	Target Date*
Initial Legal Objectives	6 months
Zoning boundaries for areas protected under the Park Act or other legislation	6 months
Terms of Reference for Land and Resource Forum, Plan Implementation Committee and EBM Working Group	3 months
Forum Technical Committees establish workplans and meet as needed	3 months
Monitoring framework established including priorities	1 year
Initial implementation monitoring report	1 year
SRMPs or Detailed Strategic Plans developed	2 years**
Zoning designations for other management areas (visual management, GBMAs, biodiversity and SLUPA management areas)	2 years
Develop milestones for Social and Economic Objectives in Schedule C	1 year

*Approximate time after the resolution of the Implementation Workplan

** The Parties understand that the 2 year target date for the conclusion of the SRMPs or Detailed Strategic Plans may need to be revised

