

Trees and Treaties --

Aboriginal Interests in the Forest Industry in British Columbia

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by

David Porter
Chief Negotiator
Kaska Dena Council
P.O. Box 8
Watson Lake, YT
Y0A 1C0

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First of all, I would like to thank the Fraser Institute for the invitation to speak to you today. I am happy to be here and to present a point-of-view that is not often heard in the current discussion surrounding the future of the forest industry in British Columbia. That is, the point of view of aboriginal peoples whose way of life and well-being is more intimately linked with the land and its resources than perhaps any other residents of British Columbia. When we hear, through the media, about the challenges facing the forestry industry, we are told about the high costs of timber harvesting caused by policy initiatives such as the Forest Practices Code, or the Protected Areas Strategy, or the Timber Supply Review and the industries' diminishing competitiveness because of these policies. And we hear about the closing of wood processing facilities, growing unemployment among forestry workers, threats to those communities which are dependent on the forest industry, and to the general economy of the Province. If we do hear about First Nations, it is generally as another example of the problems facing the forest industry, particularly in reference to "uncertainty" surrounding treaty negotiations and the potential loss of forest land base through land settlements achieved as part of these treaties. But rarely do we hear the voices of my people, the original inhabitants of this province, in these discussions.

I am here today to provide that voice. Of course, as in the population as a whole, there is a diversity of opinion within the aboriginal community, and in my role as Chief Negotiator for the Kaska Dena in British Columbia, I will be putting forth the Kaska Dena perspective in particular.

In doing this, I will be highlighting issues or items of concern that may be specific to the Kaska Dena. But hopefully, the general points I will make using these issues as examples will have some general applicability to the aboriginal community as a whole.

To set the scene for those of you who are not familiar with the Kaska Dena Traditional Territory, I will provide a brief description. Kaska lands are found in northern inland British Columbia and extend across the British Columbia border into the southern Yukon. Within British Columbia, the Traditional Territory extends from the border in the north to near the north end of Williston Lake in the south, and from nearly Fort Nelson in the east to Dease Lake in the west. Our land is massive, accounting for approximately 10% of the total area of British Columbia, and is totally devoid of any non-Kaska communities. It encompasses two physiographic regions of the Province, the Northern and Central Plateaus and Mountains, and the Great Plains in the northeast and along the lowlands of the Liard River and its tributaries. River drainage is to the Mackenzie River system, via the Liard River and its tributaries or via rivers that flow south to Williston Lake and the Peace River. Portions of three Timber Supply Areas are included in the Kaska Dena Traditional Territory -- the Cassiar, the Mackenzie, and the Fort Nelson TSAs. With the exception of an area south of the community of Fort Ware, little logging has occurred in our Traditional Territory. We have a unique opportunity to do things right in this part of British Columbia, to plan and practice timber harvesting and other forestry activities in a way that benefits the people of British Columbia, including the Kaska Dena, while protecting and maintaining valued aspects of the greater ecosystem of which we are all a part.

For centuries, our people have hunted and fished these lands and waters. We continue to do so, and we continue to rely on the natural bounty of the land for sustenance and for our cultural and spiritual well-being. Fish and wildlife and the other components of the natural environment are not simply the objects of sport, or recreation, or economic return for us. They are at the heart of everything we are and everything we do. So when we look at the forest, we do not see the trees in cubic metres of harvestable timber. We see it as our home and the home for the wildlife that sustain us, as an integral part of the cycle that maintains and protects our watercourses, and as a place of spiritual renewal and healing.

Your advertising brochure for this conference states **"The environmental benefits of these policies have not been quantified and accommodating them will have serious impacts on B.C.'s most important industry."** ("These policies" refers to policies such as CORE Regional Land Use Plans, Protected Areas Strategy, the Forest Practices Code, and the establishment of Forest Renewal BC.) We see this statement as being illustrative of a point-of-view that we can no longer afford if we are to have a future in forestry. Such a statement implies that environmental benefits or aboriginal cultural and spiritual values can be quantified in terms of dollars and cents. Our meagre knowledge of ecosystems and their functioning does not allow us the predictive capabilities that are necessary to quantify environmental benefits. How do we put a value on the loss of a species caused by habitat destruction when its real value may be tied to its role in the functioning of an ecosystem rather than in its economic value to man? Is the value of the forest as wildlife habitat of lesser or greater value than its value as merchantable timber? Is this value the same when calculated by a logging community whose livelihood is

dependent on selling timber as when calculated by a First Nation whose livelihood is more directly dependent on wildlife than on the trees? We can no longer afford to be mass producers of standard grade or commodity lumber or pulp, dependent for our economic well-being on the number of cubic metres of timber we process while ignoring other non-measurable values that are diminished in the process. We can no longer disregard environmental or cultural values because we cannot put a price tag on them. And we can no longer afford to disregard the unextinguished rights of the aboriginal people of this province.

Many of you are aware that the Kaska Dena are in the process of negotiating a treaty to clearly define our rights, roles, and responsibilities within Canada and British Columbia. We are presently in Stage 4 of the six-stage process for negotiating a treaty under the British Columbia Treaty Commission Process. This is the Stage at which an Agreement-in-Principle is negotiated and approved by Cabinet. Without pre-determining the outcome of the negotiations, I can tell you in general terms what the Kaska Dena hope to achieve in relation to lands and resources, including forest resources, within their Traditional Territory. We expect to retain a portion of our Traditional Territory as Settlement Lands. On these lands, we will own and have the authority to make and enforce laws regarding our resources. We will also have full responsibility for their management. Existing third-party rights and access to those rights will be honoured, subject to adherence of such third parties to Kaska Dena laws. Outside of our Settlement Lands but still within our Traditional Territory, we expect to be able to meaningfully participate in resource management, and to obtain employment and revenue-sharing opportunities from resources exploited from these lands.

I wish to take this opportunity to comment on two planning processes that are taking place in the Province that we feel are prejudicial to the Kaska Dena achieving a just and equitable settlement through treaty negotiations. These are the Land and Resource Management Planning process, commonly known as the LRMP process, and the Allowable Annual Cut determinations which are done every five years as part of the forestry planning process. As specific examples, I wish to talk about the Fort Nelson LRMP and the Allowable Annual Cut determination made recently by the Chief Forester for the Cassiar Timber Supply Area.

Although we have observed the Fort Nelson LRMP process, we have declined to participate in its development. We feel it is fundamentally wrong for the province to be developing a land and resource management plan for an area of the province that is currently the subject of treaty negotiations. Land selection as part of treaty negotiations, a tripartite process between the governments of Canada, British Columbia, and the Kaska Dena, must surely have precedence over a process that is driven by only one of these three parties (the Province) and that has as equal partners at the planning table any number of third parties and interest groups. The Land and Resource Management Planning Process is said to be a consensual process. However, we all know that in such processes it is the most vocal party with the most resources to research and bolster its arguments, that generally wins the day. If we had participated in this process, we would have been one voice at the table among many without the resources to properly prepare and present our opinions and arguments. And because of the consensual nature of the process, we would have been perceived as being in agreement with the recommended plan. How would we then be free to make land selection as part of the treaty process? Clearly the LRMP process

is prejudicial to our fundamental right to select land, and therefore undermines the fairness of the treaty process. It is important that the cabinet of British Columbia government suspends any decision to implement the Fort Nelson LRMP until we have reached an agreement on land selection.

Another example of a planning process that we feel is prejudicial to the treaty process is the recent determination of an Allowable Annual Cut for the Cassiar TSA. In this particular case, the Allowable Annual Cut was increased from 140,000 cubic metres per year to 400,000 cubic metres per year. It was raised despite many limitations including a short history of forest management on which to base many of the variables used as inputs to the analysis and a high level of uncertainty in inventory information used in the analyses. Neither did it fully take into account the loss of harvestable land base that would occur through planning processes such as the Protected Areas Strategy or the impending Cassiar LRMP. And it certainly did not take into account the fact that a treaty was being negotiated with the Kaska Dena that would have profound effects on the land base and, potentially, the ways in which forest lands are managed within Kaska Dena Traditional Territory. We believe that it was premature to increase the Allowable Annual Cut given these factors. The increase in the Allowable Annual Cut only increases expectations in the forestry industry that will be prejudicial to the treaty negotiating process.

Once a treaty has been achieved, the Kaska Dena will be willing participants in regional planning processes such as these. But a treaty must come first.

We see the achievement of a treaty as vital in our quest for self-sufficiency and our one hope for bettering the dismal economic plight of our people. And we see timber harvesting as one of our most promising sources of economic return in the post-treaty world and look forward to successful partnerships with forestry companies to realize this potential. But in planning and implementing forestry activities, we will be considering all forest "values", not just those associated with the sale of timber. Some land areas will be protected from timber harvesting because of their special value as wildlife habitat, because they are prime examples of old growth areas, because of their cultural and spiritual significance, or for other values. Our ultimate objective will not be to harvest huge volumes of trees to satisfy the commodity lumber or pulp markets, but will be to supply added-value industries within our Traditional Territory and British Columbia for which the wood of the northern forests is suitable. Fewer trees will be logged affording better protection for the environment and the Kaska Dena way of life, but more employment will be generated by making finished products. In this way we hope to obtain the maximum value from our forest resources.

There is a great deal of research yet to be done in both alternative methods of timber harvesting that best protect environmental values, and in determining economically viable value-added industries. We applaud the Forest Practices Code as a first cut at conducting timber harvesting in an environmentally sound manner. Yet we also know that many of the prescriptions advocated by the Code are based on professional opinion and have not been fully demonstrated to be effective or applicable to all forest types and conditions. We must rigorously evaluate the

efficacy of these practices, and continue to search for other prescriptions that best protect non-timber values. We must also continue to investigate methods of timber harvesting alternative to clear-cutting. While in some areas, patches of clear cuts may best mimic natural forest renewal processes, other areas might benefit by more selective logging practices. We must find ways to better determine where and when different logging techniques are used. And while the term "value-added" has a nice ring to it, there has to be more work done on defining what this is. What sort of finished products should we be producing? What are our different woods best suited for? What are the milling requirements to process the wood in ways that are suitable for these industries? We urge governments and the forest industry to give high priority to these areas of research, to help us move away from the high volume - low value environment in which the British Columbia forest industry currently operates.

In conclusion, I wish to emphasize that the Kaska Dena are and will continue to be active participants in timber harvesting. The forestry industry in British Columbia should not view the achievement of a treaty as a threat or problem to be overcome, but as an opportunity in which to participate with First Nations and governments in building and restructuring a forest industry for the twenty-first century.