

# **Evaluating Conservancy Area Governance: A New Approach to Protected Areas in Coastal British Columbia**

by

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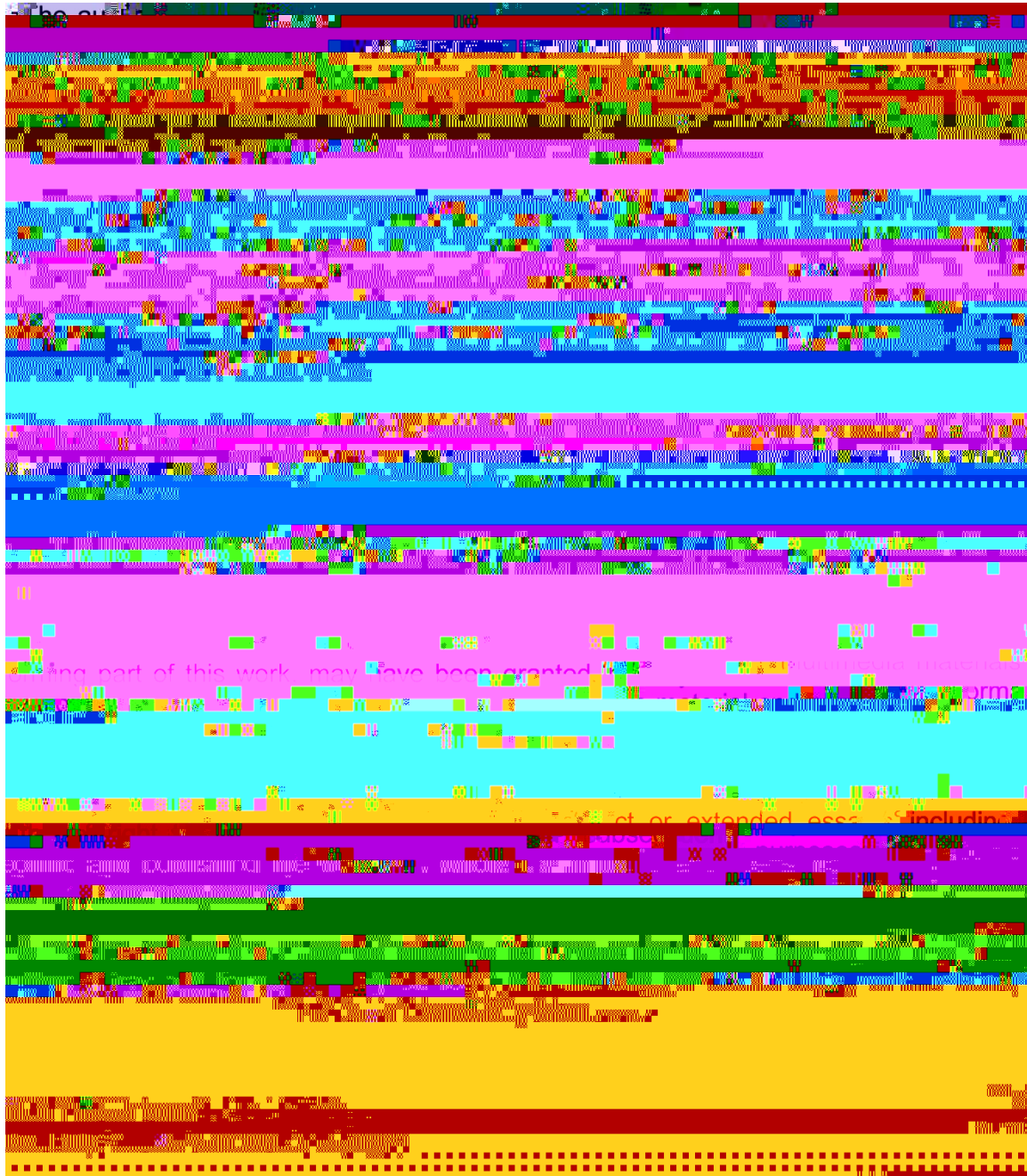
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## **Abstract**

Conservancies are a new model for protected areas designated in First Nation's traditional territories in British Columbia. Conservancies have been praised for their ability to protect ecologically diverse areas of the province while addressing First Nation's traditional use, enabling collaborative management, and allowing for sustainable resource development. This study assesses whether the formal agreements guiding conservancy management justify the initial praise. Criteria and indicators derived from the international literature on the governance of protected areas involving Indigenous peoples were used to evaluate 13 conservancy management plans and 14 other agreements which guide conservancy governance. The conservancy management plans and agreements establish a framework for governance that meets these international criteria, either largely or in part. How conservancies will actually contribute in practice to the reconciliation of Aboriginal rights, title, and interests remains to be seen, warranting future study as conservancy management plans are implemented on the British Columbia coast.

**Keywords:** conservancies; co-management; First Nations; governance; protected areas; Aboriginal peoples



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# **Chapter 1.**

## **Introduction**

Over the past 20 years British Columbia (BC) has made fundamental changes to its land use policies, including the development of a new approach to protected areas. Pressured by conflict over forestry operations on the BC coast, the province ushered in a new era of participatory land use planning with the Land and Resource Management Planning (LRMP) processes (Smith and Sterritt). The Central and North Coast LRMP processes were particularly significant in this regard, acknowledging First Nations as independent governments in land use negotiations (Cullen 2006). Conservancy areas are a product of these negotiations: a new type of protected area that is planned and managed in collaboration with First Nations, with a wider range of uses than is permitted

explicitly recognized and affirmed in the Canadian *Constitution Act, 1982*. Additionally, a series of landmark decisions by the Supreme Court of Canada before and after this amendment have clarified the legal relationship between the federal and provincial governments and Aboriginal peoples. The BC provincial government is taking further steps to work more closely with First Nations, developing a more inclusive governance process through government-to-government negotiations.

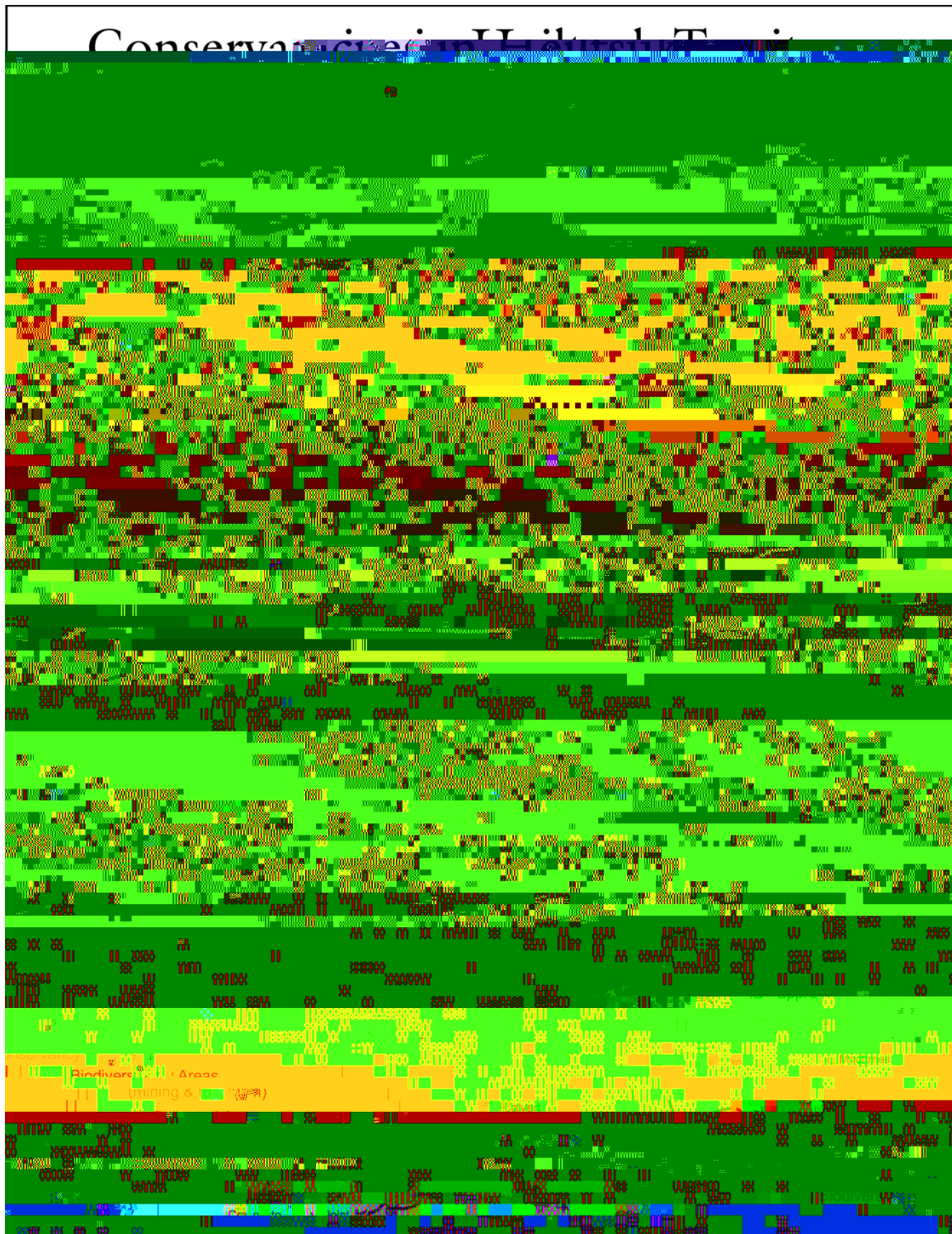
Conservancies enrich and expand the concept of a protected area as it has been applied so far in Canada. Historically, the federal and provincial approach to including Aboriginal peoples in protected area management has been ad hoc at best. Prior to the development of conservancies, the majority of protected areas in BC were classified as Class A parks under the BC *Parks Act*. This designation neither bans nor encourages First Nations' traditional, cultural, or ceremonial uses. In only a few select cases have First Nations successfully pushed for significant engagement with protected lands, with

In spring 2010, concurrent with the initial development of the Hakai Network, members of the recently developed Integrated Resource Management Department of the Heiltsuk First Nation (HIRMD) approached the School of Resource and Environmental Management (REM) to support the implementation of HIRMD and to help build institutional capacity. A meeting was held between Frank Brown, then Director of HIRMD, and all interested graduate students within the REM program. At this meeting, several potential projects were presented aligning with the six functions of HIRMD: 1. Referrals, Consultation, and Accommodations; 2. Land and Water; 3. Marine and Fisheries; 4. Monitoring and Enforcement; 5. Cultural Heritage Management; 6. Policies, Procedures, and Information Management. The present project grew out of an initiative I undertook to support the Land and Water function.

The Heiltsuk traditional territory spans the Central Coast of British Columbia, covering approximately 16,770 square kilometres of land and 19,000 square kilometers of near-shore and offshore areas extending into international waters (Ecotrust Canada 2012). In accordance with the Heiltsuk Land Use Plan, all of the Heiltsuk territory has been divided up into two land designations: Cultural and Natural Areas and Ecosystem Based Management Areas (Heiltsuk Tribal Council 2005). The y hRx9tsuoxim8(6(e)-.2(rs ))TJ0 -1.7343 TD







**Figure 1. Conservancies Designated Within the Heiltsuk Territory**

Note. Coastal First Nations (2013). Copyright Rainforest Solutions Project (2008); used with permission.

## **1.2 Research Objectives**

The purpose of this study is to elucidate the development and current conception of the conservancy area designation and to compare this form of protected area with international standards for governance and participation of Indigenous people in protected area management and operation. The research objectives are as follows:

1. Identify conservancy management priorities and governance structure;
2. Using publically available CMPs as representations of the conservancy model, compare the current conception of the conservancies to international standards for the inclusion of Indigenous peoples in protected area governance;
3. Based on these findings, identify current strengths and weaknesses of the conservancy model.

## **1.3 Methodology**

My research evolved from a smaller-scale

## **1.4 Report Outline**

Chapter 2 provides background on the relationship between Indigenous peoples

## **Chapter 2.**

# **Indigenous Peoples and Protected Areas**

## **2.1 Aboriginal Rights in British Columbia**

Relations between First Nations and the province of British Columbia have been strained for many years, with First Nations seeking recognition of their rights and title over lands they occupied prior to colonization. During the nineteenth century, many First Nations in the prairies, southern Ontario and Quebec, as well as parts of British Columbia, the Yukon, and the Northwest Territories, ceded their Aboriginal title in return for small lump sums of cash, reserves, and the promise of continued hunting and fishing rights (Dearden and Rollins 2009). For a large proportion of First Nations in BC,

For the first time, the Supreme Court of Canada ruled that Aboriginal title existed at the time of colonization. This decision offered First Nations without treaties the leverage to negotiate comprehensive land claims settlements (Dearden and Rollins 2009). The Calder ruling set in motion a series of events, culminating in revisions to the Canadian constitution slightly more than a decade later (Morton 2009). These revisions “recognize and affirm” existing Aboriginal and treaty rights in Canada (*Constitution Act, 1982*, s. 35). Consequently, the British Columbia government was forced to overturn its non-

the Crown has knowledge of the existence and potential infringement of Aboriginal rights or title, it has a legal duty to meaningfully consult and accommodate affected First Nations (Dearden and Rollins 2009). These legal victories fostered a shift in the historical power dynamic between First Nations and the British Columbia government, with the latter legally bound to include First Nations in the consideration of land-use policies.

## **2.2 Indigenous People and Protected Areas in Canada**

Many of Canada's National Parks predate the constitutional changes and legal victories of Aboriginal peoples during the late 21st century (Dearden and Rollins 2009). The federal government gave Aboriginal peoples little, if any, say in the establishment of these parks. In some cases, the Parks Canada Agency even encouraged Aboriginal people to sell or trade reserve land within park boundaries and refused them access for hunting, trapping, or fishing. Parks Canada took the position that protection of the land base inherently excluded its use by Aboriginal people (Dearden and Rollins 2009).

As public and political awareness of Aboriginal issues increased during the 1970s, Parks Canada responded by amending its protected area policy (Dearden and Rollins 2009). As described by Dearden and Rollins (2009), the 1979 Parks Canada Policy made a concerted effort to address the relationship between local people and national parks, and stated a willingness to mitigate potential impacts on local people when establishing national parks in the future. However, it was not until 1994 that Parks Canada addressed Aboriginal issues specifically, with a policy revision to reflect Aboriginal case law and the *Constitution Act, 1982*.<sup>2</sup> /TT4 1 Tf10.430 T2o 5( (lpndi5swution Act,

impact benefit agreements (Borrini-Feyerabend et al. 2012). Several other national parks actively involve Inuit or First Nations communities in park management through joint projects, advisory committees, and community consultation. However, not all of Canada's national parks follow this model and many may still infringe upon Aboriginal rights (Gladu 2003).

## **2.3 Indigenous People and Protected Areas in British Columbia**

British Columbia's parks agency, BC Parks, has made a commitment to strengthening relationships between First Nations and the province (BC Ministry of the Environment 2008a). Over the past century, the aims of managing and establishing BC's protected areas have broadened (BC Office of the Auditor General 2010). For the first half of this century, the BC Parks program was mainly tourism-focused and parks were primarily established to provide recreational opportunities and showcase BC's natural splendour (BC Ministry of the Environment 2008a). This focus changed in the 1960s as the conservation value of protected areas received increasing emphasis. It was not until the first provincial *Parks Act* was passed in 1965 that protected areas gained a stronger conservation mandate (BC Ministry of the Environment 2008a). More recently, however, BC Parks has extended its mandate to reemphasize social and economic aims as well. BC Parks currently strives to maintain both ecological and cultural integrity and has committed to working with First Nations to secure the future of protected areas within the province (BC Ministry of the Environment 2008a).

The interplay between Aboriginal rights and title claims and growing conflict over the use and management of natural resources within BC has encouraged a shift in BC Parks' focus, towards greater inclusion of First Nations' interests and participation (Low and Shaw 2011/12). During the 1980s and early 1990s tensions between the province and First Nations rose over the province's long-standing reliance on extensive and intensive resource extraction (Jackson and Curry 2004; Smith and Sterritt 2007). Environmental groups and First Nations called into question both the environmental impacts and social equity of these activities. The legal victories achieved by First Nations gave them greater power in this conflict and forced the hand of government, industry,

and environmental organizations to address First Nations concerns directly (Howlett et al. 2009; Low and Shaw 2011/12). These actions, in turn, broadened the discussion concerning resource use and brought governance issues to the core of the debate.

The creation of Stein Valley Nlaka'pamux Heritage Park illustrates the influence of these events. The Stein Valley, the largest watershed in the Fraser drainage basin, is the last expansive watershed in southwestern British Columbia that has not been



Nature (IUCN), governance is “about the institutions and processes used by rightholders and stakeholders to make and influence decisions, and to exercise authority and

governed by state or non-state actors in unison or individually. These parties include governments, non-governmental organizations (NGOs), Indigenous peoples, local communities, and private land owners. In recognition of the various governance arrangements available, the IUCN distinguishes four broad categories of governance type: (a) governance by government, (b) shared governance, (c) private governance, and (d) governance by Indigenous peoples and local communities (Table 1) (Borrini-Feyerabend et al.2004; Dudley 2008; Lausche 2011; Borrini-Feyerabend et al. 2012).

**Table 1. IUCN Governance types for protected areas**

Governance Type	Characteristics
<b>Type A.</b> Governance by government	Protected area is state owned or state controlled. <ul style="list-style-type: none"> <li>• Control may occur at national, sub-national, and municipal levels</li> <li>• Control may be delegated to a non-governmental body</li> </ul>
<b>Type B.</b> Shared governance	Authority and responsibility is shared amongst multiple governmental and non-governmental parties. <ul style="list-style-type: none"> <li>• Authority may be shared across geographical borders (transboundary governance)</li> <li>• Authority may be shared via influence (collaborative governance)</li> <li>• Authority may be shared via a management board (joint governance)</li> </ul>
<b>Type C.</b> Private governance	Protected area is conserved voluntarily by private property owners <ul style="list-style-type: none"> <li>• Area may be managed individually or corporately</li> <li>• Area may be managed for-profit or not-for-profit</li> </ul>
<b>Type D.</b> Governance by Indigenous peoples and local communities	Protected area is conserved voluntarily by <ul style="list-style-type: none"> <li>• Indigenous peoples and/or</li> <li>• local communities</li> </ul>

Note. Adapted from Dudley (2008), Lausche (2011) and Borrini-Feyerabend et al. (2012).

The categories of shared governance and governance by Indigenous peoples and local communities are the most pertinent to this paper. Shared governance may be succinctly described as those cases in which authority and responsibility is shared among several actors, through either formal or informal means (Borrini-Feyerabend et al. 2004; Dudley 2008; Lausche 2011; Borrini-Feyerabend et al. 2012). Shared governance arrangements may be further divided by distinguishing between “collaborative governance” and “full governance” (Borrini-Feyerabend et al. 2012). In “collaborative

governance” (also referred to as “collaborative management,” although the IUCN is careful to distinguish between management and governance<sup>1</sup>) authority ultimately rests with one agency, but that one agency is bound, by law or policy, to consult the other stakeholders prior to implementation. “Full governance” (also referred to by others as “joint management”), in contrast, refers to those situations in which all affected actors participate in a governance body, each with decision-making authority, and decisions are made together (Borrini-Feyerabend et al. 2012).

Protected areas which fall in the final category, governance by Indigenous peoples and local communities, are those in which authority and responsibility lie with Indigenous peoples or local communities through formal or informal means (Borrini-Feyerabend et al. 2012). These areas may also be referred to as “community conserved areas,” “voluntarily conserved areas,” or “Indigenous People and Community Conserved Territories and Areas (ICCAs).” These protected areas have garnered increasing attention from the international community over the past decade, recognized for their potential to contribute to the stock of protected areas globally (Borrini-Feyerabend et al. 2004; Dudley 2008; Lausche 2011, Borrini-Feyerabend et al. 2012). Despite attention from the international community, these areas may still remain unrecognized by the government authority in charge of nationally or regionally designated protected areas. This is the key distinction between areas of shared governance and ICCAs: while protected areas under shared governance are often established and managed by the state either alone or in collaboration, ICCAs may exist in relative independence of state recognition and support (Borrini-Feyerabend et al. 2012).

This governance typology developed by the IUCN will be applied to my investigation of conservancies. Similar to Bird (2011), my research analyzes formal, legal agreements to assess the nature of the collaboration between First Nations and the provincial government in the governance of conservancies. Bird (2011) examined several land use agreements between the Province and Coastal First Nations to assess

1



- **Legitimacy and voice** – appropriate degree of decentralization in decision making, effective citizen participation, and a supportive democratic and human rights context
- **Direction** – consistency with international and legislative direction, as well as effective planning and leadership
- **Performance** – capacity, cost effectiveness, coordination, monitoring and evaluation, responsiveness and provision of information to the public, and adaptive management
- **Accountability** – clear and appropriate roles and responsibilities, public institutions of accountability and transparency
- **Fairness** – fair designation, management and enforcement, as well as the existence of a supportive judicial context

Graham et al. (2003) intended to present a set of principles that would be widely applicable, rather than adapted to any specific situation. Accordingly, these principles are broad and context plays an important role in the assessment of any governance arrangement. Graham et al. (2003) sought to develop a set of principles that would be applicable beyond Western cultures, and they linked these five principles to the United Nations Universal Declaration of Human Rights and the international human rights movement.

### **IUCN Principles of Good Governance (Dudley 2008; Lausche 2011; Borrini-Feyerabend et al. 2012)**

Drawing from field experience, international agreements such as the Convention on Biological Diversity and the United Nations Declaration on the Rights of Indigenous Peoples, and several international and regional processes, the IUCN developed its own set of broad principles for good governance of protected areas (Dudley 2008; Lausche 2011; Borrini-Feyerabend et al. 2012). These principles apply to all four governance types and are as follows<sup>3</sup>:

**Legitimacy and voice** – social dialogue and collective agreements on protected area management objectives and strategies on the basis of freedom of association and speech with no discrimination related to gender, ethnicity, lifestyles, cultural values or other characteristics;

<sup>3</sup> The full list of indicators for each of the nine principles, as reviewed in my research, may be found in Borrini-Feyerabend et al. (2012), pg. 72-73

**Subsidiarity** – attributing management authority and responsibility to the institutions closest to the resources at stake;

**Fairness** – sharing equitably the costs and benefits of establishing and managing protected areas and providing a recourse to impartial judgement in case of related conflict;

**Do no harm** – making sure that the costs of establishing and managing protected areas do not create or aggravate poverty and vulnerability;

**Direction** – fostering and maintaining an inspiring and consistent long-term vision for the protected area and its conservation objectives;

**Performance** – effectively conserving biodiversity whilst responding to the concerns of stakeholders and making a wise use of resources;

**Accountability** – having clearly demarcated lines of responsibility and ensuring adequate reporting and answerability from all stakeholders about the fulfilment of their responsibilities;

**Transparency** – ensuring that all relevant information is available to all stakeholders;

**Human rights** – respecting human rights in the context of protected area governance, including the rights of future generations.

(Dudley 2008, pg. 28)

Expanding on Graham et al.'s (2003) five principles, the IUCN adds subsidiarity, do no harm, transparency, and human rights. The content of the additional principles is largely represented in the original set proposed by Graham et al., but by distinguishing and clearly articulating these concepts the IUCN has developed a more comprehensive set. Subsidiarity is the most novel of these additional principles as it explicitly references the importance of attributing management authority to those parties most directly tied to the resources in question.

### **Lockwood (2010) Good Governance for Terrestrial Protected Areas**

Lockwood (2010) adapted a previously developed set of good governance principles for natural resource management to a protected area context. The outcome of this work is a set of seven good governance principles similar to that of the Institute on Governance (Graham et al. 2003) and the IUCN (Dudley 2008; Lausche 2011; Borrini-Feyerabend et al. 2012)(Table 2).

Lockwood’s principles recognize the wide acceptance of legitimacy, accountability, transparency, and fairness as essential to the achievement of good governance. Lockwood’s principle of inclusivity is largely covered within the principle of “legitimacy” in the earlier frameworks of Graham et al. and the IUCN, and the elements of “connectivity” in Lockwood’s framework are very similar to the principle of “direction” in the earlier frameworks. Resilience is an entirely new category included by Lockwood, which speaks to the importance of flexibility and incorporates many of the features of adaptive management.

**Table 2. Lockwood’s (2010) Seven Principles of Good Governance**

Principle	Elements of Principle
<i>1. Legitimacy</i>	<ul style="list-style-type: none"> <li>• Validity of organization to govern (conferred or earned)</li> <li>•</li> </ul>

	• Systematic evaluations of individual, organizational, and systematic performance
--	--

Note. Adapted from Lockwood (2010).

**Guidelines for Co-managed Protected Areas (Borrini-Feyerabend et al.2004)**

Building on the work of the Fifth World Parks Congress and the Convention on Biological Diversity’s programme of work on protected areas, the IUCN (Borrini-Feyerabend et al. 2004) developed a set of guidelines, or “options for action,” for co-managed and community conserved protected areas. This work is an adaptation of the IUCN’s earlier broad principles of good governance to a specified governance type. The result is a set of four “options for action” that agencies managing or co-managing protected areas may take to enhance effectiveness and equity (Table 3).

These co-management guidelines differ from the principles discussed above insofar as they speak specifically to those situations in which the co-management governance type currently exists or is desired. As such, these guidelines are not as broad and do not reflect all of the elements present in the previously discussed sets of principles. The IUCN’s “options for action” are also presented less as an evaluative framework and more as best practices for engaging Indigenous peoples and local communities in decision making and protected area management.

**Table 3. IUCN Guidelines for Co-managed Protected Areas**

Guideline	Elements of Guideline
-----------	-----------------------

1. Share information,



Guideline	Elements of Guideline
3. Engage the concerned communities in negotiation processes and management institutions	<ul style="list-style-type: none"> <li>• Integrate traditional and western practices and knowledge</li> <li>• Negotiate co-management plans and agreements with communities and other stakeholders</li> <li>• Develop a co-management body reflective of the parties involved and can adapt to the changing needs of the protected area and parties involved</li> <li>• Negotiate the restitution of land and resources to Indigenous peoples and local communities or devolve management authority to them, as appropriate</li> </ul>
4. Promote learning at various levels	<ul style="list-style-type: none"> <li>• 6.9(ent)-5.T4a</li> </ul>

**Table 4. IUCN Principles and Guidelines for Indigenous/Tradition Peoples and Protected Areas**

Principle	Elements of Principle
<p>1. Compatibility between protected area objectives and those of Indigenous and Traditional Peoples</p>	<ul style="list-style-type: none"> <li>• Agreements should establish common objectives and commitments, define responsibilities, and form the basis of management objectives, standards, and regulations.</li> <li>• Agreements should be developed within the framework of national protected area plans, policies, and objectives as well as national laws</li> <li>• Protected area management plans should incorporate traditional knowledge and practices along with other knowledge sources</li> <li>• Methods for monitoring should incorporate traditional knowledge and practices</li> <li>• Harmony between national protected area legislation and the IUCN's protected area categories</li> </ul>
<p>2. Full respect for rights of Indigenous people to use of their traditional lands and resources</p>	<ul style="list-style-type: none"> <li>• Agreements should secure the rights of Indigenous and traditional peoples, including the right to full protection of their lands, resources, and communities</li> <li>• Agreements should respect Indigenous peoples' right to:               <ul style="list-style-type: none"> <li>•</li> </ul> </li> </ul>



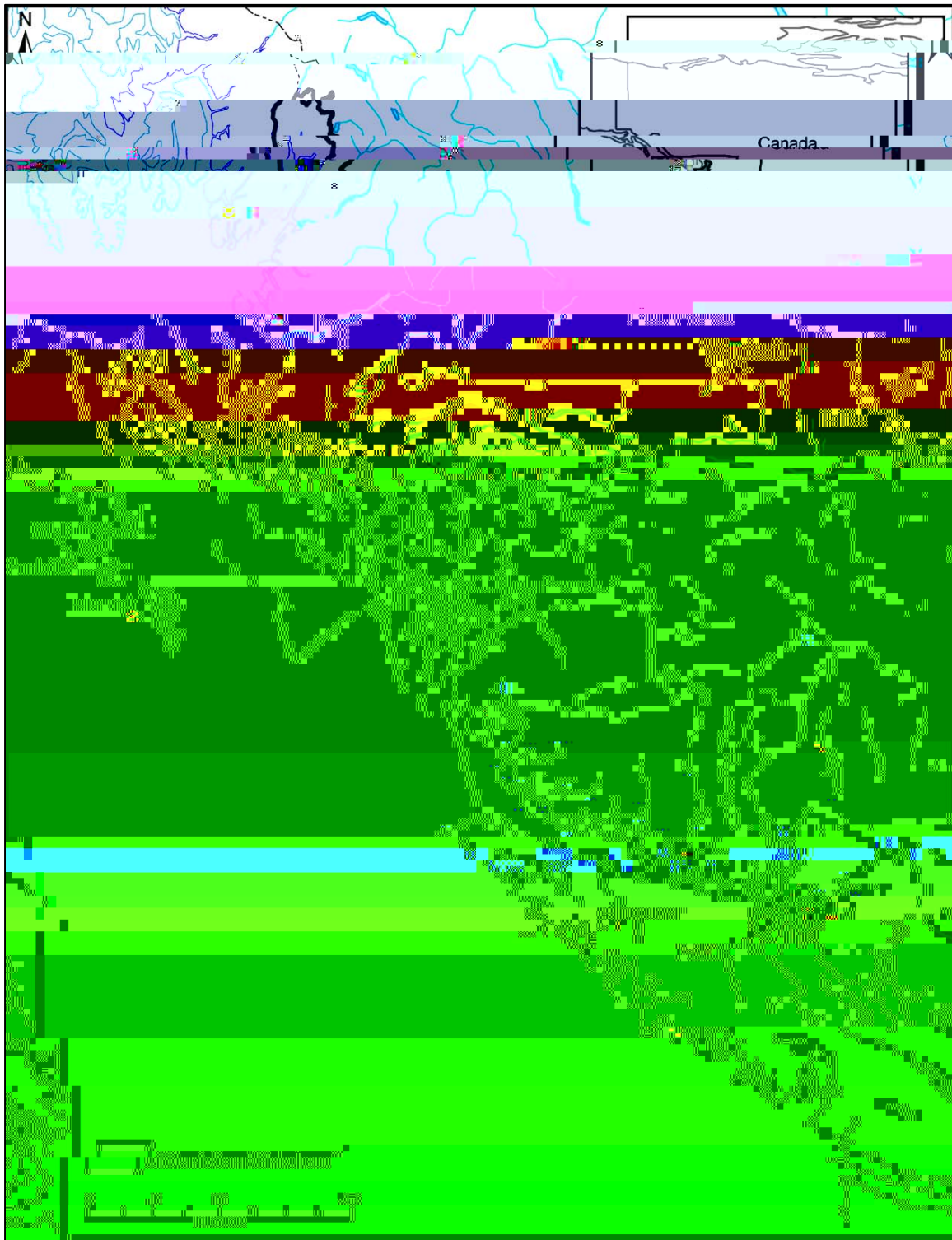
### **2.4.3 Summary**

From the international literature on protected area governance summarized above it is possible to synthesize a set of key principles that are essential to governance quality and the inclusion of Indigenous/traditional people in protected areas management. For my own research I adopt those principles and elements identified by Beltrán (2000) for the IUCN/WWF, supplemented with concepts from the other frameworks where I identified gaps (see chapter 4 on methodology for the full details and justification for criteria and indicator selection). The principles I use from Beltrán (2000) are as follows:

- Compatibility between protected area objectives and those of Indigenous and Traditional Peoples
- Full respect for rights of Indigenous people to use of their traditional lands and resources
- Decision making as shared, transparent, and accountable
- Access of Indigenous peoples to the benefits of protected areas

Beltrán's fifth principle - upholding of Indigenous/traditional rights cross national





**Figure 2.** *The Great Bear Rainforest*

Note. Price et al. (2009). Copyright Elsevier; used with permission.

The Great Bear Rainforest supports a population of approximately 22,000 people, half of which are of First Nations ancestry (Price et al. 2009). The unceded territories of more than two dozen coastal First Nations fall within this region, the majority of which live in small, isolated communities accessible only by water or air (Smith and Sterritt 2007; Price et al. 2009). The region suffers from a severely depressed economy, with high unemployment rates, low incomes, and limited economic opportunities (Price et al. 2009). The communities primarily rely on commercial fishing and forestry, with

## 3.2 First Nations Alliances

Leaders from several First Nations in the Great Bear Rainforest met in March of 2000 to develop a strategy to ensure their interests would be incorporated into the region's land use plans (Low and Shaw 2011/12). As First Nations discussed concerns within their respective communities it was realized that the voice of each Nation would be stronger if they worked together. The result of these discussions was the formation of a coalition of First Nations called the Turning Point Initiative, which is now known as the Coastal First Nations (Smith and Sterritt 2007; Low and Shaw 2011/12).

The Coastal First Nations is an alliance of several First Nations with traditional territories on BC's North and Central Coast and Haida Gwaii. The Coastal First Nations includes the Wuikinuxv Nation, Heiltsuk Nation, Kitsoo/Xaixais First Nation, Gitga'at First Nation, Haisla, Metlakatla First Nation, Homalco First Nation, Old Massett Village Council, Skidegate Band Council, and Council of the Haida Nation (Coastal First Nations n.d.). The Nuxalk First Nation are now members as well, and the Haida Nation, while still members, have established agreements independent of the Coastal First Nations (Bird 2011). The Coastal First Nations work together towards a shared goal of restoring and implementing "responsible resource management approaches on the Central and North Coast and Haida Gwaii, which are ecologically and economically sustainable" (Coastal First Nations, n.d., 1). The focus is on creating employment by increasing economic development opportunities, increasing First Nations' governance over the land base, and implementation of EBM (Coastal First Nations, n.d.)

Other First Nations in the southern region of the Central Coast formed the  
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### **3.3 A New Relationship with First Nations**

The War in the Woods set in motion the provincial government's efforts to develop a "New Relationship" with First Nations. The "New Relationship" has culminated in several agreements, beginning in 2001, which define the Crown-Coastal First Nations relationship as it currently stands (Figure 3)(Bird 2011). These agreements include the 2001 General Protocol Agreement, the 2006 Coast Land Use Plan and Strategic Land Use Planning Agreements, and the 2009 Reconciliation Protocol. It is these agreements which establish the framework for the collaborative management and implementation of conservancy areas.

#### **3.3.1 General Protocol Agreement**

The first step towards implementation of a government-to-government arrangement for land use planning was taken in 2001, when the eight Coastal First Nations<sup>4</sup> and the Province announced the General Protocol Agreement on Land Use Planning and Interim Measures (hereafter referred to as the General Protocol Agreement) (Smith and Sterritt 2007; Bird 2011). This agreement outlines the government-to-government arrangement to be implemented as part of the LRMP process, positioning both the provincial governmental and Coastal First Nations as decision making bodies with authority in the Great Bear Rainforest (British Columbia and Coastal First Nations 2001). The General Protocol Agreement set in place a strategy to reconcile land use planning processes conducted by First Nations and the Crown. This agreement was the first provincial agreement on the central and north coast of BC to recognize First Nations as governments, rather than stakeholders (Smith and Sterritt 2007; Bird 2011). The agreement also establishes the overarching principles of ecosystem-based management and formalizes both parties' commitment to the implementation of this management approach on the coast.

<sup>4</sup> The eight Coastal First Nation signatories to the 2001 General Protocol Agreement were the Gitga'at First Nation, Haida Nation, Haisla Nation, Heiltsuk Nation, Kitasoo/Xaisxais First Nation, Metlakatla First Nation, Old Massett Village Council, and Skidegate Band Council (Government of British Columbia and Coastal First Nations 2001).



provincial government to inform the second tier of negotiations in 2004 and 2005 (Bird 2011). By February of 2006, the heralded North and Central Coast LRMP agreements, referred to by some authors as the Great Bear Rainforest Agreements or the Coast Land Use Plan, were complete (Smith and Sterritt 2007; Bird 2011; Low and Shaw 2011/12).

A critical component of the Coast Land Use Plan (British Columbia 2004; British Columbia 2005c) was the protection of substantial portions of the region's coastal temperate rainforest. Prior to the LRMP processes, 11.1% and 3% of the Central and North Coast LRMP land bases, respectively, were included in parks and protected areas (British Columbia 2004; British Columbia 2005c; Cullen 2006; McGee 2006). The Coast Land Use Plan called for protection of one-third of the region, an area covering approximately 2 million hectares of land (Low and Shaw 2011/12). While achieving greater protection of the land base was an essential element of the LRMP processes, it was not until negotiations were underway that the involved parties realized a new form of protected area legislation would be required to fulfil this goal. First Nations wanted a protected area designation that recognized and secured traditional uses and cultural values, while environmentalists called for ecological protection to take precedence over recreational developments. With these objectives as a guide, the conservancy area designation was developed, accounting for nearly half of the 2 million hectares of protected land in the Coast Land Use Plan (Smith and Sterritt 2007; Low and Shaw 2011/12).

Shortly after the Coast Land Use Plan was announced in 2006, the Province and individual Coastal First Nations finalized a series of Strategic Land Use Planning Agreements (SLUPAs)<sup>5</sup>. These agreements are meant as a complement to both the Coast Land Use Plan and the 2001 General Protocol Agreement. As Bird (2011) explains, the SLUPAs were intended to address the specific interests of individual nations and those aspects of the Coast Land Use Plan that could be implemented at the level of individual First Nations. Specifically, mapping and land use zones could be dealt with at the individual/community level, while EBM implementation would remain the

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purview of the Coastal First Nations at the regional level through the 2006 Coastal First Nations Land and Resource Protocol Agreement (Bird 2011). Each SLUPA also describes the terms of the government-to-government arrangement between the Crown and an individual First Nation.

### **3.3.3 Reconciliation Protocol**

Finally, in 2009 the Government of BC and the Coastal First Nations developed and signed the Reconciliation Protocol. The Reconciliation Protocol was the result of an earlier attempt to formalize the “New Relationship” between British Columbia and First Nations that the province had proclaimed in 2005. Within the “New Relationship” the Province outlined its vision, goals, principles and action plans for the new government-to-government relationship and expressed a commitment to “reconciliation of Aboriginal and Crown titles and jurisdictions” (British Columbia 2005d, pg. 1). One of the main purposes of the Reconciliation Protocol is to “provide a framework for land and resource decision making that is more efficient, effective and responsive to the interests of each Nation or First Nation and the Province” (British Columbia and Coastal First Nations 2009, pg. 3). To this end, Schedule B of the Protocol contains an Engagement Framework which outlines the process through which the Province will engage First Nations in decision-making regarding the approval of ‘Land and Resource Decisions.’ These decisions are defined in the agreement as: “an administrative or operational decision, or the approval or renewal of a tenure, permit, or other authorization” (Schedule B, s.1.1). An impact level is assigned to all potential decisions, from which the appropriate Crown-First Nations engagement mechanism is then identified. The Reconciliation Protocol therefore formalized the approach of the Province and First Nations to shared decision making and provided greater structure than previously established.

## **3.5 Conservancies**

In 2006 the BC *Park Act* and *Protected Areas of British Columbia Act* were amended, creating the conservancy designation and establishing the first 24 conservancies, which comprised a total of approximately 541,000 ha. In a press release



Conservancies provide First Nations with an alternative that prohibits large scale industrial forest development and other industrial uses, but offers the benefits of a variety of other uses, including traditional practices, under a governance model that provides more control to the First Nation.

### **3.5.1 Legal Context and Purpose**

Four main purposes guide the establishment, operation, and management of conservancy areas. These four purposes are clearly laid out in the *Park Act* as follows:

- (a) for the protection and maintenance of their biological diversity and natural environments,
- (b) for the preservation and maintenance of social, ceremonial and cultural uses of first nations,
- (c) for protection and maintenance of their recreational values, and
- (d) to ensure that development or use of their natural resources occurs in a sustainable manner consistent with the purposes of paragraphs (a), (b) and (c). (*Park Act*, s. 5(3.1))

These four purposes are intended to complement each other, with each given equal priority in the management of conservancy areas (Turner and Bitonti, 2011).

Two main features of conservancy areas set them apart from all other protected areas within the BC *Parks Act*. First is the explicit inclusion of First Nations' social, ceremonial, and cultural uses within the protected area. Conservancy areas are the only provincial designation in Canada to explicitly incorporate First Nations participation in protected area management and planning (Turner and Bitonti 2011). This recognition was instrumental to garnering First Nations' support for protected area expansion within British Columbia (Canadian Parks Council 2011). To ensure these aims are achieved, management plans for each conservancy are to be co-developed by the provincial government and those First Nations with interest in the protected area (Smith and Sterrit 2007).

Second is the allowance of development or natural resource use within conservancy areas. In contrast with the prohibitions associated with Class A Parks, a wide range of low impact, compatible economic opportunities are provided within

conservancy areas. This provision offers First Nations the opportunity to derive much needed economic benefits from these sometimes large areas under protection. These provisions, however, are not without constraints. In accordance with Section 9(10) of the *Park Act*, the following activities are not permitted within a conservancy area: commercial logging, mining, or hydroelectric power generation. A wide range of permissible activities remain, including wildlife viewing, guided hiking and fishing, shellfish aquaculture, and run-of-river hydro projects which directly service the conservancy or local communities that would otherwise be without access to hydroelectric power (Turner and Bitonti 2011). These activities must be authorized via a Park Use Permit, which will only be issued if the activity does not restrict, prevent, or inhibit purpose (a) through (c) above. Combined with the explicit recognition of First Nations rights and values, these two defining features broaden the definition of protected areas, allowing for significant expansion of protected lands in British Columbia.

### ***3.5.2 Implementation of the Conservancy Concept***

In practice, conservancy management is guided by a number of agreements, including some of those discussed in Section 3.4. The majority of First Nations in the Central and North Coast region formally agreed to the establishment of conservancies when they entered into SLUPAs with the province during the LRMP process (personal communication, Ministry of Environment staff member, September 22, 2010; BC and the Coast Tsimshian First Nation 2011). SLUPAs provide direction on the purpose, location, and management intent for conservancies within each signatory's traditional territory. Some of the SLUPAs, such as the SLUPA between the Gitaga'at and the Province of British Columbia, go even further: outlining the primary and secondary purposes of each protected area, potential use opportunities, management objectives, indicators, targets,

and directions for several proposed management areas, including cicit vcano1em.0008 Tc.02 madry's

parties will act cooperatively to manage conservancies and protected areas. While the majority of Collaborative Management Agreements cover all conservancies within a First Nation's traditional territory, they may be signed on a conservancy-by-conservancy basis. They are intended to establish a working relationship, improve communication, and promote the collaborative management of conservancies, parks, ecological reserves, and protected areas within the First Nation's traditional territory (Coastal First Nations 2013).

Within BC's broader land use planning framework, the planning process for conservancy areas appears to be quite similar to the process followed by the Province for other protected areas. In May 2007, the Province worked with three regional groups of First Nations (Coastal First Nations, North Coast Tsimshian, and Nanwakola) to develop policy guidelines and a template for conservancy management plans. Of the First Nations that have made their management plans publically available, all have followed this prescribed format. The typical process for developing a management plan consists of four main steps (personal communication, Ministry of Environment planner, September 1, 2010; BC Parks 2013a). Initially, the Province and the First Nation(s) broader lavt pla



As of January 2013, only 19 conservancy management plans<sup>6</sup> had been listed as approved on the BC Parks website, with the remainder in draft form or awaiting development (Appendix A). The 19 conservancy management plans received approval in 2011 and 2012, roughly 3 to 6 years following their establishment. The majority of these plans cover conservancies within the Haida Gwaii, North Coast Coast, and Sea to Sky LRMPs. Only one conservancy management plan had achieved acceptance within the Central Coast with several awaiting finalization. The Morice, Lillooet, and Atlin-Taku LRMPs were without any finalized conservancy management plans.

<sup>6</sup> One of the 19 approved conservancy management plans (the Khutzeymateen Park, Khutzeymateen Inlet Conservancy and Khutzeymateen Inlet West Conservancy Management Plan) covers two conservancies. Therefore the 19 approved plans represent 20 conservancies.

## **Chapter 4.**

### **Methodology**

This chapter describes the methodology I used to evaluate conservancy governance. I describe the evaluative criteria, the process I used to select the criteria and indicators, and how I collected data.

#### **4.1 Evaluation Criteria and Indicators**

##### ***4.1.1 Selection of Criteria***

The criteria and indicators used in this evaluation were selected from the literature on protected area governance (see Chapter 2). Given the breadth of the literature on governance and what constitutes good governance, my review focused only on papers which specifically addressed the governance of protected areas. From this search 5 sets of prominent international principles were identified (Beltrán 2000; Graham et al 2003; Borrini-Feyerabend et al.2004; Dudley 2008; Lockwood 2010; Lausche 2011; Borrini-Feyerabend et al. 2012). These sets of principles are discussed in Chapter 2. Three of the 5 sets address good governance of protected areas more broadly, and 2 are more specific in their application to the participation of Indigenous peoples in protected area governance and management. For all but one set, the principles were developed by internationally-recognized institutions on governance and protected areas.

The next step was to select from this literature the most suitable criteria and indicators to evaluate the formal structure of conservancy governance. I adopted the set of principles and guidelines for Indigenous/traditional peoples developed by the IUCN/WWF as the core set of criteria and indicators used for this research (Beltrán 2000). I selected this set as the basis for my evaluation because it specifically addresses

the involvement of Indigenous peoples in protected areas while maintaining a broad governance perspective. As mentioned in chapter 2, these principles and guidelines have been formally adopted by the IUCN and the World Wildlife Federation, and are part of the 'Best Practice Protected Area Guidelines Series' of the IUCN-World Commission on Protected Areas. The remaining 4 sets of good governance principles were then used to supplement and expand on the core set.

Beginning with the framework developed by Beltrán (2000) for the IUCN/WWF as my core set of criteria and indicators, I examined the elements of the 4 remaining sets of principles to determine which elements were not covered within the core set. Starting with the "Guidelines for Co-managed Protected Areas" developed by Borrini-Feyerabend et al. (2004) for the IUCN, I assessed whether the criteria and indicators therein were adequately covered within my core set. Those criteria and/or indicators that I judged to be inadequately covered were then added to the core set.

indicators in the framework I have chosen address elements of resilience, such as monitoring, learning by doing, and the review of management plans as new issues or information arises. Future studies should include an evaluation of resilience as conservancies progress and evolve.

Table 5 sets out all of the criteria and indicators that I used in my evaluation, and in the following sections I describe each criterion in more detail.

**Table 5. Selected Criteria and Indicators from the Protected Area Governance Literature**

Criteria	Indicators	Source
<i>Compatibility between protected area objectives and those of Indigenous and Traditional Peoples (Beltrán 2000)</i>	1.1 Agreements should establish common objectives and commitments, define responsibilities, and form the basis of management objectives, standards, and regulations.	Beltrán (2000)
	1.2 Agreements should be developed within the framework of national protected area plans, policies, and objectives as well as national laws	Beltrán (2000)
	1.3 Existence of management plans for individual PAs that:	
	a) reflect citizen participation, particularly local and indigenous people	Graham (2003)
	b) have formal approval of the appropriate authorities	Graham (2003)
	c) set out clear objectives consistent with legislation	Graham (2003)
	d) set out measurable results to be achieved within specific timeframes	Graham (2003)
	e) are reviewed and updated on a regular cycle (e.g. every five years)	Graham (2003)
	f) are implemented through annual work plans	Graham (2003)
	g) incorporate traditional knowledge and practices along with other sources	Beltrán (2000)
1.4 Methods for monitoring should incorporate traditional knowledge and practices	Beltrán (2000)	
1.5 Compatibility with and recognition of natural values	Lockwood (2010)	
1.6 Harmony between national protected area legislation and the IUCN's protected area categories	Beltrán (2000)	

*Full respect for*

Criteria	Indicators	Source
<i>rights of Indigenous people to use of their traditional lands and resources (Beltrán 2000)</i>	and traditional peoples, including the right to full protection of their lands, resources, and communities	
	2.2 Agreements should respect Indigenous peoples' right to:	Beltrán (2000)
	a) sustainable, traditional land use,	Beltrán (2000)
	b) control and management of their lands,	Beltrán (2000)
	c) participate in decision making,	Beltrán (2000)
	d) use traditional institutions and authorities in co-management,	Beltrán (2000)
	e) give free and informed consent to any project that will affect their lands, water, or resources	Beltrán (2000)
	f) improve the quality of their lives and benefit equitably	Beltrán (2000)
	g) maintain and enjoy their cultural heritage	Beltrán (2000)
	e) remain on the lands they have traditionally occupied	Beltrán (2000)
	2.3 Protected area establishment should be based on the legal recognition of the collective rights of Indigenous peoples	Beltrán (2000)
	2.4 In cases where Indigenous and traditional people's rights are not yet recognized by government, access to resources necessary for their livelihoods should be guaranteed.	Beltrán (2000)
	2.5 Negotiate the restitution of land and resources to Indigenous peoples and local communities or devolve management authority to them, as appropriate	Borrini-Feyerabend et al. (2004)

*Decision making as shared, transparent, and accountable (Beltrán 2000)*



Criteria	Indicators	Source
	c) consolidation of territories, including demarcation	Beltrán (2000)
	d) technical, financial, and political support for the ability to manage territories	Beltrán (2000)
	e) sustained capacity building	Beltrán (2000)
	4.3 Design and implementation of economic (and other) incentive systems by government to encourage conservation and sustainable use of Indigenous lands, waters, and resources with protected areas	Beltrán (2000)
	4.4 Ensure that Indigenous/traditional people benefit from economic and employment opportunities generated from the protected area	Beltrán (2000)

#### ***4.1.2 Compatibility between protected area objectives and those of Indigenous and Traditional Peoples***

As described by the IUCN/WWF, protected area objectives, management, and operations must consider both state and First Nations objectives (Beltrán 2000). To this end, there should be no inherent conflicts between protected area objectives and the existence and/or rights of Indigenous peoples. Indigenous people are to be considered people are tyno27 a2n

use, control and management of land within their traditional territories, use of traditional institutions, practices, and knowledge, enjoyment of their cultural heritage, and equitable



protected area costs (Borrini-Feyerabend et al.2004). Costs should be shared equitably amongst all parties.

## 4.2 Evaluating Criteria and Indicators

Clearly defined criteria and indicators are essential to a good evaluative framework. Once I had finalized my set of criteria and indicators using the selection process outlined above, I converted each indicator into a clearly defined question specific to the conservancy area context (Table 6). These questions are designed to clarify the intent of the indicators and make the evaluation more transparent.

**Table 6. Criteria and Indicators Selected to Evaluate Conservancy Governance**

Criteria	Indicators
<i>Compatibility between protected area objectives and those of Indigenous and Traditional Peoples</i>	<ol style="list-style-type: none"> <li>1. Do the CMPs or higher-level agreements (i.e. SLUPAs, Collaborative Management Agreements) establish common objectives and define responsibility?</li> <li>2. Are CMPs developed within the framework of national protected area plans, policies, and objectives as well as national laws?</li> <li>3. Do the CMPs:               <ol style="list-style-type: none"> <li>a) reflect citizen participation, particularly local and indigenous people?</li> </ol> </li> </ol>



Criteria	Indicators
	d) encouraged and developed capacity building mechanisms? e) promoted mutual learning and “learning by doing”? f) fostered trust? 20. Do the CMPs cite the development of educational campaigns to increase public awareness of Indigenous/traditional peoples’ rights and values?
<i>Access of Indigenous peoples to the benefits of protected areas</i>	21. Do higher level agreements (i.e. SLUPAs, Collaborative Management Agreements) or CMPs state the costs and benefits should be shared equitably with First Nations? 22. Do conservancy areas guarantee the provision of such benefits as? a) effective defense of territories against external threats? b) support and legal protection of territories? c) consolidation of territories, including demarcation? d) technical, financial, and political support for the ability to manage territories? e) sustained capacity building? 23. Are economic (and other) incentive systems by governments in place to encourage conservation and sustainable use of conservancy areas? 24. Do CMPs site objectives and strategies to ensure that Indigenous/traditional people benefit from economic and employment opportunities generated from the conservancy area?

I adopted the rating system used by Ellis (2008) in her evaluation of the Canadian environmental sustainability planning system and Zeiger (2012) in his evaluation of the German environmental sustainability planning system. I assigned a rating for each indicator based on my assessment of the CMP documents and higher-level agreements (where required):

- Fully met (3) = no deficiencies
- Largely met (2) = no major deficiencies
- Partially met (1) = no more than one major deficiency
- Not met (0) = two or more major deficiencies

I then assigned an overall rating for each criterion based on the average of the scores for all of the indicators for that criterion.

## 4.3 Data Collection

I reviewed a variety of potential sources of data for this evaluation. First, I examined protected area policies, legislation, land use agreements, and land use plans. From these, I selected conservancy management plans (CMPs) and higher level agreements which guide land use planning on the BC coast, such as Strategic Land Use Planning Agreements, Reconciliation Protocols, and Collaborative Management Agreements, for evaluation. Evaluation was limited to only those CMPs and higher level agreements that were publically available at the time of my research. The content of CMPs and higher level agreements allow for the evaluation of the formal governance structure of conservancies. They guide conservancy management, directing how decisions will be made and executed. These documents represent the formal position of both the Province and First Nations, with approved CMPs and higher level agreements ratified by both parties. Only two of the CMPs that I reviewed (Khutzeymateen Inlet/Inlet West Conservancy and Lax Kwil Dziidz/Fin Conservancy) had not received ratification from the First Nation that is party to the agreement. These agreements were still collaboratively developed and were listed as “approved” on the BC Parks website. Both agreements state that the management plan was collaboratively developed and is awaiting signature by the First Nation party. The process by which I selected CMPs and higher level planning documents for evaluation is discussed in greater detail below.

Of the 154 conservancies established as of January 2013, only 33 had publically available management plans (Appendix A). CMPs were only available for conservancies in the Central Coast, North Coast, Haida Gwaii, and Sea-to-Sky LRMPs. Of these 33, there was 2 cases in which multiple conservancy areas shared a management plan (Khutzeymateen Inlet Conservancy and Khutzeymateen Inlet West Conservancy as well as Bishop-Bay Monkey Beach Conservancy and Bishop-Bay Monkey Beach Corridor Conservancy). Therefore, 31 CMPs were available for evaluation. Of the 31, 19 had been listed as approved on the BC Parks website and the remaining 12 were available as public review drafts. The 31 CMPs publically available were unevenly distributed among LRMP regions and First Nations. For example, of the 31 plans available 11 were collaboratively developed with the Haida Nation while only 1 CMP was available for the Squamish First Nation.

Given constraints on time and resources, only a subset of the 31 CMPs available were selected for review. A target sample size of 12-15 CMPs was considered appropriate. CMPs were selected based on location, First Nation(s) party to the plan, and distinguishing features. The selection process was conducted in the following way:

1. CMP selection was first stratified by LRMP region. Within each of the North Coast, Central Coast, Haida Gwaii, and Sea-to-Sky LRMP regions I ascertained which CMPs were publically available. Except for those CMPs within the Haida Gwaii and Sea-to-Sky LRMP, all approved plans were selected for inclusion. Given that all Haida Gwaii CMPs had been approved, in infor revo5(g(id4(5(LRMPH)7. had all b)-5receiplanT\*000proved p

Conservancy Name	Justification for selection
Beach Corridor Conservancy*	Nation
<b>North Coast LRMP</b>	
Khutzeymateen Inlet Conservancy**	<ul style="list-style-type: none"> <li>• Finalized plan</li> <li>• Provides a sample of a CMP developed by the Coast Tsimshian First Nation</li> </ul>
Lax Kwil Dziidz/Fin Conservancy	<ul style="list-style-type: none"> <li>• Finalized plan</li> <li>• Provides a sample of a CMP developed by the Gitaga'at First Nation</li> </ul>
Khutzeymateen Inlet West Conservancy**	<ul style="list-style-type: none"> <li>• Finalized plan</li> <li>• Provides a sample of a CMP developed by the Coast Tsimshian First Nation</li> </ul>
Bishop Bay – Monkey Beach Conservancy*	<ul style="list-style-type: none"> <li>• Provides a sample of a CMP developed by the Haisla and Gitga'at First Nation</li> </ul>
Zumtela Bay Conservancy	<ul style="list-style-type: none"> <li>• Provides a sample of a CMP developed by the Lax Kw'alaams and Metlakatla First Nation</li> <li>• All 3 CMPs available from these First Nations were virtually identical with no distinguishing features. This CMP was selected at random.</li> </ul>
<b>Haida Gwaii LRMP</b>	

Conservancy Name	Justification for selection
Conservancy	<ul style="list-style-type: none"> <li>• Provides a sample of a CMP developed by the In-SHUCK-ch First Nation</li> <li>• All 3 CMPs available from these First Nations were virtually identical with no distinguishing features. This CMP was selected at random.</li> </ul>
TOTAL: 15 conservancies, 13 CMPs	

Several of the selected indicators require a broader analysis than is possible through examining CMPs alone. These indicators focus on broad legal and institutional structures, which are not directly addressed by CMPs. Rather, they are addressed by the higher level agreements which guide conservancy management, such as strategic land use planning agreements. Given constraints on time and resources, I could not review all of the many laws, policies and agreements that guide land use planning in the province of British Columbia. In deciding which agreements to look at for these criteria, I consulted each of the 13 CMPs selected for evaluation. Each CMP contains a section titled “Management Commitments.” Within this section, the parties to the CMP outline which agreements provide strategic direction for the planning and management of the conservancy (Table 8). These agreements are specific both to the LRMP and the First Nation’s territory in which the conservancy exists. Of the 20 higher level agreements

First Nations who are signatories on the 13 CMPs selected	Agreements identified as guiding CMPs					
	SLUPA	Collaborative Management Agreement	Agreement in Principle	Reconciliation Protocol	Reconciliation Act	Agreement on Land Use Planning
Gwa'sala-'Nakwaxda'xw First Nation		CE	CE			
Lax Kw'alaams First Nation	CE	UA				
Metlakatla First Nation	CE	UA		CE		
Squamish First Nation		CE				CE
Lil'wat First Nation		In development				CE
In-SHUCK-ch First Nation		In development				CE
Haida First Nation	CE			CE	CE	
Coast Tsimshian First Nation <sup>c</sup>						

<sup>a</sup> UA = Unavailable. Agreement is in place but is not publically available.

<sup>b</sup> The Da'nax'da'xw/Awaetlala, Mamalilikulla-'Owe'Qwa'Sot'Em, and Gwa'sala-'Nakwaxda'xw Nations are members of the Nanwakolas Council along with the Kwakiutl Indian Band, 'Namgis First Nation, Tlowitsis Nation, Kwaikah First Nation, and K' moks First Nation.

<sup>c</sup> The Lax Kw'alaams and Metlakatla First Nation are members of the Coast Tsimshian First Nation along with the Gitga'at Nation, Kitasoo/Xais'xais First Nation, Kitselas Indian Band, and Kitsumkalum Band.

Collaborative agreements between the Lax'Kwalaams and the BC Government and Metlakatla and the BC Government, in combination with the 2009 Reconciliation Protocol signed by the Metamhe Pg4.6( u-4(i)d)4.6( Mhe)4.6( MTJ-29.39





interpretation applied by the evaluator is not always transparent. However, the criteria and indicators utilized in this study do not lend themselves to quantification. A concerted effort was made to explain the logic and justification behind each assessment made.

Finally, this study aimed to evaluate the formal structures and institutions of conservancy governance in order to provide early insight into this novel approach to protected areas in British Columbia and a preliminary assessment of whether the initial excitement and acclaim with which conservancies were received is justified. Although a wide range of CMPs and higher order agreements were analyzed, there are many more CMPs that currently being developed. Future studies should examine additional CMPs and agreements, particularly as they become publicly available in finalized or draft form.

## Chapter 5.

### Evaluation Results

#### 5.1 Compatibility between protected area objectives and those of Indigenous and traditional peoples

The first criterion selected to evaluate the governance of protected areas involving Indigenous peoples is compatibility between protected area objectives and the rights of Indigenous peoples. Table 9 presents a summary of the evaluation results for this criterion.

**Table 9. Evaluating Conservancy Governance – Compatibility between protected area objectives and those of Indigenous and Traditional Peoples**

Indicator	Assessment
1. Agreements should establish common objectives and commitments, define responsibilities, and form the basis of management objectives, standards, and regulations.	Fully met (3)
2. Agreements should be developed within the framework of national protected area plans, policies, and objectives as well as national laws	Fully met (3)
3. Existence of management plans for individual PAs that:	
a) reflect citizen participation, particularly local and indigenous people	Fully met (3)
b) have formal approval of the appropriate authorities	Largely met (2)
c) set out clear objectives consistent with legislation	Fully met (3)
d) set out measurable results to be achieved within specific timeframes	Partially met (1)
e) are reviewed and updated on a regular cycle (e.g. every five years)	Partially met (1)
f) are implemented through annual work plans	Partially met (1)
g) incorporate traditional knowledge and practices along with other sources	Partially met (1)
4. Methods for monitoring should incorporate traditional knowledge and practices	Largely met (2)
5. Compatibility with and recognition of natural values	Fully met (3)

Indicator	Assessment
6. Harmony between national protected area legislation and the IUCN's protected area categories	Largely met (2)
Compatibility between protected area objectives and those of Indigenous and traditional peoples	Largely met (25/12 = 2.08)

**1. Agreements should establish common objectives and commitments, define responsibilities, and form the basis of management objectives, standards, and regulations.**

*Assessment: Fully met*

All 13 CMPs reviewed in this evaluation contain a vision statement, the values and roles of the conservancy, and management directions. As directed by the management plan template, each CMP contains a succinct vision statement which describes the intent and desired state of the conservancy into the future. Conservancy

Conservancies are designated and managed in accordance with the following national or provincial plans, policies, and legislation:

- *BC Parks Act*,
- *Protected Areas of British Columbia Act*,
- *Park, Conservancy and Recreation Area Regulation*
- Section 35 of the *Constitution Act, 1982*,
- Land Use Agreements,
- Collaborative Management Agreements, and/or
- Reconciliation Protocol Agreements

Conservancies are established, managed, and operated in accordance with provincial protected area legislation. Conservancies are a legislated protected area designation under the *BC Park Act*. The *BC Park Act* prescribes the primary purposes of conservancies, restricted uses, and the authorization of park use permits. Each

**3. Existence of management plans for individual protected areas  
which:**

**a) reflect citizen participation, particularly local and indigenous people**

*Assessment: Fully met*

The CMPs reviewed reflect the participation of government, BC First Nations,

**c) set out clear objectives consistent with legislation**

*Assessment: Fully met*

As described under the first indicator, all 13 of the CMPs reviewed clearly state the conservancy's management objectives. Furthermore, these management objectives are consistent with the four purposes of the conservancy designation as described in the *BC Park Act*.

**d) set out measurable results to be achieved within specific timeframes**

*Assessment: Partially met*

While all 13 CMPs reviewed include a section which addresses management directions, few state measurable results. Each CMP contains a section titled "Management Directions" which contains objectives, issues/opportunities, and strategies

timeframe varies from annually, in the case of the Bishop Bay – Monkey Beach and Bishop Bay – Monkey Beach Corridor Conservancies, to every 8 years for



#### **4. Methods for monitoring should incorporate traditional knowledge**

*Assessment: Largely met*

In addition to utilizing traditional ecological knowledge in the general management of conservancies, this indicator requires conservancies to integrate traditional knowledge and practices into monitoring methodology. Of the 13 CMPs reviewed, 8 reference the use of First Nations' ranger or watchmen programs in monitoring efforts. These programs include the K'tzim-a-deen Rangers in Khutzeymateen Inlet/Inlet West Conservancy, Gitga'at Watchmen in Lax Kwil Dziidz/Fin Conservancy, Haida Guardians in Duu Guusd Conservancy, Haisla Watchmen in Bishop's Bay and Kitlope conservancies, Gwa'sala-'Nakwaxda'xw Guardian Watchmen in Cape Caution Conservancy, Coast Tsimshian Guardians in Zumtela Bay Conservancy, and the future development of a Guardian Watchmen program for Hunwadi/Ahnuhati-Bald Conservancy. In each of these conservancies, First Nations' watchmen or ranger programs will be combined with the efforts of BC Parks and other agencies. It is likely that the Haida Guardian program would also be used to monitor the Tlall and Kamdis conservancies in Haida Traditional Territory, although it is not explicitly mentioned within their management plans. Of the remaining 2 CMPs, Upper Rogers k lii7 Conservancy will be monitored in collaboration with the Stein Valley Nlaka'apamux Park managers and other agencies. However, the Upper Rogers k lii7 Conservancy does not state how this collaboration will occur. It is intended that Esté-twilh/Sigurd Creek be monitored cooperatively, but the parties to these monitoring efforts are not identified.

#### **5. Compatibility with and recognition of natural values**

*Assessment: Fully met*

The protection and maintenance of biological diversity and natural values is one of the four main purposes for which conservancies are designated. As such, all 13 CMPs acknowledge the importance of the conservancy's natural values, identifying management objectives, issues/opportunities, and strategies accordingly. Conservancies are designed to contribute to the protection of a wide range of natural values, from the preservation of old growth forests, watersheds, and sensitive alpine

lakes to the protection of habitat for grizzly bears, spotted owls, shore birds, waterfowl and salmonids. While conservancies also provide for cultural use, recreation, and sustainable economic development, these activities are not permitted if they interfere with the protection of natural values. For example, the Duu Guusd Conservancy management plan states that recreational use may impact other heritage and natural values. To mitigate these potential impacts, the CMP directs the development of criteria to ensure recreation use is compatible with the natural and cultural values within the conservancy.

## **6. Harmony between national protected area legislation and the IUCN's protected area categories**

*Assessment: Largely met*

Canada's national protected area legislation aligns well with the IUCN's protected area categories. Of the 12.4 million hectares protected within Environment Canada's protected areas system, 85% is classified as wilderness area (IUCN category Ib) (Environment Canada 2013a). Provincially protected areas also correspond with the IUCN categories, with Ontario parks and conservation lands falling within categories I and II, and the majority of BC parks falling within categories I-III prior to the creation of conservancies (BC Ministry of Forests 2003; Benidickson 2009). The IUCN protected area categories differ in the priority given to different values. Category I is the most stringent, focusing purely on the protection of biodiversity, while category II allows for human use and enjoyment (Dudley 2008; Dearden and Rollins 2009; Lausche 2011). Strict adherence to the protection of natural values eases through to category VI, which allows for sustainable use and the maintenance of cultural/traditional attributes. Given the four main purposes of conservancies, the conservancy designation would likely fall within category VI.

## **5.2 Full respect for rights of Indigenous people to use of their traditional lands and resources**

This criterion requires that the designation and management of protected areas fully acknowledge the rights of Indigenous and traditional peoples to the sustainable use

of their lands, waters, and resources. An evaluative summary for this criterion is presented in Table 10.

**Table 10. Evaluating Conservancy Governance – Full respect for rights of Indigenous people to use of their traditional lands and resources**

Indicator	Assessment
7. Agreements should secure the rights of Indigenous and traditional peoples, including the right to full protection of their lands, resources, and communities	Partially met (1)
8. Agreements should respect Indigenous peoples' right to:	
a) sustainable, traditional land use	Fully met (3)
b) control and management of their lands	Largely met (2)
c) participate in decision making	Largely met (2)
d) use traditional institutions and authorities in co-management	Largely met (2)
e) give free and informed consent to any project that will affect their lands, water, or resources	Largely met (2)
f) improve the quality of their lives and benefit equitably	Fully met (3)
g) maintain and enjoy their cultural heritage	Fully met (3)
h) remain on the lands they have traditionally occupied	Largely met (2)
9. Protected area establishment should be based on the legal recognition of the collective rights of Indigenous peoples	Largely met (2)
10. In cases where Indigenous and traditional people's rights are not yet recognized by government, access to resources necessary for their livelihoods should be guaranteed.	Largely met (2)
11. Negotiate the restitution of land and resources to Indigenous peoples and local communities or devolve management authority to them, as appropriate	Largely met (2)
<b>Full respect for rights of Indigenous people to use of their traditional lands and resources</b>	<b>Largely met (26/12 = 2.17)</b>

**7. Agreements should secure the rights of Indigenous and traditional peoples, including the right to full protection of their lands, resources, and communities**

the primary directives of the conservancy designation is the protection of First Nations' social, cultural, and ceremonial use. No activity which would impede the fulfilment of this

**b) control and management of their lands**

*Assessment: Largely met*

interviewed by Bird (2011) indicated that the Haida were able to negotiate this arrangement due to the high strength of their claim to rights and title, as well as the absence of competing claims to their territory. The Haida, however, are still without a treaty and the *Act* can be rescinded unilaterally by the Crown (Bird 2011).

Time will tell whether the Province will exercise their authority to overrule management decisions for other conservancies. As outlined by Pinkerton (2003):

It might be more accurate to characterize many comanagement situations as a standoff in which Parties agree to disagree, and partnership is forged out of a need to work together. Enabling legislation can lay the groundwork for such a partnership, but it is in the implementation of the legislation that one finds the 'proof of the pudding'. (pg. 67)

Bird (2011) provides insight into how the collaborative arrangements on the coast are playing out in practice. While authority ultimately rests with the Crown, interviewees

The question that remains is to what degree First Nations will in practice participate in decision making regarding conservancies and the level of actual authority held by First Nations. As discussed above, the Crown retains the formal authority to overturn joint decisions except in Haida Gwaii, but there are strong incentives that may discourage the Crown from exercising this authority. I conclude that this indicator has been largely met.

**d) use traditional institutions and authorities in co-management**

*Assessment: Largely met*

While not all CMPs reviewed spoke to the use of traditional institutions and authorities in co-management, the conservancy designation does not appear to formally restrict this ability. As stated under indicator 3.g, 4 of the 13 CMPs reviewed used First Nations' Land Use Plans to guide management plan development. Attempts to harmonize LRMP recommendations with First Nation Land Use Plans were also made during government to government negotiations, and it is out of this process that conservancies were designated. The use of traditional institutions and authorities has also been discussed under indicator 4, with 8 CMPs expressing an intention to incorporate both First Nations' watchmen and BC Parks ranger programs in conservancy monitoring.

**e) give free and informed consent to any project that will affect their lands, water, or resources**

*Assessment: Largely met*

Both within and outside of conservancies, a legal duty exists to meaningfully consult and accommodate First Nations for any proposed activity which may infringe on Aboriginal interests (UBC Faculty of Law 2008). In doing so, the Crown must fully inform First Nations about the proposed activity and consider First Nations interests and concerns. The Crown must consider these concerns in good faith, with an open mind to substantially address them. Reconciliation of Aboriginal rights and title is the ultimate goal of this consultation. A spectrum of consultation exists ranging from the disclosure of information and discussion of impacts to the need for deep consultation and possibly consent. Consent, however, is rarely required with Courts shying away from recognizing

this level of authority except in very few circumstances of established rights (UBC Faculty of Law 2008).

Conservancies represent a further acknowledgement of First Nations' right to consent to or disallow projects which will affect their lands, waters, and resources. As evidenced already with the development of CMPs, First Nations worked with the Crown to identify appropriate resource uses within conservancies. CMPs and higher-level agreements also express the intention that First Nations will work collaboratively with the province to review new park use permits and renew those which currently exist. However, as discussed in 8.c, the ultimate decision-making authority continues to rest with the Crown.

#### **f) improve the quality of their lives and benefit equitably**

*Assessment: Fully met*

By permitting sustainable resource development in conservancies, the parties devised a means of legally protecting large tracts of the BC land base while still allowing some First Nations' economic development opportunities within these protected areas. With the new designation, sustainable economic development is promoted as a primary purpose along with nature protection. While it is too early to assess the extent to which First Nations will benefit from this opportunity, CMPs show promise in this regard. Plans for economic development vary among conservancies, from very low impact activities to larger scale initiatives. Of the 13 CMPs reviewed, 3 restrict economic development to commercial recreational activities. These conservancies do not consider natural resource development to be a primary role of the protected area. All three of these conservancies are within the Sea-to-Sky LRMP. The majority (n=10) of CMPs permit a wider range of use, either describing which economic activities are planned to occur within the conservancy and/or identifying an intention to work with BC Parks to identify what economic activities exist. Potential development activities include the harvesting of seaweed, marine invertebrates, botanicals, or non-timber forest products, small scale tree removal, shellfish aquaculture, glacial water extraction, local run-of-river hydro electric power generation, and local tourism. Capacity building efforts are also mentioned, such as training for First Nations' people to become guides, interpreters, guardians, and ecotourism operators. The management plans for the Lax Kwil Dziidz/Fin



Conservancy and Bishop Bay – Monkey Beach and Bishop Bay – Monkey Beach Corridor Conservancies provide specific management direction to allocate opportunities to assist local economic diversification, particularly of First Nations. In the case of the Lax Kwil Dziidz/Fin Conservancy, success will be measured by the number of operating days and total revenues to Gitga’at programs and enterprises.

### **g) maintain and enjoy cultural heritage**

*Assessment: Fully met*

Conservancies respect First Nations’ rights to maintain and enjoy their cultural heritage through the protection of culturally specific landscapes and promotion of continued social, cultural, and ceremonial resource use. In addition to their natural value, conservancies are designated on the basis of their cultural significance. For example, Esté-tiwilh/Sigurd Creek Conservancy was identified as one of several Squamish Nation Wild Spirit Places. Other conservancies, such as the Upper Rogers k lii7 Conservancy, protect pictographs, village sites, petroglyphs, traditional hunting grounds, and historic trading routes. In addition to protecting cultural features, conservancies provide an opportunity to strengthen First Nations’ culture. In the Khutzeymateen Inlet/Inlet West Conservancy, the K’tzim-a-deen Ranger Program is promoted as an opportunity to strengthen First Nations culture while achieving reconciliation with the provincial government. Strengthening connections and increasing traditional knowledge is also described as a benefit in the Bishop Bay Conservancy. As an expressed purpose of the conservancy designation, the protection of cultural values and traditional use is central to conservancy management.

### **h) remain on lands they have traditionally occupied**

*Assessment: Largely met*

Conservancies are designed to avoid displacing or alienating First Nations people from the lands they have traditionally occupied. While under the *Park, Conservancy and Recreation Area Regulation* it would not be permitted to live within a conservancy, the province worked closely with First Nations to identify areas for designation that would not result in displacement. Current Indian reserves were not included within conservancy boundaries, except in the case of Duu Guusd Conservancy,

where several small Haida reserves are within the boundaries of the conservancy. However, as stated in the management plan, these Haida reserves will remain Indian reserves and are not included in the management plan.

### ***9. Protected area establishment should be based on the legal recognition of collective rights of Indigenous peoples***

*Assessment: Largely met*

Conservancies, like all parks and protected areas within British Columbia, are subject to the constitutional protection of Aboriginal rights and title under section 35 of the *Constitution Act, 1982*. This section “recognizes and affirms” Aboriginal and treaty rights as they exist for Aboriginal peoples across Canada. Since the enactment of section 35, non-extinguished Aboriginal rights and interests, as well as treaty rights, have gained significant protection (UBC Faculty of Law 2008). However, determinations of the scope of this clause are still evolving by way of case law, and the Crown has jurisdiction to limit or infringe on these rights for a justifiable cause.

The agreements which guide conservancies typically include assertions of Aboriginal rights and title and of provincial jurisdiction by the respective parties within the legal preamble. These agreements also state that they do not affect the treaty or land claims process, Aboriginal rights, or jurisdiction. Rather, these agreements represent an interim step towards the reconciliation of Aboriginal rights, title, and interests with the Crown. As stated in the 2009 Reconciliation Protocol Agreement, “The Province acknowledges that the Nations and First Nations have aboriginal title, rights and interests within their traditional territories and this Reconciliation Protocol is a bridging step to a future reconciliation of those aboriginal title, rights, and interests with provincial title, rights, and interests” (British Columbia and Coastal First Nations 2009, pg. 1).

Thus, these agreements generally acknowledge Aboriginal rights and title but, as outlined under indicator 8.b, do not legally obligate the province to recognize specific rights.

**10. In cases where Indigenous and traditional peoples' rights are not yet recognized by government, access to resources necessary for their livelihoods should be guaranteed**

*Assessment: Largely met*

Conservancies represent a bridging step towards the reconciliation of Aboriginal rights and title with the Crown while preserving First Nations' access to protected areas within their traditional territories. As stated above, although conservancy governance is separate from the treaty process and does not represent a legal affirmation of Aboriginal rights and title over conservancy lands, it does represent an interim step towards this affirmation. The conservancy designation provides First Nations continued access to lands, waters, and resources within conservancy boundaries both for the purpose of traditional use and sustainable economic development. As described under indicator 8.a, traditional uses include, but are not constrained to, hunting, fishing, trapping, and the gathering of food. In addition, the provision of natural resource development represents the opportunity for much needed economic growth and diversification by local First Nation communities. However, this development is constrained as natural resource use is restricted to those activities which will not impact the conservancy's natural, cultural, or recreation values. Still, the CMPs indicate that First Nations intend to act on this opportunity; proposing various low-impact development activities. Implementation of these activities and the benefits accrued remain to be seen.

**11. Negotiate the restitution of land and resources to Indigenous peoples or devolve management authority as appropriate.**

*Assessment: Largely met*

The CMPs and higher-level agreements reviewed clearly state that the designation and management of conservancies does not affect treaty or land claim processes. Of the CMPs reviewed, 2 identify that the conservancy has been designated, either partially or fully, within Treaty Settlement Lands. Treaty negotiations are separate from the establishment and management of these areas. Should treaty negotiations move forward, management plans will have to be reviewed to determine compliance with the treaty, and amendments made accordingly.

While the designation and management of conservancies remains outside of the land claims process, steps have been taken to reconcile Aboriginal rights and title with the Crown. This effort is reflected in the opening sentence of all 3 Haida CMPs, which reads, “The Haida Nation and the Province of British Columbia have a dispute of title over all of Haida Gwaii, but through planning and negotiations the Haida Nation and the province have taken steps towards reconciliation of interests” (British Columbia and Haida First Nation 2011a, pg. 1; British Columbia and Haida First Nation 2011b, pg. 1; British Columbia and Haida First Nation 2011c, pg. 1).

A large part of this reconciliation is a commitment to joint collaborative management of conservancies. As addressed under indicators 8.b and 8.c, this entails the sharing of authority to a certain degree. First Nations are intended to participate in a variety of decision-making activities including the development of work plans and operating

Indicator	Assessment
15. Accountability is linked to concrete and appropriate rewards and sanctions	Partially met (1)
16. Mutual assessment of performance through monitoring and transparent reporting	Largely met (2)
17. New protected areas should be established via voluntary declaration or agreement amongst affected parties	Fully met (3)
18. The process of establishing new protected areas should involve:	
a) collaborative research with Indigenous/tradi	

management. In doing so, I drew on the work of Pinkerton (2003). In her work on fisheries co-management, Pinkerton identified several key aspects for what she termed “complete co-management.” While a number of the key elements identified by Pinkerton pertain specifically to fisheries co-management, several are transferrable to the co-management of protected areas, as follows:

- Government as an engaged partner and not a delegator
- Rights and activities go beyond self-regulation, addressing management more broadly
- Provision of enough benefit to managing communities to offset the costs of co-management
- Possession of narrow-scope operational rights (such as data analysis) as necessary to exercise higher-level collective choice rights
- Cooperative planning, research, education, and monitoring with other agencies and stakeholders
- Basis of co-management rests on collective rights as opposed to individual rights

This is not an exhaustive list of defining characteristics of complete co-management, but these elements can be used as indicators of more complete co-management arrangements.

Conservancies exhibit a number of elements presented within this list. Formally, First Nations and the province of BC are to be equal partners in co-management. CMPs give each party equal responsibility to provide resources and funding, and commit both Parties to management activities such as monitoring, review, and reporting. Decisions about appropriate uses were collaboratively developed and both parties plan to review permit requests, extending First Nations rights beyond self-regulation. With respect to cooperative planning, several CMPs speak to working with other provincial agencies to manage threats external to conservancy boundaries. For example, conservancy managers are encouraged to work with the Fisheries and Oceans Canada to monitor adjacent marine environments. Another example is the Hunwadi/Ahnuhati-Bald Conservancy, where managers are encouraged to build relationships with tenure holders adjacent to the conservancy to monitor impac



In practice, only 2 CMPs refer to an existing management board, committee, or team. The Huchsduwachsd Nuyem Jeas/Kitlope Heritage Conservancy is collaboratively managed by the Kitlope Management Committee, and the CMP was developed by the Kitlope Management Plan Advisory Group. This group was comprised of members from the provincial Ministry of Environment, Haisla First Nation, and local stakeholders. The Khutzeymateen Inlet and Khutzeymateen Inlet West Conservancies also developed a team to guide management plan development. The Khutzeymateen Management Planning Team, comprised of the provincial Ministry of the Environment, Gitsi'is Tribe and the Coast Tsimshian First Nations members, was created to ensure appropriate First Nation, public, and stakeholder involvement in the management planning process. Also, section 2 of the *Haida Gwaii Reconciliation Act* directs the development of the Haida Gwaii Management Council. This council may establish objectives for the use and management of land and resources on Haida Gwaii. It contains 2 Haida Nation members and 2 government representatives.

#### **14. Visible decision making process**

*Assessment: Partially met*

Citizen participation is encouraged in the development of CMPs. As described under indicator 3.a, during the development of CMPs, local communities are consulted via newsletters, public information sessions, open houses, local advertising, and questionnaires. As part of the consultation process, BC Parks posts a comment form at the outset of developing a CMP. The comment form briefly explains that BC Parks is working with First Nations to develop a management plan for the conservancy in question, and elicits feedback on the value of resources within the conservancy. It also asks which management issues should be considered. Once the draft is developed, BC Parks uploads the draft CMP to their website for public review.

Outside of these opportunities for consultation, publically available information on conservancies and the management planning process is piecemeal at best, scattered through websites for BC Parks, the Ministry of Forests, Lands, and Natural Resource



of all 154 conservancies currently designated, the management status of those which are listed is vague, and the only map of conservancies available is out of date (dating back to 2007). Detailed information is provided for only 77 of the 154 conservancies designated.

The lack of detailed and readily available information on conservancies may be due in part to the paucity of conservancy data overall. In her work on conservancies,



**17. New protected areas should be established via voluntary declaration or agreement amongst affected parties**

*Assessment: Fully met*

Conservancies have been developed by consensus between First Nations and the province of British Columbia. Conservancies were initially identified as part of the LRMP and strategic level planning processes between First Nations and the Crown. In Rozwadoskwa's (2010) research on conservancies, 6 key informants (4 government and 2 First Nations) indicated that the Province and First Nations worked together to establish conservancies. As indicated by several CMPs, some conservancies were reserved for protection within First Nations' Land Use Plans prior to their designation within the provincial parks network. First Nations' communities were also involved in the designation of conservancies; proposing traditional names for selected areas, some of which were included in the final conservancy names.

**18. The process of establishing new protected areas should involve:**

**a) collaborative research with Indigenous/traditional peoples to identify features that make the area suitable for protection**

*Assessment: Fully met*

As described above, conservancies were collaboratively developed and all 13 of the CMPs reviewed were jointly prepared by the BC Ministry of the Environment and First Nations. All CMPs indicate that conservancies were selected for their high cultural, natural, and/or recreation values. Both parties directed the development of management plans, with First Nations providing traditional knowledge and technical data. First Nations also participated in the collection of background information. Several of the CMPs acknowledge the important contribution made by First Nations' chiefs, elders, and community members.

**b) if legal recognition does not exist, the initiation of a process to give legal recognition to the rights of Indigenous peoples**

*Assessment: Largely met*

As discussed under indicators 9-11, section 35 of the *Constitution Act, 1982* “acknowledges and affirms” existing Aboriginal rights, title, and interests. However, Aboriginal title over lands not currently under treaty often remains contested and the legal implications of section 35 are subject to interpretation by the courts. As Bird (2011) states, while the legal agreements which guide conservancy management recognize Aboriginal rights, they do not represent a legal obligation, except to the extent that they define expectations concerning consultation. However, these agreements do represent an interim measure, bringing Aboriginal title, rights, and interests closer to reconciliation with the Crown. Formal legal authority continues to rest ultimately with the Crown, but

information sessions, open houses, local advertizing, and questionnaires. Comment forms and public review drafts were also made available on the BC Parks website.

**e) consult community in the development of technical documents and when making technical decisions**

*Assessment: Largely met*

First Nations were highly involved in the development of CMPs. First Nations are credited for their contribution of knowledge and background information to the planning process. However, just under half (n=5) of the CMPs reviewed specifically reference First Nations' participation in the development of technical documents. These CMPs refer to First Nations' involvement in technical teams (Khutzeymateen), the development

planning and management to occur in a manner that promotes the participation of First Nations and improves information sharing. Collaborative Management Agreements also require each First Nation to assign one or more representatives to make recommendations cooperatively with representatives selected by the Province. The Mamalilikulla-Qwe'Qwa'Sot'Em, Da'naxda'xw Awaetlatla, and Gwa'sala-'Nakwaxda'xw First Nation Collaborative Management Agreements state that representatives are to implement the agreement by way of ongoing dialogue.

Improved communication has already been experienced as an outcome of government-to-government negotiations within the LRMP process (Rozwadowska 2010). As one government employee was quoted as saying,

The whole [government-to-government] process that came out of the land

the conservancy designation was introduced to the BC *Parks Act*. Section 5.3.1 of the *Act* outlines the four purposes for which conservancies are set aside, including the preservation of social, ceremonial, and cultural use by First Nations. Bill 28 also introduced section 4.2 to the *Act*, which allows the Minister to enter into agreements with First Nations as follows:

- 4.2 (1) The minister may enter into an agreement with a first nation respecting the first nation
  - (a) carrying out activities necessary for the exercise of aboriginal rights on, and
  - (b) having access for social, ceremonial and cultural purposes to, land to which section 3 or 6 applies, and in respect of other topics relating to the management of matters and things referred to in section 3 or 6.
- (2) An agreement entered into under subsection (1) is not a treaty or a land claims agreement within the meaning of sections 25 and 35 of the Constitution Act, 1982.
- (3) For the purposes of subsection (1), "first nation" includes
  - (a) a band, as defined in the Indian Act (Canada),
  - (b) another legal entity representing a first nation, or
  - (c) a person authorized by a band referred to in paragraph (a) or a legal entity referred to in paragraph (b).

Conservancies are also managed in accordance with several land use planning agreements between First Nations and the province. These agreements acknowledge Aboriginal rights, title, and interests and provide a framework for the "New Relationship," committing the Parties to work collaboratively towards implementation of conservancies and other land use initiatives. As described under indicators 7 and 9-11, these statements carry no legal force beyond what they may provide in interpretation, but they represent a bridging step towards the future reconciliation of Aboriginal rights, title, and interests with the Crown.

**c) develop conflict-resolution processes which insure access to justice and impartial judgement**

*Assessment: Largely met*

Higher-level agreements provide guidance on dispute resolution in the event that the parties cannot come to agreement. Of the higher-level agreements reviewed, the majority (n=9/13) contain a clause or clauses outlining the process which the parties are to take should they come to an impasse. The specifics of these processes differ among agreements, with the most detailed conflict resolution process outlined in the Collaborative Management Agreements reviewed. According to these Collaborative Management Agreements, in the event of an impasse, the dispute must be referred to senior level representatives for attempted resolution. Should the dispute remain unresolved, it will be referred to the Minister or First Nation's Chief. In the event that an agreement is still not achieved, the dispute may be referred to mediation or non-binding arbitration. Similarly, if the Minister disagrees with a unanimous written recommendation from the representatives, he or she must write to the Chief of the First Nation and senior representatives to provide a reason for the disagreement. The Chief and representatives are then offered a 30 day period to submit any further recommendations. Following the response period, the Minister will write to the Chief of the First Nation and senior representatives with a final decision. In both conflict scenarios the parties must bear their own costs associated with the conflict resolution process. They will also equally bear joint costs. As they are to bear their own costs, the First Nations' ability to participate in this process will be largely dependent on the financial resources and capacity available.

**d) encourage and develop capacity building mechanisms**

*Assessment: Partially met*

Capacity development represents both a large opportunity and potential hurdle for First Nations' use and management of conservancies. Capacity development is addressed within the 2009 Reconciliation Protocol, as well as within the Lil'wat Land Use Agreement, the Agreement in Principle between the province and KNT First Nations (which includes the Mamalilikulla-Qwe'Qwa'Sot'Em, Da'naxda'xw Awaetlatla, and Gwa'sala-'Nakwaxda'xw First Nation), and all four Collaborative Management Agreements reviewed. The Agreement in Principle and 2009 Reconciliation Protocol



speak to capacity development more broadly, in relation to larger land use planning initiatives. The 2009 Reconciliation Protocol commits the Coastal First Nations to support revenue-sharing, as well as institutional, human resource development, and other capacity building initiatives with the First Nations. It also instructs the Coastal First Nations to establish the Great Bear Business Corporation and develop regional economic strategies. In relation to conservancies and other protected areas, the Collaborative Management Agreements reviewed and the Lil'wat Land Use Agreement commit the parties to jointly identify economic opportunities and develop capacity building strategies to provide First Nations with enhanced access to those opportunities. Of the 13 CMPs reviewed, the Khutzeymateen Inlet/Inlet West, Cape Caution, and Hunwadi plans reference a commitment to capacity building. Of these, only the Khutzeymateen plan provides a strategy for fulfilling this commitment. Given that capacity building has been identified as a potential hurdle to successful First Nations' governance in other studies (Rozwadowska 2010; Bird 2011), a concerted effort is needed to develop and implement strategies to fulfil these commitments.

### **e) promote mutual learning and “learning by doing”**

*Assessment: Largely met*

The majority (n=10/13) of CMPs state that conservancies will be managed according to an adaptive approach. As stated within the Upper Rogers kólii7 CMP,

In order to ensure the management of the conservancy remains relevant and effective, an adaptive management approach will be used. Adaptive management involves a five-step process of planning, action, monitoring, evaluation and revision of the management plan to reflect lessons learned, changing circumstances and/or objectives achieved. Adaptive management is flexible, collaborative, and responsive to public input.  
(British Columbia and In-SHUCK-ch First Nation 2011, pg. 22)

The Bishop Bay and Lax/Kwil Dziidz CMPs contain provisions for management plan review, but do not specifically refer to adaptive management. The K'zuzált/Twin Two CMP is the only plan which does not reference either adaptive management or a process for management plan review. All CMPs reviewed contain strategies for monitoring and assessment. In all cases, monitoring, assessment, and review will be conducted by the First Nation(s) and Province in a collaborative manner, providing an

opportunity for mutual learning and the integration of traditional and western management systems.

**f) foster trust**

*Assessment: Largely met*

It is quite possible that the collaborative planning and management of conservancies will foster trust and mutual respect. Increased social capital is commonly



**Table 12. Evaluating Conservancy Governance – Access of Indigenous peoples to the benefits of protected areas**

Indicator	Assessment
21. Equitably share protected area costs and benefits with the local community	Largely met (2)
22. Protected areas should guarantee the provision of such benefits as:	
a) effective defense of territories against external threats	Largely met (2)
b) support and legal protection of territories	Largely met (2)
c) consolidation of territories, including demarcation	Not met (0)
d) technical, financial, and political support for the ability to manage territories	Partially met (1)
e) sustained capacity building	Partially met (1)
23. Design and implementation of economic (and other) incentive systems by government to encourage conservation and sustainable use of Indigenous lands, waters, and resources with protected areas	Partially met (1)
24. Ensure that Indigenous/traditional people benefit from economic and employment opportunities generated from the protected area	Largely met (1)
<b>Access of Indigenous peoples to the benefits of protected areas</b>	<b>Partially met (10/8 = 1.25)</b>

### **21. Equitably share protected area costs and benefits with the local community**

*Assessment: Largely met*

Provision for sustainable economic development is one feature that differentiates conservancies from other protected area designations within BC. The allowance of resource extraction within conservancy boundaries addresses an identified need by First Nations for increased economic development within their communities (Low and Shaw 2011/12). The 2009 Reconciliation Protocol and Collaborative Management Agreements reviewed acknowledge this need, committing the Parties to implement activities and policies that will enable First Nations to make progress towards socioeconomic objectives. Establishing agreements on carbon offset and revenue sharing, as well as other economic strategies benefitting First Nations, is a purpose of the 2009 Reconciliation Protocol. With respect to conservancies, the protocol commits the BC Ministry of Environment and the Integrated Land and Management Bureau to work with First Nations to significantly increase their economic participation in the tourism sector

and within conservancies. First Nations are to receive an equitable portion of the permit and tenure opportunities in their traditional territories. Accordingly, the Ministry and Bureau are to work with First Nations to identify economic interests within conservancies and the tourism sector, awarding permits or setting aside the identified opportunities where appropriate. In doing so, First Nations will be given the first right of refusal to develop an identified opportunity. The Collaborative Management Agreements reviewed further support these efforts, with a stated objective to encourage and provide for economic activities by the First Nation, provided those activities are compatible with the protection of natural, cultural, and recreational values.

All CMPs reviewed include the sustainable development of natural resources as a value and role of the conservancy. As discussed under indicator 8.f, only time will tell the extent to which First Nations will engage in, and benefit from, resource development within conservancies, but CMPs state those interests which have been identified. Identified interests include the harvesting of seaweed, marine invertebrates, botanicals, and non-timber forest products, as well as small scale tree removal, shellfish aquaculture, glacial water extraction, local run-of-river hydro electric power generation, and local tourism. Only 3 of the CMPs reviewed restrict appropriate uses to commercial recreational activities only. These 3 conservancies do not identify natural resource development as a primary purpose of the conservancy area. Only the Lax Kwil Dziidz/Fin and Bishop Bay CMPs address how permits will be .Orpoi7ts withdmoseprotects will 'ole B

For example, Rozwadowska (2010) contributes the protection of a watershed and headwaters in the Upper Rogers Kólii7 Conservancy to healthier drinking water for the downstream community. Combined with provisions for sustainable resource extraction and cultural use, the environmental protection provided by conservancies is potentially a benefit to First Nations.

that First Nations will be given the opportunity to review and make recommendations on all applications for permits within conservancies as well as for the renewal or non-renewal of existing Park Use Permits. As one First Nations member commented,

The nature, and meaning of a Conservancy... really gives [the Nation] the upper hand. It gives them full control over how they want that area protected or managed... it really gives them the opportunity to do with a parcel of land what they want to do, as opposed to larger areas or general areas within the territory, that may be more heavily involved in by third parties, either by different government agencies, mining companies, development companies, or forestry companies.

(Rozwadowska 2010, pg. 63)

Therefore the conservancy designation provides First Nations with greater authority over the activities permitted within conservancies, providing protection from external parties which may have otherwise threatened their Aboriginal rights, title, and interests. However, this protection extends only to the lands, waters, and resources within conservancies and, as expressed under several indicators above, the ultimate authority to decide which uses will be permitted rests with the Crown.

## **b) support and legal protection of territories**

*Assessment: Largely met*

The evaluation provided for indicator 22.a above applies here as well. While the BC *Park Act* does not provide protection to First Nations territories in their entirety, it does legally protect the lands, waters, and resources within conservancies. Several conservancies were previously identified for conservation purposes by First Nations in their Land Use Plans. However, First Nations have little legal power to enforce compliance with these plans. Designation under the *Act* therefore supports these conservation efforts, providing First Nations with greater authority to enforce resource use restrictions within these areas.





Principle signed by the KNT First Nations (which includes the Mamalilikulla-Qwe'Qwa'Sot'Em First Nation, 'Namgis First Nation, Tlowitsis First Nation, Da'naxda'xw Awaetlatla First Nation, Gwa'sala-'Nakwaxda'xw First Nation, We Wai Kai First Nation, We Wai Kum First Nation and Kwiakah First Nation) commits the Province to the provision of \$750,000 per year over three years. The Collaborative Management Agreements between the Province and the Mamalilikulla-Qwe'Qwa'Sot'Em, Da'naxda'xw Awaetlatla, and Gwa'sala-'Nakwaxda'xw First Nations also commit the Province to provide funding through to March 31, 2008 for reasonable expenses incurred in attending quarterly meetings, retaining consultants, and/or administrative support in the development of CMPs, and for conservation and cultural heritage projects within conservancies. With respect to the implementation of CMPs and ongoing monitoring costs, the BC Ministry of Environment has committed to making its best effort to provide sufficient funding, subject to provincial constraints within each management plan. CMPs state that both parties will seek corporate, community or interagency partnerships and funding to implement the actions identified within CMPs. First Nations also commit to the provision of financial and staff resources as conservation funding and capacity allows.

Finally, as demonstrated under several indicators above, conservancies contribute to the political support of Aboriginal rights, title, and interests. The collaborative designation and management of conservancies represents a bridging step towards the reconciliation of Aboriginal rights, title, and interest with the Crown. In addition, the BC *Parks Act* legally protects natural, cultural, recreation, and economic development values within conservancies. As identified under indicator 22.a and 22.b, this protection may be of substantial benefit to First Nations.

#### **e) sustained capacity building**

*Assessment: Partially met*

This indicator has been sufficiently addressed under indicator 19.b. In summary, several of the higher-level agreements reviewed deal with capacity development. The 2009 Reconciliation Protocol places the responsibility for First Nations' capacity development largely on the Coastal First Nations. In relation to conservancies, Collaborative Management Agreements and CMPs reference a commitment to fostering capacity building strategies, specifically as they relate to economic development

activities. Initial evidence suggests that the lack of financial, human, and technical capacity within First Nations communities may be a potential barrier to the successful implementation of the conservancy concept (Rozwadowska 2010). The Province should therefore make a concerted effort to develop and implement capacity building strategies to fulfil these commitments.

### ***23. Design and implementation of economic (and other) incentive systems by government to encourage conservation and sustainable use of Indigenous lands, waters, and resources with protected areas***

*Assessment: Partially met*

The Coast Opportunity Funds (COF) is one of the most important outcomes of the North Coast and Central Coast (also referred to as the Great Bear Rainforest) LRMP agreements. The COF is a \$120 million fund established to ensure the ecological integrity of the Great Bear Rainforest and invest in sustainable business and community-based employment initiatives to support the communities therein (Smith and Sterritt 2007; Coast Opportunity Funds 2012; Low and Shaw 2011/12). The fund is comprised half of money donated by the (largely US-based) private philanthropic community and half from the provincial and federal government. The Nature Conservancy, with the help of First Nations and environmental groups, played a significant role in raising \$60 million in private donations. This \$60 million has been placed in a conservation endowment fund dedicated to the protection and management of ecosystems. Examples of projects funded by this trust include research, education, and Watchmen programs. A year after this money was raised, the provincial and federal government committed \$30 million each to the initiative, matching the \$60 million donated by private funders. The public half of the \$120 million has been placed into the Coast Economic Development Fund, to be held by an economic development corporation and spent over 5-7 years. Money from these funds will be granted to support sustainable business ventures and economic development within First Nations' communities. As of December 2012, \$33 million has been awarded, with \$10.9 million granted to conservation efforts and \$22.2 million going to economic development (Coast Opportunity Funds 2012).

COF awards are available for conservation and sustainable development efforts in conservancies in the Great Bear Rainforest. Of the \$33 million awarded thus far, \$285,962 has been awarded to projects directly related to conservancies (Coast Opportunity Funds 2012). These projects include \$60,000 awarded to the Gwa'sala-Nakwaxda'xw First Nation to implement a Conservancy Stewardship Program and \$11,374 awarded to the Kwiakah Indian Band for the continuation of their salmon enhancement program in the Phillips Estuary Conservancy. In addition, \$214,588 has been awarded to the Lax Kw'alaams Indian Band to support collaborative planning of protected areas within their traditional territory and to fund the development of a strategic plan, negotiation of accepted uses in conservancies, monitoring of kelp harvest, and training of staff. These figures do not include funding awarded for projects which will indirectly benefit conservancies such as the development and maintenance of guardian

agreements on carbon offsets, revenue sharing, and other economic strategies which will benefit First Nations. The Protocol also commits the BC Ministry of Environment and the Integrated Land and Management Bureau to work with First Nations to significantly increase their economic participation in the tourism sector and within conservancies. First Nations are to receive an equitable portion of the permit and tenure opportunities in their traditional territories.

The majority of CMPs reviewed (n=12/13) include the sustainable development of natural resources as a value and role of the conservancy and many CMPs identify specific types of economic activities that will take place. Only 3 of the CMPs reviewed deemed economic development as incompatible with the primary objectives of natural and cultural protection. The allocation of economic opportunities is not addressed within the majority of CMPs. Only the Lax Kwil Dziidz/Fin and Bishop Bay CMPs mention how commercial permits will be allotted, stating that conservancy managers will “identify and allocate commercial opportunities to assist local economic diversification, particularly for First Nations (British Columbia and Gitaga’at First Nation 2011, pg. 12).” Managers are directed to support and reserve tourism permit opportunities for First Nation operators within the Bishop Bay – Monkey Beach and Bishop Bay – Monkey Beach Corridor Conservancies’ management plan.

It is too early to determine the extent to which First Nations will actually engage in, and benefit from, these opportunities. Initial evidence suggests that First Nations and government representatives are aware of the potential for economic development within conservancies, but remain unclear on what commercial development currently exists or what is considered permissible within conservancies (Rozwadowska 2010). Rozwadowska’s research focused on conservancies within the Sea-to-Sky LRMP, where the CMPs reviewed did not identify any economic interests beyond commercial recreation. It could be the case that for the Central Coast, North Coast, and Haida Gwaii LRMPs, representatives are more aware of these opportunities due to the support provided by the Coastal First Nations and COF awards.



and did not identify measurable results. The majority of CMPs are not scheduled for

Aboriginal rights, title, and interests with those of the Crown. The protection and recognition afforded by this designation does not extend to the lands, waters, and resources outside of conservancy area boundaries, as made apparent by several indicators.

Finally, conservancies need to improve upon the integration of traditional and ecosystem-based knowledge and the promotion of mutual learning. Traditional ecological knowledge was not explicitly incorporated into the development of several management plans. Incorporation of traditional knowledge and institutions in conservancy management and monitoring efforts was also absent from a number of the CMPs reviewed. Similarly, not all of the CMPs reviewed provided strategies to increase public awareness of First Nations cultural values. Higher level agreements and CMPs also lacked specific strategies to ensure open communication, promote mutual learning, and foster trust.

On paper, conservancies have largely earned the praise they initially received from First Nations, the Province, and environmentalists. Overall, the conservancy model partially or largely met all criteria and fully met several of the indicators. Conservancies exhibit a number of strengths and represent a novel approach to protected areas. However, improvements are required in order for the conservancy model to fully meet international criteria for governance of protected areas involving Indigenous peoples.

## Chapter 6.

### Discussion and Conclusion

Conservancies have been hailed as a success by the Province, First Nations and environmentalists (BC Ministry of the Environment 2006a, BC Ministry of the Environment 2006b). Conservancies have been celebrated for their ability to protect spectacular and ecologically diverse areas of the province while addressing First Nations traditional use, enabling collaborative management and allowing for sustainable resource development (BC Ministry of the Environment 2006b). As KNT First Nation Chairman Dallas W. Smith was quoted:

This new designation is a result of concentrated efforts by both First Nations and the Province, and a first step in ensuring that our food, social and ceremonial rights are looked after. This designation also helps us take some steps towards much needed economic development on the coast. (BC Ministry of the Environment 2006b, pg. 1)

This praise was provided at the time of conception of the conservancy designation. Hopes were high that this designation, as well as the North and Central Coast LRMP agreements, would end resource use conflicts and pave the way towards a new vision for coastal BC (BC Ministry of the Environment 2006a). Since the designation's inception, the Province and First Nations have begun the process of implementing conservancies, developing management plans for each area.

This report assesses whether the formal agreements which guide conservancy management justify the initial praise. The results of my evaluation show that conservancies either partially or largely meet international criteria for the governance of protected areas involving Indigenous peoples. On paper at least, conservancies largely respect the rights and interests of First Nations while maintaining compatibility with protected area objectives such as the preservation of biodiversity and natural values.



Conservancy management is largely shared, transparent and accountable and conservancies offer opportunities for economic development by First Nations. The next sections discuss these aspects of conservancies based on the findings of my evaluation, as well as research and evidence presented by others.

## **6.1 Shared Governance with BC First Nations**

Although conservancies offer an opportunity to include the views and interests of First Nations in protected area management, the conservancy agreements do not fully meet those international criteria and indicators which call for the full respect of Aboriginal rights, title, and interests. My results support those of Bird (2011): while all agreements evaluated within my research express a commitment by First Nations and the Province to collaboratively manage conservancies, these commitments are not legally binding obligations. The ultimate decision-making authority on conservancy management still lies with the Crown. The Haida are the only First Nation to have decision-making



with finalized management plans for all 11 conservancies within their traditional territory. My evaluation did not reveal any significant differences between the management plans of conservancies under Haida management in comparison with those of other First Nations. This result can be interpreted in a variety of ways. These similarities may reflect a commonality of interests held by First Nations along BC's western coast, all of whom have been successful in negotiating those interests. These similarities may also suggest little divergence in conservancy vision, goals, and management between the First Nations who have finalized agreements and the Province, thereby facilitating consensus decision making. Those First Nations with weaker relationships with the Province or increasingly divergent views may face more difficulty in implementing conservancies within their traditional territories.

## **6.2 Contribution to International Biodiversity Targets**

The formal structure of the conservancy model maintains a strong focus on the preservation of biodiversity and the protection of natural values. This focus is reflected in both conservancy legislation and the conservancy management plans. The protection of natural values is a primary purpose of all conservancies included in this evaluation, with each CMP outlining goals, objectives, strategies, and performance measures for the maintenance or improvement of ecological integrity and biological diversity. Legislation and management plans are very clear in the assertion that all four purposes of conservancies are given equal weight. Therefore, recreational and economic development activities are not supposed to be permitted to affect the natural values within conservancies negatively.

Conservation as practiced by the conservancy model in BC is well aligned with international targets for the protection of biodiversity. In 2010, nearly 200 governments adopted the Strategic Plan for Biodiversity 2011-2020 at the 10th Convention on Biological diversity in Nagoya, Japan (IUCN 2013).

base protected out of all the provinces in Canada (BC Office of the Auditor General 2010). Under the Aichi agreement, 17% of Canada's terrestrial and inland water, and 10% of coastal and marine areas should be protected by 2020 (IUCN 2013). As of 2011, only 9.9% of Canada's land area and about 0.70% of its marine territory have been protected (Environment Canada 2013b). If Canada is to achieve these targets a novel approach to conservation, such as the conservancy model, will probably be required.







reviewed outline a concrete process for reconciling future treaty agreements and existing conservancy management. Given that conservancies are often located in areas with competing land claims and are sometimes managed by multiple First Nations, this lack



what appears to be a progressive step towards the devolution of decision making authority to First Nations over lands, waters, and resources within their traditional territories. Conservancy management plans contribute to the “New Relationship” established through the 2001 General Protocol, the collaborative LRMP process established on the Central and North Coast, and the 2009 Reconciliation protocol. Like these agreements and processes, the formal structure of conservancy management includes First Nations as individual governments with authority over land use management decisions. Conservancies offer a promising example of a flexible protected area model that may be adapted and applied in other settings in BC and Canada. Continued attention should be paid to conservancies throughout the province to determine whether this promise is made a reality.

## References

- Beltrán, J. (Ed). 2000. *Indigenous and traditional peoples and protected areas: principles, guidelines and case studies*. Gland, Switzerland, and Cambridge, UK: IUCN and Gland, Switzerland: WWF International. Retrieved on April 11, 2011 from: <http://greenwonderland.com/upload/document/indigenouspeopleandpas-iucn.pdf>
- Benidickson, J. 2009. *Legal framework for protected areas: Ontario (Canada)*. Case study prepared for the IUCN Environmental Law Programme Publications No. 81. Retrieved on March 21, 2013 from: <http://cmsdata.iucn.org/downloads/ontario.pdf>
- Bird, L.M. 2011. *Making the new relationship work: Crown-First Nation shared decision-making in the Great Bear Rainforest*. Masters Thesis, Faculty of Forestry, University of British Columbia.
- Borrini-Feyerabend, G., Kothari, A., & Oviedo, G. 2004. *Indigenous and local communities and protected areas*. Gland, Switzerland and Cambridge, UK: IUCN Retrieved on February 14, 2013 from: [http://cmsdata.iucn.org/downloads/pag\\_011.pdf](http://cmsdata.iucn.org/downloads/pag_011.pdf)
- Borrini-Feyerabend, G., Dudley, N., Lassen, B., Pathack, N., & Sandwith, T. 2012. *Governance of protected areas: From understanding to action*. Draft report prepared for the IUCN-World Commission on Protected Areas, Best Practice Guideline Series. Retrieved on February 21, 2013 from: <http://www.cbd.int/pa/doc/draft-governance-pa-2012-07-en.pdf>

- \_\_\_\_. 2004. Central Coast LRMP Completion Table: Final report of consensus recommendations to the provincial government and First Nations. Retrieved on November 15, 2011 from:  
[http://archive.ilmb.gov.bc.ca/slrp/lrmp/nanaimo/cencoast/docs/table\\_rec/final\\_report\\_may20\\_04.pdf](http://archive.ilmb.gov.bc.ca/slrp/lrmp/nanaimo/cencoast/docs/table_rec/final_report_may20_04.pdf)
- \_\_\_\_. 2005a. Sea-to-Sky Land and Resource Management Plan (LRMP): Socio-economic base case update. Retrieved on November 28, 2012 from:  
[http://archive.ilmb.gov.bc.ca/slrp/lrmp/surrey/s2s/docs/S2SLRMP\\_Reports/S2SLRMP\\_SEEA/S2SLRMP\\_SEEA\\_Base\\_Case\\_Update\\_2005.pdf](http://archive.ilmb.gov.bc.ca/slrp/lrmp/surrey/s2s/docs/S2SLRMP_Reports/S2SLRMP_SEEA/S2SLRMP_SEEA_Base_Case_Update_2005.pdf)
- \_\_\_\_. 2005b. Lillooet resort opportunity study. Retrieved December 1, 2012 from:  
[http://archive.ilmb.gov.bc.ca/slrp/lrmp/kamloops/lillooet/news/files/reports/lillooet\\_resort\\_opp\\_study\\_phase1.pdf](http://archive.ilmb.gov.bc.ca/slrp/lrmp/kamloops/lillooet/news/files/reports/lillooet_resort_opp_study_phase1.pdf)
- \_\_\_\_. 2005c. North coast land and resource management plan: final recommendations. Retrieved on November 15, 2011 from:  
[http://archive.ilmb.gov.bc.ca/slrp/lrmp/nanaimo/ncoast/docs/NCLRMP\\_Final\\_Recommendations\\_feb\\_2\\_2005.pdf](http://archive.ilmb.gov.bc.ca/slrp/lrmp/nanaimo/ncoast/docs/NCLRMP_Final_Recommendations_feb_2_2005.pdf)
- \_\_\_\_. 2005d. The New Relationship. Retrieved on February 15, 2013 from:  
[http://www.newrelationship.gov.bc.ca/shared/downloads/new\\_relationship.pdf](http://www.newrelationship.gov.bc.ca/shared/downloads/new_relationship.pdf)
- \_\_\_\_. 2008. Morice land and resource management plan: socio-economic and environmental assessment (June, 2008). Retrieved on December 5, 2012 from:  
[http://archive.ilmb.gov.bc.ca/slrp/lrmp/smithers/morice/news/files/reports/Morice\\_LRMP\\_SEEA19June08.pdf](http://archive.ilmb.gov.bc.ca/slrp/lrmp/smithers/morice/news/files/reports/Morice_LRMP_SEEA19June08.pdf)
- British Columbia and Coastal First Nations. 2001. General Protocol Agreement on Land Use Planning and Interim Measures. Retrieved on September 15, 2012 from:  
[http://www.haidanation.ca/Pages/Agreements/PDF/Protocol\\_Land\\_Use\\_FN.pdf](http://www.haidanation.ca/Pages/Agreements/PDF/Protocol_Land_Use_FN.pdf)
- \_\_\_\_. 2009. Reconciliation Protocol. Retrieved on September 15, 2012 from:  
[http://www.newrelationship.gov.bc.ca/shared/downloads/cfn\\_bc\\_reconciliation\\_framework.pdf](http://www.newrelationship.gov.bc.ca/shared/downloads/cfn_bc_reconciliation_framework.pdf)
- British Columbia and Coast Tsimshian First Nation. 2011. Khutzeymateen Park (a.k.a. Khutzeymateen/K'tzim-a-deen Grizzly Sanctuary) Khutzeymateen Inlet Conservancy Khutzeymateen Inlet West Conservancy Management Plan. Retrieved on January 16, 2013 from:  
<http://www.env.gov.bc.ca/bcparks/explore/parkpgs/khutzeymateen/pdf/khutzeymateen-mp-rfq-2012.pdf>
- British Columbia and Da'nax'da'xw/Awaetlala First Nation. 2007. A Collaborative Agreement for the Management of Protected Areas in First Nation Traditional Territory. Retrieved on February 14, 2013 from:  
<http://www.nanwakolas.com/sites/default/files/DAN%20Province%20CMA%20complete%20final.pdf>







- British Columbia Ministry of Forests. 2003. British Columbia's forests: A geographical snapshot. Retrieved on March 22, 2013 from:  
<http://www.for.gov.bc.ca/hfd/pubs/docs/Mr/Mr112/index.htm>
- British Columbia Office of the Auditor General. 2010. Conservation of ecological integrity in B.C. Parks and protected areas. Retrieved on December 1, 2010 from:  
<http://www.bcauditor.com/pubs/2010/report3/conservation-ecological-integrity-bc-parks-protected>
- British Columbia Parks. 2000. Management plan for Stein Valley Nlaka'pamux Heritage Park. Retrieved on May 23, 2011 from:  
[http://www.env.gov.bc.ca/bcparks/planning/mgmtplns/stein/final\\_mgnt.pdf](http://www.env.gov.bc.ca/bcparks/planning/mgmtplns/stein/final_mgnt.pdf)
- \_\_\_\_\_. 2010. Kokanee Glacier Provincial Park Management Plan. Retrieved February 17, 2011 from:  
<http://www.env.gov.bc.ca/bcparks/planning/mgmtplns/kokanee/KokaneeGlacierPMPJanuary2010.pdf>
- \_\_\_\_\_. 2013a. B.C. Parks management planning. Retrieved on May 20, 2011 from:  
<http://www.env.gov.bc.ca/bcparks/planning/index.html>
- \_\_\_\_\_. 2013b. Find a park. Retrieved on May 20, 2013 from:  
<http://www.env.gov.bc.ca/bcparks/explore/>
- British Columbia & Squamish First Nation. 2007a. A Collaborative Agreement for the Management of Protected Areas in Squamish Nation Traditional Territory. Retrieved on March 12, 2013 from: [http://fnbc.info/sites/default/files/fck-uploads/file/Government%20to%20Government/competent/Squamish%20CMA\\_Final\\_July%202007.pdf](http://fnbc.info/sites/default/files/fck-uploads/file/Government%20to%20Government/competent/Squamish%20CMA_Final_July%202007.pdf)
- \_\_\_\_\_. 2007b. Agreement on Land Use Planning. Retrieved on March 17, 2013 from:  
[http://archive.ilmb.gov.bc.ca/slrp/lrmp/surrey/s2s/docs/S2SLRMP\\_G2G\\_Agreements/S2SG2G\\_Squamish\\_BC\\_Agreement.pdf](http://archive.ilmb.gov.bc.ca/slrp/lrmp/surrey/s2s/docs/S2SLRMP_G2G_Agreements/S2SG2G_Squamish_BC_Agreement.pdf)
- \_\_\_\_\_. 2012. Esté-tiwilh/Sigurd Creek Conservancy Management Plan. Retrieved on January 16, 2013 from: [http://www.env.gov.bc.ca/bcparks/explore/cnsrvncy/este-tiwilh\\_sigurd\\_crk/este\\_tiwilh\\_sigurd\\_crk\\_mp.pdf](http://www.env.gov.bc.ca/bcparks/explore/cnsrvncy/este-tiwilh_sigurd_crk/este_tiwilh_sigurd_crk_mp.pdf)
- British Columbia Treaty Commission. 2012. Negotiation update. Retrieved on November 20, 2012 from: [bctreaty.net/files/updates.php](http://bctreaty.net/files/updates.php)
- Calder v. Attorney General of British Columbia*, [1973] S.C.R. 313
- Canadian Parks Council. 2011. Collaborative management of newly designated coastal Conservancies in British Columbia. Case Study #24 in *Aboriginal peoples and Canada's parks and protected areas*. Retrieved on May 22, 2011 from:  
<http://www.parks-parcs.ca/english/cpc/aboriginal.php>
- Clapp, R.A. 2004. Wilderness ethics and political ecology: remapping the Great Bear Rainforest. *Political Geography* 23: 839-862.

- Coastal First Nations. n.d. Coastal First Nations: Turning Point Initiative. Retrieved on December 28, 2013 from:  
[http://www.coastalfirstnations.ca/sites/default/files/imce/Coastal\\_First\\_Nations\\_brochure.pdf](http://www.coastalfirstnations.ca/sites/default/files/imce/Coastal_First_Nations_brochure.pdf)
- \_\_\_\_\_. 2013. Protected areas. Retrieved on December 28, 2012 from:  
<http://www.coastalfirstnations.ca/programs/protected-areas>
- Coast Opportunity Funds. 2012. Awards: Coast Opportunity Funds (October 01, 2008 to December 31, 2012). Retrieved on March 30, 2013 from:  
<http://www.coastfunds.ca/system/files/Awards.pdf>
- Constitution Act, 1982*, being Schedule B to the Canada Act 1982 (U.K.), 1982, c.11
- Cullen, D. 2006. *The Central Coast Land and Resource Management Plan: An evaluation of collaborative planning in British Columbia*. MRM Report 397. Burnaby, BC: Simon Fraser University, School of Resource and Environmental Management.
- Da'naxda'xw/Awaetlala First Nation v. British Columbia (Environment)*, [2011] B.C.S.C. 620
- Dearden P. & Rollins, R. (Eds). 2009. *Parks and Protected Areas in Canada, 3rd Edition*. Don Mills, ON: Oxford University Press.
- Delgamuukw v. B.C.*, [1997], 3 S.C.R. 1010.
- Dudley, N. (Ed). 2008. *Guidelines for Applying Protected Area Management Categories*. Gland, Switzerland: IUCN. Retrieved on February 14, 2013 from:  
<http://data.iucn.org/dbtw-wpd/edocs/paps-016.pdf>
- Ecotrust Canada. 2012. Historic land-use plan protects Great Bear Rainforest. Retrieved on December 28, 2012 from: <http://ecotrust.ca/forestry/historic-land-use-plan-protects-great-bear-rainforest>
- Ellis, M. 2008. *An Evaluation of Canada's Environmental Sustainability Planning System*. MRM Report 442. Burnaby, BC: Simon Fraser University, School of Resource and Environmental Management.
- Environment Canada. 2013a. Protected areas. Retrieved on April 2, 2013 from:  
<http://www.ec.gc.ca/ap-pa/>
- \_\_\_\_\_. 2013b. Canada's protected areas. Retrieved on April 13, 2013 from:  
<http://www.ec.gc.ca/indicateurs-indicators/default.asp?lang=en&n=478A1D3D-1>
- Fernández-Baca, J.C., & Martin, A.S. 2007. *Indigenous peoples and protected areas management*. Innovations in Conservation Series, Parks in Peril Program. Arlington, VA, USA: The Nature Conservancy.



- Frame, T. M., Gunton, T.I., & Day, J.C. 2004. The role of collaboration in environmental management: An evaluation of Land and Resource Planning in British Columbia. *Journal of Environmental Planning and Management*. 47: 59-82.
- Gladu, J.P., Brubacher, D., & Meek, C. 2003. *Aboriginal experiences in Canada*. Report for Boreal Footprint Project and Taiga Rescue Network. Retrieved on May 23, 2011 from: [http://www.taigarescue.org/\\_v3/files/pdf/37.pdf](http://www.taigarescue.org/_v3/files/pdf/37.pdf)
- Graham, J., Amos, B., & Plumtre, T. 2003. Governance principles for protected areas in the 21st Century. Prepared for the Fifth World Congress in Durban, South Africa by the Institute on Governance in collaboration with Parks Canada and Canadian National Development Agency. Retrieved on February 14, 2013 from: [http://iog.ca/wp-content/uploads/2012/12/2003\\_June\\_pa\\_governance2.pdf](http://iog.ca/wp-content/uploads/2012/12/2003_June_pa_governance2.pdf)
- Haida Gwaii Reconciliation Act*, S.B.C 2010, c 17.
- Haida v. B.C. (Minister of Forests)*, [2004] 3 S.C.R. 511, 2004 SCC 73.
- Heiltsuk Tribal Council. 2005. For our children's tomorrows. Retrieved on December 28, 2012 from: <http://www.firstnations.de/media/04-1-land-use-plan.pdf>
- Howlett, M., Rayner, J., & Tollefson, C. 2009. From government to governance in forest planning: lessons from the case of British Columbia Great Bear Rainforest initiative. *Forest Policy and Economics* 11: 383-391.
- International Union for Conservation of Nature. 2013. Aichi biodiversity targets. Retrieved on April 13, 2013 from: [http://www.iucn.org/news\\_homepage/events/cbd/aichi\\_targets/](http://www.iucn.org/news_homepage/events/cbd/aichi_targets/)
- Jackson, T. & Curry, J. 2004. Regional development and land use planning in rural British Columbia: peace in the woods? *Regional Studies* 36: 439-443
- Lausche, B. 2011. *Guidelines for Protected Areas Legislation*. Gland, Switzerland: IUCN. Retrieved on February 14, 2013 from: <http://data.iucn.org/dbtw-wpd/edocs/EPLP-081.pdf>
- Leach, W.D., Pelkey, N., & Sabatier, P. 2002. Stakeholder partnerships as collaborative policymaking: Evaluation criteria applied to watershed management in California and Washington. *Journal of Policy Analysis and Management*. 21: 645-670.
- Low, M. & Shaw, K. 2011/12. First Nations rights and environmental governance: Le(91. )JTJ .4c.p95.4n tha Grea,

- M'Gonigle, M. 1988. Native rights and environmental sustainability: Lessons from the British Columbia wilderness. *Canadian Journal of Native Studies* 8: 107-30.
- Morton, C. 2009. *Evaluating collaborative planning: A case study of the Morice Land and Resource Management Plan*. MRM Report 482. Burnaby, BC: Simon Fraser University, School of Resource and Environmental Management.
- Morton, C., Gunton, T.I., & Day, C.J. 2012. Engaging aboriginal populations in collaborative planning: an evaluation of a two-tiered collaborative planning model for land and resource management. *Journal of Environmental Planning and Management* 55:507-523
- Nelson, J. & Hossack, L. (Eds.), 2003. *From principles to practice: Indigenous peoples and protected areas in Africa*. Moreton-in-Marsh, UK: Forest Peoples Programme.
- Nepal, S.K. 2002. Involving Indigenous peoples in protected area management: comparative perspectives from Nepal, Thailand, and China. *Environmental Management* 30: 748-763.
- Notzke, C. 1994. *Aboriginal peoples and natural resources in Canada*. Concord, Ontario: Captus Press Inc.
- \_\_\_\_\_. 1995. A new perspective in Aboriginal natural resource management: co-management. *Geoforum* 26: 187-209.
- Page, J.L.R. 2010. *Power, Science, and Nature in the Great Bear Rainforest: An Actor-Network Analysis of an Integrated Natural Resource Management*. Ph.D Thesis, Faculty of Sociology, University of British Columbia.
- Park Act*, RSBC 1996, c 344.
- Pinkerton, E. 2003. Towards specificity in complexity: Understanding co-management from a social science perspective. In Wilson, D.C., Nielsen, J.R., & Degnbol, P. (Eds), *The fisheries co-management experience: Accomplishments, challenges, and prospects* (pg. 61-77). Dordrecht, The Netherlands: Kulwer Academic Publishers
- Price, K, Roburn, A., & MacKinnon, A. 2009. Ecosystem-based management in the Great Bear Rainforest. *Forest Ecology and Management* 258: 495-503.

- Rozwadowska, A. 2010. *The Potential for Community-Based Natural Resource Management (CBNRM) Affiliated with BC's Protected Area System*. Masters Thesis, Department of Sociology, University of Victoria.
- Smith, M. & Sterritt, A. From conflict to collaboration: the story of the Great Bear Rainforest. Retrieved December 2, 2011 from:  
<http://www.wewillnotbesilenced.ca/downloads/WWFpaper.pdf>
- Species at Risk Act*, S.C. 2002, c 29.
- Taku River Tlingit First Nation v. B.C.*, [2004] 3 S.C.R. 550, 2004 SCC 74.
- Turner, K.L. & Bitonti, C.P. 2011. Conservancies in British Columbia, Canada: Bringing together protected areas and First Nations' interests. *The International Indigenous Policy Journal*. Retrieved September 20, 2012 from:  
<http://ir.lib.uwo.ca/iipj/vol2/iss2/3/>
- University of British Columbia Faculty of Law. 2008. Primer: Canadian law on Aboriginal and treaty rights. Retrieved on March 23, 2013 from:  
[http://www.law.ubc.ca/files/pdf/enlaw/primer\\_complete\\_05\\_10\\_09.pdf](http://www.law.ubc.ca/files/pdf/enlaw/primer_complete_05_10_09.pdf)
- Walker, B., C. S. Holling, S. R. Carpenter, and A. Kinzig. 2004. Resilience, adaptability and transformability in social–ecological systems. *Ecology and Society* 9: 5. Retrieved on April 5, 2013 from: <http://www.ecologyandsociety.org/vol9/iss2/art5/>
- Zeiger, B. 2012. *Evaluating the German Environmental Sustainability Planning System*. MRM Report 562. Burnaby, BC: Simon Fraser University, School of Resource and Environmental Management.

## Appendix A.

### List of Designated Conservancies as of January 2013

Conservancy Name	Size (ha)	Year of Designation	First Nation Territory*	Management Plan Status
Central Coast LRMP				
Huchsduwachsdu Nuyem Jeas/Kitlope Heritage Conservancy	322,020	2008	Haisla First Nation	Approved 2011
Qwiquallaaq/Boat Bay Conservancy	639	2007	Gwa'sala-Nakwaxda'xw and Tlowitsis First Nations	Final plan under development
Dzawadi/Klinaklini Estuary Conservancy	808	2007	Da'naxda'xw Awaetlala First Nation	Final plan under development
Hunwadi/Ahnuhati — Bald Conservancy	55,423	2006	Da'naxda'xw, Kwicksutainenk-Ah-Kwaw-Ah-Mish and Mamalikikula-Que'Qwa'Sot'Em First Nations	Final plan under development
Mahpahkum-Ahkwuna/Deserters-Walker Conservancy	931	2006	Gwa'Sala, Nakwaxda-xw and Kwakiutl First nations	Final plan under development
Tsa-lati/Smokehouse Conservancy	37,886	2006	Gwa'Sala-Nakwaxda'xw First Nation	Final plan under development
Ugwiwey/Cape Caution Conservancy	10,241	2007	Gwa'sala-Nakwaxda'xw First Nation	Final plan under development
Wahkash Point Conservancy	189	2007	Que'Qwa'Sot'Em First Nations and Mamalikikula-Ah-Mish	Final plan under development

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Conservancy Name	Size (ha)	Year of Designation	First Nation Territory*	Management Plan Status
Burdwood Group Conservancy	121	2009	Kwicksutaineuk-Ah-Kwaw-Ah-Mish, Mamalilikulla-Qwe'Qwa'Sot'Em, Namgis and Tsawataineuk First Nations	Draft plan under development
Kilbella Estuary Conservancy	376	2007	Wuikinuxv First Nation	Draft plan under development
Kitasoo Spirit Bear Conservancy	102,875	2006	Kitasoo and Heiltsuk First Nations	Draft plan under development
Machmell Conservancy	1,814	2007	Wuikinuxv First Nation	Draft plan under development
Owikeno Conservancy	70,569	2007	Wuikinuxv First Nation	Draft plan under development
Phillips Estuary/?Nacinuxw Conservancy	1,461	2007	Homalco, Kwiakah and We Wai Kum First Nations	Draft plan under development
Sheemahant Conservancy	1,018	2007	Wuikinuxv First Nation	Draft plan under development
Dzawadi/Upper Klinaklini River Conservancy	39,241	2008	Da'naxda'xw Awaetlatla and Ulkatcho First Nations	Draft plan under development
Hakai LÚxvbális Conservancy	121,051	2008	Heiltsuk First Nation	Draft plan under development
Catto Creek Conservancy	7,249	2008	Kwicksutaineuk-Ah-Kwaw-Ah-Mish and Wuikinuxv First Nations	Not available
Clayton Falls Conservancy	5,047	2008	Nuxalk First Nation	Not available
Forward Harbour/ x w y m Conservancy	306	2007	We Wai Kai, Kwiakah, We Wai Kum and Homalco First Nations	Not available
Polkinghorne Islands Conservancy	154	2009	Tsawataineuk, Gwawaeenuk and Namgis First Nations	Not available
Qud s/Gillard-Jimmy Judd Island Conservancy	45	2007	We Wai Kai, Kwiakah, We Wai Kum and Homalco First Nations	Not available
Smithers Island Conservancy	56	2007	Gitga'at, Kitasoo and Gitxaala First Nations	Not available
Thorsen Creek Conservancy	8,504	2008	Nuxalk First Nation	Not available
Wakeman Estuary Conservancy	304	2008	Kwicksutaineuk-Ah-Kwaw-Ah-Mish First Nation	Not available
Wawley/Seymour Estuary Conservancy	326	2007	Gwa'sala-Nakwaxda'xw First Nation	Not available

Conservancy Name	Size (ha)	Year of Designation	First Nation Territory*	Management Plan Status
Xwa w ?naxd ?ma/Stafford Estuary Conservancy	742	2007	We Wai Kum and Homalco First Nations	Not available
Cetan/Thurston Bay Conservancy	230	2007	We Wai Kai, We Wai Kum and Homalco First Nations	Not available
Pał min/Estero Basin Conservancy	2,978	2007	We Wai Kai, Kwiakah, We Wai Kum and Homalco First Nations	Not available
Bella Coola Estuary Conservancy	269	2008	Nuxalk First Nation	Not available
Burnt Bridge Creek Conservancy	1,691	2008	Nuxalk and Ulkatcho First Nations	Not available
Calvert Island Conservancy	18,558	2006	Heiltsuk and Wuikinuxv First Nation	Not available
Cascade-Sutslem Conservancy	121,482	2008	Nuxalk and Heiltsuk First Nations	Not available
Codville Lagoon Conservancy	1,218	2008	Heiltsuk and Nuxalk First Nations	Not available
Cranstown Point Conservancy	95	2007	Wuikinuxv and Heiltsuk First Nations	Not available
Dean River Conservancy	56,096	2008	Nuxalk, Ulkatcho and Heiltsuk First Nations	Not available
Ellerslie-Roscoe Conservancy	50,137	2008	Heiltsuk and Nuxalk First Nations	Not available
Emily Lake Conservancy	1,230	2007	Heiltsuk First Nation	Not available
Fjordland Conservancy	84,417	2006	Heiltsuk and Kitasoo	Not available
H n mdzi M kola/Yorke Island Conservancy	39	2007	Tlowitsis, We Wai Kai, Kwiakah, We Wai Kum and Homalco First Nations	Not available
Hotsprings-No Name Creek Conservancy	22,752	2008	Nuxalk and Heiltsuk First Nations	Not available
Jump Across Conservancy	37,444	2008	Nuxalk and Heiltsuk First Nations	Not available
Kimsquit Estuary Conservancy	126	2008	Nuxalk and Heiltsuk First Nations	Not available
K'Igaan/Klekane Conservancy	18,272	2006	Gitga'at, Kitasoo, Haisla, Heiltsuk and Gitxaala First Nations	Not available

Conservancy Name	Size (ha)	Year of Designation	First Nation Territory*	Management Plan Status
Kwatna Estuary Conservancy	330	2008	Nuxalk and Heiltsuk First Nations	Not available
Lady Douglas – Don Peninsula Conservancy	11,190	2007	Heiltsuk and Kitsoo First Nations	Not available
Lockhart – Gordon Conservancy	24,501	2007	Wuikinuxv First Nation	Not available
Moksgm'ol/Chapple – Cornwall Conservancy	29,116	2006	Gitga'at and Gitxaala First Nations	Not available
Namu Conservancy	10,312	2008	Heiltsuk and Nuxalk First Nations	Not available
Nooseseck Conservancy	1,603	2008	Nuxalk and Heiltsuk First Nations	Not available
Outer Central Coast Islands Conservancy	14,839	2007	Heiltsuk First Nation	Not available
Penrose – Ripon Conservancy	2,229	2007	Wuikinuxv and Heiltsuk First Nations	Not available
Pooley Conservancy	3,269	2006	Heiltsuk and Kitsoo First Nations	Not available
Q'Altanaas/Aaltanhash Conservancy	18,767	2006	Gitga'at, Kitsoo, Heiltsuk and Gitxaala First Nations	Not available
Rescue Bay Conservancy	221	2007	Heiltsuk and Kitsoo First Nations	Not available
Restoration Bay Conservancy	826	2008	Nuxalk and Heiltsuk First Nations	Not available
Upper Kimsquit River Conservancy	10,588	2008	Nuxalk and Heiltsuk First Nations	Not available
Carter Bay Conservancy	462	2007	Heiltsuk and Kitsoo First Nation	Not available
Clyak Estuary Conservancy	356	2007	Wuikinuxv and Heiltsuk First Nations	Not available
Dean River Corridor Conservancy	3,508	2008	Nuxalk, Uikatcho and Heiltsuk First Nations	Not available
Goat Cove Conservancy	95	2007	Kitsoo and Heiltsuk First Nations	Not available
Goose Bay Conservancy	960	2007	Wuikinuxv and Heiltsuk First Nations	Not available
Kt'ii/Racey Conservancy	1,261	2006	Gitga'at, Kitsoo and Gitxaala First Nations	Not available
Namu Corridor Conservancy	83	2008	Heiltsuk and Nuxalk First Nations	Not available





Conservancy Name	Size (ha)	Year of Designation	First Nation Territory*	Management Plan Status
Winter Inlet Conservancy	30	2008	Nisga'a and Coast Tsimshian First Nations	Draft plan under development
Lax ka'gaas/Campania Conservancy	20,504	2006	Gitga'at and Gitxaala First Nations	Draft plan under development
Banks Nii Łuutiksm Conservancy	19,121	2006	Kitkatla/Gitxaala First Nation	Draft plan under development
Lax Kul Nii Łuutiksm/Bonilla Conservancy	1,584	2006	Gitxaala First Nation	Draft plan under development
Gitxaala Nii Łuutiksm/Kitkatla Conservancy	29,539	2006	Coast Tsimshian and Gitxaala First Nations	Draft plan under development
Ecstall Headwaters Conservancy	13,109	2008	Coast Tsimshian and Gitxaala First Nations	Not available
Ecstall-Sparkling Conservancy	40,577	2008	Coast Tsimshian and Gitxaala First Nations	Not available
Ecstall-Spoksut Conservancy	10,110	2008	Coast Tsimshian and Gitxaala First Nations	Not available
Ethelda Bay – Tennant Island Conservancy	61	2007	Gitxaala First Nation	Not available
Europa Lake Conservancy	8,940	2008	Haisla First Nation	Not available
K'distsausk/Turtle Point Conservancy	142	2007	Gitga'at and Gitxaala First Nations	Not available
Kennedy Island Conservancy	4,970	2008	Coast Tsimshian and Gitxaala First Nations	Not available
Khtada Lake Conservancy	13,638	2008	Coast Tsimshian and Gitxaala First Nations	Not available
Khyex Conservancy	41,404	2008	Coast Tsimshian First Nations	Not available
Klewnuggit Conservancy	6,785	2008	Coast Tsimshian and Gitxaala First Nation	Not available
K'ootz/Khutze Conservancy	34,168	2006	Kitasoo, Gitga'at, Heiltsuk and Gitxaala First Nations	Not available
Ksi X'anmaas Conservancy	33,581	2008	Nisga'a and Coast Tsimshian First Nations	Not available
Ktisgaidz/MacDonald Bay Conservancy	482	2007	Gitga'at and Gitxaala First Nations	Not available
Kts'mkta'ani/Union Lake Conservancy	6,338	2008	Coast Tsimshian First Nation	Not available
Maxtaktsm'aa/Union Passage Conservancy	2,519	2007	Gitxaala and Gitga'at First Nations	Not available

Conservancy Name	Size (ha)	Year of Designation	First Nation Territory*	Management Plan Status
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Conservancy Name	Size (ha)	Year of Designation	First Nation Territory*	Management Plan Status
Callaghan Conservancy	8,081	2008	Squamish and Lil'wat First	

Conservancy Name	Size (ha)	Year of Designation	First Nation Territory*	Management Plan Status
Tutshi Lake/T'ooch' Áayi Conservancy	19,640	2012	Taku River Tlingit First Nation**	Not available
Nakina – Inklin Rivers (Kuthai Area)/Yáwu Yaa Conservancy	26,047	2012	Taku River Tlingit First Nation**	Not available
Upper Gladys River/Watsix Deiyi Conservancy	31,103	2012	Taku River Tlingit First Nation**	Not available
Willison Creek – Nelson Lake/Sít' Héeni Conservancy	10,300	2012	Taku River Tlingit First Nation**	Not available