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People, Land & Sea: Environmental Governance on Haida Gwaii

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Haida Gwaii is a remote archipelago of some 350 islands perched on the edge of the continental shelf about 100 kilometres off western Canada (Figure 1). No place on land is more than 20 km from the sea, intimately linking land to sea and sea to land. Environmental governance on the islands – who has power and who makes decisions that affect the environment and natural resources, how others make their voices heard, and how responsibility for actions is achieved – has changed dramatically over many thousands of years. Governance can be depicted as relationships between players embedded within a society's or organization's traditions, values and history, with an aim to realize larger organizational and societal goals. Understanding environmental governance on Haida Gwaii today is tied to understanding how and why circumstances have changed through time.

This document begins with a brief history of people and place summarizing how environmental governance on Haida Gwaii changed with European contact through the late 1800s into the 1900s, followed by three major course of events affecting environmental governance institutions. Moving forward into the 1970s, the first event is the Athlii Gwaay (Lyell Island) conflict that eventually led to the creation of Gwaii Haanas National Park Reserve and Haida Heritage Site with signing of a landmark co-management agreement between the Haida Nation and the Government of Canada. Second came the Haida Gwaii land use planning process and concurrent reframing of relationships between the islands' communities, galvanized by widespread recognition that the rate of industrial logging was not sustainable over the long-term. Third, following on the heels of land use planning was initiation of marine use planning and consequent shifting seascapes of marine management for the islands. A synthesis of environmental governance for Haida Gwaii today – the people, land and sea, and the plants and animals that call the archipelago home – concludes the document.

Read and think about how things have change, consider how power structures, institutions and decision-making authority has shifted, and how what transpired in the past has contributed to events that follow. Look for the nine characteristics of good governance highlighted by the United Nations Development Program: participation (voice in decision-making), consensus orientation (agreement supporting best interests of the whole), strategic direction (broad, long-term direction in context of societal needs), responsiveness (ability to serve all interests), effectiveness and efficiency (best use of resources to achieve results), accountability (accountable to interests and society), transparency (free flow of information and access to players), equity (well-being of all), and rule of law (fair and impartial legal frameworks). Consider that scientific knowledge is but a blink in the time span of humanity and that both science and the long time-frame of traditional knowledge are vital and essential link between past, present and future.

Know that Haida Gwaii, although environmentally impoverished compared to times past, remains a place rich with the natural and supernatural. Know that people of Haida Gwaii are passionate, dedicated players in the environmental governance arena, working to ensure sustainability of the islands' environment and communities into the future.



FIGURE 1. MAP OF HAIDA GWAII SHOWING LOCATIONS OF PLACES REFERENCED AND HAIDA TERRITORY (INSET). BASE MAP COURTESY OF GOWGAIA INSTITUTE.

DYNAMIC PEOPLE & PLACE

Haida Gwaii is a dynamic and multifaceted place where the constant is change. Consider that what you see today is not what was in the past. The direction we head in today may or may not reflect what will be in future. Haida oral histories of long long ago, *k'aaygang.nga*, recount three waves of Haida (people) coming to Haida Gwaii – the first time from the air, the second time from the earth, and the third and lasting time from the ocean (Council of the Haida Nation 2009a). These ancient stories tell of a time when sea level was much lower due to glaciation, when Dogfish Bank in Hecate Strait was a vast grassland supporting abundant herds of caribou, separated from the mainland by only a narrow saltwater channel (Captain Gold 2004; Fedje & Mathewes 2005). The arrival of the first tree, a great flood, earthquakes – all are events documented in *k'aaygang.nga* that have now been corroborated by archeological evidence unearthed over several decades (Wilson & Harris 2005). Multibeam sounding technology enables detailed mapping of the ocean bottom, facilitating the reconstruction of Haida Gwaii's land and sea-scapes through time – a picture of former river valleys, lakes, ponds, and estuaries drowned under today's sea. Archaeologists working at Kilgii Gwaay in southern Gwaii Haanas, a close to 10,000 year old village site now in the intertidal area (Fedje et al 2005), estimate that Haidas living at that time may have experienced sea level rise of 3 to 4 metres within their lifetimes as the glaciers receded from the last ice age and animals and plants dispersed from glacial refugia (ice-free areas) in what is now Hecate Strait (Fedje & Mathewes 2005).

Cedar trees, so intimately connected with Haida culture as we know it today, only grew in abundance on Haida Gwaii beginning approximately 5,000 years ago. Prior to that pine, alder, spruce and hemlock dominated the landscape (Lacourse & Mathewes 2005). Thus, the cedar canoes, longhouses, cedar bark clothing, baskets and rope made by Haidas (Stewart 1984), were technologies developed in response to a changing environment, replacing older technologies and modifying ways of living from the time before cedar. Today, evidence of past bark strips, test holes, and planking strips remain on living cedar trees throughout Haida Gwaii, cedar trees that can live over one thousand years. These cedars, called Culturally Modified Trees, stand testament to sustainable use of natural resources by Haidas over long periods of time. Intensive use of salmon by Haidas, so symbolic today, may have arisen within the past thousand or so years, perhaps with the transfer of fishing weir technology through increased trade with mainland First Nations. Previous to the last 1,200 years, salmon remains were present but remains of marine fish such as rockfish dominated many midden sites – deposits containing shells, animal bones, and other remains indicating a site of a human settlement – in Gwaii Haanas (Orchard 2011). A thousand years ago, chum salmon dominated the Haida catch along with pink and potentially coho salmon, consistent with the composition of local salmon populations in Gwaii Haanas, whereas today, sockeye and Chinook salmon are the preferred species of many Haidas. The examples of cedar and salmon highlight the adaptive nature of Haida culture as the environment and cultural interactions change over time.

The Haida's renowned cedar canoes facilitated a long trade with mainland First Nations for goods not available on the islands. Canoes, sea otter furs, mats, dentalia shell, seaweed, abalone shell, and dried halibut from Haida Gwaii were exchanged for eulachon oil, Chilkat blankets, mountain sheep horns, mountain goat skins, wool, woolen blankets, and berries from the mainland (Dick 2005). In addition to attainment of goods, trade between mainland First Nations and the Haida built alliances and shared technologies. Although Russians may have traded with Haidas previously, 1774 was the first documented year of contact with Haidas from the European world when Spanish explorer Juan Perez 'discovered' Haida Gwaii. In 1787, British captain George Dixon traded for sea otter pelts in Haida Gwaii, initiating a short-lived gold rush for sea otter pelts to supply an insatiable Chinese market that would lead to the extirpation of sea otters from Haida Gwaii and coastal British Columbia in a few short decades (Dick 2005).

Prior to this international fur trade, Haidas hunted sea otters for clothing and trade with mainland First Nations, evidenced by sea otter remains being a prominent and widespread component of ancient midden sites (Dick 2005; Szpak et al 2011). With this new trade economy came small pox disease that resulted in epidemics reducing the Haida population from tens of thousands to about 600 by the late 1800s. Hundreds of village sites throughout the archipelago were abandoned as remaining Haidas moved to more and more central locations, eventually settling in Skidegate to the south and Old Massett to the north. In 1853, without Haida consent, the British claimed sovereignty over Haida Gwaii. About 25 years later in 1876, the *Indian Act* was enacted, making all 'Indians' a ward of the state and deeming potlatch activities – important First Nations cultural, social, economic, and governance practices – illegal in 1884 (CHN 2009b; Haida Gwaii Museum exhibits). The potlatch ban marked a fissure in Haida environmental governance systems that evolved with Haida societies over many thousand years.

The turn of the 1900s brought evermore change. With settlement of Haidas into Skidegate and Old Massett, the vast archipelago and its natural resources previously managed by Haidas in a sophisticated system of family clan ownership and governance was more easily accessible to industrial developments and resource extraction by the settlers. The remains of these early industries are evident throughout Haida Gwaii – clam and fish canneries, an abalone drying station, whaling stations, mine sites, sawmills and logging camps (Dalzell 1973). Over 8,000 whales including fin, sperm, humpback, blue, sei and right whales, were rendered into oil at Naden Harbour and Rose Harbour (Heise et al 2004). Hundreds of thousands of pink salmon were canned from terminal fisheries at river mouths in Massett Inlet. Open pit mines operated from years to decades before being abandoned, along with sites of mineral exploration and drilling. The boom-and-bust cycle of these natural resource industries played out against the backdrop of Haidas displaced from the majority of their land and sea, forbidden to speak their language and practice their culture, with their children taken to residential schools on the mainland to learn how they were expected to live in this 'new' society. In absence of treaty agreements with the Haida Nation, Canada and the Province of British Columbia (BC) usurped Haida traditional resource management systems and imposed their own system of governance over the environment and natural resources of Haida Gwaii.

LINKING PEOPLE, LAND & SEA

Logging and fishing are industries that persisted and adapted to changing technologies through the mid-1900s. At the turn of the 1900s, logging was labour intensive and took place at a relatively slow pace, as each immense tree had to be cut down by hand and hauled out onto the ocean with steam-driven machinery. The use of fore-and-aft roads built from large coastal trees facilitated access into more inland areas into the mid-1900s. Soon after, technological advancements in machinery led to an explosion of logging activity throughout Haida Gwaii from the 1950s into the 80s, when a record two million plus cubic metres of logs were cut down and shipped out in 1986, marking the onset of the 'falldown' in timber supply (Figure 2; see www.spruceroots.org/LogVideo/LogVid.html).

Through the 1960s and 70s, intensified logging fuelled wider public concern about the need to protect wilderness areas from industrial resource extraction. In 1974, Talunkwun Island in north Moresby had been thoroughly logged, magnifying the environmental impacts – increased landslide activity, sedimentation and damage to fish habitat in salmon streams, and loss of water retention by coastal forests, to name a few – of industrial logging practices at that time. Plans to move these logging operations to Burnaby Island in Gwaii Haanas incited the Skidegate Band Council to call a meeting with the logging company; at the same meeting, the recently formed Islands Protection Society (IPS)¹ put forward a proposal – the *South Moresby Wilderness Proposal* – to protect the area now known as Gwaii Haanas from any future logging. The band council supported the IPS proposal and opposed logging plans on the grounds that proposed logging would infringe on the Haida's reliance of these areas for sustenance, art, culture and

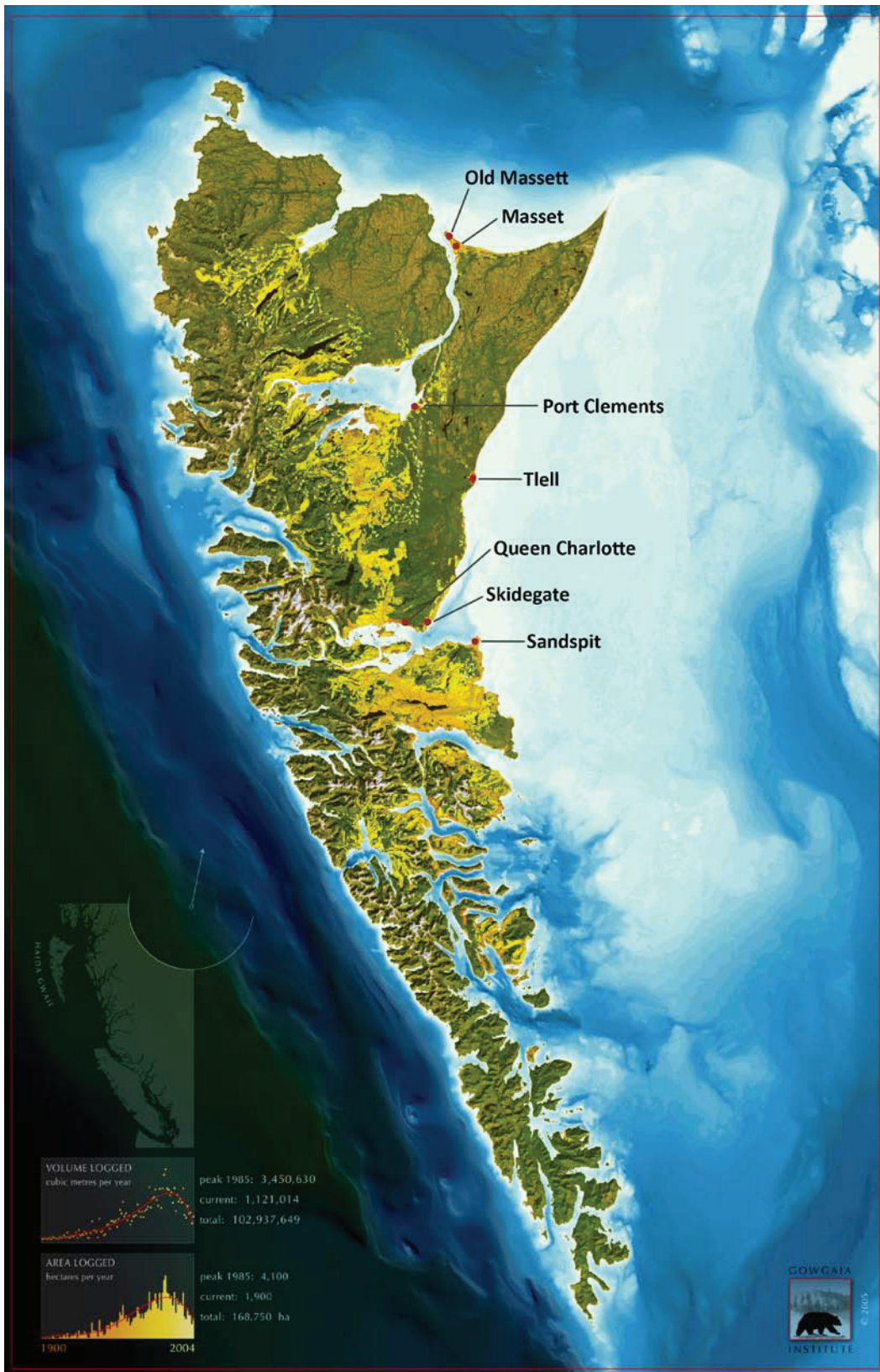


FIGURE 2. MAP OF LOGGING ON HAIDA GWAII SHOWING LOCATION, VOLUME AND AREA LOGGED FROM 1900 TO 2004. ORANGE AREAS ARE OLDER LOGGING, GRADATING TO BRIGHTER YELLOW FOR MORE RECENT LOGGING.

spiritual inspiration. The band council invited the BC Premier for a visit and together, the IPS and Haidas convinced the Province that logging should not be allowed on Burnaby Island (South Moresby Resource Planning Team 1983). This was arguably the first time in recent history that island residents have influenced land use decisions.

1974 also saw fledging of the Council of the Haida Nation (CHN), a national political body for the Haida Nation to work together as a whole for the betterment of all Haidas and Haida Gwaii. The *Constitution of the Haida Nation* (formally adopted in 2003; www.haidanation.ca) proclaims the inherent right of Haidas to have authority and responsibility to make decisions over the environment of Haida Gwaii: “The Haida Nation is the rightful heir to Haida Gwaii. Our culture is born of respect; and intimacy with the land and sea and the air around us. Like the forests, the roots of our people are intertwined such that the greatest troubles cannot overcome us. We owe our existence to Haida Gwaii. The living generation accepts the responsibility to insure that our heritage is passed on to following generations. On these islands our ancestors lived and died and here too, we will make our homes until called away to join them in the great beyond.” Political cohesion created by the CHN would facilitate many environmental governance negotiations to come for Haida Gwaii.

Success at stopping logging on Burnaby Island was followed by provincial permission to log on Lyell Island in 1975, marking the beginning of a 12-year battle that would spark national and international support to protect the South Moresby wilderness area. Continued logging approvals in the face of an overview study of South Moresby for park potential, ten years of negotiations, land use planning, court cases, and recognized protection for Burnaby Narrows, Hotsprings Island, Windy Bay, and the village site of SGang Gwaay (see CHN 2010, for a chronology of events), led to the infamous Haida blockade of Athlii Gwaii (Lyell Island) in 1985. Haida elders, youth and a few invited supporters stood on the logging road and Haidas, elders first, were arrested for taking their stand.

Two years later in 1987, under significant pressure from the Haida and their national and international supporters, the governments of Canada and BC signed a memorandum of understanding that stopped logging in Gwaii Haanas, followed by the *South Moresby Agreement* (1988) that committed to protect Gwaii Haanas as a national park reserve. Importantly the Haida Nation had already designated the Gwaii Haanas land and marine area as a Haida Heritage Site in 1985. Funding was secured to compensate logging companies holding tenures within Gwaii Haanas, create an islands’ economic development fund (now known as the Gwaii Trust Fund), and develop national park reserves for both the land and sea.

Several years of negotiation between the CHN and Canada led to the landmark signing of the *Gwaii Haanas Agreement* in 1993. This unprecedented cooperative management agreement changed the face of environmental governance on Haida Gwaii, marking the first significant sharing of authority with Haidas by Canada over issues previously managed under sole federal jurisdiction. Significantly, the agreement agreed to disagree on the matter of sovereignty, ownership and title of Gwaii Haana while committing to work together to protect the cultural and environmental well-being of Gwaii Haanas.

The cooperative Gwaii Haanas Archipelago Management Board (AMB) stemmed from the *Gwaii Haanas Agreement*. Two CHN and two Parks Canada representatives sit on the consensus decision-making board, responsible for examining initiatives related to planning, operation and management of the archipelago. In the event of disagreement, the issue would be held in abeyance and brought to the CHN and Canada for further deliberation. If matters remain unresolved, a conflict resolution system is in place with the Minister responsible for Parks Canada. To date, the majority of decisions have come to consensus at the AMB table, with some issues deliberated between the CHN and Parks Canada – none have yet required intervention by the Minister. Mirroring the AMB, both parties are committed to achieving and maintaining 50% Haida representation at all levels of organization, translating into support for training and capacity building. This model of co-management remains a measure for environmental governance on Haida Gwaii today.

The *Gwaii Haanas Agreement* additionally committed to designate the waters around Gwaii Haanas a “National Marine Park”. The *National Marine Conservation Areas Act* of 2002 paved the way for fulfillment of that promise, requiring consultative development of an interim management plan that would lead to a full management plan within 5 years of legal establishment. The AMB chose to fulfill this mandate by creating the *Gwaii Haanas Marine Advisory Committee* (GHMAC) in 2008. The interest-based GHMAC consisted of 12 members, all from Haida Gwaii communities, including expertise in traditional knowledge and culture, recreational and commercial fisheries, ecotourism, youth, education, conservation and marine sciences. The GHMAC worked with Parks Canada, CHN, and importantly a liaison from Fisheries and Oceans Canada (DFO), to develop the interim plan completed in 2010. Parallel to the GHMAC process, Parks Canada and the CHN were meeting and consulting with commercial fishing industry associations in BC to garner support.

In the end, the interim plan resulted in zoning for full protection of only 3% of the Gwaii Haanas marine area, much of these areas already under existing forms of protection (CHN and Government of Canada 2010). The majority 97% of the area remains open for sustainable marine uses and further zoning to be negotiated in the full management planning process. Completion of the interim plan facilitated signing of the *Gwaii Haanas Marine Agreement* (2010), articulating “a common desire that the Gwaii Haanas Marine Area shall be regarded with the highest degree of respect and will be managed in an ecologically sustainable manner that meets the needs of present and future generations, without compromising the structure and function of the ecosystem.” The AMB’s mandate was extended into the marine area and to achieve this, one representative each of the CHN and Canada were added. Considering the different marine activities now under purview of the AMB and fishing being a primary activity, the additional federal member would represent DFO in order to bring the agency responsible for commercial, recreational and aboriginal fishing into management discussions and decision-making.

Gwaii Haanas National Park Reserve, National Marine Conservation Area Reserve and Haida Heritage Site represents a progression of cooperative management between the Haida and federal governments in environmental governance of Haida Gwaii’s land and sea. From heated conflict over Athlii Gwaay to negotiation and relationship building, the resulting *Gwaii Haanas Agreement* for the land spearheaded a way for two nations to work together towards common goals. Terrestrial protection came about first as a provincial and federal agreement to create a national park with intent for a national marine park, followed by negotiations with the Haida Nation around what they had designated a Haida Heritage Site. Over a decade later, the Haida Nation and Canada worked as partners to negotiating and initiate the management process for the Gwaii Haanas Marine Area. Tri-agency management is now being established between Parks Canada, DFO, and CHN to determine the planning process for the full management plan including consultation with stakeholders. Current management of both land and sea in one management body, the AMB, reflects a linking of ecosystem-based management from mountaintop to sea bottom. This bridging of the long-standing divide between management of the land and the sea in provincial and federal legislation and policies perhaps signals a more integrated future for environmental governance of all Haida Gwaii.

ROOTED TO THE LAND

Expanding from a view of Gwaii Haanas to all of Haida Gwaii, today, 48% of the land area and 74% of the shoreline are protected as Provincial Park, National Park Reserve, or CHN-BC Conservancies (Figure 3). These protected areas are all designated Haida Heritage Sites of the CHN. Pockets of protection for wildlife use, riparian forest and stream integrity, monumental cedars, and other cultural uses, exist within the sustainable use areas open for logging and other extractive activities, add up to about 4%, for a total of 52% of Haida Gwaii’s land area under protection (CHN 2008). Ecosystem-based management – an integrated management approach that considers entire ecosystems, including humans, with a goal to maintain an ecosystem in a

healthy, productive and resilient condition so that it can provide the services humans want and need (McLeod et al 2005) – of the remaining sustainable use areas is provincially legislated.²

The *Kunst'aa guu – Kunst'aayah Reconciliation Protocol* (2011) between the Province of BC and the Haida Nation outlines an unprecedented model of strategic shared decision-making with BC. The protocol defines a 5-person Haida Gwaii Management Council consisting of two representatives of the CHN, two from the Province, and one neutral chairperson agreed to by both parties. Strategic decisions formerly made by the Province that are now to be made by this council include determination and/or development of: (1) the total allowable cut (maximum volume of trees that are allowed to be cut per year on Haida Gwaii), (2) management plans for the 11 new protected areas/conservancies (including land area and adjacent coastal marine waters), (3) archaeological guidelines and policies, (4) ecosystem-based management, and (5) other considerations. A cooperative technical table – the Haida Gwaii Solutions Table – comprised of two Haida Nation and two provincial representatives, is charged with interpreting and implementing the legal objectives on the ground, providing recommendations and options to CHN and provincial decision-makers. How did Haida Gwaii arrive at a place so far from unilateral decision-making by BC in matters of land use?

The Haida Nation never ceded rights, title, ownership, or jurisdiction over Haida Gwaii so co-management is in fact a compromise for the Haida. The CHN continues to assert responsibility for all of Haida Gwaii, including “the land, inland waters, seabed, archipelagic waters, air space, and everything contained thereon and therein comprising Haida Gwaii,” as set out in the 2002 *Haida Nation Statement of Claim against Canada and the Province of BC* in the Supreme Court of BC (Haida Title Case). The strength of the Haida Title Case and previous court rulings, particularly the *Delgamuukw* decision in 1997 and *Haida Nation versus British Columbia and Weyerhaeuser Company Ltd* ruling of 2004 by the Supreme Court of Canada (see Passelac-Ross 2010, for summary of aboriginal rights and forestry in BC), paved the way for negotiating co-existence with the Province of BC.

Prior to initiation of the Haida Gwaii Land Use Planning Process (LUPP) in 2003, BC and CHN negotiated a management framework to cooperatively lead the process, with the *Haida Land Use Vision* (HLUV; CHN 2005) as the foundation of the process. A 29-member Community Planning Forum (CPF) table representing the Haida, the Province, local government, labour, minerals, tourism, environment and community interests and the logging industry, was convened, culminating in the *Haida Gwaii Land Use Plan Recommendations Report* (Haida Gwaii Land Use Plan Process Technical Team 2006). Opposing interests between (1) industrial forestry, the Province and mining, and (2) the majority of representatives living on Haida Gwaii, could not reach consensus. The final document reflected two options – one supporting the status quo and the other advancing ecosystem and community-based management measures.

The LUPP had built trust between community members representing diverse interests. Pre-dating and continuing through this period of time, the Gowgaia Institute, a local environmental non-government organization, also worked to build community relationships and broaden understanding of forestry and natural resource issues. Hosting grassroots community meetings and publishing compelling and informative maps, documents, and *SpruceRoots* magazine highlighting the state of the land, sea, people and communities on Haida Gwaii, Gowgaia helped to foster constructive communications between people from all the islands' communities (www.spruceroots.org).

This trust building facilitated unprecedented cooperation between the islands' communities to foster the well-being of the land, waters, and people of Haida Gwaii. Under leadership of municipal government representatives, the CHN and each of the major communities and rural areas – Masset, Port Clements, Queen Charlotte, Sandspit and Skeena-Queen Charlotte Regional District Electoral Area D – signed *Protocol Agreements* between 2004 and 2008. These reciprocal agreements affirmed that the “[c]ommunities respect the hereditary responsibilities and the relationship of the Haida people to Haida Gwaii” and “[t]he CHN accepts that the people who



FIGURE 3. PROTECTED AREAS ON LAND AND THE REMAINING LANDSCAPE UNDER ECOSYSTEM-BASED MANAGEMENT FOLLOWING THE HAIDA GWAII LAND USE PLAN. MAP PRODUCED FOR THE CHN BY GOWGAI A INSTITUTE.

called the islands home are most affected by land use and title disputes and invites the participation of the Communities to represent their interests in talks regarding conciliation of Crown and Haida aboriginal title.”

The anti-climatic finale of the land use planning process, immediate approval of logging plans contrary to the HLUV, and ensuing lack of progress in government negotiations, led to civil disobedience. Building further cohesion among the communities, collective action from loggers, environmentalists, local governments, and Haidas – Islands Spirit Rising – blockaded the road to the BC Ministry of Forests (now Ministry of Forests, Lands and Natural Resources Operations) office and the logging road outside Port Clements in spring of 2005, effectively barring ministry staff and logging company personnel from going to work (see Takeda & Røpke 2010). Already in 2000, over 400 community members from all walks of life had marched in a Unity Rally to the Ministry of Forests office in Queen Charlotte to cast votes of non-confidence in the ability of the Province to sustainably manage the forest resources of Haida Gwaii. Sitting up front were three Haida elders who had stood on the line at Athlii Gwaay 15 years earlier.

Within a month of Islands Spirit Rising, the CHN announced that it had reached an agreement with BC. The deal would see implementation of a land use plan including provision for community economic stability and interim protection for culturally and environmentally important areas identified in the HLUV. Economic benefits were also promised to the CHN through resource revenue sharing and granting of a Haida forestry tenure (www.haidanation.ca/islands/islands.html). Negotiations between the CHN and BC following Islands Spirit Rising eventually led to where we are today in protected areas and ecosystem-based management on land, and growing Haida economic interests in logging and tourism.

SHIFTING SEASCAPES

As is the case in many places – perhaps because we are fundamentally more creatures of land than of sea – marine management initiatives have a habit of lagging behind those for terrestrial areas. Haida Gwaii is no different in terms of cooperative management of the ocean and marine resources. While community and ecosystem-based land use planning for Haida Gwaii has been negotiated in many processes over the past four decades leading to implementation today, marine use planning initiatives on the islands are just gaining traction within the past decade.

The threat of offshore oil and gas exploration and development triggered community outcry in the early 2000s. Islands residents packed communities halls to express opposition to the proposed lifting of the 1972 offshore oil and gas moratorium during the provincial Members of Legislative Assembly Task Force hearings in 2001, and again during the 2004 federal Public Review Panel (Priddle Panel) hearings in Massett and Skidegate. In the early 2000s, groundwork to prepare Haida Gwaii communities to engage in strategic marine use planning was initiated by World Wildlife Fund Canada. Public presentations and community workshops were hosted, and maps and information published to broaden understanding of Haida Gwaii marine uses, issues and areas, and to increase community engagement in marine matters (www.marinematters.org). The CHN also initiated a stewardship partnership to increase public awareness of species at risk (www.hgmsg.ca).

Comprehensive marine use planning for the BC north coast began in 2003 with an agreement between the Government of Canada and Coastal First Nations (CFN) – Turning Point Initiative (now called Great Bear Initiative), an alliance of First Nations on the north and central BC coast including the Haida Nation, to develop a marine use planning process under Canada's Oceans Strategy. In 2005, First Nations along the coast began marine use planning as part of the DFO Pacific North Coast Integrated Management Area (PNCIMA) initiative, geographically stretching from the north end of Vancouver Island to the border of BC and Alaska (Figure 4).

As part of the PNCIMA initiative, funding from DFO enabled the CHN to commence a marine use planning process for Haida traditional territory (Figure 1 inset), working internally within the Haida Nation as well as externally with other coastal First Nations and DFO. A Haida

Marine Work Group was struck by the CHN to represent their various interests, including hereditary chiefs, band councils, commercial fishers, traditional fishers, and community members, that would work together with the Haida Oceans Technical Team (HOTT) to create a Haida marine use plan over the following five years. The first published document, *Towards a Marine Use Plan for Haida Gwaii* (CHN 2007), outlined the Haida Marine Vision and Haida ethics and values guiding intent of a plan. Two overarching goals of achieving: (1) conservation and sustainability of all human activities, and (2) effective collaborative management of the sea around Haida Gwaii, were articulated, along with objectives and strategies as the backbone for development of the Haida marine use plan.

Negotiations between federal agencies and participating PNCIMA First Nations worked towards agreement on a collaborative governance framework for planning and management of the PNCIMA process. A mutually accepted framework was achieved in 2008, accounting for the complex interrelationships between First Nations on local, sub-regional area-based and regional scales, as well as how the alliances of First Nations would interact with federal agencies at these different spatial scales (Jones et al 2010). Although observing the governance negotiation process, the Province of BC did not officially engage in the PNCIMA process until 2010. In a surprise turn of events since then, the Province is now cooperatively leading the local and sub-regional scales of planning with First Nations in a process called the Marine Planning Partnership (MaPP; mappocean.org), rather than DFO. DFO remains the lead on PNCIMA-scale planning with First Nations, but the original scope was unexpectedly reduced by the federal government in September 2011, streamlined to meet their December 2012 deadline for development of a strategic, ecosystem-based plan for PNCIMA (pncima.org).

To achieve broad support for the Haida Gwaii marine use plan, the CHN initiated formation of the 14-member interest-based Haida Gwaii Marine Advisory Committee (HGMAC) in 2011. The HGMAC's job is to critique and further develop the draft marine plan. Intended to be co-chaired by the CHN and DFO previous to the change in federal scope, the HGMAC is now co-chaired by the CHN and Province of BC. Successful negotiations over the past decade and the current process of implementing cooperative land use plans with First Nations on the BC coast has perhaps resulted in the Province being more comfortable working with and sharing some governance power with First Nations. The Province, backed by several decades of engagement in coastal planning, has stepped in to fill the void where DFO stepped back in the PNCIMA process (see CHN 2012).

Environmental governance challenges are now ahead for the MaPP process as the Province and First Nations endeavour to negotiate the scope of sub-regional marine use plans for northern Vancouver Island, the Central Coast, North Coast, and Haida Gwaii. For Haida Gwaii, the heart of the challenge lies in the fact that the Haida Nation claims jurisdiction over the land, sea and air of Haida Gwaii therefore allowing them latitude to encompass all marine uses in a Haida marine plan. On the other hand, the province has limited jurisdiction over coastal and marine matters, excluding many important activities such as marine-based fishing and shipping. These issues of scope and jurisdiction are in process of being negotiated between the CHN and BC.

Prior to Haida comprehensive marine use planning are numerous segregated marine planning and management processes affecting Haida Gwaii, including fisheries and aquaculture management, marine protected areas, offshore oil and gas and wind energy proposals, and community-based stewardship. While demonstrating a long history of working with fishing industry associations, DFO appears reticent to engage in cooperative management with First Nations. Past experiences with DFO consultation on fisheries management plans show that little substantial change to existing plans results, even when the CHN expresses extreme concerns. Haida Nation dissatisfaction with commercial herring fisheries management in 1998 led to Operation Herring Storm, an attempted on-the-water blockade of fishing activities and occupation of the DFO office in Queen Charlotte. Disagreement between the CHN and federal and provincial direction resulted in declarations of CHN moratoria within Haida territory on

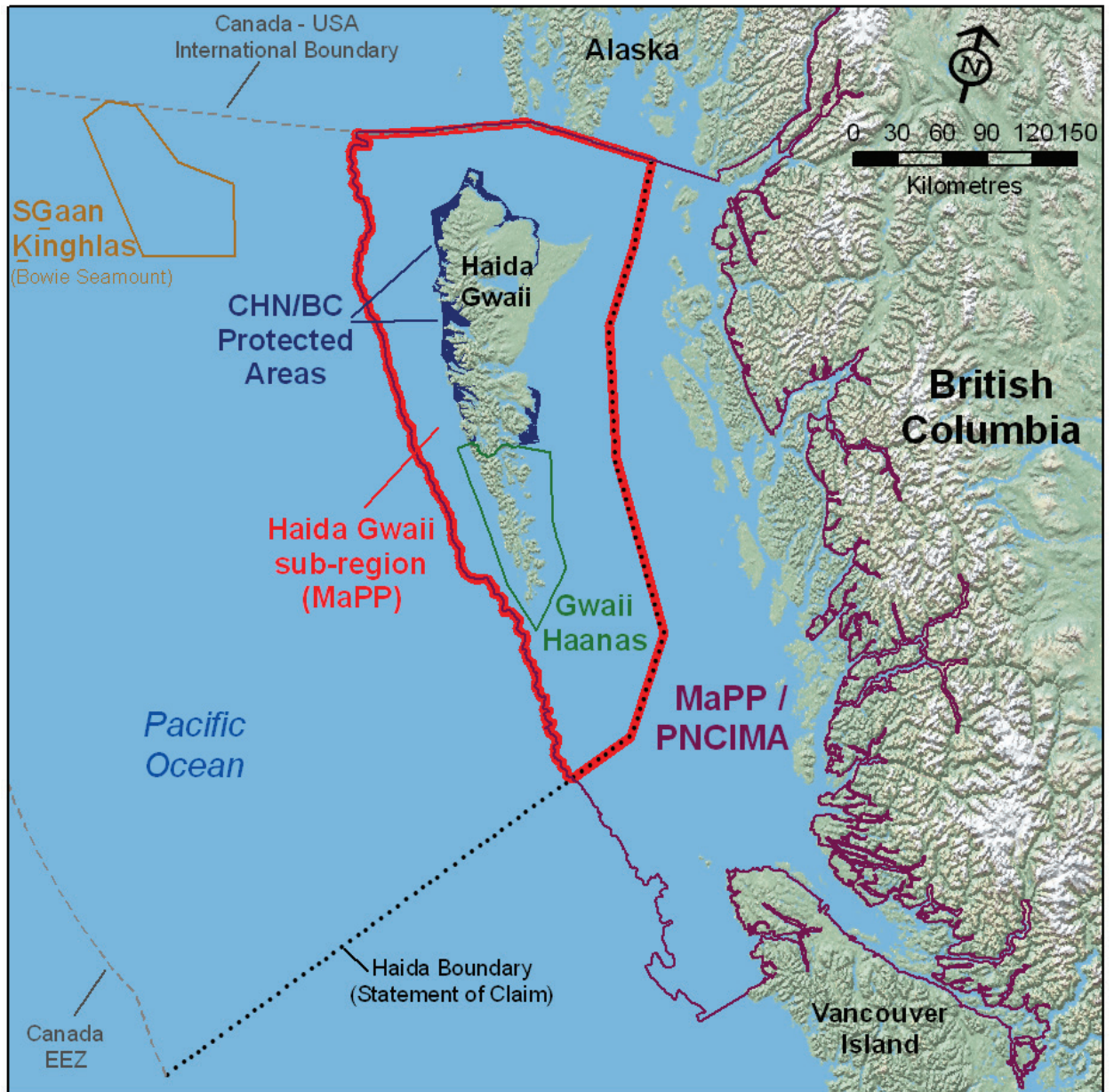


FIGURE 4. BOUNDARIES OF KEY MARINE PLANNING PROCESSES WITHIN HAIDA TERRITORY. MAP PRODUCED BY THE CHN HAIDA FISHERIES PROGRAM.

offshore oil and gas exploration and development in 1985, sportsfishing lodge expansion in 1990 (unsuccessful), and salmon farming in 2004.

Three instances of DFO supporting cooperative management exist: (1) the razor clam fishery on the northeast coast of Haida Gwaii, (2) the SGaan Kinghlas-Bowie Seamount Marine Protected Area (MPA) and, (3) the PNCIMA integrated marine use planning. CHN and DFO negotiated a cooperative razor clam fisheries management plan in place since 1994. In many respects, the razor clam fishery was an easy win for both parties because the fishery occurs exclusively on the beaches of northeast Haida Gwaii and over 95% of the fishers are Haida. The communal license for the razor clam fishery allows the CHN to issue fishing licenses for individual fishers. Using a budget allocated from DFO to CHN, the Haida Fisheries Program conducts stock assessment surveys and fishery monitoring to support fisheries management (CHN & DFO 2012). This successful cooperative management of a commercial fishery has potential to set precedent for future co-management of other fisheries between the CHN and federal agencies within Haida territory.

In addition to providing legislative support for PNCIMA marine planning, the *Oceans Act* of 1996 also committed Canada to working with others to build a representative national network of marine protected areas that protects key marine habitats, species and features. In 2007 the CHN and Canada signed a memorandum of understanding that would establish the SGaan Kinghlas-Bowie Seamount MPA encompassing three undersea volcanoes located approximately 180 kilometres west of Haida Gwaii. The CHN had previously designated SGaan Kinghlas, “supernatural being looking outward,” a Haida Protected Area. Both parties are committed to cooperative management and planning for the MPA, towards the shared goal of protecting and conserving the seamount for present and future generations. Much like Gwaii Haanas and Haida Gwaii land use plan implementation, a cooperative management board was established consisting of two federal and two CHN representatives. However, despite the federal commitment to complete a management plan for the MPA within two years of designation, a plan is still pending today, four years after designation.

Five major marine use planning initiatives affecting Haida Gwaii are currently underway, each at different stages of planning and implementation, all of which having implications for environmental governance on the islands: (1) Gwaii Haanas National Marine Conservation Area Reserve and Haida Heritage Site, (2) the marine portion of Haida Heritage Sites and Conservancies designated as part of the land use plan, (3) Haida Gwaii marine use planning, (4) SGaan Kinghlas-Bowie Seamount MPA, and (5) PNCIMA marine use planning. The gamut of marine uses and activities ranging from commercial, recreational, and traditional fisheries, to tourism, shipping and transportation, aquaculture, and marine industrial developments will be considered to different degrees in these processes. Truly integrated marine use planning and management for Haida Gwaii, led by the CHN in cooperation with provincial and federal agencies at multiple scales, has potential to connect disparate processes and agencies to more effectively address cumulative impacts of human activities on the sea around Haida Gwaii in a holistic, ecosystem-based manner.

TRANSFORMATION

The Haida Nation has actively and strategically placed itself at the forefront of environmental governance over the land, sea and air of Haida Gwaii. Within the territory, hundreds of village sites are remembered in the stories of elders living and elders’ knowledge recorded since contact with Europeans. Hundreds more are submerged in a seascape that was former landscape, just as coastal landscapes today formed seascapes many thousands of years ago. Dramatic re-invigoration of Haida culture over the past half century is turning the tides on European colonial management. Since the *Gwaii Haanas Agreement*, land and marine management processes and institutions have reflected equal representation of Haida and provincial/federal agencies on decision-making bodies, a significant step in sharing power compared to unilateral provincial

or federal rule in place since the designation of Canada as a country and British Columbia as a province of Canada.

Driven largely by the Haida Nation and society's increasing recognition that the scale of industrial human activities on both land and sea is not sustainable over the long-term, the idea of ecosystem-based management (EBM) has come to the forefront. The 'new' idea of ecosystem-based resource management is arguably the re-definition of very old ideas embedded in the culture and traditional management systems of Haida and other coastal First Nations. First Nations ethics and values mirror modern scientific principles of EBM. The values of respect and responsibility speak to today's precautionary approach, and being inclusive and participatory. Balance and interconnectedness echo long-term sustainable use and an integrated approach. Intergenerational knowledge speaks to an avenue for adaptive management and use of best information in management and decision-making, which is inclusive of traditional knowledge as well as local experiential and scientific knowledge. The value of giving and receiving, or reciprocity, reflects the idea of equitable sharing of benefits and costs (Coastal First Nations Turning Point Initiative 2009).

For coastal First Nations, including the Haida Nation, overarching goals of EBM are to maintain and restore healthy, diverse and naturally resilient ecosystems; sustain human use of ecosystems over generations; and ensure people have a fair share of the benefits from the ecosystems in which they live. These values and goals underpin the environmental governance institutions that the Haida Nation have negotiated to date in management of Haida Gwaii's land and sea. As the current federal government reduces environmental protections that were hard-won in Canadian legislation over many decades, these Haida foundations will be evermore significant to ensuring cultural continuity for the Haida Nation and environmental well-being of Haida Gwaii.

Where then does Haida Gwaii stand in terms of the three broad measures of governance – authority, decision-making and accountability – in environment and resource management arenas? Perhaps the most change has occurred in decision-making terms. Land and marine management bodies that are in place and being negotiated today are achieving no less than cooperative management with equal representation of Haida and provincial/federal agencies on decision-making boards. In existing agreements, where consensus cannot be reached at decision-making tables or disagreement cannot be resolved between the Haida Nation and BC or Canada at higher levels, the final legislated authority is often the provincial or federal Minister responsible for the portfolio in question. Changes to or provisions in provincial and/or federal legislation are still required to legally enable cooperative management on-the-ground. In terms of authority, Haida Gwaii is still a part of Canada and British Columbia as defined by the Crown; however, aboriginal title was never extinguished and the Haida Title Case has potential to re-define who has authority over matters of Haida Gwaii.

On the measure of accountability, the Haida Nation is accountable to its citizens as set out in the *Constitution of the Haida Nation*. Canada and BC are accountable to the citizens of the country and province through the *Constitution of Canada* and delegated authorities to the Province of BC, including First Nations. At the local level, trust-building and relationships between all the communities of Haida Gwaii have been strengthened over several decades of resource management conflict and resolution such that many local residents feel the CHN better represents their interests than BC or Canada. Current issues such as the Enbridge Northern Gateway pipeline proposal and the associated volume of tanker traffic are uniting islanders in common opposition, just as the Unity Rally and Islands Spirit Rising did in the past. Signing of the *Protocol Agreements* between the CHN and Haida Gwaii communities symbolize a desire to work together towards the common good of the people and environment of the islands over the long-term.

Interestingly, the Haida Nation will now be a player on many fronts of the environmental governance arena. Politically, the Council of the Haida Nation is negotiating agreements at a government-to-government level with BC and Canada for land and marine use management,

including resource revenue-sharing and economic opportunities. Operationally, representatives of the CHN sit as active members of decision-making and technical tables. At the same time the corporate entity of the Haida Nation, HaiCo, has acquired interests in industries on Haida Gwaii including a tree farm license tenure for their logging company Taan Forest, Haida communal commercial fishing licenses, a commercial recreational fishing lodge operation, shellfish aquaculture tenures, and an ecotourism lodge in Tlell, positioning them as stakeholders with a vested interest in the outcome of land and marine use planning and agreements.

Stepping into the future, how will the Haida Nation balance cultural continuity and environmental conservation with community well-being and economics, as well as the interests of the people of BC and Canada? Can effective integration of land and sea use management for all of Haida Gwaii be achieved in spite of the jurisdictional barriers created under provincial and federal legislation? Will the CHN work cooperatively to do a 'better' job of achieving long-term sustainability and equity in resource use than unilateral provincial and federal policies to date? How will revenue be generated to develop and sustain emerging governance structures? How will the Haida Title Case affect on-going negotiations and shape future environmental governance? Will cooperative management be 'good enough' or is there desire to strive for unilateral Haida governance where BC and Canada are consulted on Haida Nation policies and management plans for Haida Gwaii? One certainty is that change will continue on Haida Gwaii, and islanders will help shape that future with spirit.

The land and waters of Haida Gwaii can and must be made well again. Our economic needs can and must be brought into balance with the capacity of the land to function and provide. We have the political will and we accept the responsibility to see that this is done.

~ Haida Land Use Vision, May 2004

LIST OF ACRONYMS

AMB	Archipelago Management Board
CHN	Council of the Haida Nation
DFO	Fisheries and Oceans Canada
EBM	Ecosystem-Based Management
GHMAC	Gwaii Haanas Marine Advisory Committee
HGMAC	Haida Gwaii Marine Advisory Committee
HLUV	Haida Land Use Vision
IPS	Islands Protection Society
LUPP	Land Use Planning Process
MaPP	Marine Planning Partnership
MPA	Marine Protected Area
PNCIMA	Pacific North Coast Integrated Management Area

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