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

by
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B.Sc. (Hons.), University of Toronto, 2008

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Abstract

Conservancies are a new model for protected areas designated in First Nations’ traditional territories in British Columbia. Conservancies have been praised for their ability to protect ecologically diverse areas of the province while addressing First Nations’ 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 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
For the opportunity to
explore the vast expanses of this nation and
return home again I am forever grateful.
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<th>Description</th>
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<td>BC</td>
<td>British Columbia</td>
</tr>
<tr>
<td>CMP</td>
<td>Conservancy Management Plan</td>
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<tr>
<td>COF</td>
<td>Coast Opportunity Funds</td>
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<tr>
<td>EBM</td>
<td>Ecosystem-based Management</td>
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<tr>
<td>HIRMD</td>
<td>Heiltsuk Integrated Resource Management Department</td>
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<tr>
<td>ICCA</td>
<td>Indigenous Peoples and Community Conserved Area</td>
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<tr>
<td>IUCN</td>
<td>International Union for Conservation of Nature</td>
</tr>
<tr>
<td>LRMP</td>
<td>Land and Resource Management Plan</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-governmental Organization</td>
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<tr>
<td>REM</td>
<td>Resource and Environmental Management Department</td>
</tr>
<tr>
<td>SLUPA</td>
<td>Strategic Land Use Planning Agreement</td>
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<td>WWF</td>
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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). Conservancies 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 in conventional parks. Conservancies are, in principle, a crucial step forward in the evolution of protected areas in BC.

The conservancy designation came into existence in 2006 in accordance with amendments to the BC Park Act (RSBC 1996, c. 344) and the Protected Areas of British Columbia Act (SBC 2000, c. 17). As of January 2013, 154 conservancies had been designated in coastal regions along the western edge of the province. These conservancies cover a total of 2,685,699 ha, and will be managed in collaboration with over 30 First Nations. Conservancy management plans (CMPs) are currently being developed by First Nations and provincial agencies. Nineteen plans have been finalized by both the Province and participating First Nation(s) and the remainder are in the initial and draft stages of development.

Conservancies are a product of the “New Relationship” being forged by the Province and First Nations. The “New Relationship” is an outcome of a three decade struggle by First Nations to gain increased recognition for their Aboriginal rights and title (Notzke 1995; Nepal 2002; Gladu 2003). During this period, Aboriginal rights were
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 many choosing not to pursue traditional uses within conventional parks (Canadian Parks Council 2011). Conservancies mark the first and only provincial-level protected area designation to explicitly incorporate First Nations rights and interests into a legal framework in BC. As such, this designation merits, and is indeed receiving, a considerable amount of attention. In this report, the agreements which guide conservancy governance are evaluated against international standards for the participation of Indigenous/traditional peoples in protected area governance. In addition to highlighting the current successes and potential barriers faced by the Province and First Nations in implementing the new designation, this research contributes to the broader discussion surrounding the shift in BC policy towards greater inclusion of First Nations in the use, management, and governance of land and resources within BC.

1.1 Study Context and Project Development

This project grew out of a partnership forged between the Faculty of Environment at Simon Fraser University and the Tula Foundation to form the Hakai Network for Coastal People, Ecosystems, and Management. While the official launch of the new network was September 14, 2010, initial contact between the parties began several months earlier.
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 Cultural and Natural Use Areas represent 49% of the territory and are managed to maintain their natural and cultural values while permitting traditional resource use and other low-impact economic opportunities (Heiltsuk Tribal Council 2005; Ecotrust Canada 2012). Conservancies fall under this land use category. Thus far, 31 conservancies have been designated within the Heiltsuk territory (Figure 1).

Conservancy management planning was highlighted as one area in need of support under the Land and Water Function of HIRMD. At that time, the Heiltsuk First Nation had been working for several years to develop a management plan for a number of conservancies within its territory, including the Hakai Lúxvbálís Conservancy. To support these efforts, I undertook a small research project to review publically available draft CMPs developed by other First Nations located along the Central and North Coast of British Columbia. At the time, none of the conservancies within BC had finalized management plans, with all drafts pending final revisions and official acceptance by both First Nations and the BC government. My initial research culminated in a report to the Heiltsuk First Nation which detailed content requirements for CMPs, as dictated by a
collaboratively developed template, and described how First Nations had applied the template in practice.

The present project is an extension of the research I initially undertook for the Heiltsuk First Nation. This project evaluates conservancies against international standards for governance of protected areas involving Indigenous peoples. I also examine the contribution of conservancies to improving the connection between First Nations and protected areas in BC and to strengthening the “New Relationship” between BC First Nations and the Province. The evolutionary nature of this project shaped the design of its research, aims, and the final product.
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 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 research project for the Heiltsuk First Nation (as described in Section 1.1) to an investigation of the conservancy concept more broadly. I undertook the following tasks:

1. Review of the “New Relationship” and LRMP process in BC, with a specific focus on the western coast of BC;
2. Review of protected area governance literature with respect to the inclusion of Indigenous peoples in protected area governance;
3. Review of the gray literature concerning conservancies and all publically available CMPs as of January 2013;
4. Selection of criteria and indicators for the governance of protected areas involving Indigenous peoples;
5. Identification of higher-level agreements, plans, and legislation which guide the designation and management of conservancies;
6. Application of criteria and indicators to selected CMPs and higher-level agreements;
7. Identification of current strengths and weaknesses of the conservancy concept.
1.4 Report Outline

Chapter 2 provides background on the relationship between Indigenous peoples and protected areas federally and in the province of BC. Chapter 2 also includes a discussion of the international literature on governance of protected areas and describes several international standards for governance and participation of Indigenous people in protected area management. Chapter 3 provides a detailed description of conservancies as they currently exist in British Columbia, outlining the historical context, purpose, and implementation of these areas. A more detailed description of the methodology used is provided in Chapter 4, as well as a discussion of research limitations. Chapter 5 presents the results of the evaluation and identifies the current strengths and weaknesses of the conservancy model. These results are discussed in Chapter 6, broadening the discussion to address the conservancy model’s potential contribution to international biodiversity targets and First Nations’ governance over land, water, and resources in British Columbia currently and into the future.
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, however, their traditional territories remain unceded either historically or under modern day treaties. Aboriginal rights, title, and interests in the province have not been reconciled with the rights, title, and interests of the Crown and until recently the BC government had rarely chosen to recognize these rights (Dearden and Rollins 2009).

Revisions to the Canadian constitution and several precedent-setting decisions of the Supreme Court of Canada have begun to transform relations between First Nations and the federal and provincial Crown (Dearden and Rollins 2009; Low and Shaw 2011/12). Over the past 30 to 40 years Canada has seen a shift in the federal government’s Aboriginal policy, from assimilation to self-government, as well as formal recognition of Aboriginal rights and title (Morton 2009). First Nations are renegotiating their role in land use planning and taking steps to regain power over the land, sea, and resources within their traditional territories.

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-recognition policy (Dearden and Rollins 2009; Low and Shaw 2011/12). By 1992 the government of British Columbia joined in the establishment of the BC Treaty Commission and began treaty negotiations with many First Nations in the province (Low and Shaw 2011/12).

Unfortunately, the BC treaty negotiation process has not been highly successful. Although many First Nations initially engaged in treaty negotiations, some have since withdrawn and only two of the 60 First Nations now participating in the BC treaty process have finalized a settlement within the past 20 years (Morton 2009; BC Treaty Commission 2012). Of the nearly three dozen First Nations identified by the BC Integrated Land Management Bureau with a population or interest in the North Coast, Central Coast, Sea-to-Sky, Lillooet, Morice, or Atlin-Taku LRMP areas, 25 are currently participating in the BC treaty process (British Columbia 2001a; British Columbia 2001b; British Columbia 2002; British Columbia 2005a; British Columbia 2005b; British Columbia 2008; BC Treaty Commission 2012). Of the six stages within the BC treaty process, the majority of First Nations within these LRMP regions are in the fourth stage, negotiating an agreement in principle.

First Nations’ litigation continued to result in judicial precedents concerning Aboriginal rights and title during the 1990s and into the early 21st century (Dearden and Rollins 2009). These court cases, such as R. v. Sparrow ([1990] 1 S.C.R. 1075); Delgamuukw v. B.C. ([1997] 3 S.C.R. 1010); Taku River Tlingit First Nation v. B.C. ([2004] 3 S.C.R. 550), and Haida v. B.C. (Minister of Forests) ([2004] 3 S.C.R. 511), affirmed and clarified the recognition of Aboriginal rights and title as mandated in the Constitution Act, 1982. Furthermore, the Sparrow, Taku, and Haida cases established standards for the consultation and accommodation of Aboriginal peoples when their rights and title may be infringed by provincial or federal government decisions. Where
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. This revision emphasized the importance of developing a more comprehensive approach to working with Aboriginal peoples, including consultation and representation on advisory boards (Dearden and Rollins 2009).

In accordance with the 1994 policy revision, Parks Canada and other federal conservation agencies now work more closely with Aboriginal peoples to manage protected areas across Canada. Of Canada’s 42 national parks, 13 are managed collaboratively with Aboriginal communities; largely in accordance with land claim and
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 subjected to commercial logging or roads (M’Gonigle 1988; Notzke 1994). In the early 1970s, controversy began in the Valley over the development of plans for logging and road construction, as these plans sparked opposition from both environmentalists and members of the Lytton Band and Lillooet Tribal Council. In response to these plans the Nlaka’pamux Nation, of which the Lytton First Nation is a member band, filed a comprehensive land claim including the entire Stein watershed. By the mid-1980s, First Nations and environmentalists had joined forces to launch public and media events, conduct advocacy research, construct a hiking trail as part of a “Rediscovery” program, and place a moratorium on road building into the valley. These two decades of conflict and negotiation resulted in the designation of the Stein Valley as a Class A Park in 1995, to be cooperatively managed by the Lytton First Nation and BC Parks (BC Parks 2000). This agreement is designed to ensure that the Stein Valley will be managed in accordance with the historical and cultural presence of the Lytton Nlaka’pamux as well as the conservation of wilderness.

As the case above shows, collaborative management of provincial parks is not an entirely new concept within the province of British Columbia. However, Stein Valley Nlaka’pamux Heritage Park, like all other collaboratively managed parks in the province, was established on an ad hoc basis. Conservancies extend this concept further, establishing a designation which includes First Nations rights, interests, and participation as a core function.

2.4 International Approaches to Protected Area Governance

The concept of governance is of central importance in discussions of Indigenous peoples and protected areas. According to the International Union for Conservation of
Nature (IUCN), governance is “about the institutions and processes used by rightholders and stakeholders to make and influence decisions, and to excise authority and responsibility in society” (Borrini-Feyerabend et al. 2012, pg. 25). In essence, governance is about who makes decisions and how they are made, including those decisions that pertain to protected areas. The institutions and decision making processes of governance determine protected area goals, objectives, and efficacy (Lausche 2011).

Given the importance of governance and the increased attention this concept has received in protected areas discourse up to and following the IUCN World Parks Congress in 2003, the innovative arrangements for governance of conservancies in BC are of great interest. One way of assessing governance of a protected area is to examine who holds authority and responsibility in a legal, customary, or legitimized way (Borrini-Feyerabend et al. 2012). However, governance includes informal as well as formal mechanisms for decision-making, and it is important to understand how decisions are made de facto as well as who holds the authority de jure. In the present research, I investigate the formal mechanisms for conservancy governance through the examination of legal agreements. The informal mechanisms by which conservancies are governed will only become apparent as the conservancy management plans are implemented. The conservancy model is only in its initial stages of implementation and time is required to determine how these informal mechanisms will evolve.

In characterizing the governance structure of protected areas, both governance type and governance quality is considered. The IUCN discusses these two dimensions of governance at length, offering four broad categories to characterize governance type and recommending criteria for assessing governance quality (Borrini-Feyerabend et al. 2004; Dudley 2008; Lausche 2011, Borrini-Feyerabend et al. 2012). Adopting the terminology used by the IUCN, the following two sections elaborate on these concepts in turn.

2.4.1 Governance Type

Protected areas are not limited to those lands and marine areas designated, managed, or owned by national, regional, or local governments. Protected areas may be
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-

**Table 1. IUCN Governance Types for Protected Areas**

<table>
<thead>
<tr>
<th>Governance Type</th>
<th>Characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type A. Governance by government</strong></td>
<td>Protected area is state owned or state controlled.</td>
</tr>
<tr>
<td></td>
<td>• Control may occur at national, sub-national, and municipal levels</td>
</tr>
<tr>
<td></td>
<td>• Control may be delegated to a non-governmental body</td>
</tr>
<tr>
<td><strong>Type B. Shared governance</strong></td>
<td>Authority and responsibility is shared amongst multiple governmental and non-governmental parties.</td>
</tr>
<tr>
<td></td>
<td>• Authority may be shared across geographical boarders (transboundary governance)</td>
</tr>
<tr>
<td></td>
<td>• Authority may be shared via influence (collaborative governance)</td>
</tr>
<tr>
<td></td>
<td>• Authority may be shared via a management board (joint governance)</td>
</tr>
<tr>
<td><strong>Type C. Private governance</strong></td>
<td>Protected area is conserved voluntarily by private property owners</td>
</tr>
<tr>
<td></td>
<td>• Area may be managed individually or corporately</td>
</tr>
<tr>
<td></td>
<td>• Area may be managed for-profit or not-for-profit</td>
</tr>
<tr>
<td><strong>Type D. Governance by Indigenous peoples and local communities</strong></td>
<td>Protected area is conserved voluntarily by</td>
</tr>
<tr>
<td></td>
<td>• Indigenous peoples and/or</td>
</tr>
<tr>
<td></td>
<td>• local communities</td>
</tr>
</tbody>
</table>

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
“Management” (also referred to as “collaborative management,” although the IUCN is careful to distinguish between management and governance) 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

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1 According to the IUCN, management is “what is done to pursue conservation objectives and the means and actions to achieve such objectives,” whereas governance is about “who decides what to do, how those decisions are taken, who holds power, authority, and responsibility, [and] who is (or should be) held accountable” (Borrini-Feyerabend et al. 2012, pg. 25).
the level of power First Nations have in governance of land use zones, ecosystem-based management (EBM) operating rules, and approval of operational plans. She concludes that the Crown retains the ultimate authority over all three decision types, but in practice both parties have demonstrated a commitment to making decisions by consensus. From her work it appears that the governance framework for conservancies is most accurately described as a shared governance arrangement.

2.4.2 Governance Quality

Governance quality, or "good governance," is crucial to all four governance types. The quality of governance refers to the processes and mechanisms through which decisions are made and implemented, focusing on adherence to a set of values and principles (Borrini-Feyerabend et al. 2012). These values and principles may be derived from the nation’s constitution, international agreements, legislation and policy, customary law, or cultural practices (Dudley 2008, Borrini-Feyerabend et al. 2012). Just as definitions of governance are varied, so too are frameworks for evaluating good governance (Lockwood 2010). In the following sections I summarize prominent international examples of principles and criteria for assessing governance with a focus on Indigenous participation in protected areas.

The Institute on Governance: Governance Principles for Protected Areas in the 21st Century (Graham et al. 2003)

Graham et al. (2003) of the "Institute on Governance," a Canadian NGO, prepared a background paper in collaboration with Parks Canada and the Canadian International Development Agency for the Fifth World Parks Congress in 2003, proposing a set of governance principles and demonstrating how to apply these principles to assess governance quality. Using a list of good governance characteristics published by the United Nations Development Program, Graham et al. (2003) identified five broad principles of good governance as well as a set of indicators for each:

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2 The full list of indicators for each of the five principles, as reviewed in my research, may be found in Graham (2003), pg. iii - vii
• **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 follows³:

**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;

³ 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. (2003) and the IUCN (Dudley 2008; Lausche 2011; Borrini-Feyerabend et al. 2012), 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**

<table>
<thead>
<tr>
<th>Principle</th>
<th>Elements of Principle</th>
</tr>
</thead>
</table>
| 1. **Legitimacy** | • Validity of organization to govern (conferred or earned)  
• Consistency with mandate and objectives of protected area  
• Authority as exercised with integrity and commitment |
| 2. **Transparency** | • Visible decision making process  
• Justification for decisions clearly communicated  
• Availability of information by which others may assess the governing authority’s performance |
| 3. **Accountability** | • Allocation and acceptance of responsibility for decisions and actions  
• Extent to which governing authority will answer to stakeholders and citizens or ‘higher-level authorities’  
• Allocation of responsibility to parties in a way that best matches the scale of issues and values |
| 4. **Inclusiveness** | • Opportunity for all stakeholders involved to influence and participate in decision making  
• Extent to which governing authorities seek input from multiple sources  
• Special efforts made to engage disadvantaged and marginalized stakeholders |
| 5. **Fairness** | • Respect and attention given to the views of all stakeholders  
• Absence of bias  
• Recognition of human and Indigenous rights  
• Recognition of the inherent value of nature  
• Equitable distribution of cost and benefits both intra- and intergenerational |
| 6. **Connectivity** | • Effective coordination between all levels of governance authority  
• Consistent vision and direction among all levels of protected area governance |
| 7. **Resilience** | • Balance of flexibility and security |
• Incorporation of new knowledge into protected area decision making and action
• Anticipating and managing risk, opportunities, and threats
• 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

<table>
<thead>
<tr>
<th>Guideline</th>
<th>Elements of Guideline</th>
</tr>
</thead>
</table>
| 1. Share information, advice, and conservation benefits with the concerned communities | • Consult community in the development of objectives and management priorities of new protected areas  
• Consult community in the development of technical documents and when making technical decisions  
• Share information promptly and fully, encouraging open discussion and mutual learning  
• Equitably share protected area costs and benefits with the local community |
| 2. Empower Indigenous peoples and local mobile communities to participate in protected areas management | • Engage communities in participatory assessment and visioning exercises  
• Support communities to organize and build capacity |
<table>
<thead>
<tr>
<th>Guideline</th>
<th>Elements of Guideline</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Engage the concerned communities in negotiation processes and management institutions</td>
<td>• Integrate traditional and western practices and knowledge</td>
</tr>
<tr>
<td></td>
<td>• Negotiate co-management plans and agreements with communities and other stakeholders</td>
</tr>
<tr>
<td></td>
<td>• Develop a co-management body reflective of the parties involved that can adapt to the changing needs of the protected area and parties involved</td>
</tr>
<tr>
<td></td>
<td>• Negotiate the restitution of land and resources to Indigenous peoples and local communities or devolve management authority to them, as appropriate</td>
</tr>
<tr>
<td>4. Promote learning at various levels</td>
<td>• Enhance awareness and technical capacities of protected area staff</td>
</tr>
<tr>
<td></td>
<td>• Promote mutual learning and “learning by doing”</td>
</tr>
<tr>
<td></td>
<td>• Involve all parties in an assessment of protected area accomplishments and outstanding issues</td>
</tr>
</tbody>
</table>

Note. Adapted from Borrini-Feyerabend et al. (2004).

**Principles and Guidelines for Indigenous/Traditional Peoples and Protected Areas (Beltrán 2000)**

In 1999, the IUCN and the World Wildlife Fund (WWF) adopted “the Principles and Guidelines for Indigenous/Traditional Peoples and Protected Areas” (Beltrán 2000) (Table 4). These principles are based on the premise that protected area efficacy depends on the support of local peoples and incorporation of Indigenous knowledge and practices. The IUCN/WWF principles are also premised on the belief that cultural resource use, Indigenous land tenure, and local control should be incorporated into protected area governance and management to enhance biodiversity conservation. These principles have since been applied to evaluate protected areas in Canada, Africa, and Latin American (Gladu 2003; Nelson and Hossack 2003; Fernandez-Baca and Martin 2007).

This detailed list of principles and guidelines provides direction on the governance and management of protected areas which involve Indigenous/traditional peoples. These principles would apply to both the shared governance and ICCA governance type. Similar to the guidelines developed by Borrini-Feyerabend et al. (2004), in their specificity these guidelines lose some of the breadth of the principles developed by the Institute on Governance (Graham et al. 2003), the IUCN (Dudley 2008; Lausche 2011; Borrini-Feyerabend et al. 2012), and Lockwood (2010).
<table>
<thead>
<tr>
<th>Principle</th>
<th>Elements of Principle</th>
</tr>
</thead>
</table>
| 1. Compatibility between protected area objectives and those of Indigenous and traditional peoples | • Agreements should establish common objectives and commitments, define responsibilities, and form the basis of management objectives, standards, and regulations.  
• Agreements should be developed within the framework of national protected area plans, policies, and objectives as well as national laws  
• Protected area management plans should incorporate traditional knowledge and practices along with other knowledge sources  
• Methods for monitoring should incorporate traditional knowledge and practices  
• Harmony between national protected area legislation and the IUCN’s protected area categories |
| 2. Full respect for rights of Indigenous people to use of their traditional lands and resources | • Agreements should secure the rights of Indigenous and traditional peoples, including the right to full protection of their lands, resources, and communities  
• Agreements should respect Indigenous peoples’ right to:  
  • sustainable, traditional land use,  
  • control and management of their lands,  
  • participate in decision making,  
  • use traditional institutions and authorities in co-management,  
  • give free and informed consent to any project that will affect their lands, water, or resources  
  • improve the quality of their lives and benefit equitably  
  • maintain and enjoy their cultural heritage  
  • remain on the lands they have traditionally occupied  
• Protected area establishment should be based on the legal recognition of the collective rights of Indigenous peoples  
• Where this is not feasible, interim arrangements should be established to ensure protection of Indigenous rights  
• 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. |
<table>
<thead>
<tr>
<th>Principle</th>
<th>Elements of Principle</th>
</tr>
</thead>
</table>
| **Decision making as shared, transparent, and accountable** | • Legal and institutional structure of protected areas should be amended, as appropriate, to include the institutions and decision making mechanisms and processes of co-management arrangements  
• Management should occur through a formalized mechanism with all parties held accountable for fulfillment of agreed objectives and plans  
• Mutual assessment of performance through monitoring and transparent reporting  
• New protected areas should be established via voluntary declaration or agreement amongst affected parties  
• The process of establishing new protected areas should involve:  
  • collaborative research with Indigenous/traditional peoples to identify features that make the area suitable for protection  
  • if legal recognition does not exist, the initiation of a process to give legal recognition to the rights of Indigenous/traditional peoples  
  • agreement from all parties on the designation and management of protected areas  
  • collaborative development of a management plan  
  • In developing solid relationships with Indigenous/traditional peoples, government and non-government organizations should:  
    • promote open dialogue  
    • promote necessary legal and policy changes  
    • develop conflict-resolution processes  
    • encourage and develop capacity building mechanisms  
• Development of educational campaigns to increase public awareness of Indigenous/traditional peoples’ rights and values |
| **Access of Indigenous peoples to the benefits of protected areas** | • Protected areas should guarantee the provision of such benefits as:  
  • effective defense of territories against external threats  
  • support and legal protection of territories  
  • consolidation of territories, including demarcation  
  • technical, financial, and political support for the ability to manage territories  
  • sustained capacity building  
• 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  
• Ensure that Indigenous/traditional people benefit from economic and employment opportunities generated from the protected area |
| **Upholding of Indigenous/traditional rights cross national boundaries** | • Adoption of instruments by government to guarantee respect and support of Indigenous peoples in trans-frontier protected areas  
• Development of agreements are measures to ensure protected areas that are subject to dispute or armed conflict remain zones of peace |

Note. Adapted from Beltrán (2000).
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 boundaries – is not included in this list as conservancies do not currently cross national or provincial boundaries.
Chapter 3.

Conservancies in British Columbia

3.1 The Great Bear Rainforest

The Central and North Coast LRMPs cover the majority of the British Columbia coast, extending north from Bute Inlet to the Alaskan Pan-handle (Figure 2). This area is commonly referred to as the Great Bear Rainforest (Price et al. 2009; Bird 2011; Low and Shaw 2011/12). Some definitions of the Great Bear Rainforest also include Haida Gwaii within the area’s boundaries (Smith and Sterritt 2007; Rainforest Solutions Project 2013). In this report, I refer to the Great Bear Rainforest as the area including only the Central and North Coast LRMP areas.

The Great Bear Rainforest includes approximately 6.4 million ha of coastal temperate rainforest and has been recognized as the largest tract of intact coastal rainforest in the world (Clapp 2004; Price et al. 2009). Due to low levels of stand-replacing disturbance, the Great Bear Rainforest is a landscape comprised largely of ancient forests, large trees, and complex structure (Price et al. 2009). Providing the area with its moniker, the Great Bear Rainforest also ranks as some of the world’s best habitat for grizzly bears (*Ursus arctos*) and black bears (*Ursus americanus*), including British Columbia’s official provincial mammal, the Spirit Bear (a white variant of *Ursus americanus*) (Clapp 2004; British Columbia 2004; BC Ministry of the Environment 2006a).
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 some employment in aquaculture, tourism, agriculture, and roe-on-kelp operations (British Columbia 2001a; British Columbia 2001b).

The region has seen significant changes over the past two decades, from a landscape overshadowed by conflict and dominated by the forest industry to an area hailed for its unprecedented cooperation and conservation focus (Page 2010; Bird 2011; Low and Shaw 2011/12). Historically, the forest industry has exerted great influence over management of British Columbia’s land base, in part because of the significant contribution of forestry to the provincial economy and employment. This forestry dominated land use regime prevailed in the province until the 1980s, when tensions came to a head in a decade-long struggle over resource allocation and land use management known as the “War in the Woods” (Jackson and Curry 2004; Howlett et al. 2009). Emboldened by legal victories in lawsuits over Aboriginal rights and title, First Nations in the Great Bear Rainforest area formed a coalition with environmental organizations to protest the forest industry’s influence on the provincial government and the unsustainable harvesting of forest resources. The success of these campaigns forced several influential timber companies to take the steps to alter their previously hostile relationship with both environmentalists and First Nations (Low and Shaw 2011/12). Concurrently, the Province acted by agreeing to work with First Nations on a government-to-government basis to implement ecosystem-based management (EBM) within the region (Bird 2011). This newfound cooperation led to the development of several landmark agreements, coalitions, and more collaborative approaches to land use planning.
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 First Nation, Heiltsuk Nation, Kitasoo/Xaixais First Nation, Gitga’at First Nation, Haïsla First Nation, 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., pg. 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 Nanwakolas Council (Smith and Sterritt 2007). The Nanwakolas Council includes the Namgis First Nation, Mamalilikulla-Qwe-Qwa Sot’Em First Nation, Tlowlitsu First Nation, Da’naxda’xw First Nation, Gwa’sala Nakwaxdá’xw First Nation, Kwiakah First Nation and Comox First Nation (Low and Shaw 2011/12). All of the members of the Nanwakolas Council were previously members of a coalition known as KNT First Nations (BC Integrated Land Management Bureau 2013).
3.3 A New Relationship with First Nations

The War in the Woods set in motion effort by the provincial government 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 conservancies.

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 Nations⁴ 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.

⁴ 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 (British Columbia and Coastal First Nations 2001).
3.3.2 Coast Land Use Plan and Land Use Planning Agreements

The LRMP process for the Central Coast began in 1996 and the LRMP process for the North Coast began in 2001, with the objective of finalizing land use recommendations for the two regions (British Columbia 2001a; Cullen 2006). The Central and North Coast LRMPs were the first LRMPs in the province to include government-to-government negotiations with First Nations (Cullen 2006; McGee 2006). A two-tier planning process was developed by the Province, wherein First Nations would have an opportunity to participate as members of a larger stakeholder group at the first tier and independently on a government-to-government basis at the second. Many First Nations chose not to participate as stakeholders within the first tier, opting to play only an informative role at this level (Smith and Sterritt 2007; Bird 2011). From the first tier, a set of consensus-based recommendations were presented to each First Nation and the
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 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)\(^5\). 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

\(^5\) Signatories to the SLUPAs include the Gitaga’at First Nation, Gitxaala Nation, Haisla Nation, Heiltsuk First Nation, Xwémalhkwu First Nation (Homalco), Kitasoo/Xaisxais First Nation, Kitselas First Nation, Kitsumkalum First Nation, Lax Kw’alaams First Nation, Metlakatla First Nation, Nuxalk First Nation, and Wuikinuxv First Nation.
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 Province 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
accompanying the introduction of the amendment, Environment Minister Barry Penner declared, “This is a historic day for British Columbia. . . . By establishing the conservancy designation under the Park Act, the government of B.C. is well on its way to protecting some of the most spectacular and ecologically diverse areas of the province” (BC Ministry of the Environment 2006b). The executive director for the Coastal First Nations, Art Sterritt, said, “For the first time, provincial legislation has been developed specifically to address First Nations traditional use and enable First Nations and provincial collaborative management. The legislation is also unique because it respects and acknowledges the Aboriginal title and rights of First Nations” (BC Ministry of the Environment 2006b). Greenpeace, ForestEthics, and the Sierra Club of Canada, BC Chapter, were also participants in this process and expressed their strong support for the land use decisions reached between First Nations and the Province (BC Ministry of the Environment 2006b). Conceptually, conservancies were hailed as a success by government, environmentalists, and First Nations alike.

As of January 2013, there were 154 conservancies, covering 2,685,699 ha along the west coast of British Columbia (Appendix A). Although initially established through the Central and North Coast planning processes, conservancies have been subsequently established within the Haida Gwaii, Sea to Sky, Lillooet, Morice, and, most recently, Atlin-Taku LRMP regions. Conservancies range in size from 11 ha (Sand Point Conservancy) to as large as 322,020 ha (Huchsduwachsdu Nuyem Jees/Kitlope Heritage Conservancy). Each conservancy is under the purview of the Province and either one or, more commonly, several First Nations.

Conservancies constitute an exciting new conservation concept, for two main reasons. First, from a conservation perspective it has been apparent for a long time that the total area protected as national or provincial parks in BC is not going to increase significantly beyond the 12% level, despite the recognition that 12% is insufficient to ensure conservation of biodiversity. Conservancies offer a means of achieving conservation goals over a much larger land base, and as such might complement initiatives such as the federal Species at Risk Act (S.C. 2002, c. 29) and BC’s Draft Five-Year Plan for Protecting Species at Risk (BC Ministry of the Environment 2013). Second, the more traditional forms of protected areas and other resource tenures in BC do not meet all of the needs of First Nations, many of which are still without treaties.
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 conservancies. 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 conservancies *(Turner and Bitonti, 2011)*.

Two main features of conservancies 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. Conservancies 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 Sterritt 2007)*.

Second is the allowance of development or natural resource use within conservancies. In contrast with the prohibitions associated with Class A Parks, a wide range of low impact, compatible economic opportunities are provided within
conservancies. 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: 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 conservancies. In addition, conservancies are to be managed in accordance with the 2009 Reconciliation Protocol, following the framework established for joint decision-making within traditional territories in the absence of settled treaties.

Several First Nations have also entered into Collaborative Agreements for the Management of Protected Areas with the Province. These Collaborative Management Agreements are meant to complement the SLUPAs, detailing principles by which the
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 conservancies 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 Nanwakolas) 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) agree to a process, timeline, and terms of reference. Following this initial step, public input is sought through an open house and/or comment form available on the BC Parks website. These two mechanisms for public input are aimed at informing nearby communities of the proposed protected area. Information is then gathered from interested or affected parties. This step is often part of a larger effort to obtain social and ecological background data required for management planning. Following the development of a draft management plan by First Nations and the Province, a second round of public review is initiated. At this point, the draft plan is made available on the BC Parks website for open public review and comment. The feedback is taken into account when the final management plan is prepared, which is then submitted to the First Nation and the provincial government for final review and acceptance (personal communication, Ministry of Environment planner, September 1, 2010; BC Parks 2013a).
As of January 2013, only 19 conservancy management plans\(^6\) 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.

\(^6\) 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 Fund, 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 both absent and important to the evaluation of conservancies were added to my core set. I then assessed the IUCN’s “Principles of Good Governance” (Dudley 2008; Lausche 2011; Borrini-Feyerabend et al. 2012), the Institute on Governance’s “Governance Principles for Protected Areas in the 21st Century” (Graham et al. 2003), and Lockwood’s (2010) principles for “Good Governance for Terrestrial Protected Areas” in turn, following the same process of addition as I did for the set of principles developed by Borrini-Feyerabend et al. (2004). The result of this selection process is an assemblage of 4 criteria and 50 indicators (Table 5). I adopted 4 of the 5 principles from the work of Beltrán (2000) with no additions from the 4 remaining frameworks. Beltrán’s fifth principle - upholding of Indigenous/traditional rights cross national boundaries – is not included in this list as conservancies do not currently cross national or provincial boundaries. I added 17 indicators, in full or in part, from the 4 remaining frameworks to the core set of indicators from Beltrán (2000).

The principle of “resilience” proposed by Lockwood (2010) is the only major criterion contained in the literature I reviewed which is not fully addressed within the set of criteria I selected for my research. As defined by Walker et al. (2004, pg. 5), resilience is “the capacity of a system to absorb disturbance and reorganize while undergoing change so as to still retain essentially the same function, structure, identity, and feedbacks.” Although important to good governance, it is not possible to properly assess the resilience of conservancies at this early stage in their development. Several of the
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**

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Indicators</th>
<th>Source</th>
</tr>
</thead>
</table>
| **Compatibility between protected area objectives and those of Indigenous and traditional peoples (Beltrán 2000)** | 1.1 Agreements should establish common objectives and commitments, define responsibilities, and form the basis of management objectives, standards, and regulations.  
1.2 Agreements should be developed within the framework of national protected area plans, policies, and objectives as well as national laws.  
1.3 Existence of management plans for individual PAs that:  
  a) reflect citizen participation, particularly local and Indigenous people  
  b) have formal approval of the appropriate authorities  
  c) set out clear objectives consistent with legislation  
  d) set out measurable results to be achieved within specific timeframes  
  e) are reviewed and updated on a regular cycle (e.g. every five years)  
  f) are implemented through annual work plans  
  g) incorporate traditional knowledge and practices along with other sources  
1.4 Methods for monitoring should incorporate traditional knowledge and practices  
1.5 Compatibility with and recognition of natural values  
1.6 Harmony between national protected area legislation and the IUCN’s protected area categories | Beltrán (2000)  
Beltrán (2000)  
Beltrán (2000)  
Graham (2003)  
Graham (2003)  
Graham (2003)  
Graham (2003)  
Graham (2003)  
Graham (2003)  
Beltrán (2000)  
Lockwood (2010)  
Beltrán (2000) |
| **Full respect for**  
2.1 Agreements should secure the rights of Indigenous | Beltrán (2000) |
<table>
<thead>
<tr>
<th>Criteria</th>
<th>Indicators</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>rights of Indigenous people to use of their traditional lands and resources (Beltrán 2000)</strong></td>
<td>and traditional peoples, including the right to full protection of their lands, resources, and communities</td>
<td>Beltrán (2000)</td>
</tr>
<tr>
<td>2.2 Agreements should respect Indigenous peoples’ right to:</td>
<td></td>
<td></td>
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<tr>
<td>a) sustainable, traditional land use,</td>
<td>Beltrán (2000)</td>
<td></td>
</tr>
<tr>
<td>b) control and management of their lands,</td>
<td>Beltrán (2000)</td>
<td></td>
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<tr>
<td>c) participate in decision making,</td>
<td>Beltrán (2000)</td>
<td></td>
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<tr>
<td>d) use traditional institutions and authorities in co-management,</td>
<td>Beltrán (2000)</td>
<td></td>
</tr>
<tr>
<td>e) give free and informed consent to any project that will affect their lands, water, or resources</td>
<td>Beltrán (2000)</td>
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<tr>
<td>f) improve the quality of their lives and benefit equitably</td>
<td>Beltrán (2000)</td>
<td></td>
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<tr>
<td>g) maintain and enjoy their cultural heritage</td>
<td>Beltrán (2000)</td>
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<tr>
<td>e) remain on the lands they have traditionally occupied</td>
<td>Beltrán (2000)</td>
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<tr>
<td>2.3 Protected area establishment should be based on the legal recognition of the collective rights of Indigenous peoples</td>
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<tr>
<td>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.</td>
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<td>2.5 Negotiate the restitution of land and resources to Indigenous peoples and local communities or devolve management authority to them, as appropriate</td>
<td>Borrini-Feyerabend et al. (2004)</td>
<td></td>
</tr>
<tr>
<td><strong>Decision making as shared, transparent, and accountable (Beltrán 2000)</strong></td>
<td>3.1 Legal and institutional structure includes the institutions and decision making mechanisms and processes of co-management arrangements</td>
<td>Beltrán (2000)</td>
</tr>
<tr>
<td>3.2 Management should occur through a formalized mechanisms, such as a co-management body, with all parties held accountable for fulfillment of agreed objectives and plans</td>
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<tr>
<td>3.3 Visible decision making process</td>
<td>Lockwood (2010)</td>
<td></td>
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<tr>
<td>3.4 Accountability is linked to concrete and appropriate rewards and sanctions</td>
<td>Borrini-Feyerabend et al. (2012)</td>
<td></td>
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<td>3.5 Mutual assessment of performance through monitoring and transparent reporting</td>
<td></td>
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<tr>
<td>3.6 New protected areas should be established via voluntary declaration or agreement amongst affected</td>
<td>Beltrán (2000)</td>
<td></td>
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<tr>
<td>Criteria</td>
<td>Indicators</td>
<td>Source</td>
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<td>3.7 The process of establishing new protected areas should involve:</td>
<td>a) collaborative research with Indigenous/traditional peoples to identify features that make the area suitable for protection</td>
<td>Beltrán (2000)</td>
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<td></td>
<td>b) if legal recognition does not exist, the initiation of a process to give legal recognition to the rights of Indigenous/traditional peoples</td>
<td>Beltrán (2000)</td>
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<td></td>
<td>c) agreement from all parties on the designation and management of protected areas</td>
<td>Beltrán (2000)</td>
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<td></td>
<td>d) collaborative development of a management plan with communities and other stakeholders</td>
<td>Beltrán (2000); Borrini-Feyerabend et al. (2004)</td>
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<td></td>
<td>e) consult community in the development of technical documents and when making technical decisions</td>
<td>Borrini-Feyerabend et al. (2004)</td>
</tr>
<tr>
<td>3.8 In developing solid relationships with Indigenous/traditional peoples, government and non-government organizations should:</td>
<td>a) promote open dialogue</td>
<td>Beltrán (2000)</td>
</tr>
<tr>
<td></td>
<td>b) promote necessary legal and policy changes</td>
<td>Beltrán (2000)</td>
</tr>
<tr>
<td></td>
<td>c) develop conflict-resolution processes which insures access to justice and impartial judgment</td>
<td>Beltrán (2000); Borrini-Feyerabend et al. (2012)</td>
</tr>
<tr>
<td></td>
<td>d) encourage and develop capacity building mechanisms</td>
<td>Beltrán (2000)</td>
</tr>
<tr>
<td></td>
<td>e) promote mutual learning and “learning by doing”</td>
<td>Borrini-Feyerabend et al. (2004)</td>
</tr>
<tr>
<td></td>
<td>f) foster trust</td>
<td>Graham (2003)</td>
</tr>
<tr>
<td>3.9 Development of educational campaigns to increase public awareness of Indigenous/traditional peoples’ rights and values</td>
<td></td>
<td>Beltrán (2000)</td>
</tr>
<tr>
<td>4.1 Equitably share protected area costs and benefits with the local community</td>
<td></td>
<td>Borrini-Feyerabend et al. (2004)</td>
</tr>
<tr>
<td>4.2 Protected areas should guarantee the provision of such benefits as:</td>
<td>a) effective defense of territories against external threats</td>
<td>Beltrán (2000)</td>
</tr>
<tr>
<td></td>
<td>b) support and legal protection of territories</td>
<td>Beltrán (2000)</td>
</tr>
</tbody>
</table>
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 full partners in protected area management and should participate in the establishment of shared objectives, responsibilities, and commitments (Beltrán 2000; Graham et al. 2003). At the same time, agreements must be developed within the framework of national and/or provincial protected area legislation, plans, policies, and objectives (Lockwood 2010). Agreements must also reflect the responsibility of all parties to conserve biodiversity, ecological integrity, and natural resources (Lockwood 2010).

4.1.3 Full respect for rights of Indigenous people to use of their traditional lands and resources

Protected area agreements must fully acknowledge the rights of Indigenous and traditional peoples to the sustainable use of the lands, waters, and resources within their traditional territories (Beltrán 2000). These rights include sustainable, traditional land
use, control and management of land within their traditional territories, use of traditional institutions, practices, and knowledge, enjoyment of their cultural heritage, and equitable accrualment of benefits (Beltrán 2000). In those situations where full recognition of Indigenous/traditional peoples' rights has not occurred, access to resources necessary for their livelihoods must be guaranteed. Efforts to recognize Indigenous/traditional peoples' rights should also include the devolution of authority and/or restitution of land and resources to Indigenous peoples (Borrini-Feyerabend et al. 2004).

**4.1.4 Decision making as shared, transparent, and accountable**

Decentralization, participation, accountability, and transparency are key to achieving good governance of protected areas (Beltrán 2000). Legal and institutional structures should include the institutions and decision making processes of co-management (Beltrán 2000). I adopt the terminology used by the IUCN, which defines the co-management of protected areas as, “government-designated protected areas where decision making power, responsibility and accountability are shared between governmental agencies and other stakeholders, in particular the Indigenous peoples and local and mobile communities that depend on that area culturally and/or for their livelihoods” (Borrini-Feyerabend et al. 2004, pg. 32).

Concrete mechanisms should be in place to ensure accountability for fulfilling protected area objectives (Borrini-Feyerabend et al. 2012). Indigenous peoples and local communities should be involved throughout the management process with a dedicated effort made to building solid relationships amongst all parties (Beltrán 2000; Graham et al. 2003; Borrini-Feyerabend et al. 2004; Borrini-Feyerabend et al. 2012).

**4.1.5 Access of Indigenous peoples to the benefits of protected areas**

Indigenous and traditional peoples should share fully and equitably in the benefits generated from protected areas (Beltrán 2000; Borrini-Feyerabend et al. 2004). These benefits include protection of traditional territories against outside threats, sustained capacity building, and economic and employment opportunities (Beltrán 2000). Similarly, Indigenous and traditional peoples should not bear an unfair portion of
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 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

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Indicators</th>
</tr>
</thead>
</table>
| **Compatibility between protected area objectives and those of Indigenous and traditional peoples** | 1. Do the CMPs or higher-level agreements (i.e. SLUPAs, Collaborative Management Agreements) establish common objectives and define responsibility?  
2. Are CMPs developed within the framework of national protected area plans, policies, and objectives as well as national laws?  
3. Do the CMPs:  
  a) reflect citizen participation, particularly local and Indigenous people?  
  b) have formal approval of all appropriate authorities?  
  c) set out clear objectives consistent with legislation?  
  d) set out measurable results to be achieved within specific timeframes?  
  e) undergo scheduled review on a regular cycle (e.g. every five years)?  
  f) incorporate traditional knowledge and practices along with other sources?  
4. Do the CMPs incorporate traditional knowledge and practices into their methodology for monitoring?  
5. Do the CMPs incorporate natural values into conservancy objectives and strategies?  
6. Is there harmony between national protected area legislation and the IUCN’s protected area categories? |
| **Full respect for rights of Indigenous people to use of their traditional lands and resources** | 7. Do higher-level agreements (i.e. SLUPAs, Collaborative Management Agreements) and CMPs secure the rights of Indigenous and traditional peoples, including the right to full protection of their lands, resources and communities?  
8. Do the CMPs express respect Indigenous peoples’ right to:  
  a) sustainable, tradition land use?  
  b) control and management of their lands? |
<table>
<thead>
<tr>
<th>Criteria</th>
<th>Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>c) participate in decision making?</td>
</tr>
<tr>
<td></td>
<td>d) use tradition institutions and authorities in co-management?</td>
</tr>
<tr>
<td></td>
<td>e) give free and informed consent to any project that will affect their lands, water, or resources?</td>
</tr>
<tr>
<td></td>
<td>f) improve the quality of their lives and benefit equitably?</td>
</tr>
<tr>
<td></td>
<td>g) maintain and enjoy their cultural heritage?</td>
</tr>
<tr>
<td></td>
<td>h) remain on the lands they have traditionally occupied?</td>
</tr>
<tr>
<td>9.</td>
<td>Is the establishment of conservancies based on the legal recognition of the collective rights of Indigenous peoples?</td>
</tr>
<tr>
<td>10.</td>
<td>If Indigenous and traditional people’s rights are not yet recognized by government, is access to resources necessary for their livelihoods should be guaranteed?</td>
</tr>
<tr>
<td>11.</td>
<td>Has the restitution of land and resources to Indigenous peoples and local communities been negotiated and/or management authority to them devolved?</td>
</tr>
<tr>
<td>Decision making as shared, transparent, and accountable</td>
<td>12. Does the legal and institutional structure of conservancies include the institutions, decision making mechanisms, and processes of co-management?</td>
</tr>
<tr>
<td></td>
<td>13. Do CMPs and higher-level agreements direct management to occur through a formalized mechanism, such as a co-management body?</td>
</tr>
<tr>
<td></td>
<td>14. Is the decision making process for conservancies visible?</td>
</tr>
<tr>
<td></td>
<td>15. Is accountability linked to concrete and appropriate rewards and sanctions?</td>
</tr>
<tr>
<td></td>
<td>16. Are all parties engaged in the assessment process via monitoring and transparent reporting?</td>
</tr>
<tr>
<td></td>
<td>17. Were conservancies established via voluntary declaration or agreement amongst affected parties?</td>
</tr>
<tr>
<td></td>
<td>18. Do the CMPs cite the following activities as occurring at the time of conservancy establishment:</td>
</tr>
<tr>
<td></td>
<td>a) collaborative research with Indigenous/traditional peoples to identify features that make the area suitable for protection?</td>
</tr>
<tr>
<td></td>
<td>b) the initiation of a process to give legal recognition to the rights of Indigenous/traditional peoples?</td>
</tr>
<tr>
<td></td>
<td>c) agreement from all parties on the designation and management of protected areas?</td>
</tr>
<tr>
<td></td>
<td>d) collaborative development of a management plan with communities and other stakeholders?</td>
</tr>
<tr>
<td></td>
<td>e) community consultation in the development of technical documents and when making technical decisions</td>
</tr>
<tr>
<td></td>
<td>19. In developing solid relationships with Indigenous/traditional peoples, have government and non-government organizations:</td>
</tr>
<tr>
<td></td>
<td>a) promoted open dialogue?</td>
</tr>
<tr>
<td></td>
<td>b) promoted necessary legal and policy changes?</td>
</tr>
<tr>
<td></td>
<td>c) developed conflict-resolution processes which insures access to justice and impartial judgment?</td>
</tr>
<tr>
<td>Criteria</td>
<td>Indicators</td>
</tr>
<tr>
<td>----------</td>
<td>------------</td>
</tr>
<tr>
<td>d) encouraged and developed capacity building mechanisms?</td>
<td></td>
</tr>
<tr>
<td>e) promoted mutual learning and “learning by doing”?</td>
<td></td>
</tr>
<tr>
<td>f) fostered trust?</td>
<td></td>
</tr>
<tr>
<td>20. Do the CMPs cite the development of educational campaigns to increase public awareness of Indigenous/traditional peoples’ rights and values?</td>
<td></td>
</tr>
</tbody>
</table>

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 conservancies 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 conservancies?

24. Do CMPs site objectives and strategies to ensure that Indigenous/traditional people benefit from economic and employment opportunities generated from the conservancy?

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 plans are listed as “approved” on the BC Parks website and both agreements state that the 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 were 2 cases in which more than one conservancy 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 one 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, including all CMPs that had received approval in my evaluation would have resulted in an oversampling of CMPs from this region. Similarly, the Lil’wat First Nation had 3 approved CMPs within the Sea-to-Sky LRMP.

2. Of the remaining draft CMPs, selection was based on which First Nation(s) were party to the plan. The draft CMPs which were collaboratively developed by a First Nation or group of First Nations not represented in any of the other approved or draft CMPs were selected for inclusion.

3. In those cases where multiple CMPs were developed by a single First Nation or group of First Nations within an LRMP, plans were selected based on their content and the presence of distinguishing features (see Table 4.3 for justifications for selection).

Out of this selection process, 13 CMPs were selected for evaluation (Table 7). The CMPs selected were collected and compiled in March of 2013.

Table 7. Conservancy Management Plans Selected for Evaluation

<table>
<thead>
<tr>
<th>Conservancy Name</th>
<th>Justification for selection</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Central Coast LRMP</strong></td>
<td></td>
</tr>
<tr>
<td>Huchsduwachsdhu Nuyem Jees/Kitlope</td>
<td>• Finalized plan</td>
</tr>
<tr>
<td>Heritage Conservancy</td>
<td>• Provides a sample of a CMP developed by the Haisla</td>
</tr>
<tr>
<td>Hunwadi/Ahnuhati-Bald Conservancy</td>
<td>• Provides a sample of a CMP developed by the Da’naxda’xw/Awaetlala First Nation, Nanwa’kelas Council, and Mamalikikula-Que’Qwa’Sol’Em First Nations</td>
</tr>
<tr>
<td>Ugwiwey/Cape Caution Conservancy</td>
<td>• Provides a sample of a CMP developed by the Gwa’sala-‘Nakwaxda’xw First Nation</td>
</tr>
<tr>
<td></td>
<td>• Of the 2 CMPs available from this First Nation, this conservancy is of great cultural importance to the Gwa’sala-‘Nakwaxda’xw and offers economic development opportunities</td>
</tr>
<tr>
<td>Bishop Bay – Monkey</td>
<td>• Provides a sample of a CMP developed by the Haisla and Gitga’at First</td>
</tr>
<tr>
<td>Conservancy Name</td>
<td>Justification for selection</td>
</tr>
<tr>
<td>------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>North Coast LRMP</td>
<td></td>
</tr>
<tr>
<td>Beach Corridor Conservancy*</td>
<td>Nation</td>
</tr>
</tbody>
</table>
| Khutzeymateen Inlet Conservancy** | • Finalized plan  
| | • Provides a sample of a CMP developed by the Coast Tsimshian First Nation |
| Lax Kw’alaams/Fin Conservancy | • Finalized plan  
| | • Provides a sample of a CMP developed by the Gitaga’at First Nation |
| Khutzeymateen Inlet West Conservancy** | • Finalized plan  
| | • Provides a sample of a CMP developed by the Coast Tsimshian First Nation |
| Bishop Bay – Monkey Beach Conservancy* | • Provides a sample of a CMP developed by the Haisla and Gitga’at First Nation |
| Zumtela Bay Conservancy | • Provides a sample of a CMP developed by the Lax Kw’alaams and Metlakatla First Nation  
| | • All 3 CMPs available from these First Nations were virtually identical with no distinguishing features. This CMP was selected at random. |
| Haida Gwaii LRMP |                            |
| Duu Guusd Conservancy | • Finalized plan  
| | • Provides a sample of a CMP developed by the Haida First Nation  
| | • Of the 11 finalized CMPs available from this First Nation, this conservancy was selected based on its large size, coastal location, cultural importance, and recreation opportunities |
| Kamdis Conservancy | • Finalized plan  
| | • Provides a sample of a CMP developed by the Haida First Nation  
| | • Of the 11 finalized CMPs available from this First Nation, this conservancy was selected based on its small size, in-land location, recreation opportunities, and economic development opportunities |
| Tlall Conservancy | • Finalized plan  
| | • Provides a sample of a CMP developed by the Haida First Nation  
| | • Of the 11 finalized CMPs available from this First Nation, this conservancy was selected as it is mid-sized and contains both coastal and in-land components |
| Sea to Sky LRMP |                            |
| Esté-Twilh/Sigurd Creek Conservancy | • Finalized plan  
| | • Provides a sample of a CMP developed by the Squamish First Nation |
| K’zuzált/Twin Two Conservancy | • Finalized plan  
<p>| | • Provides a sample of a CMP developed by the Lil’wat First Nation |
| Upper Rogers Kójii7 | • Finalized plan |</p>
<table>
<thead>
<tr>
<th>Conservancy Name</th>
<th>Justification for selection</th>
</tr>
</thead>
</table>
| Conservancy      | • Provides a sample of a CMP developed by the In-SHUCK-ch First Nation  
|                  | • All three CMPs available from these First Nations were virtually identical with no distinguishing features. This CMP was selected at random. |

**TOTAL: 15 conservancies, 13 CMPs**

Note.  *A single plan guides the management of these two conservancies

** A single plan guides the management of these two conservancies

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 identified in the CMPs I reviewed, 14 were publicly available. These 14 agreements were chosen to supplement the 13 CMPs in my evaluation.

**Table 8. Higher-level Land Use Agreements Selected to Supplement CMPs**

<table>
<thead>
<tr>
<th>First Nations who are signatories on the 13 CMPs selected</th>
<th>SLUPA</th>
<th>Collaborative Management Agreement in Principle</th>
<th>Reconciliation Protocol</th>
<th>Reconciliation Act</th>
<th>Agreement on Land Use Planning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gitga’at First Nation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Haisla First Nation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Da’nax’da’xw/Awaetlala First Nation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mamalilikulla-’Qwe’Qwa’Sot’Em First</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nanwakolas Council</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>First Nations who are signatories on the 13 CMPs selected</td>
<td>SLUPA</td>
<td>Collaborative Management Agreement</td>
<td>Agreement in Principle</td>
<td>Reconciliation Protocol</td>
<td>Reconciliation Act</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
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<td>-----------------------------------</td>
<td>-----------------------</td>
<td>------------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>Gwa’sala-Nakwaxda’xw First Nation</td>
<td></td>
<td>•</td>
<td>•</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lax Kw’alaams First Nation</td>
<td></td>
<td>•</td>
<td>UA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Metlakatla First Nation</td>
<td></td>
<td>•</td>
<td>UA</td>
<td>•</td>
<td></td>
</tr>
<tr>
<td>Squamish First Nation</td>
<td></td>
<td>•</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lil’wat First Nation</td>
<td></td>
<td>In development</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>In-SHUCK-ch First Nation</td>
<td></td>
<td>In development</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Haida First Nation</td>
<td></td>
<td>•</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coast Tsimshian First Nation</td>
<td></td>
<td>•</td>
<td></td>
<td>•</td>
<td></td>
</tr>
</tbody>
</table>

\*UA = Unavailable. Agreement is in place but is not publically available.

The Da’nax’da’xw/Awaetlala, Mamalilikulla-Qwe’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’ómoks First Nation.

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, Kitselfas Indian Band, and K’ómoks First Nation. 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 Metlakatla guide the management of the Khutzeymateen conservancy.

### 4.4 Limitations of Research

This work evaluates the formal structures and institutions that define conservancy governance. Its greatest limitation is that it does not address the governance quality of the informal structures and institutions of conservancies as they function in actual practice. The reasons for this are two-fold: 1. the nature and scope of this project did not allow for the evaluation of the de facto governance structure of conservancies, and 2. conservancies are still in their infancy and further time will need to elapse before such a study is undertaken. I further elaborate on each of these points in turn.
My research relied on an examination of documents available within the public domain to evaluate the formal governance structure of conservancies. By restricting my research to conservancy management plans and associated agreements I was able to include a greater number of First Nations and conservancies in my research than would have been possible if I had examined each conservancy in depth using interviews or other methods. I did compare the results of my evaluation with the work of Bird (2011) and Rozwadowska (2010), both of which included key informant interviews in their assessments of conservancies and/or associated agreements. Future projects may wish to include interview methodology to build on the conclusions of my research and evaluate the informal structures of conservancies.

Conservancies are currently in their infancy and are in a state of ongoing evolution. Finalized CMPs have only become available within the past two years, with the first conservancies established less than a decade ago. First Nations and the provincial government are still working out how these agreements will be implemented, and there is very little history of conservancy management from which to discern patterns and practices of de facto governance.

Another possible limitation of this research is that reliance on finalized and draft CMPs that have been made publically available may have biased the evaluation. The majority of conservancies designated since 2006 are without management plans. A significant amount of time, finances, and technical capacity is required to develop a management plan. Some CMPs may also remain undeveloped due to disagreement between First Nations and the Province on management direction and objectives. By relying on finalized and draft CMPs available on the BC Park website, it is possible that my sample reflects only those First Nations with developed capacities and relatively strong relationships with the Province. Future studies may wish to investigate those factors which expedite and inhibit the development of CMPs and implementation of management strategies.

Applying the criteria and indicators selected in an objective and transparent manner was a challenging task. Studies which rely on the application of qualitative tools to assess compliance with evaluative criteria have been subject to scrutiny (Ellis 2008; Zeiger 2012). The qualitative approach has been criticized because the logic and
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. The purpose of this evaluation is to provide early insight into this novel approach to protected areas in British Columbia and to preliminarily assess 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 projected area objectives and the rights of Indigenous peoples. Table 9 presents a summary of the evaluation results for this criterion.

<table>
<thead>
<tr>
<th>Table 9. Evaluating Conservancy Governance – Compatibility between protected area objectives and those of Indigenous and traditional peoples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indicator</td>
</tr>
<tr>
<td>1. Agreements should establish common objectives and commitments, define responsibilities, and form the basis of management objectives, standards, and regulations.</td>
</tr>
<tr>
<td>2. Agreements should be developed within the framework of national protected area plans, policies, and objectives as well as national laws</td>
</tr>
<tr>
<td>3. Existence of management plans for individual PAs that:</td>
</tr>
<tr>
<td>a) reflect citizen participation, particularly local and Indigenous people</td>
</tr>
<tr>
<td>b) have formal approval of the appropriate authorities</td>
</tr>
<tr>
<td>c) set out clear objectives consistent with legislation</td>
</tr>
<tr>
<td>d) set out measurable results to be achieved within specific timeframes</td>
</tr>
<tr>
<td>e) are reviewed and updated on a regular cycle (e.g. every five years)</td>
</tr>
<tr>
<td>f) are implemented through annual work plans</td>
</tr>
<tr>
<td>g) incorporate traditional knowledge and practices along with other sources</td>
</tr>
<tr>
<td>4. Methods for monitoring should incorporate traditional knowledge and practices</td>
</tr>
<tr>
<td>5. Compatibility with and recognition of natural values</td>
</tr>
<tr>
<td>Indicator</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>6. Harmony between national protected area legislation and the IUCN’s protected area categories</td>
</tr>
<tr>
<td>Compatibility between protected area objectives and those of Indigenous and traditional peoples</td>
</tr>
</tbody>
</table>

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 vision statements are organized around themes of heritage preservation, protection of ecological values, provision of recreational opportunities, and provision of opportunities for compatible, sustainable economic development. These themes reflect the four core roles and values in each CMP: cultural heritage, biological diversity and the natural environment, recreation, and the development and use of natural resources as directed by the BC Park Act. The only conservancy which differs in this regard is Kitlope Heritage Conservancy, as the development and use of natural resources is not included as a value or role of this conservancy. Each CMP provides management directions for each value, by identifying issues, objectives, strategies, and/or performance measures. All CMPs reviewed commit First Nations and the Province to the implementation of management strategies and ongoing monitoring and review.

2. *Agreements should be developed within the framework of national protected area plans, policies, and objectives as well as national laws.*

*Assessment: Fully met*
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 conservancy is identified in either Schedule E or F of the Protected Areas of British Columbia Act and is managed in accordance with the Park, Conservancy and Recreation Area Regulation.

Conservancies are also managed in accordance with national policies and legislation. Section 35 of the Constitution Act, 1982 provides constitutional protection of Aboriginal rights, title, and interests. Of note, the Zumtela Bay CMP also acknowledges that planning and management of the conservancy occurs within the framework of international agreements to which Canada is a party, including the United Nations Declaration of the Rights of Indigenous Peoples and the Convention on Biological Diversity. Although unstated in the other CMPs I reviewed, this is likely the intention for all CMPs.

Finally, conservancies are guided by several higher-level agreements which the Province entered into with First Nations. These agreements include Land Use Plans, Collaborative Management Agreements, and Reconciliation Protocols. Which higher-level agreements apply to management of a particular conservancy will vary depending on the conservancy’s location and which First Nations are involved.
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, First Nations, non-governmental groups, and local communities. All 13 CMPs reviewed were jointly prepared by BC Parks and First Nations, with First Nations providing direction on the development of management plans. All CMPs reviewed state that First Nations participated in the collection of background information, contributing traditional knowledge and technical data. In the case of the Lax Kwil Dziidz/Fin Conservancy, the Rainforest Solutions Project (a joint initiative of Greenpeace, ForestEthics, and Sierra Club BC) participated in the development process. Finally, citizen feedback was collected for all 13 CMPs reviewed. Local communities were consulted via newsletters, public information sessions, open houses, local advertising, and questionnaires. Comment forms and public review drafts were also made available on the BC Parks website.

b) have formal approval of the appropriate parties

*Assessment: Largely met*

It is the stated intention of BC Parks and First Nations within all 13 CMPs reviewed that the conservancies be jointly managed. Of the 9 formally approved management plans included in my review, 7 are signed by both the BC government and First Nations. Management plans for the Lax Kwil Dziidz/Fin Conservancy and Khutzeymateen Inlet and Inlet West Conservancies have only received approval from BC Parks and are awaiting a signature by the Gitga’at First Nation and Coast Tsimshian First Nations, respectively. However, both of these CMPs were developed collaboratively with the First Nations and express the expectation that First Nation parties will sign, securing the document as a joint collaborative management plan.
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 for achieving the four purposes of the conservancy designation. However, only 6 of the 13 CMPs reviewed contain performance measures/success indicators.

CMPs vary in their inclusion of timeframes for project implementation. Only 2 of the 13 CMPs specifically assign priorities to management strategies (e.g., high, medium, or low). The majority of CMPs (n=6/13) do not provide timeframes, stating that strategies and performance measures will be prioritized in future workplans. Five CMPs provide a list of those strategies considered high priority. Evaluation and reporting on the progress of management plan implementation is mentioned in only 6 of the 13 CMPs reviewed.

e) are reviewed and updated on a regular cycle (e.g. every five years)

Assessment: Partially met

CMPs vary in their management plan review process. The majority (n=9/13) of the CMPs reviewed state that the management plan will be reviewed as required, generally triggered by a change in circumstances or the complexities of a specific management issue. These plans are therefore not explicitly scheduled for review on a regular cycle. If a review schedule is not established for a CMP it may become outdated. Only 3 of the CMPs reviewed provide a timeframe for management plan review. This 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 Kutzeymateen Inlet/Kutzeymateen Inlet West Conservancy. The K’zulzált/Twin Two CMP is the only management plan that does not mention management plan review.

f) are implemented through annual workplans

Assessment: Partially met

Of the 13 CMPs reviewed, over half (n=8) mention the development of workplans. Of these, 3 state that workplans will be prepared on an annual basis; while for the remaining 5, workplans are to be developed on an ongoing basis. The 5 other CMPs reviewed do not mention the preparation of work plans. However, this does not necessarily mean that workplans will not be developed for these conservancies.

g) incorporate traditional knowledge and practices along with other sources

Assessment: Partially met

While all 13 of the CMPs reviewed were jointly developed with First Nations, not all CMPs explicitly cite the incorporation of traditional knowledge and practices. As stated under the first indicator, First Nations provided direction on all CMPs reviewed. Of the 13 CMPs, 4 state that First Nations’ Land Use Plans provided direction for land use within the conservancy. These Land Use Plans incorporate traditional knowledge and practices. With respect to the explicit inclusion of traditional knowledge, 6 of the 13 CMPs acknowledge the important knowledge contributions made by First Nation elders, chiefs, and community members. Of these 6 CMPs, 5 state a commitment to incorporate traditional ecological knowledge into conservancy management and activities. This commitment is reflected in the Collaborative Management Agreements signed by First Nations and the Province. All 4 of the Collaborative Management Agreements reviewed specify the integration of ecosystem based science and traditional knowledge in the management of protected areas as an objective of the agreement.

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’tizim-a-deen Rangers in Khutzeymateen Inlet/Inlet West Conservancy, Gitga’at Watchmen in Lax Kw’l Dzidz/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 Zmutela Bay Conservancy, and the future development of a Guardian Watchmen program for Hunwadi/Ahnauhati-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 kólii7 Conservancy will be monitored in collaboration with the Stein Valley Nlaka’apamux Park managers and other agencies. However, the Upper Rogers kólii7 Conservancy does not state how this collaboration will occur. It is intended that Esté-twih/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 recreational 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

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>7. Agreements should secure the rights of Indigenous and traditional peoples, including the right to full protection of their lands, resources, and communities</td>
<td>Partially met (1)</td>
</tr>
<tr>
<td>8. Agreements should respect Indigenous peoples’ right to:</td>
<td></td>
</tr>
<tr>
<td>a) sustainable, traditional land use</td>
<td>Fully met (3)</td>
</tr>
<tr>
<td>b) control and management of their lands</td>
<td>Largely met (2)</td>
</tr>
<tr>
<td>c) participate in decision making</td>
<td>Largely met (2)</td>
</tr>
<tr>
<td>d) use traditional institutions and authorities in co-management</td>
<td>Largely met (2)</td>
</tr>
<tr>
<td>e) give free and informed consent to any project that will affect their lands, water, or resources</td>
<td>Largely met (2)</td>
</tr>
<tr>
<td>f) improve the quality of their lives and benefit equitably</td>
<td>Fully met (3)</td>
</tr>
<tr>
<td>g) maintain and enjoy their cultural heritage</td>
<td>Fully met (3)</td>
</tr>
<tr>
<td>h) remain on the lands they have traditionally occupied</td>
<td>Largely met (2)</td>
</tr>
<tr>
<td>9. Protected area establishment should be based on the legal recognition of the collective rights of Indigenous peoples</td>
<td>Largely met (2)</td>
</tr>
<tr>
<td>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.</td>
<td>Largely met (2)</td>
</tr>
<tr>
<td>11. Negotiate the restitution of land and resources to Indigenous peoples and local communities or devolve management authority to them, as appropriate</td>
<td>Largely met (2)</td>
</tr>
<tr>
<td><strong>Full respect for rights of Indigenous people to use of their traditional lands and resources</strong></td>
<td>Largely met (26/12 = 2.17 )</td>
</tr>
</tbody>
</table>

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

**Assessment: Partially met**

Conservancies represent a significant step towards securing Aboriginal rights and protecting Aboriginal lands, waters, and resources within British Columbia. One of 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 objective should be permitted with the conservancy’s boundaries. Protection of
Aboriginal rights is reflected within several management objectives within the CMPs reviewed. Haida conservancies include a management objective to, “identify, protect and maintain Haida cultural heritage features, archaeological sites and traditional use locations” as well as “ensure that new uses are compatible with Haida Nation traditional use” (British Columbia and Haida First Nation 2011a, pg. 14). These sentiments are reflected in all 13 of the CMPs reviewed.

However, the conservancy designation does not offer protection to the entire territory to which a First Nation makes claim. The authority provided via the conservancy designation does not extend to adjacent areas where extensive development of natural resources by non-Aboriginal individuals may persist. Conservancy management plans encourage First Nations and the provincial Ministry of the Environment to work with stakeholders and agencies outside of conservancy boundaries to ensure adjacent land uses do not negatively impact conservancies.

8. Agreements should respect Indigenous peoples’ right to:

a) sustainable, traditional land use

Assessment: Fully met

Similar to indicator 7, this indicator asserts that protected areas must respect First Nations’ rights to sustainable, traditional resource use. As highlighted in the answer above, the protection of First Nations’ social, cultural, and ceremonial uses is one of the primary purposes of the conservancy designation. All CMPs reviewed provide for the continuance of cultural and traditional resource uses within the conservancy. These uses include the harvest of non-timber forest products, seaweed harvesting, medicinal plant harvesting, hunting, fishing, trapping, food gathering, and the cutting of trees for artistic and cultural purposes. Also touched on above, special attention is paid in the CMPs reviewed to direct management of conservancies so that traditional use is both promoted and secured.

b) control and management of their lands

Assessment: Largely met
All CMPs and higher-level agreements reviewed affirm that conservancies are intended to be collaboratively managed by First Nations and the provincial government. Conservancies were jointly designated by First Nations and the Province, and all 13 CMPs reviewed were collaboratively prepared. Moving forward, CMPs clearly state that both First Nations and the Province will participate in the management of conservancies, including the development of workplans, creation of operating budgets, monitoring, funding, staffing and resourcing, strategy implementation, and management plan review. This is true of all 13 CMPs reviewed. Further affirmation of the control provided to First Nations may be found in higher-level agreements, all of which speak to a spirit of cooperation and express a commitment to working collaboratively to implement land use plans.

While the intention is to manage conservancies collaboratively, the Crown retains the authority to overturn decisions made by First Nations and conservancy management representatives. In her research exploring the extent to which power is formally shared between First Nations and the Province within the “New Relationship”, Bird (2011) found that while SLUPAs and the 2009 Reconciliation Protocol “acknowledges” Aboriginal title, rights, and interests within their traditional territories, these statements carry no legal force beyond what they may provide in interpretation. Within the present Canadian legal context the Crown retains the authority to overturn conservancy decisions. Therefore, CMPs and higher-level agreements represent a moral commitment to collaborative decision making, but not a legal obligation.

All First Nations within Bird’s (2011) and my own study are provided this level of authority except for the Haida First Nation. Although a member of the Coastal First Nations, the Haida have negotiated agreements separately; including the *Haida Gwaii Reconciliation Act*. The Act came into effect in June 2010, establishing the Haida Gwaii Management Council and giving effect to the Kunst’aa Guu – Kunst’aayah Reconciliation Protocol. The Act legally obligates the Crown to recognize joint decisions of the Council, with neither party capable of making a decision unilaterally. Conservancies on Haida Gwaii are therefore managed via a co-jurisdictional arrangement. The key informants 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 expressed the belief that the Province is genuinely committed to reaching consensus and First Nations’ recommendations carry great weight.

Despite the Crowns’ authority to overturn conservancy decisions made by all First Nations on the coast other than the Haida, First Nations have still chosen to participate in conservancy management. As one interviewee stated, “You get as far as you can today, and you live to fight another day (Bird 2011, pg. 56).” That is to say, although Aboriginal rights, title, and interests may not be fully recognized by the Crown, this engagement process has moved the parties further in that direction.

c) participate in decision making

Assessment: Largely met

For all of the reasons stated above, I believe that, on paper, conservancies respect First Nations’ right to participate in decision making. Ostensibly, if First Nations are to participate as equals in activities such as the development of workplans, creation of operating budgets, and implementation of management strategies, they will also be participating in decision making. The finalization of CMPs themselves represents an act of decision making, with First Nations choosing to approve or disapprove of their content.
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, First Nations and the Province 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 kóli7 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 budgets, monitoring activities, reporting, and the implementation of management strategies. Ultimately, however, the final formal decision making authority still rests with the Crown.

5.3 Decision making as shared, transparent, and accountable

This criterion asserts that the good governance of protected areas involving Indigenous peoples requires decentralization, participation, accountability, and transparency. A summary of the results for this criterion as applied to conservancies is presented in Table 11.

Table 11. Evaluating Conservancy Governance – Decision making as shared, transparent, and accountable

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>12. Legal and institutional structure includes the institutions and decision making mechanisms and processes of co-management arrangements</td>
<td>Largely met (2)</td>
</tr>
<tr>
<td>13. Management should occur through a formalized mechanism, such as a co-management body, with all parties held accountable for fulfillment of agreed objectives and plans</td>
<td>Partially met (1)</td>
</tr>
<tr>
<td>14. Visible decision making process</td>
<td>Partially met (1)</td>
</tr>
<tr>
<td>Indicator</td>
<td>Assessment</td>
</tr>
<tr>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>15. Accountability is linked to concrete and appropriate rewards and sanctions</td>
<td>Partially met (1)</td>
</tr>
<tr>
<td>16. Mutual assessment of performance through monitoring and transparent reporting</td>
<td>Largely met (2)</td>
</tr>
<tr>
<td>17. New protected areas should be established via voluntary declaration or agreement amongst affected parties</td>
<td>Fully met (3)</td>
</tr>
<tr>
<td>18. The process of establishing new protected areas should involve:</td>
<td></td>
</tr>
<tr>
<td>a) collaborative research with Indigenous/traditional peoples to identify features that make the area suitable for protection</td>
<td>Fully met (3)</td>
</tr>
<tr>
<td>b) if legal recognition does not exist, the initiation of a process to give legal recognition to the rights of Indigenous/traditional peoples</td>
<td>Largely met (2)</td>
</tr>
<tr>
<td>c) agreement from all parties on the designation and management of protected areas</td>
<td>Fully met (3)</td>
</tr>
<tr>
<td>d) collaborative development of a management plan with communities and other stakeholders</td>
<td>Fully met (3)</td>
</tr>
<tr>
<td>e) consult community in the development of technical documents and when making technical decisions</td>
<td>Largely met (2)</td>
</tr>
<tr>
<td>19. In developing solid relationships with Indigenous/traditional peoples, government and non-government organizations should:</td>
<td></td>
</tr>
<tr>
<td>a) promote open dialogue</td>
<td>Largely met (2)</td>
</tr>
<tr>
<td>b) promote necessary legal and policy changes</td>
<td>Largely met (2)</td>
</tr>
<tr>
<td>c) develop conflict-resolution processes which insure access to justice and impartial judgment</td>
<td>Largely met (2)</td>
</tr>
<tr>
<td>d) encourage and develop capacity building mechanisms</td>
<td>Partially met (1)</td>
</tr>
<tr>
<td>e) promote mutual learning and “learning by doing”</td>
<td>Largely met (2)</td>
</tr>
<tr>
<td>f) foster trust</td>
<td>Largely met (2)</td>
</tr>
<tr>
<td>20. Development of educational campaigns to increase public awareness of Indigenous/traditional peoples’ rights and values</td>
<td>Largely met (2)</td>
</tr>
<tr>
<td><strong>Decision making as shared, transparent, and accountable</strong></td>
<td>Largely met (36/18 = 2)</td>
</tr>
</tbody>
</table>

12. **Legal and institutional structure includes the institutions and decision making mechanisms and processes of co-management arrangements**

Assessment: Largely met

In evaluating conservancies on the basis of this indicator, I first identified those institutions, decision making mechanisms, and processes which are central to co-
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 impacts to conservancy values. In all such activities, First Nations and the Province of British Columbia are expected to act on behalf of the good of their community and constituency, respectively.
In addition, higher-level agreements provide the legal framework for co-management. All agreements contain a commitment to working collaboratively in the implementation of protected areas and other land use planning initiatives. As highlighted by Bird (2011), SLUPAs state that these activities will be implemented in accordance with each Nation’s respective laws, policies, customs, and traditions. Each community is expected to have their own internal hierarchical structures for decision making and citizen engagement. Currently, these structures are at different stages of development across First Nations (Bird 2011).

13. Management should occur through a formalized mechanism, such as a co-management body, with all parties held accountable for fulfilment of agreed objectives and plans

Assessment: Partially met

SLUPAs provide a basis from which First Nations and the Province may work collaboratively to implement land use plans, but are not highly prescriptive about how management should occur on an operational level. As discussed above, SLUPAs state that implementation of land use agreements will occur in accordance with each Nation’s respective laws, policies, customs, traditions, and decision-making processes. However, they do not outline a mechanism through which decisions will be collectively made.

Collaborative Management Agreements are more comprehensive in their framework for shared governance. These agreements guide each party to assign one or more representatives to cooperatively make recommendations on the planning and management of conservancies. All Collaborative Management Agreements reviewed also outline the activities for which representatives will be responsible for making recommendations. Only the Collaborative Management Agreement between the Squamish First Nation and the Province mentions that representatives may develop a collective governance structure, such as a committee or a board, to meet the needs of the representatives. The Squamish Collaborative Management Agreement also states that representatives may establish rules and procedures for information sharing and recommendations.
In practice, only 2 CMPs refer to an existing management board, committee, or team. The Huchsduwachsdu Nuyem Jees/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 Operations, and the BC Government Online News Source. Conservancies are given minimal coverage on the BC Parks website. The website does not include a separate list
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, Rozwadowska (2010) was informed by both First Nations and provincial representatives that spatial, ecological, and cultural data were sparse for several Sea-to-Sky conservancies. One explanation given for the limited information available was the relative newness of these conservancies compared to those designated within the Central Coast, North Coast, and Haida Gwaii LRMP areas. It is possible that as more information is collected on conservancies the availability of information to the public will improve.

15. Accountability is linked to concrete and appropriate rewards and sanctions

Assessment: Partially met

CMPs and higher-level agreements outline the responsibility of each party, but do not provide explicit direction concerning rewards or sanctions in the event that these responsibilities are or are not fulfilled. Higher-level agreements, such as SLUPAs, do include a process for dispute resolution, outlining several steps that the parties may take to reach consensus. However, these agreements do not indicate the consequences in the event of a continuing impasse. In a similar way, CMPs include plans for conservancy monitoring and evaluation, but do not state the consequences should conservancy management not meet objectives.

The British Columbia Supreme Court ruling on Da’naxda’xw/Awaetlala First Nation v. British Columbia (Environment) ([2011] BCSC 620) is the only case to date in which an element of the Province’s “New Relationship” has been challenged and clarified through the courts. In this case the Da’naxda’xw/Awetlala First Nation and Kleana Power Corporation filed suit against the BC Minister of the Environment following a ruling made by the Minister denying their request to amend the boundary of the
Dzawadi/Upper Klinaklini Conservancy. As described by Bird (2011), during government-to-government negotiations the Da’naxda’xw/Awetlala First Nation had contested the southern boundary of the Dzawadi/Upper Klinaklini Conservancy to allow for the possibility of a hydroelectric power project. The suit filed by the Da’naxda’xw/Awetlala First Nation did not dispute that the Minister’s decision was made in exercise of his statutory authority, but rather that the Crown had not meaningfully consulted the Da’naxda’xw/Awetlala First Nation. Madam Justice Fisher ruled that the Crown had breached its duty to consult. This case clarifies the relationship between First Nations and the Crown, establishing that where government-to-government consultation protocols are developed, the Crown cannot make decisions independent of those agreed-upon protocols (Bird 2011).

Public compliance with conservancy restrictions is sanctioned by the BC Park Act and regulations. As outlined in section 28 of the Act, contravening any provision of the Act is an offence and the offender is liable to a fine of up to $1,000,000 or a term of imprisonment of not more than a year or both. The fine for contravening a BC Park Act regulation can be up to $200,000.

16. Mutual assessment of performance through monitoring and transparent reporting

Assessment: Largely met

All 13 CMPs reviewed include strategies for monitoring and assessment. As described under indicator 4, 8 of the 13 CMPs reference the use of First Nations’ ranger or watchmen programs in monitoring efforts. These programs are combined with monitoring efforts by BC Parks and other government agencies. Strategies vary widely, but monitoring efforts are most commonly focused on cultural sites and traditional use, recreation use and access, natural values, species populations, water quality, and compliance with conservancy regulations. While all CMPs contain monitoring strategies, only 6 have established performance measures or success indicators. Similarly, not all CMPs reviewed contain explicit reporting strategies. Of the 13 CMPs, only the Lax Kwil Dziidz/Fin, Bishop Bay, and Khutzeymateen CMPs contain provisions for reporting on the progression of management plan implementation.
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 these agreements afford First Nations greater influence in the governance of the lands, waters, and resources within their traditional territories than previously experienced. Aboriginal rights, title, and interests may not be fully recognized by the Crown, but this engagement process has moved the parties further in that direction.

c) agreement from all parties on the designation and management of protected areas

Assessment: Fully met

First Nations’ participation in the designation and management of conservancies has been discussed under indicators 17 and 8.b, respectively. First Nations and the Province have worked collaboratively to develop conservancies via strategic land use processes. Similarly, both parties have committed to working in a collaborative manner to manage conservancies. While the Crown retains the authority to unilaterally make decisions regarding conservancies, the parties intend to make decisions by way of consensus (Bird 2011).

d) collaborative development of a management plan with communities and other stakeholders

Assessment: Fully met

As discussed under indicator 3.a, the CMPs reviewed were collaboratively developed by First Nations and the provincial government. Citizens and other stakeholders were consulted on the development of these CMPs via newsletters, public
information sessions, open houses, local advertising, 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 of technical reports (Huchsduwachsdu Nuyem Jees/Kitlope), the preparation of maps (K’zuzált/Twin Two), or the collection of technical background information (Lax Kwil Dziidz/Fin and Bishop Bay). The level of involvement in the collection of technical data is likely dependent on capacity. It is more likely that First Nations with land and resource departments would have the technical capacity required by this indicator. Based on the formal agreements reviewed, all management decisions are to be made by consensus. Therefore First Nations are intended to participate in all aspects of decision making regarding conservancies, technical or otherwise.

19. In developing solid relationships with Indigenous/traditional peoples, government and non-government organizations should:

a) promote open dialogue

Assessment: Largely met

All higher-level agreements reviewed were developed in the spirit of collaboration. These agreements commit First Nations and the provincial government to work collaboratively in a respectful and coordinated manner. Collaborative Management Agreements are the most prescriptive in this regard, with the promotion of collaboration and communication between the parties expressed as an objective of the agreement. These agreements provide the framework for collaboration, requiring conservancy
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 Mnamalilikulla-Qwe’Qwa’Sot’Em, Da’naxda’xwawa 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 use plans-North Coast, Central Coast, Sea-to-Sky- and now has been replicated elsewhere, is a complete transformation of the way government interacts with First Nations. We moved away from the consult model, where we said here is what we are planning to do, let me know how this affects your Aboriginal rights, to a very different process which was here are some ideas about what we are thinking about doing, how would you like to see this shaped and changed, what are your ideas about it, so it’s a much more inclusive process that develops a lot more dialogue and probably a better consensus at the end. It has [also] fostered better agreements, and it gets away from the old transactional model of consultation. (Rozwadowska 2010, pg. 101)

The management of conservancies builds on this “New Relationship.” To this point, the effective communication and engagement experienced by First Nations during the LRMP process appears to have significantly influenced decisions to participate in conservancy management planning (Rozwadowska 2010). Given the commitment each party has made to working collaboratively, this level of communication and engagement may continue.

b) promote necessary legal and policy changes

Assessment: Largely met

The conservancy designation is a product of the LRMPs along BC’s west coast, a process predicated on legal and policy change. Conservancy planning and management is guided by several agreements and supported by legislation. With Bill 28,
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’So’t’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 cited as a second-order effect of collaborative processes (Leach 2002; Frame et al. 2004; Cullen 2006; McGee 2006; Morton 2009; Morton et al. 2012). Collaborative planning processes can help form new relationships, increase cooperation, better understandings, and build trust. Increased trust was found to be an outcome of the LRMP processes for the Central Coast (Cullen 2006), North Coast (McGee 2006), Morice (Morton 2009), and Sea-to-Sky (Rozwadowska 2010). As one First Nations participant in an LRMP process noted,

Overall... [the LRMP process] has probably improved the ability of First Nations and different levels of government to communicate with each other. So I think that just the whole history between First Nations and the government has been difficult enough, and I think that the more and more First Nations communities communicate or work collaboratively with the various levels of government, the easier and more productive things will become... the more some of those boundaries and walls will come down. (Rozwadowska 2010, pg. 100)

Conservancies are the product of this collaboration and communication. As such, conservancy planning and management will likely continue to build on the social capital and trust gained through this process.

While it is difficult to evaluate trust based solely on a review of formal agreements, the CMPs and higher-level agreements appear to be written in good faith. As demonstrated under several indicators above, the CMPs and higher-level agreements all express the desire to work collaboratively, improving communication between the parties and reaching decisions via consensus. These agreements are meant to reflect a “New Relationship” between First Nations and the Province, an interim measure which brings Aboriginal rights, title, and interests closer to reconciliation with
those of the Crown. The Crown maintains the authority to make decisions unilaterally, but First Nations are provided greater governance over a portion of their lands, waters, and resources than previously experienced (Bird 2011). It is this increase in governing authority that is credited with increasing First Nations participation in the government-to-government portion of LRMP process compared to previous land use planning initiatives (Morton 2009).

20. Development of educational campaigns to increase public awareness of Indigenous/traditional peoples’ rights and values

Assessment: Largely met

The majority (n=8) of CMPs reviewed include strategies for public education and increased awareness of Aboriginal rights and values. These strategies range from the inclusion of First Nations’ language on signage to visitor education and community outreach. As outlined in the Esté-tiwilh/Sigurd Creek CMP, information will be made available on the BC Parks website, maps, and brochures. Signage and communication materials are intended to be culturally sensitive and explain cultural heritage values. Management plans for the K’zuzált/Twin Two, Ugwiwa’/Cape Caution, and Khutzeymateen Conservancies also include strategies to increase understanding and awareness of each conservancy’s cultural heritage values among tourism operators.

Campaigns and educational materials will also be used to encourage First Nations community members to practice traditional and cultural uses in conservancies. These initiatives will be used to increase awareness and ensure First Nations members understand that traditional use is permitted within these areas. First Nation engagement strategies include annual community workshops and school visits.

5.4 Access of Indigenous peoples to the benefits of protected areas

This criterion requires government and non-government parties to share the benefits and costs of protected areas fully and equitably with First Nations. Table 12 summarizes the evaluative outcomes for this criterion.
## Table 12. Evaluating Conservancy Governance – Access of Indigenous peoples to the benefits of protected areas

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>21. Equitably share protected area costs and benefits with the local community</td>
<td>Largely met (2)</td>
</tr>
<tr>
<td>22. Protected areas should guarantee the provision of such benefits as:</td>
<td></td>
</tr>
<tr>
<td>a) effective defense of territories against external threats</td>
<td>Largely met (2)</td>
</tr>
<tr>
<td>b) support and legal protection of territories</td>
<td>Largely met (2)</td>
</tr>
<tr>
<td>c) consolidation of territories, including demarcation</td>
<td>Not met (0)</td>
</tr>
<tr>
<td>d) technical, financial, and political support for the ability to manage territories</td>
<td>Partially met (1)</td>
</tr>
<tr>
<td>e) sustained capacity building</td>
<td>Partially met (1)</td>
</tr>
<tr>
<td>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</td>
<td>Partially met (1)</td>
</tr>
<tr>
<td>24. Ensure that Indigenous/traditional people benefit from economic and employment opportunities generated from the protected area</td>
<td>Largely met (1)</td>
</tr>
</tbody>
</table>

### Access of Indigenous peoples to the benefits of protected areas

Partially met (10/8 = 1.25)

### 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 but one CMP reviewed (Kitlope Conservancy) include the sustainable development of natural resources as a value and role of the conservancy, and all 13 CMPs identify an interest in at least one economic development activity. 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. Only the Lax Kwil Dzidz/Fin and Bishop Bay CMPs address how permits will be allotted among First Nations’ and non-First Nation operators. Both CMPs state that conservancy managers will “identify and allocate commercial opportunities to assist local economic diversification, particularly for First Nations (British Columbia and Gitga’at First Nation 2011, pg. 12).” The management plan for Bishop Bay – Monkey Beach and Bishop Bay – Monkey Beach Corridor Conservancies also directs managers to support and reserve tourism permit opportunities for First Nation operators. The remaining CMPs do not include management strategies regarding how economic activities will be allocated amongst First Nation and non-First Nation operators.

In addition, conservancies protect ecological values and services which are important to First Nations’ cultural, traditional, and subsistence uses. CMPs call for the protection of wildlife, fish populations, watersheds, old growth forests, and water quality.
Protection of these values can provide direct benefits to local First Nations communities. 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.

First Nations are not supposed to bear the brunt of conservancy costs either. All CMPs reviewed state that the BC Ministry of Environment will make its best efforts to provide sufficient funding to implement priority strategies and monitor progress, subject to provincial funding constraints. Both parties are to 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.

22. Protected areas should guarantee the provision of such benefits as:

a) effective defense of territories against external threats

*Assessment: Largely met*

The conservancy designation protects the lands, waters, and resources therein from large scale resource extraction and uses which may degrade the area’s natural, cultural, and recreational values. Conservancies are designated via the BC *Park Act*, thereby receiving the protection therein. As stated under indicator 15, contravening any provision of the *Act* is an offence and the offender is liable to a fine of up to $1,000,000 or a term of imprisonment of not more than a year or both. The fine for contravening a regulation can be up to $200,000. While the conservancy designation allows for sustainable economic development as outlined above, it does not permit commercial logging, mining, or hydroelectric activities other than local run-of-river projects.

In addition, First Nations have authority over the activities which do occur in conservancies. First Nations and the Province collaboratively developed a list of activities considered appropriate within each conservancy. This list is presented in the
appendices of each CMP. The Collaborative Management Agreements reviewed state 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.
c) consolidation of territories, including demarcation

Assessment: Not met

The process of conservancy designation and management occurs outside of the treaty and land claims processes. Higher-level agreements and CMPs clearly state that the designation and management of conservancies has no impact on treaty or land claims processes. Conservancies do not necessarily strengthen a First Nations’ claim to the lands, waters, and resources therein and territorial claims remain disputed between individual First Nations and between First Nations and the Crown. In the event that a treaty is negotiated which includes lands, water, or resources within a conservancy, the conservancy’s management plan should undergo review to determine compliance with the treaty. Amendments should then be made accordingly. Conservancies therefore do not contribute to the consolidation and/or demarcation of First Nations territories.

d) technical, financial, and political support for the ability to manage territories

Assessment: Partially met

Many First Nations may lack the technical capacity and other resources required to manage conservancies (Rozwadowska 2010). Higher-level agreements and CMPs do not specifically reference the provision of technical support to First Nations communities. In her work on conservancies, Rozwadowska (2010) identifies capacity development as one of the largest barriers to the successful implementation of natural resource management by First Nations. Given that conservancies will be collaboratively managed with the Province, BC Parks and the BC Ministry of the Environment will likely provide some technical support. However, a concerted effort by the provincial government to build First Nations’ technical capacity may be required to ensure the successful management of conservancies.

The designation and management of conservancies requires financial support by First Nations and the provincial government. On a larger scale, the 2009 Reconciliation Protocol and the Haida Resource Protocol commit the Province to provide $600,000 per year, for a period of five years, towards the implementation of initiatives within the Protocol, including those which pertain to conservancies. Similarly, the Agreement in
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 granted 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 programs or broad research and monitoring efforts.

Unfortunately, similar partnerships, collaborative efforts, and/or funds have not been formed in areas outside of the Great Bear Rainforest (Morton 2009). As highlighted by other authors, this is likely due to the high-profile nature of the Great Bear Rainforest as a result of international conservation efforts (Smith and Sterritt 2007; Morton 2009). As Morton (2009) highlights, a similar fund established for conservation and sustainable economic development outside of the Great Bear Rainforest would strengthen commitments to the implementation and monitoring of the remaining LRMP agreements and would help mitigate inequalities among participants.

24. Ensure that Indigenous/traditional people benefit from economic and employment opportunities generated from the protected areas

Assessment: Largely met

The potential for First Nations to economically benefit from conservancies has been largely addressed under indicator 21 and 8.f. Higher-level agreements and CMPs recognize the importance of supporting the implementation of activities and policies which improve human well-being and enable First Nations to achieve socioeconomic objectives. To this end, the 2009 Reconciliation protocol commits the parties to establish
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.
5.5 Evaluation Summary

The results show that conservancies either partially or largely meet the criteria for governance of protected areas involving Indigenous peoples. Three of the criteria – compatibility between protected area objectives and those of Indigenous/traditional peoples, full respect for rights of Indigenous people to use their traditional lands and resources, and decision making as shared, transparent, and accountable – are largely met. The remaining criterion – access of Indigenous peoples to the benefits of protected areas – is partially met. A summation of the scores for all 50 indicators provides an overall score of 100 out of a possible 150 (or 66.6%). This score indicates that while conservancies are not failing to meet these criteria overall, there still exists room for improvement.

Despite an overall score of 66.6%, the evaluation demonstrates that conservancies have a number of strengths. All 13 CMPs establish common objectives that are consistent with provincial protected area plans, policies, and objectives. All conservancies included in my evaluation were collaboratively designated and development of the CMPs was also collaborative. First Nations and the Province worked together to develop all 13 CMPs under review, contributing knowledge and background information. Local communities were also given the opportunity to participate in the development of all CMPs reviewed through open houses, newsletters, information sessions, advertizing, and the BC Parks website. In addition to collaborating on the development of CMPs, all management plans reviewed affirm that First Nations are to manage conservancies collaboratively with the Province, providing First Nations with greater control over the lands, waters, and resources therein. All CMPs affirm the role conservancies play in protecting both natural and cultural values. Sustainable, traditional resource use is promoted and secured within all 13 CMPs, ensuring that First Nations may maintain and enjoy their cultural heritage. Finally, all CMPs reviewed provide an opportunity for First Nations to engage in sustainable economic development activities, thereby improving their quality of life and benefiting from conservancies. However, it remains to be seen whether First Nations will realize this opportunity.

Conservancies were found to have several weaknesses. At the operational level, many of the CMPs reviewed lack stated timeframes for the implementation of
management strategies and do not identify measurable results. The majority of CMPs are not scheduled for regular review and risk becoming outdated. Similarly, only a handful of the CMPs reviewed mention a process for evaluating and reporting on the progress made to implement management strategies. The higher-level agreements and CMPs reviewed do not prescribe specific mechanisms for the co-management of conservancies, with only 2 of the CMPs referring to the existence of a co-management body. Identification of concrete sanctions and rewards linked to accountability is absent from all CMPs and unmentioned in higher-level agreements beyond guidelines for dispute resolution. Finally, information on the management and current status of conservancies is not readily accessible to the public.

Lack of strategies for capacity development within First Nations communities was a recurring deficiency. While several higher-level agreements and CMPs made commitments to increase First Nation capacity, none identify the strategies and mechanisms by which capacity development would be realized. Other authors, such as Rozwadoska (2010), have identified that many First Nations communities struggle with a lack of human, technical, and financial capacity. This in turn affects their ability to participate fully in collaborative management, technical decision making, sustainable economic development and dispute resolution.

Conservancies fail to fully meet those indicators which require the legal recognition of Aboriginal rights, title, and interests. Although higher-level agreements contain clauses which acknowledge Aboriginal rights, title, and interests, it is made clear that the contents therein do not change or alter either party’s decision-making authority or position within the treaty and land claims process. Higher-level agreements commit both parties to the joint recognition of these rights, but carry no legal obligation. As concluded by Bird (2011), the Crown retains the ability to unilaterally make or overturn land use planning decisions on the BC coast. This is true for all First Nations included within this study except for the Haida First Nation. The *Haida Gwaii Reconciliation Act* came into effect in July 2010 and established the Haida Gwaii Management Council. While Haida lands remain outside of treaty, this Act legally obligates the Crown to recognize joint decisions of the Council. Neither party has the authority to make decisions unilaterally. For all other First Nations, the higher-level agreements and CMPs reviewed represent an interim measure, bringing them closer to the reconciliation of
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 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 is also absent from a number of the CMPs reviewed. Similarly, not all of the CMPs reviewed provide 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, 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 the work 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 authority over conservancies equal to that of the Crown as legislated in the Haida Gwaii Reconciliation Act. Despite this inequality, First Nations in BC have chosen to enter into several Land Use Agreements with the Province and have engaged in the collaborative development of conservancy management plans. Quotes from Bird’s (2011) work, as well as clauses within these agreements, are proof that both First Nations and the Province view this collaborative arrangement as an interim step towards the full recognition of Aboriginal rights, title and interests.

Formally, the conservancy model represents a significant step towards more equitable relations between the Province and First Nations. However, it remains to be seen how this arrangement will be realized in practice. Bird (2011) provides some insight into how the collaborative arrangement is playing out in practice for other land use decisions. Bird interviewed members of the Coastal First Nations, BC government, and legal experts, asking how land use decisions have been made under the “New Relationship” thus far. The majority of the interviewees felt that First Nations’ recommendations carry significant weight, stating that the Province is making a genuine effort to make decisions via consensus. As the conservancy model is still in its infancy, insufficient time has passed for a full evaluation of power sharing in practice. Given that
Conservancies appear to be part of a greater policy shift in BC towards a “New Relationship” it is unlikely that the Province will readily or easily overturn First Nations’ or jointly made decisions in the future. However, without binding agreements to secure joint decision making the Province and each First Nation will presumably navigate this new relationship in variety of ways, with varying levels of power sharing experienced by individual First Nations.

The extent to which conservancies represent First Nations’ traditional practices and views on conservation also remains unclear. In format and general content, CMPs do not appear to differ significantly from Class A Park management plans, with the exception of the provisions allowing First Nation’s uses and sustainable development. For example, the management plan for Kokanee Glacier Provincial Park appears to use the same template as the CMPs reviewed in this report (British Columbia Parks 2010). It contains management strategies related to cultural heritage values and speaks to provisions for traditional use. It is difficult to attribute the contents within each CMP to the Province or First Nations parties and it is unclear whether divergence between the parties’ respective vision, objectives, strategies and goals exists for each conservancy. The SLUPAs and 2009 Reconciliation Protocol direct each First Nation to implement land use zones and management directions according to their own laws, policies, customs, and traditions. It is currently unknown how this will be implemented in practice with respect to conservancies and other land use decisions in BC. As there are no policies or frameworks in place to guide the integration of traditional and western management practices, it is uncertain what this management arrangement will look like. Given the level of the authority which still rests with the Crown, a strong voice from First Nations will be needed to prevent conservancy management from defaulting to a more western management model.

Currently the Haida First Nation has the strongest influence over conservancy management. Joint decision making by the Province and Haida First Nation is mandated under the Haida Gwaii Reconciliation Act, with neither party permitted to make decisions unilaterally. For this reason, researchers should closely follow the implementation of conservancies within the Haida traditional territory, and compare the management of conservancies elsewhere in the province to the Haida experience. The Haida First Nation have progressed the furthest in their implementation of the conservancy model,
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 legally permitted to negatively impact the natural values within conservancies.

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). Included in this strategy are the Aichi Biodiversity Targets, consisting of 5 strategic goals and 20 targets. Preliminary comparisons indicate that conservancies are well aligned with these targets. First, by creating and implementing the conservancy model, the Province of BC was able to vastly expand its protected area system. In 2010, BC boasted the highest percentage of
land 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.

The Aichi Targets also reflect the international shift towards more inclusive management of protected areas and land use (IUCN 2013). Goal D of the Aichi Targets directs protected areas to enhance the benefits to all from biodiversity and ecosystem services. Under this goal, target 14 explicitly guides nations to consider the needs of Indigenous and traditional peoples in the restoration and protection of areas which provide ecosystem services. Goal E directs nations to engage in participatory planning, knowledge management and capacity building. Under this goal, target 17 requires each party to the agreement to develop, adopt and implement an effective and participatory national biodiversity strategy and action plan. Target 18 requires each party to respect the traditional knowledge, innovations and practices of Indigenous and local communities as relevant to conservation and sustainable use. This target also calls for the full and effective participation of Indigenous and local communities. If the provinces across Canada were to adopt the conservancy model, Canada would be better placed to meet these targets. It is clear that while the conservancy concept is unique in Canada, participatory forms of protected area and land use management are becoming the norm internationally.

The inclusion of sustainable economic development within conservancies may, however, pose a challenge for the preservation of biodiversity and ecological integrity. Internationally, the conservancy concept is not entirely new. The IUCN recognizes areas which include sustainable natural resource management in its classification of protected areas (Dudley 2008). Category VI protected areas allow a portion of the area to be under sustainable natural resource management while the majority is maintained for nature protection. The low-level, non-industrial development which is permitted is expected to be compatible with nature protection. However, it is recognized that regulatory protection is relaxed for this protected area category (Deaden and Rollins 2009). The IUCN lists several issues to be considered, including the development of new skills and tools by
managers to address new challenges which arise from the planning, monitoring, and management of sustainable use zones within these protected areas (Dudley 2008).

It is too early to assess the ability of conservancies to preserve biodiversity and ecological integrity. In its most recent report on the conservation of ecological integrity in BC protected areas, the BC Auditor General did not include the recently introduced management of conservancies in its evaluation (BC Auditor General 2010). BC Parks has committed to the protection and maintenance of ecological integrity (BC Parks 2012). In a report entitled “Ecological Integrity in British Columbia’s Parks and Protected Areas,” BC Parks defines ecological integrity and outlines several performance indicators the Province will apply to all protected areas in BC, including conservancies (BC Parks 2012). The CMPs reviewed contain some of the tools outlined in this report, including annual management plan review, impact assessment, and ecological monitoring. Formally, conservancies appear well poised to contribute to the protection and maintenance of ecological integrity in BC. However, in the face of economic development pressures, BC Parks and First Nations must remain accountable for the fulfillment of these commitments. As highlighted by both the BC Office of the Auditor General (2010) and BC Parks (2012), completion of management plans, annual review, park use permitting, compliance and enforcement, impact assessments, and long term monitoring will be vital in this regard.

6.3 Additional Considerations

The success of the conservancy model largely depends on the capacity of both First Nations and the provincial government. The importance of sustained capacity building within First Nations communities was made apparent by several indicators within chapter 5 of this report. These indicators, however, did not address the available capacity of BC Parks and other provincial agencies to implement, monitor, and evaluate conservancies. BC Parks has experienced substantial budget cuts over the past decade, facing cuts of $655,000 and $662,000 in 2010 and 2011 respectively (BC Ministry of the Environment 2010a; BC Ministry of the Environment 2011). A review by the BC Auditor General in 2010 found that fewer than half of Class A parks and only one-quarter of ecological reserves had either a management plan or management direction statement
(BC Auditor General 2010). As stated in the BC Auditor General's report, the completion of management plans is essential to the conservation of ecological integrity. Having a management plan in place helps to provide concrete management direction and ensure that there is sufficient and reliable information available. Given the lack of capacity available to properly manage provincially governed parks and protected areas, it is unlikely that BC Parks will be able to contribute fully to the management of conservancies. This situation creates the potential for deterioration of relationships between First Nations and the Province, with resource-strapped First Nations communities feeling left without sufficient support for conservancy management. While a more “hands off” approach by BC Parks provides First Nations with the opportunity for more influence over the implementation and management of conservancies, sufficient provincial funding and resources will be required to ensure the purposes for which conservancies have been designated are realized.

Formally, the conservancy model appears to have been uniformly applied across the regions of the province in which they have been established. Although located in different regions of BC, all conservancy management plans reviewed in my evaluation contained similar goals, objectives, and management strategies. The management plans I reviewed were intentionally chosen to represent the various regions in which conservancies are located. These locations range from remote areas accessible only by water or air, such as those conservancies within the Great Bear Rainforest, to more densely populated and easily accessed areas closer to the interior of the province. While the management of these conservancies is similar on paper, it is anticipated that management will differ in practice. Conservancies located closer to urban centers in more easily accessed areas of the province are likely to face more recreational and tourist development pressure and will need to address the concerns of a greater number of stakeholders. In turn, these pressures may challenge the fulfilment of conservation and cultural use objectives. Conversely, these objectives may be more easily achieved in more northern and/or coastal conservancies, although fewer recreational and other economic development opportunities will be available to support First Nations communities.

Determining how the various economic opportunities available in conservancies will be allocated among Aboriginal and non-Aboriginal applicants presents an additional
challenge for the successful management of conservancies. In allowing for sustainable
economic development within conservancies, the provincial government and First
Nations must determine how permits will be allocated. The ability to develop natural
resources within conservancies has not been granted to First Nations alone, as non-First
Nation operators are also permitted to access these areas. Through the management
planning process, First Nations were involved in the determination of appropriate uses
within conservancies, and higher-level agreements provide First Nations with the
authority to jointly review and make recommendations on the issuance, non-issuance
and renewal of Park Use Permits. By comparison, stakeholders external to the
collaborative arrangement are limited in their ability to influence both the content of
conservancy management plans and the issuance of permits. The 2009 Reconciliation
protocol states that First Nations are to receive an equitable portion of permit and tenure
opportunities within their traditional territories, but the determination of what is
considered equitable is left open to interpretation. The 2009 Reconciliation Protocol also
contains causes which may be interpreted as giving First Nations the first right of refusal
for all permit and tenure opportunities within their traditional territories. Such statements
in collaborative management agreements, protocols, and land use agreements may be
important to ensure First Nations communities benefit from conservancies and increase
their participation in economic development activities. However, allocation decisions may
negatively impact relations between First Nations and non-First Nations communities
within remote and economically strained regions of the province. The provincial
government faces the challenge of reconciling the interests of First Nations and the
province’s non-First Nations constituents. Open dialogue between First Nations, the
Province, and non-First Nation stakeholders will be vital for maintaining positive relations
in these areas.

Treaty and land claims negotiations are conducted separately from conservancy
planning and the “New Relationship.” Collaborative Management Agreements, SLUPAs
and protocols typically include a clause stating that these agreements do not affect
treaty negotiations, Aboriginal rights, or the existing jurisdiction of either party. In the
event that a treaty is signed which includes a conservancy within the treaty settlement
lands, the CMPs reviewed generally state that the management plans will be updated
and amended accordingly. Neither the management plans nor higher-level agreements
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 of clarity is a potential problem. If one of these First Nations were to ratify a treaty which includes a previously shared conservancy it is unclear what would happen to the existing management authority of the remaining First Nation. In addition, some First Nations have chosen not to participate in the management of conservancies within their traditional territories or areas of interest. Similar to the scenario above, it is uncertain whether these First Nations will be able to include these conservancies within their treaty settlement lands and what will happen to the existing management arrangement if those treaties are settled. In the absence of a concrete process for reconciling treaty negotiations and existing conservancy management, open dialogue among the governing parties, as well as any additional First Nations who claim title or interest over these areas, will be vital to ensuring the long-term success of conservancies.

6.4 Concluding Remarks

On paper, conservancies represent an encouraging new approach to protected areas in coastal British Columbia. Conservancies are the first protected area designation in BC to explicitly include social, ceremonial, and cultural use, as well as sustainable economic development as expressed purposes of the protected area. These purposes are intended to ensure that First Nations can maintain and enjoy their cultural heritage and economically benefit from these areas. CMPs and higher-level land use agreements also direct First Nations and the Province to collaboratively manage conservancies, offering First Nations greater control over the lands, waters, and resources therein. In addition to potentially preserving biological diversity and ecological integrity, these features of conservancies align well with international biodiversity targets established as part of the Convention on Biological Diversity’s 2011-2020 Strategic Plan.

Conservancies formally contribute to the larger policy shift currently underway within coastal British Columbia toward recognition of First Nations’ rights and greater engagement of First Nations in land use decision making. While the degree to which conservancies further this shift may be contested, on paper conservancies represent
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.
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Delgamuukw v. B.C., [1997], 3 S.C.R. 1010.


*Park Act*, RSBC 1996, c 344.


Protected Areas of British Columbia Act, SBC 2000, c 17.


## Appendix A.

### List of Designated Conservancies as of January 2013

<table>
<thead>
<tr>
<th>Conservancy Name</th>
<th>Size (ha)</th>
<th>Year of Designation</th>
<th>First Nation Territory*</th>
<th>Management Plan Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Huchsduwachsdu Nuyem Jees/Kitlope Heritage Conservancy</td>
<td>322,020</td>
<td>2008</td>
<td>Haisla First Nation</td>
<td>Approved 2011</td>
</tr>
<tr>
<td>Qwiquallaq/Boat Bay Conservancy</td>
<td>639</td>
<td>2007</td>
<td>Gwa’sala-Nakwaxda’xw and Tlowitis First Nations</td>
<td>Final plan under development</td>
</tr>
<tr>
<td>Dzawadi/Klinaklini Estuary Conservancy</td>
<td>808</td>
<td>2007</td>
<td>Da’naxda’xw Awaetla First Nation</td>
<td>Final plan under development</td>
</tr>
<tr>
<td>Hunwadi/Ahnuhati — Bald Conservancy</td>
<td>55,423</td>
<td>2006</td>
<td>Da’naxda’xw, Kwickstainenk-Ah-Kwaw-Ah-Mish and Mamalikikula-Que’Qwa’Sot’Em First Nations</td>
<td>Final plan under development</td>
</tr>
<tr>
<td>Mahpahkum-Ahwakwuna/Deserters-Walker Conservancy</td>
<td>931</td>
<td>2006</td>
<td>Gwa’Sala, Nakwaxda-xw and Kwakiutl First nations</td>
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<tr>
<td>K’ootz/Khutze Conservancy</td>
<td>34,168</td>
<td>2006</td>
<td>Kitasoo, Gitga’at, Heiltsuk and Gitxaala First Nations</td>
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<td>Ksi X’annaas Conservancy</td>
<td>33,581</td>
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<td>Ktisgaidz/MacDonald Bay Conservancy</td>
<td>482</td>
<td>2007</td>
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<td>Kts’mka’tani/Union Lake Conservancy</td>
<td>6,338</td>
<td>2008</td>
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<td>Maxtaktam’aa/Union Passage Conservancy</td>
<td>2,519</td>
<td>2007</td>
<td>Gitxaala and Gitga’at First Nations</td>
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<td>Conservancy Name</td>
<td>Size (ha)</td>
<td>Year of Designation</td>
<td>First Nation Territory*</td>
<td>Management Plan Status</td>
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<td>Monckton Nii Luutiksm Conservancy</td>
<td>24,775</td>
<td>2006</td>
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<tr>
<td>Pa-aat Conservancy</td>
<td>4,768</td>
<td>2008</td>
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<td>Simpson Lake East Conservancy</td>
<td>54</td>
<td>2007</td>
<td>Gitga’at and Gitxaala First Nations</td>
<td>Not available</td>
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<td>Skeena Bank Conservancy</td>
<td>2,594</td>
<td>2008</td>
<td>Coast Tsimshian Nations and Not available Gitxaala Nation</td>
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<td>Stair Creek Conservancy</td>
<td>932</td>
<td>2007</td>
<td>Haïsla, Gitga’at and Gitxaala First Nations</td>
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<td>Woodworth Lake Conservancy</td>
<td>4,436</td>
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<td>K’waal Conservancy</td>
<td>3,300</td>
<td>2007</td>
<td>Gitxaala and Gitga’at First Nations</td>
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<td>Haida Gwaii LRMP</td>
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<td>Daawuuxusda Conservancy</td>
<td>116,275</td>
<td>2009</td>
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<td>Damaxyaa Conservancy</td>
<td>829</td>
<td>2009</td>
<td>Haida First Nation</td>
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<td>Duu Guusd Conservancy</td>
<td>227,712</td>
<td>2008</td>
<td>Haida First Nation</td>
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<td>Kamdis Conservancy</td>
<td>2,722</td>
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<td>Kunxalas Conservancy</td>
<td>15,718</td>
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<tr>
<td>K’uuna Gwaay Conservancy</td>
<td>15,259</td>
<td>2009</td>
<td>Haida First Nation</td>
<td>Approved 2011</td>
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<tr>
<td>Nang Xaldangaas Conservancy</td>
<td>16,695</td>
<td>2009</td>
<td>Haida First Nation</td>
<td>Approved 2011</td>
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<td>Sgaay Taw Siwaay K’adjiu Conservancy</td>
<td>597</td>
<td>2009</td>
<td>Haida First Nation</td>
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<td>Yaagun Gandlaay Conservancy</td>
<td>2,689</td>
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<td>Yaaguun Suu Conservancy</td>
<td>7,970</td>
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<td>Tlall Conservancy</td>
<td>16,231</td>
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<td>Esté-Twilh/Sigurd Creek Conservancy</td>
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<td>2008</td>
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<td>K’zuzált/Twin Two Conservancy</td>
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<td>Mkwal’ts Conservancy</td>
<td>3,874</td>
<td>2010</td>
<td>Lil’wat First Nation</td>
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<tr>
<td>Qwallímak/Upper Birkenhead Conservancy</td>
<td>4,888</td>
<td>2008</td>
<td>Lil’wat and N’quatqua First Nation</td>
<td>Approved 2012</td>
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<tr>
<td>Upper Rogers Kólji7 Conservancy</td>
<td>3,605</td>
<td>2008</td>
<td>In-SHUCKch First Nation</td>
<td>Approved 2011</td>
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<tr>
<td>Conservancy Name</td>
<td>Size (ha)</td>
<td>Year of Designation</td>
<td>First Nation Territory*</td>
<td>Management Plan Status</td>
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<td>Callaghan Conservancy</td>
<td>8,081</td>
<td>2008</td>
<td>Squamish and Lil’wat First Nation</td>
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<td>Illoqaw/100 Lakes Plateau Conservancy</td>
<td>1,030</td>
<td>2008</td>
<td>Lil’wat First Nation</td>
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<td>Upper Elaho Valley Conservancy</td>
<td>10,253</td>
<td>2008</td>
<td>Squamish and Lil’wat First Nations</td>
<td>Not available</td>
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<td>Upper Soo Conservancy</td>
<td>11,306</td>
<td>2008</td>
<td>Squamish and Lil’wat First Nation</td>
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<tr>
<td>Bear Island Conservancy</td>
<td>317</td>
<td>2008</td>
<td>Lake Babine and Yekooche First Nations</td>
<td>Not available</td>
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<td>Long Island Conservancy</td>
<td>850</td>
<td>2008</td>
<td>Lake Babine Nation and Yekooche First Nation</td>
<td>Not available</td>
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<tr>
<td>North Spit Conservancy</td>
<td>19</td>
<td>2008</td>
<td>Lake Babine Nation</td>
<td>Not available</td>
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<tr>
<td>Port Arthur Conservancy</td>
<td>342</td>
<td>2008</td>
<td>Lake Babine and Yekooche First Nations</td>
<td>Not available</td>
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<tr>
<td>Sanctuary Bay Conservancy</td>
<td>820</td>
<td>2008</td>
<td>Lake Babine Nation</td>
<td>Not available</td>
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<tr>
<td>Sand Point Conservancy</td>
<td>11</td>
<td>2008</td>
<td>Lake Babine and Yekooche First Nations</td>
<td>Not available</td>
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<tr>
<td>Wilkinson-Wright Bay Conservancy</td>
<td>1,664</td>
<td>2008</td>
<td>Lake Babine and Yekooche First Nations</td>
<td>Not available</td>
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<td>Nlháxten/Cerise Creek Conservancy</td>
<td>2,272</td>
<td>2008</td>
<td>Li’wat, Cayoose Creek and N’quatqua First Nations</td>
<td>Not available</td>
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<td>Golden Gate/Xáat Yádi Aani Conservancy</td>
<td>5,981</td>
<td>2012</td>
<td>Taku River Tlingit First Nation**</td>
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<tr>
<td>Indian Lake — Hitchcock Creek/Át Chi’ñi Shà Conservancy</td>
<td>52,784</td>
<td>2012</td>
<td>Taku River Tlingit First Nation**</td>
<td>Not available</td>
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<tr>
<td>Monarch Mountain/a Xéegi Dei’j Conservancy</td>
<td>424</td>
<td>2012</td>
<td>Taku River Tlingit First Nation**</td>
<td>Not available</td>
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<tr>
<td>Mount Minto/K’iyán Conservancy</td>
<td>5,657</td>
<td>2012</td>
<td>Taku River Tlingit First Nation**</td>
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<tr>
<td>Nakina – Inklín Rivers/Yáwu Yaa Conservancy</td>
<td>167,259</td>
<td>2012</td>
<td>Taku River Tlingit First Nation**</td>
<td>Not available</td>
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<tr>
<td>Taku River/T’ákú Téi’ Conservancy</td>
<td>80,465</td>
<td>2012</td>
<td>Taku River Tlingit First Nation**</td>
<td>Not available</td>
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<tr>
<td>Conservancy Name</td>
<td>Size (ha)</td>
<td>Year of Designation</td>
<td>First Nation Territory*</td>
<td>Management Plan Status</td>
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<td>Tutshi Lake/T’ooch’ Áayi Conservancy</td>
<td>19,640</td>
<td>2012</td>
<td>Taku River Tlingit First Nation**</td>
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<td>Nakina – Inklin Rivers (Kuthai Area)/Yáwu Yaa Conservancy</td>
<td>26,047</td>
<td>2012</td>
<td>Taku River Tlingit First Nation**</td>
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<tr>
<td>Upper Gladys River/Watsix Deiyi Conservancy</td>
<td>31,103</td>
<td>2012</td>
<td>Taku River Tlingit First Nation**</td>
<td>Not available</td>
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<tr>
<td>Willison Creek – Nelson Lake/Sít’ Héeni Conservancy</td>
<td>10,300</td>
<td>2012</td>
<td>Taku River Tlingit First Nation**</td>
<td>Not available</td>
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<tr>
<td><strong>TOTAL: 154 conservancies</strong></td>
<td><strong>2,685,699</strong></td>
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</table>

Note.  * All information displayed in chart was obtained through publicly available government documents from the BC Ministry of the Environment, BC Parks, and the Protected Areas of British Columbia Act (BC Ministry of the Environment 2006c; BC Ministry of the Environment 2007; BC Ministry of the Environment 2008b; BC Ministry of the Environment 2008b; BC Ministry of the Environment 2010b; BC Ministry of the Environment 2012; BC Parks 213). The determination of which First Nation territory each conservancy is located within is based on these sources.

** The designation of conservancies within the Atlin Taku LRMP fulfills a portion of the Atlin Taku Land Use Plan and Takı River Tlingit First Nation Strategic Engagement Agreement. However, it is unknown if additional First Nations will be involved in the management and operation of these conservancies.

† When originally established, the Nlháxten/Cerise Creek Conservancy was designated within the Sea to Sky LRMP, but now exists within the Lillooet LRMP.