

### **Understanding Arising from April 22 2005 Discussions Between the Province and the Council of Haida Nation**

The Government of British Columbia has put in place Part 13 of the Forest Act protection orders on most of the Haida Land Use Vision (HLUV) Map 1 “Haida Protected Areas” and some of HLUV Map 2 “Cedar Archaeology” areas (attached is the “Part 13 Map” showing the accumulated areas).

The Government Action Regulation (“GAR”) under the Forest and Range Practices Act will be used to protect, for a period of 30 working days beginning the date the GAR order is signed but no later than May \_\_, 2005 (the “30-day Period”), the remaining areas of Map 2 “Cultural Cedar” and “Cedar Archaeology”, as well as the Tlell and Yakoun Lake areas identified on Map 1 and the “Bird Nesting Habitat” areas identified on Map 6 (attached is the “GAR Map” showing all of the GAR areas).

Once the GAR is in place to protect the areas on HLUV Maps 1, 2 and 6, discussions will occur during the 30-day Period to finalize further Part 13 or other legislative protection for these areas.

It is understood that the lands designated, and to be designated, under GAR, Part 13 or other legislative means (the “Protection Measures”), are protected for cultural and ecological purposes. The Parties intend that these Protection Measures and the issues arising will be finalized through the Land Use Plan and further that no amendments or removals of these Protection Measures will be sought prior to their expiry dates except by agreement of the Parties.

It is further understood that lands outside of the Protection Measures will be available as operating lands, pending the outcome of the final Land Use Plan. The operating lands will be managed under a consultation protocol, to be developed by the Parties over the 30-day Period and ensure ongoing referrals on lands outside the Protection Measures are dealt with in a fair and timely manner. The consultation protocol will specifically include information requirements in order to meet referral timelines.

During the 30-day period, the Province will provide to the Haida all the information it has and will work with the licensees to make information available for the activities noted in this Understanding. If the Province is unable to secure this information, the Province will work with the Haida to source or generate the information in alternative ways in a timely manner.

The Parties have agreed that HLUV Map 4 “Riparian Areas” (attached) will be addressed in the land use planning process.

The Parties agree to develop and implement a new approach to land use planning that:

- Builds on the previous work already established by the land use planning process that has occurred on the Islands to date, including the discussions related to Eco-system Based Management;
- Maintains the interests of the Island community and others who have interests on the Islands as integral to the process;
- Connects land and resources to community viability, with the intent to design a sustainable Island economy
- Reaches completion in a timely manner.

Options will be explored by the Parties related to a new approach for reaching a series of broader interim agreements concerning topics such as land, revenue sharing, fishing, economic development, shared decision making and consultation, some of which could involve the treaty process and Federal government participation.

As soon as the Part 13 areas are determined, the Chief Forester will expedite a Timber Supply Review to set an Allowable Annual Cut (AAC) for Haida Gwaii. The Province will work with the Haida to ensure the Timber Supply Review is done in a manner that takes into account Haida interests and is culturally, ecologically and economically sustainable.

The Parties will review options with respect to ending commercial and recreational bear hunting on Haida Gwaii.

During the 30-day Period the Province will place GAR protection on the "Haida Forestry" areas (attached Map 3). During that period the Parties intend to resolve the location, terms and conditions of an area based forest tenure which will be managed in a sustainable manner, to be issued by way of a direct award to an agreed upon Haida legal entity, with an annual volume of up to 120,000m<sup>3</sup>.

An initial payment of a \$5 million share in resource revenue will be provided by the Province to the Haida upon execution of this Understanding. The Parties intend to develop revenue sharing arrangements that more closely reflect historical and present economic activity on Haida Gwaii. This work will commence within 30 days, with the intention of concluding within 90 days.

Based on this Understanding, and good faith intent by both Parties to implement a new approach to sustainable land and resource management on Haida Gwaii, commercial forestry activity will not be impeded on the Islands or the surrounding waters.

The Parties agree that consultation and accommodation is an ongoing process arising from continuing land and resource use.

The Parties also agree that the accommodations set out in this agreement do not include any obligations or liabilities arising from past infringements of Title and Rights that courts may in the future determine are owed to the Haida nor does it limit treaty or subsequent agreements.

However, both Parties agree that this Understanding will provide a positive foundation for ongoing relations and that when the above actions are concluded to the satisfaction of the Parties, the Province will have also met any accommodation obligations having arisen from the recent Supreme Court of Canada Haida decision and transfer of TFL 39.

The Province understands that legal proceedings between the Haida and Weyerhaeuser may occur.

This Understanding may be amended or terminated by express written agreement of the Parties.

IN WITNESS THEREOF the Parties have executed this Understanding on the 11th day of May, 2005.

SIGNED on behalf of the Council of the Haida Nation  
Irene Mills

SIGNED on behalf of Her Majesty the Queen  
In Right of the Province of British Columbia

Lorne Brownsey, Deputy Minister, Treaty Negotiations Office

Doug Konkin, Deputy Minister, Ministry of Forests