

**GENERAL PROTOCOL AGREEMENT ON
LAND USE PLANNING AND INTERIM MEASURES**

Between

**Gitga'at First Nation
Haida Nation
Haisla Nation
Heiltsuk Nation
Kitasoo/Xaixais First Nation
Metlakatla First Nation
Old Massett Village Council
Skidegate Band Council**

(The First Nation(s))

And

**THE GOVERNMENT OF THE PROVINCE OF BRITISH COLUMBIA
(The Province)**

(The Parties)

1.0 PREAMBLE

- WHEREAS** the Parties are committed to work together in the spirit of mutual recognition, respect and reconciliation on a government-to-government basis to resolve land-use conflicts and to implement interim measures initiatives;
- WHEREAS** the Parties agree upon the importance of establishing and maintaining processes that are open and inclusive;
- WHEREAS** the Parties acknowledge that the First Nations will negotiate a parallel agreement with Canada on Interim Measures, including aquatic and fisheries resources; and
- WHEREAS** this "General Protocol Agreement" may provide the framework to support specific Protocol Agreements between the Province and First Nations.

2.0 UNDERSTANDINGS OF INTERIM MEASURES

- (a) Interim Measures should be seen as an implementation vehicle to provide First Nations with cultural and economic benefits arising from land use decisions.
- (b) Interim Measures will be implemented within the framework of existing legislation, and in specific circumstances, the Province may want to initiate legislative amendments that support implementation of interim measures.
- (c) This Protocol recognizes two categories of interim measures:
 - i) In conjunction with the geographic specific land use planning process, British Columbia and the First Nation(s) may enter into an agreement regarding interim measures arrangement that will be pursued parallel to the start-up of the land use planning process. The agreement would define opportunities for capacity building and training, economic development, business planning and provide linkages to front-end decisions made in the land use planning process concerning land and resources.
 - ii) Following completion of the land use planning process, government and First Nations may consider interim measures that flow from the recommendations of the land use plan and land use decisions of government. These interim measures may be stand-alone agreements or may be linked to negotiations of treaties.
- (d) The Parties acknowledge that the understandings in this Protocol of interim measures apply only to this agreement and the implementation of this Protocol.

3.0 LAND USE PLANNING

- (a) Government-to-Government Process
 - i) Where the Province intends to undertake a land use planning process in a designated geographic area, the Province will work with First Nations to define principles, anticipated scope and outcomes of the land use planning process.
 - ii) Land use planning recommendations will be developed in an inclusive planning forum in which First Nation(s), British Columbia, communities, stakeholders are all participants. The inclusive planning forum will operate on the principle of shared decision making with the objectives that all participants will commit to seek a consensus on land use recommendations.
 - iii) The First Nation(s) in the development of their land use plans will be guided by the Ecosystem Based Management Framework¹ and will also use and support the Information Body².
 - iv) British Columbia will also be guided by the Ecosystem Based Management Framework and will use and support the Information Body for future land use plans covered by this agreement.
 - v) Where a First Nation(s) cannot agree to a recommendation(s) from the inclusive planning forum, a government-to-government process will be established to

¹ Ecosystem Based Management Framework is as defined in Appendix I.

² Information Body is as defined in Appendix II

attempt to resolve the outstanding matter(s) directly with the Province of British Columbia.

vi) Land use planning does not change the jurisdiction and authorities of the Parties.

(b) Land Use Plans for the Central Coast, Kalum, Haida Gwaii and North Coast

- i) First Nations that have linkages to the Central Coast and Kalum LRMP processes can meet with the Province to review land use recommendations (i.e. KITASOO Land Use Plan).
- ii) In the development of the Land Use Plans for Haida Gwaii, in addition to the process identified in 3.0 (a), the Haida and the Province will identify issues of concerns that require immediate resolution. As part of a specific agreement the Haida Nation may bring forward potential deferrals that would help maintain options while land use planning is underway.
- iii) In the development of the Land Use Plan for the North Coast, the Tsimshian First Nations whose traditional territory is on the North Coast and who are signatories to this Agreement will be guided by the understandings in this Protocol Agreement and the Tsimshian Nation Tripartite Accord on Land and Resources. The Parties involved in the Land Use Plan for the North Coast will identify issues of concerns that require immediate resolution. As part of a specific agreement First Nation(s) may bring forward potential deferrals that would help maintain options while land use planning is underway.

4.0 INTERIM MEASURES

(a) Forestry Interim Measures

- i) The Province agrees to identify opportunities and assist to develop measures to facilitate First Nation involvement in forestry economic development initiatives including:
 - joint ventures with existing forest licensees and contractors;
 - forest tenures, which may include Community Forest Pilot Agreements;
 - the development of a forest management workforce, including silviculture crews;
 - involvement in contracting for forest management services; and
 - other forest related opportunities.
- ii) The Province agrees to enter into discussions with the representatives of First Nation(s) who are signatories, to identify timber availability, forest business opportunities, and negotiate a forest resourcing plan to support the development of strong business plans and capacity building for First Nation. Canada and the Licence Holders will be asked to participate in these discussions.
- iii) The Parties recognize and acknowledge that opportunities that currently exist and are in place will be part of the considerations under 4 (a).

(b) Tourism Interim Measures

- First Nations and the Province will work together to develop a comprehensive tourism strategy for the Coast. Canada and the tourism industry will be asked to participate in these discussions.

5.0 LINKAGE – Specific Agreements

British Columbia may enter into Agreements with specific First Nations, consistent with this General Protocol Agreement. The major features of these Agreements will be as follows:

(a) Land Use Planning

- The Agreement concerning land use planning may contain the following:
 - i) the scope and intent of the land use plan and the principles upon which land use planning would be based;
 - ii) resources to enable the First Nation to undertake land use planning and to prepare for engagement in the inclusive land use planning process;
 - iii) mechanisms and processes for the First Nation participation in the inclusive provincial land use planning process;
 - iv) definition of the government to government forum to discuss outstanding issues not resolved in the inclusive process; and

- v) definition on how interim measures will proceed both during and following the completion of the land use plan and provides linkages to inclusive strategies that support economic diversification and mitigation.

(b) Interim Measures Agreements

- Forestry Interim Measures may be negotiated to support the following:
 - i) identify opportunities to facilitate First Nation's involvement in forestry economic development initiatives (see 4 (a) i)); and
 - ii) development of a detailed business plan from the First Nations.
- Tourism Interim Measures may be negotiated to support the development of business plans to advance tourism developments.

6.0 NOTWITHSTANDING

This Protocol document is a statement of political intent by the Parties and is not legally binding and is not intended to define, create, recognize, deny or amend any of the rights of the Parties, including Aboriginal or treaty rights within the meaning of section 25 and 35 of the Constitution Act 1982.

This Protocol does not create any financial obligations on the part of the Parties.

The Parties agree that other First Nations that have traditional territories in the central and north coast may at a later date be appended as a signatory to this Protocol.

First Nations Representatives

Gitga'at First Nation Date

Haida Nation Date

Old Masset Village Council Date

Skidegate Band Council Date

Haisla Nation Date

Heiltsuk Nation Date

Kitasoo/Xaixals First Nation Date

Metlakatla First Nation Date

Government of British Columbia

Premier Date

Minister of Environment Date

Minister of Forests Date

Minister of Aboriginal Affairs Date