



WORKING GUIDELINES TO USE IN DEVELOPING RELATIONSHIPS WITH FIRST NATIONS

By Robin Brunet

An argument could be made that compared to many other industries, forestry has an advantage with regard to First Nations issues, thanks to a long history of working with Aboriginal communities.

But as Aboriginal title becomes a reality, provincial and federal governments must recognize, relying on established goodwill is not enough to ensure that the forestry sector thrives in the decades to come. This is why the new *Working Guidelines for Contractors To Use In Developing Relationships with First Nations*, unveiled at the TLA Convention earlier this year, is regarded as a first step in fostering long-lasting partnerships between Aboriginal and non-Aboriginal groups.

Developed by the TLA's Aboriginal Affairs Committee and presented by its chair, Matt Wealick, at the TLA Convention and to BC Timber Sales, the guidelines seem straightforward:

1. Define success for all parties. This may include but not be limited to revenue generation.
2. Manage expectations: set milestones and update progress.
3. Recognize the difference between community and corporate governance.
4. Pro-actively engage: reach out, look for common interests, be flexible and transparent.
5. Respect culture and traditional uses. Incorporate First Nation

community land use plans and identified cultural values into planning.

6. Participate in community events and ceremonies where possible and appropriate.

Wealick, who is First Nations Strategic Advisor for TLA member Probyn Log Ltd., speaks to the Working Guidelines' development. "First Nations are more and more becoming involved in forestry, and even though many examples of productive relationships exist between them and non-Aboriginals, there are also many frustrations on both sides over how to communicate with each other."

Wealick points out, "On the one hand

it's important to maintain business objectives; on the other hand though, First Nations concerns such as conservation must also be respected. There's also the challenge of interpreting specific initiatives. For instance, what does reparation around streams consist of, specifically? Most initiatives have to be spelled out in detail."

Wealick was mindful of many other basic challenges in forging the document. "Decisions from First Nations groups can be slow because they have to flow through government-made *Indian Act* processes and this only adds to the frustrations and makes contractors confused about who they should be consulting.

"None of these problems are easily fixed, and the Working Guidelines are merely a starting point for good relations. But one thing is certain: if the six principles aren't embraced and maintained by both parties, then healthy relationships will not result, no matter what auxiliary steps are taken."

Thanks to the pro-active mindset of many BC forest industry players, examples abound of how the six principles are already being honoured. In fact, many consultants were following the intent of the Guidelines long before the document was ever ratified. For example, John McLaughlin, General Manager of TLA member Heiltsuk Coastal Forest Products Ltd., first became involved with the Heiltsuk back in 2004.

Another example is Meridian Forest Services Ltd., a management firm co-owned by Darren Hiller and a TLA member whose team specializes in engineering cruising, total chance planning, management planning, as well as community forest and forest license applications and development. One of Meridian's many claims to fame is its long involvement with the HUU-ay-aht First Nation that harvests about 100,000 cubic metres yearly from settlement lands, woodlands and community forests.

Hiller echoes the sentiments of his

pro-active colleagues when he says the first two principles of the Working Guidelines along with the fourth (defining success; managing expectations and setting milestones; and being flexible and transparent) "are basic business concepts that all responsible people should adhere to. We apply them to all clients."

Rectifying past wrongs—which in a sense was a driver of the Working Guidelines—is something that motivated Corby Lamb to form TLA member Capacity Forest Management Ltd. in 2003, after leaving a large forest products company where he had established relationships with eight First Nations. "I had seen too many instances of First Nations groups being burned by people telling them 'trust us, we'll take care of you,'" he recalls.

With the intent of helping First Nations develop a meaningful industry voice, Capacity today works actively with 20 Aboriginal groups

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provincially. Capacity manages, harvests and markets about 800,000 cubic metres annually, through a number of different business arrangements.

As is the case with Hiller and other people contacted for this story, abiding by the first two and fourth principles of the Working Guidelines is second nature to Lamb; but Capacity is also a good example of how the third, fifth, and sixth principles (recognizing the difference between community and corporate governance; incorporating cultural values into land use plans; and participating in community events) can be honoured with relative ease.

Lamb says, “Essentially, boards are formed by First Nations to deal with forestry matters, and they get input from hereditary chiefs and other community members. So we wear several hats, and it’s a matter of ensuring you wear the right one when you communicate with the different parties—which is feasible providing you involve yourself wholeheartedly in the community.

“This goes back to the basic value of establishing relationships and being transparent in all dealings. We thoroughly enjoy participating in all of the communities we serve, attending events whenever invited, getting involved in big house projects, and helping out individuals whenever required.”

Lamb goes on to note that his jurisdiction of the Central Coast “Is fairly advanced with regard to First Nations land use planning, and we conduct archeological studies for every project we undertake in order to ensure that cultural values are upheld.” The process isn’t an impediment, taking as little as a few days or at most a few weeks. Similarly, geographical regions that have been identified as culturally significant and therefore verboten to business “are pretty confined, so it’s no problem avoiding them.”

Not surprisingly given their mindset, Lamb and Hiller are constantly seeking common interest opportunities, which is a tenet of the fourth Working Guidelines principle. The latter says, “Employment training is huge for us: we have one First Nations member on staff and we’re trying to get others into training positions. This is obviously a benefit for Aboriginal people; but in an industry that badly needs an infusion of new blood, it’s also a huge benefit for us.”

With the camaraderie shared by Meridian and the HUU-ay-aht, flexibility (another tenet of the fourth Working Guidelines principle) comes easily. “We’re currently working together on a strategic plan that will ensure sustainability for the HUU-ay-aht for decades to come. It’s a matter of submitting proposals, getting feedback, adjusting certain elements, resubmitting, and so on,” says Hiller. “It’s a productive and fulfilling process because both parties are unified in reaching common goals.”

Transparency, flexibility, managing expectations, respecting culture, and other Working Guidelines tenets are responsible for other mutual success stories, including that of the Goat Lake Group of companies, co-owned by Howie McKamey, a TLA member and the second biggest forestry employer in the Powell River area.

The Tla’amin, which is a 50/50 part-

ner with Goat Lake, is an example of how Aboriginal/non-Aboriginal relations may play out on a grander scale in the foreseeable future. The Tla’amin recently signed a self-governance accord and now has 8,000 hectares of land that could conceivably be logged in the future.

McKamey recalls how the partnership began. “They approached us about six years ago because they knew what they wanted from their forest tenure but their ventures weren’t working,” he recalls. “We started harvesting for them, about 10,000 cubic metres yearly. All went well due to constant communication between the two parties and more land was successfully negotiated. We then approached them to make our relationship more permanent. They were agreeable and we became partners, with them using their earnings to buy their own road builder, rock truck, loaders and a skidder.”

Today, the partnership handles all the logging and road building, to the tune of about 80,000 cubic metres yearly.

McKamey adds, “One of the many reasons we enjoy friendly relations is

that the Tla’amin place a high premium on professionalism and good quality work, which also happen to be Goat Lake’s hallmarks. Having this mutual value did a lot to build trust.”

As for John McLaughlin, he became involved with the Heiltsuk in 2004 after their tribal council had been given a Forest and Range Agreement. “We have high operating costs here in Bella Bella and, as a consultant, I was expected to help create efficiencies and expediency,” he says. Operations flourished and at the end of 2005 the Heiltsuk formed a business development corporation; they also launched the Heiltsuk Integrated Resource Management Department (HIRMD) to oversee stewardship and decision-making related to land, water and cultural resources within the Heiltsuk Territory, guided by Heiltsuk laws, customs, traditions, policies and practices.

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McLaughlin points out, “Every licensee has a memorandum of understanding with the department. It’s a fairly smooth process, an improvement over the days when I would review our cutting plans with the tribal council.”

While it’s too early to predict how *Working Guidelines for Contractors To Use In Developing Relationships with First Nations* will be received by TLA members and other groups, TLA Executive Director David Elstone believes the future success of the industry in BC depends on following its intent: “Thanks to court decisions, Aboriginal title has become much more real than it ever was, and First Nations are rightfully moving forward to protect their rights and address their concerns.

“There’s a new landlord of our timber and we very much want our industry to flourish. In order to do so, new relationships have to be formed—so if as a business you don’t have the Working Guidelines on your radar, now is a great time to consider them.”▲