

B.C. Tree Farm License 38

Forestry / First Nations Perspective

Conservation 481

Fall 2006



**Jordan Best
Stephanie Ewan
Jesse Montgomery
James Nixon
Charlotte Sit**

The Squamish First Nations group consists of over 3000 Salish people, descendants of aboriginal people who have lived for thousands of years on the south coast of British Columbia.¹ The traditional territory of the 16 Squamish speaking tribes which now make up the Squamish nation has been heavily impacted by urban sprawl and development stemming from the metropolis of Vancouver. In some areas, such as the Capilano Reserve sprawling between North and West Vancouver, the Squamish Nation has significant economic investment and financial returns, making them one of the wealthiest First nation bands in Canada.² There are 13 official reserves within what is traditional Squamish Nation territory and this accounts for less than 1% of the total area of what they consider to be their traditional territory (Appendix A). In 2001, with the publication of the 'Xay Temixw' (Sacred Land) Land use plan, the Squamish Nation made an official declaration to establish formal boundaries and intentions of use within their traditional territory.

Tree farm license (TFL) 38 is located approximately 25 km north of Squamish and is found within the Squamish-Lillooet Regional District. The total area of the TFL is 218 616 hectares (ha). However, a majority of this area is un-forested mountainous terrain and ice fields. The actual productive forested area is 60 723 ha which represents 28% of the total TFL. Of these 60 723 ha, about 60% of it is harvestable, with the remaining areas being roads, environmentally sensitive areas (ESA's), water, not sufficiently restocked areas (NSR's), inoperable and protected areas. As of 1998, the estimated timber land base was 36 609 ha. TFL 38 represents approximately one-third of what the Squamish Nation considers to be its traditional territory.

Logging in TFL 38 began in the 1950's and since then it has been owned and managed by a number of different companies. Of the most recent was International Forest Products (Interfor), who had acquired the timber tenure rights from Weldwood of Canada Limited in 1995. During Interfor's tenure, harvesting occurred at a rate of about 350 ha per year. Controversial clearcut logging, the source of extensive environmental protesting in the late 1990's in the upper Elaho Valley (within TFL 38) and other spots in B.C., has generally been the principle silviculture system within TFL 38. However, by 2000 approximately 40% of operational systems in TFL 38 were variable retention. With variable retention operations, snags, large woody debris and live trees are left standing

dispersed or in groups to maintain old growth structure, wildlife habitat and aesthetic qualities.³

TFL 38 has been the centre of conflicts between logging companies, environmentalists and local First Nations. One of the main areas of particular interest is the upper Elaho Valley. The upper Elaho Valley remains as the largest block of valley bottom old growth forest in traditional Squamish Nation territory. Within this valley are 1300 year old *Pseudotsuga menziesii* (Douglas Fir) believed to be the oldest living Douglas Fir trees in the world. These trees are of great commercial timber harvest value because of the superior timber products produced with old growth (straight grain) Douglas Fir. However, the Squamish First Nation sees the upper Elaho Valley not for its commercial value but rather its spiritual value.

In December of 2005, Interfor sold the entire TFL to Northwest Squamish Forestry Limited Partnership, a company which is held in trust by the Squamish Nation. Management of the TFL was allocated to CRB logging, a Squamish-based company owned by the local First Nations. Elaho Logging, the company that had been contracted under Interfor's tenure, was retained for their logging operations (Elaho Logging is owned by the Welch Group of Companies, a Vancouver Island-based company). The \$6.5 million sale included a transaction of liabilities and cutting rights as well as a log supply agreement in which Interfor will continue to purchase timber at market prices from the Squamish Nation. With the sale of TFL 38 came a reduction in the AAC (previously 250 500 m³/yr) to a new level of 109 453 m³/yr, which is in line with the recommended decrease in long-term AAC levels as stated in the British Columbia Ministry of Forest's Incremental Silviculture Strategy of 2001 (target of 140 000m³/yr). This sale was a move made on the part of Interfor in response to the province's new Forest Revitalization Act where 20% of timber was to be given back to the Crown and First Nations. Implementation of this act would have meant that 55% of Interfor's specific TFL 38 holdings would have been transferred to BC Timbersales and local First Nations and communities. According to Interfor; the "transaction makes good sense for both parties as it gives Squamish Nation a consolidated base to manage resource values in the area, and provides Interfor with an ongoing supply of timber..." (John Horning, Interfor Press Release)⁴.

The Squamish Nation's purchase of TFL 38 gave the band the opportunity to actively control the forest industry within a large portion of their traditional territory. Since the Squamish Nation land use plan known as 'Xay Temixw' was published in 2001 the Nation has made it clear that they hoped to acquire TFL 38. Within the Xay Temixw Land Use Plan are five 'Wild Spirit Places' (WSP's). The WSP's were designed to protect land that is highly valued by the Squamish Nation for spiritual and cultural reasons. Three of these WSP's are within TFL 38 and represent a large portion of the TFL. Nsiix – nitem tl's sutich (upper Elaho Valley) is 17 753 ha and lies adjacent to the east side of Clendenning Provincial Park. Nexw – ayantsut (Sims Creek) is 17 280 ha in size and lies south west and partially adjacent to Clendenning Provincial Park. Este – tiwilh is 9 173 ha and lies to the west of the Squamish River just south of the confluence of the Elaho and Squamish Rivers. One of the main priorities of the Squamish Nation is to preserve these areas and keep them free of any commercial and/or industrial development.

"The Wild Spirit places are called upon to do more than a park. Besides protecting wild landscapes and animals, they have been put in place to conserve and showcase the Squamish Nation's cultural landscape too. Sacred sites, locations of traditional stories and ancient plant gathering and hunting grounds, are just a few of the treasures that the Squamish Nation has chosen to safeguard within their Wild Spirit Places." ⁵

Since the Upper Elaho Valley also represents a significant portion of the total harvestable land base (17 753 ha total, of which approximately 40% is harvestable), there have been a constant string of clashes between the forestry companies and First Nations and environmentalists. In 1996, the adjacent Clendenning watershed was removed from the TFL area to form Clendenning Provincial Park, due to interests in watershed and wilderness preservation. This further reduced the amount of timber available for harvesting, leading to uncertainties in the viability of forestry employment and operations in and around Squamish. Currently the Squamish Nation is attempting to determine and negotiate with the provincial government in regard to the Annual Allowable Cut (AAC) which is required to be harvested from TFL 38. Squamish Nation Chief in regard to TFL 38: " Official position right now is, we own it, we purchased that right and we are going through the process of establishing what our obligation with regard to provincial's request to the amount of timber being harvested." ⁶ A major obstacle in the negotiation

of the AAC in TFL 38 concerns the Squamish Nation's desire to harvest no timber from the WSP's. Currently there is no legislation in place officially recognizing the WSP's as protected areas. However, the fact that the TFL harvesting is now controlled by a group who wishes to not harvest in the WSP's there appears to be a reasonable chance that at some point they may be officially recognized and therefore protected by provincial legislation.

Goals and Objectives

Timber Harvesting (Appendix B – Tree age class distribution in TFL 38)

Goal:

Acquire government regulated harvesting rights of forested areas through meaningful consultation and accommodation.

Objective:

Create economic opportunities through competitive resource harvesting in the Squamish territory.

Assessment:

In 2005 the Squamish First Nation purchased Tree Farm License (TFL) 38 from International Forest Products (Interfor) for \$6.5 million. This will provide the Squamish Nation with a long term economic opportunities in the forest sector.

Goal:

Provide an ecologically sustainable method of harvesting resources in the Squamish area.

Objective:

Designate high ecological risk areas and avoid disruption of habitat. Conserve and protect all spiritual and endangered plant and wildlife habitat. Aggressively market an eco friendly wood product to over seas and local markets that will subsidize a smaller AAC.

Assessment:

Place special emphases on the WSP's and protect them from site degradation from over use of the landscape. Create special use permits for the harvesting of non-timber forest products such as medicinal plants, and closely monitor there populations to ensure they do not suffer irreparable losses.

Goal:

Consider the First nation community as a whole when selecting harvesting areas.

Objective:

Maintain a competitive and profitable logging company while satisfying first nation needs. Find balance between forest product economies and the Squamish community interests.

Assessment:

Consider The Wild Spirit Places (WSP's) when assessing our annual allowable cut (AAC) and harvest location allocation. Lobby the government to take exception in North West Squamish forestry LP requirements to fulfill it's AAC in a given time frame.

Goal:

Take special consideration in the harvesting of the remaining old growth forests.

Objectives:

Ensure that old growth trees are harvested to satisfy the spiritual and cultural needs of the Squamish First Nations. Old growth forests are not to be harvested to maximize profit, but rather to fulfill traditional uses.

Assessment:

The WSP's are to be left out of the AAC calculation but may be subject to harvesting activity for spiritual or cultural needs. Ask the provincial government to not give the WSP's park status so that some periodic harvesting of timber and other forest products may be done.

Goal:

Ensure that all forestry practices are to both provincial and First Nation standards.

Objectives:

Review the current provincial Forest and Range Practices Act and ensure that the Squamish First Nations are in agreement with the forest practices standards in it. Make amendments to the FRPA where needed to create a unique standard operating procedure that forest operation must follow in the Squamish area.

Assessment:

Put together a panel of educated officials consisting of foresters, community members, specialist, and First nation Elders. This panel will be responsible for closely examining the Forest and Range Practices Act and producing a Standard Operating Procedure that hold true to the Squamish first Nation ideals.

Squamish First Nation Spiritual and Cultural Needs:

Goal:

Maintain, encourage and repair the spirituality of the Squamish first nation people.

“The Squamish people’s current relationship to the land is extensive, varied, and consistent with the reality of the 21st century.”⁶

Objectives:

1. Educate future generations in our traditional way by using the land as our classroom and providing lasting protection for known archaeological and traditional use sites.
2. Land resources must remain sustainable for 7 generations. Maintain sustainability of those with important food, medicinal and cultural significance to permit the continued, and potentially expanded, cultivation of these resources.
“Squamish have always used the plants and foods that the animals use, so if resources are well-managed for Squamish use, then the animals and habitat are also protected.”⁶
“Our rights [traditional rights, according to the constitution] are short term unless we protect and enhance them”⁶
3. Retain some areas of forest in its natural state.
“From time immemorial, the Squamish have lived throughout this territory, in harmony with the land and dependent on its richness. For the Squamish nation to survive, this connection to nature must be nurtured and the land base it’s based on must be stewarded...access to land in its natural state must be ensured.”⁶

Assessment:

1. Requires access to plants, sites and broader wild places, as well as, landscape features and wild spirit places. (e.g. EaRu 5 rockshelter – Elaho River valley). While there are about 180 recorded archaeological sites on Squamish territory, the identification of all cultural and historical sites that merit protection has only begun. Many of these places also have other stakeholder interests, and these people may not manage the land in the ways necessary to maintain the spiritual and cultural importance of the spot. With reference to timber harvesting practices, special care will need to be taken to ensure that undiscovered sites are protected. There is no doubt that this could be costly and timely to those in the field. Leaving undisturbed swathes of forest around recorded sites could also prove difficult and unpopular with those more economically driven.
“Logging has destroyed most of the old-growth cedar and much of the habitats for important plants.”⁶
“the Park Act does not guarantee Squamish access to areas within the park for traditional activities nor prevent others uses inconsistent with these practices.”⁶
2. This is a more holistic approach to land management compared to the partitioning of land into different designated areas. This approach will have difficulties when trying to communicate with other interest groups. Many important botanical

resources such as red cedar and devil's club are in serious decline in Squamish territory. Protection of remaining habitat is vital in order to ensure current and future generations may continue to use these resources for their medicinal, nutritional and cultural needs. While certain benefits from this protection are clear, the economic benefits of cultivation and harvesting has only begun to be explored. Until this economic potential can be gauged, it may prove difficult to justify preservation in certain cases.

3. One again this hints at a more holistic approach to land management. Under the current situation, the Squamish do not have a treaty agreement, and only have tenure agreements for the land. Under the tenure agreement, they may make management decisions, but they are still subject to provincial overseeing of their practices. One major part of a tenure is to fulfill the AAC given to them by the government. In order to do this in an economical (ie, without great costs to the community) way, they may have to harvest at a rate they do not believe the land can support, while retaining more natural stands.

Squamish First Nation Community and Social Needs:

Goal:

Incorporate the various social and community needs of the Squamish First Nation into the future land use plan of TFL-38 in order to strengthen the social, cultural and economic foundation of the community.

Objectives:

1. Provide consultation and decision making opportunities that remain transparent, accountable and open to all members of the Squamish First Nation so that land use decisions will adequately represent the needs and wants of the greater community.
2. Provide job opportunities and training to qualified Squamish First Nation members. Ensure that any employment derived from the harvesting of timber provides a significant number of primary and secondary jobs to members of the Squamish First Nation. Expand the term of contract for the first nation forestry sector work force (full time employment vs. part time employment)
3. Incorporate non-motorized tourism and recreation in specified areas in a way that is culturally sensitive and ecologically sound. Any development or guiding must be subject to Squamish First Nation control and directly benefit the community.
4. Maintain the stocks, habitat and general ecological integrity necessary to ensure the future of hunting, fishing and trapping on site by members of the First Nation.

Assessment:

1. The Squamish First Nation has, since the 19th century, been largely excluded from decision making processes concerning their own land and resources. Therefore, a process for community involvement and inclusion in land-based decisions does not have a solid foundation to build on. In essence, this will have to be built from the bottom up. The drafting of the Squamish Nation's comprehensive Land Use Plan in 2001 does, however, provide some insight into how this process could work, albeit on a more generalized scale. In addition, it will no doubt prove extremely difficult to incorporate the divergent and sometimes conflicting needs and wants of all members of the community.
2. Historically, Squamish Nation community members were employed in all aspects of the forestry industry. Today, little to no permanent employment for members exists in the industry and those who are hired are done so on a limited and periodical basis. If, indeed, Squamish members are to benefit by being employed in the harvesting of portions of TFL-38, extensive employment training will be necessary. This is especially true in secondary level employment. Ensuring that logging, fire wood and non-timber forest product permits are made readily available within the Squamish First Nation community will also encourage community members to seek employment and income through non-timber ventures.
3. The incorporation of tourism and recreation into the land use plan will be extremely difficult as various members of the community are split on the benefits of such an approach. Some see tourism as a form of sustainable employment while others think too much tourist development already exists. The key will be find ways to incorporate tourism into the land use plan in order to minimize the ecological impact and maximize community control, employment and benefit. The day to day management of this process will certainly prove difficult in the remote setting of TFL-38. Future non-native users of the land will need to be better educated and culturally sensitive in order to ensure this impact will be positive. Severely restricting forms of motorized recreation and limiting the number of tourists in sensitive areas will undoubtedly face opposition.
4. This will necessitate forms of timber harvesting whereby ecological values are placed higher than economic or volume-based values. This may prove technically difficult, economically straining and unpopular with some members of the Nation. However, certain measures such as buffers around fish bearing streams and protection of forest habitat are necessary to ensure the support of the community and the longevity of the forest environment.

References

1. Wilderness Committee Educational Report. Wild Spirit. Vol. 24 No. 6. 2005.

2. North Shore News website. Available from
<http://www.nsnews.com/issue/w030397/02289701.html> [cited 1 October 2006]

3. Spruce Roots Magazine (online). Available from
<http://www.spruceroots.org/Dec04/Tree.html> [cited 8 October 2006]

4. International Forest Products (Dec. 19, 2005). Interfor Sells TFL 39 to Squamish First Nations. Press Release.

5. Xay Temixw Land Use Plan. Available from <http://www.squamish.net>
[cited 29 September 2006]

6. Personal Communication. Bill Williams: Squamish Nation Chief. Sept. 27, 2006.

Appendix A: <http://www.cathedralgrove.se/media/first-nations-perspectives.pdf>
[acquired 8 October 2006]

Appendix B: CONS 481 Course Website. <http://www.ideal.forestry.ubc.ca/cons481/>
Created by: Brent Chamberlain [acquired 27 September 2006]

Appendix A

Appendix B

