

Haida Gwaii Marine Use Planning

An aerial photograph of the Haida Gwaii archipelago, showing a vast expanse of water with numerous channels, bays, and islands. The water is a deep blue, and the land is a mix of green and brown, indicating dense forest and some cleared areas. The perspective is from a high altitude, looking down on the entire region.

Catherine Rigg, Haida Oceans Technical Team
First Nations Fisheries Council . Joint/Co-management Working Group
February 2011 . Richmond

Outline

- PNCIMA Integrated Marine Planning
- Gwaii Haanas National Marine Conservation Area Reserve
- Land Use Plan Haida Heritage Site/Conservancies (marine component)
- SGaan Kinghlas-Bowie Seamount MPA
- Haida Gwaii Marine Use Planning

Photo Credit: Haida Fisheries Program



PNCIMA Marine Use Planning



- Collaborative Governance MOU (2008) with DFO and BC signed by Coastal First Nations, North Coast Skeena First Nations Stewardship Society, and Nanwakolas Council Society.
- First Nations are conducting marine planning for their individual territories.
- First Nation planning will be harmonized at sub-regional scales (Northern Vancouver Island, Central Coast, North Coast and Haida Gwaii) and across PNCIMA.

Haida Perspective on PNCIMA Marine Planning

Haida Nation Process

Council of the Haida Nation



Haida Marine Work Group



Haida Oceans Technical Team

First Nations Process

First Nations Governance Committee

*Council of the Haida Nation
North Coast First Nations
Central Coast First Nations
N. Vancouver Island First Nations*



First Nations Policy Committee



First Nations Area Technical Teams

Canada-FN-BC Process

PNCIMA Steering Committee

*[Political Leadership]
Canada
First Nations
Province of BC*



PNCIMA Planning Office

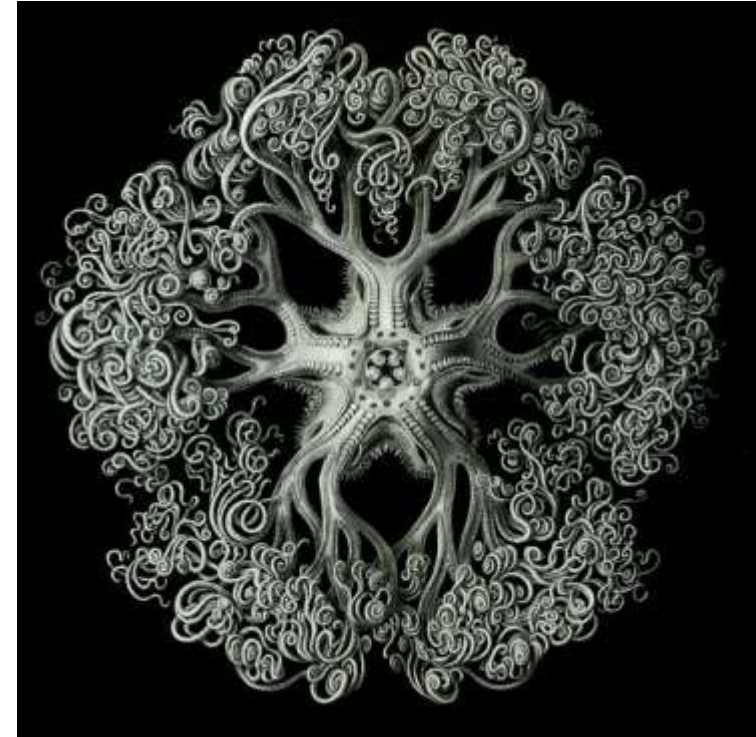
*[Technical Staff]
Canada
First Nations
Province of BC*



PNCIMA Bilateral Coordination

PLANNING OFFICE

- Responsible for managing and facilitating PNCIMA integrated ocean management planning activities
- PO Process Management Team consists of 1 DFO, 1 BC and 2 First Nation representatives responsible for coordinating PO activities
- PO Government Team includes representatives of federal, provincial and FN governments, including but not limited to:
 - **Federal** – DFO, Parks Canada, Environment Canada, Transport Canada, Natural Resource Canada
 - **Provincial** - Ministry of Environment, Ministry of Natural Resource Operations, Ministry of Forests, Mines and Lands
 - **First Nations** – Coastal First Nations, North Coast Skeena First Nations Stewardship Society, Nanwakolas Council



PNCIMA Bilateral Coordination

STEERING COMMITTEE

- Responsible for high-level strategic leadership, including executive oversight and reaching mutually acceptable PNCIMA planning outcomes
- Co-chaired by First Nations and Federal/Provincial representatives
 - ***Federal coordination*** achieved through Pacific Interdepartmental Oceans Committee
 - ***Provincial/Federal coordination*** achieved through the Federal/BC Oceans Coordinating Committee
 - ***First Nations coordination*** achieved through the PNCIMA First Nations Governance Committee



Photo Credit: Sharon Jeffrey

PNCIMA Bilateral Coordination

DECISION-MAKING PROCESS

- Decision-making authority retained by respective agencies or organizations

GOVERNMENT-TO-GOVERNMENT

Where a decision cannot be reached by the Steering Committee, the issue will be forwarded to senior officials for Government-to-Government negotiations.



STEERING COMMITTEE

Operates on a collaborative basis and can use interest based negotiation to arrive at agreement.



PLANNING OFFICE

Decisions made by consensus – if a decision cannot be reached the issue and associated options/viewpoints are forwarded to the Steering Committee.

PNCIMA Engagement & Support

- PNCIMA planning is also supported by several methods of stakeholder engagement, including:
 - Integrated Oceans Advisory Committee
 - Working Groups as necessary
 - Sub-regional 'forums'/meetings
 - Other – existing advisory processes; workshops; written communication
- A Marine Technical Advisory Team will provide independent scientific (including traditional knowledge) advice to process.

Photo Credits: Haida Fisheries Program (left); Lynn Lee (right)



PNCIMA Progress & Potential Outcomes

- Preparatory material completed:
 - Process framework – governance framework, stakeholder engagement and outputs
 - First Nations planning documents and traditional knowledge studies
 - EOAR and SECOA
- Expected priority outcomes:
 - EBM framework
 - MPA network
 - Integrated economic development strategies
 - Strategies to manage marine transportation
 - Strategies to manage commercial, recreational, and traditional fisheries
- A PNCIMA plan is anticipated to be completed by June 2012.



*Photo Credits: Catherine Rigg (top);
Haida Fisheries Program (bottom)*

Gwaii Haanas National Park Reserve and Haida Heritage Site



- **1988** – Gwaii Haanas National Park Reserve and Haida Heritage Site established according to the South Moresby Agreement and under the *National Parks Act*.
- **1993** – *Gwaii Haanas Agreement* signed by Parks Canada and the Council of the Haida Nation (CHN) establishing the Archipelago Management Board.

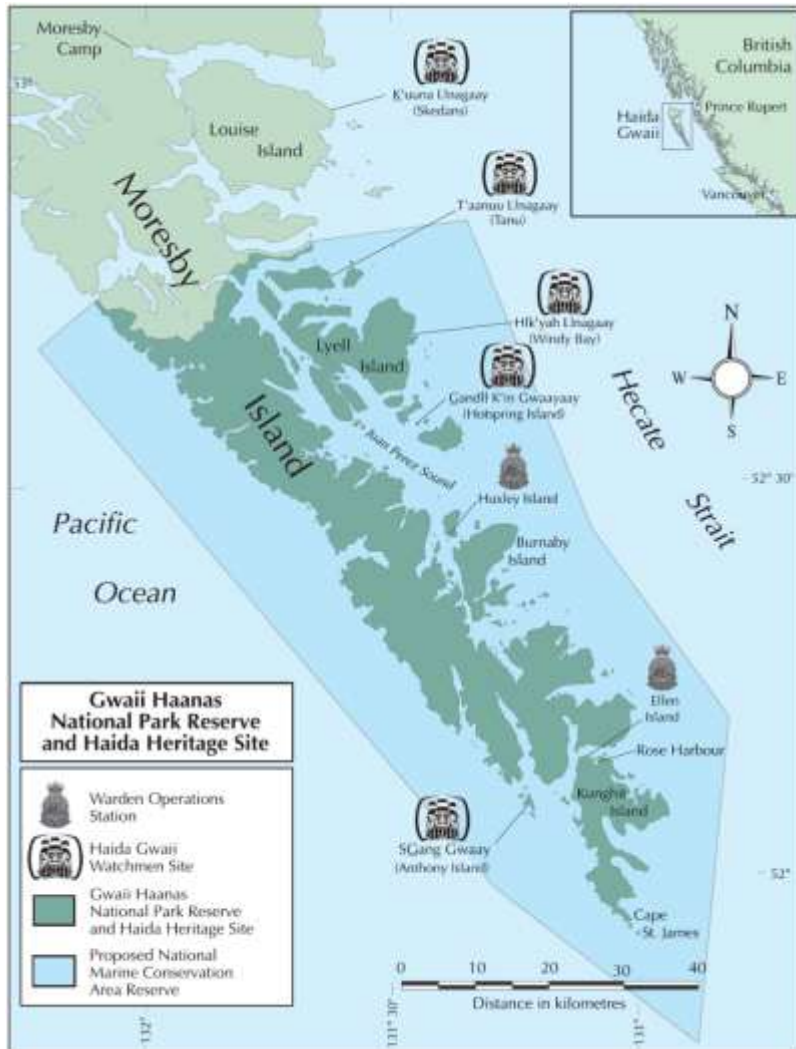
GH Archipelago Management Board (1993)



Photo Credit: David Lochhead

- AMB includes 2 Parks Canada and 2 CHN representatives
- Decisions made by consensus
- If a consensus decision cannot be reached, sent to higher level Government-to-Government negotiation.
- Neutral third-party assistance can be utilized to reach agreement if necessary.
- Matters are held in abeyance and set aside from normal AMB business until instructions received from both the Government of Canada and CHN.

Gwaii Haanas National Marine Conservation Area Reserve & Haida Heritage Site



- **2002** – *National Marine Conservation Area Act* is legislated.
- **January 2010** – *Gwaii Haanas Marine Agreement* signed by Parks Canada, DFO and CHN.
- **May 2010** – Gwaii Haanas NMCAR & HHS Interim Management Plan completed.
- **June 2010** – National Marine Conservation Area Reserve and Haida Heritage Site established.

Gwaii Haanas Marine Agreement (2010)

- In addition to the roles and responsibilities laid out in the *Gwaii Haanas Agreement* (1993), the AMB is responsible for the planning, operation, management and use of the Gwaii Haanas marine area.
- Expands the composition of the AMB to 3 Government of Canada (2 Parks Canada, 1 DFO) and 3 CHN representatives.
- Consistent with the original Agreement, decisions are made by consensus, disagreements are elevated to senior representatives for negotiation, and matters are held in “abeyance” until instructions are received from the Government of Canada and the CHN.



Photo Credit: Lynn Lee

Gwaii Haanas Marine Agreement (2010)

- The *Gwaii Haanas Marine Agreement*:
 - is “without prejudice to the viewpoint of either Party respecting sovereignty, ownership or title.”
 - cannot “be construed as creating, affirming, recognizing or denying any aboriginal or treaty right or as transferring any competence of either Party.”
 - does not “fetter or limit, or be deemed to fetter or limit, in any manner the rights, jurisdiction, authority, obligations or responsibilities of either Party or their representatives, except to the extent of the requirement that all reasonable efforts must have been made to reach consensus [through the process set out in] this Agreement.”



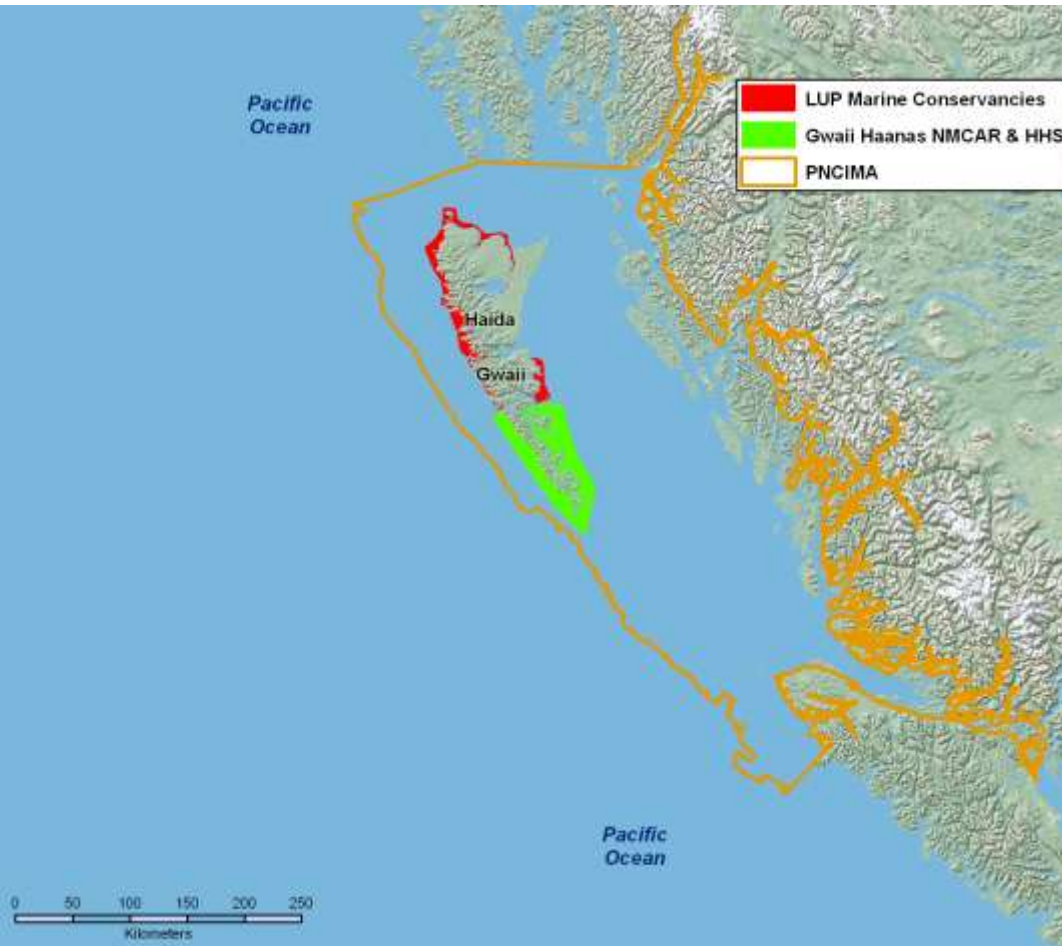
Gwaii Haanas NMCAR & HHS – Next Steps

- Appointment of new AMB members.
- Establishment of an advisory body as required by the *National Marine Conservation Act*.
- Implementation of Interim Management Plan and Zoning Plan (~3% protection).
- Five year timeline to complete a comprehensive Gwaii Haanas NMCAR & HHS management plan, including expanded zoning.
- Plan to be completed by June 2015, possibly earlier.



Photo Credit: Barb Wilson

Land Use Plan Heritage Sites/Conservancies (marine component)



- **2007** – *Haida Gwaii Strategic Land Use Agreement* signed by the Province of BC and CHN.
 - Commits to collaborative development of management plans, including ***marine foreshore and nearshore planning*** for new protected areas.
- **2008/2009** – 11 heritage sites/conservancies are legislated under the *Park Act*.

Land Use Plan Achievements

- Over 50% of the Haida Gwaii land base is protected (when combined with Gwaii Haanas and existing provincial protected areas).
- Haida use and access is permitted in all protected areas, except where conservation concerns are identified.
- 72% of the coastline of Haida Gwaii has some form of protection.
- Marine boundaries will only affect issues that fall under provincial jurisdiction (eg, tenures).
- Commitment to EBM approach
- Cooperative governance/decision-making framework.



Kunst'aa Guu – Kunst'aayah Reconciliation Protocol (2009)

- Recognizes that BC and the CHN hold differing views on the sovereignty, title, ownership and jurisdiction.
- Seeks productive “co-existence” and shared and joint decision-making.
- Parties operate under their respective authorities and jurisdictions.
- Protocol does not fetter or limit the authority of either party.
- Identifies decision-making framework, including a Haida Gwaii Management Council and Solutions Table.
- The *Reconciliation Protocol* was legislated under the *Haida Gwaii Reconciliation Act* in 2010.

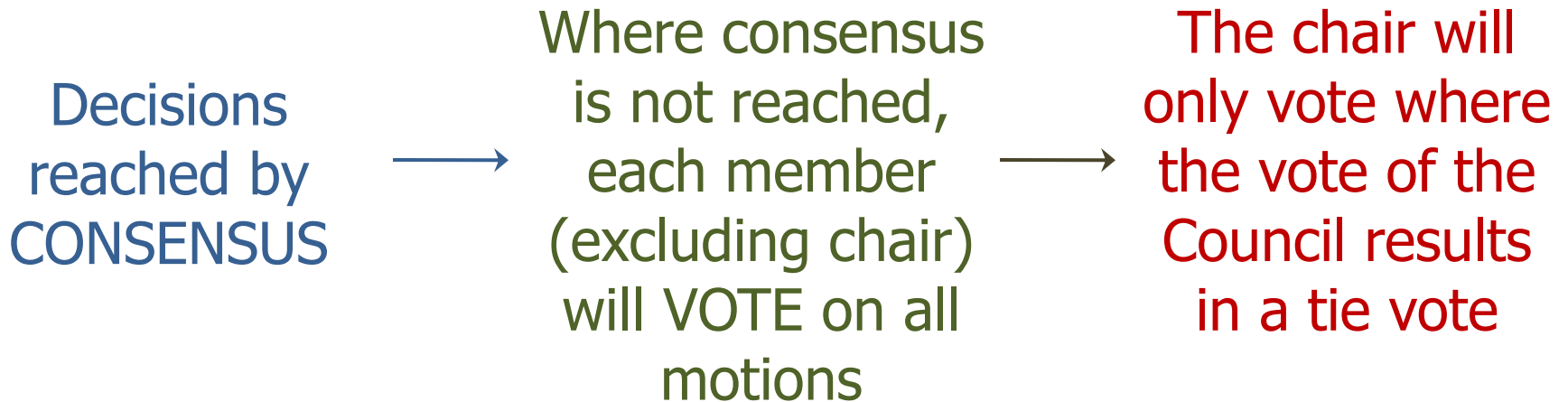


Photo Credit: Lynn Lee

Kunst'aa Guu – Kunst'aayah

Reconciliation Protocol (continued)

- Haida Gwaii Management Council is comprised of 2 CHN and 2 BC representatives, with a neutral third party chair jointly selected by all 4 members.
- Responsible for high-level strategic decision making.
- Council operates on basis of “joint decision making”.

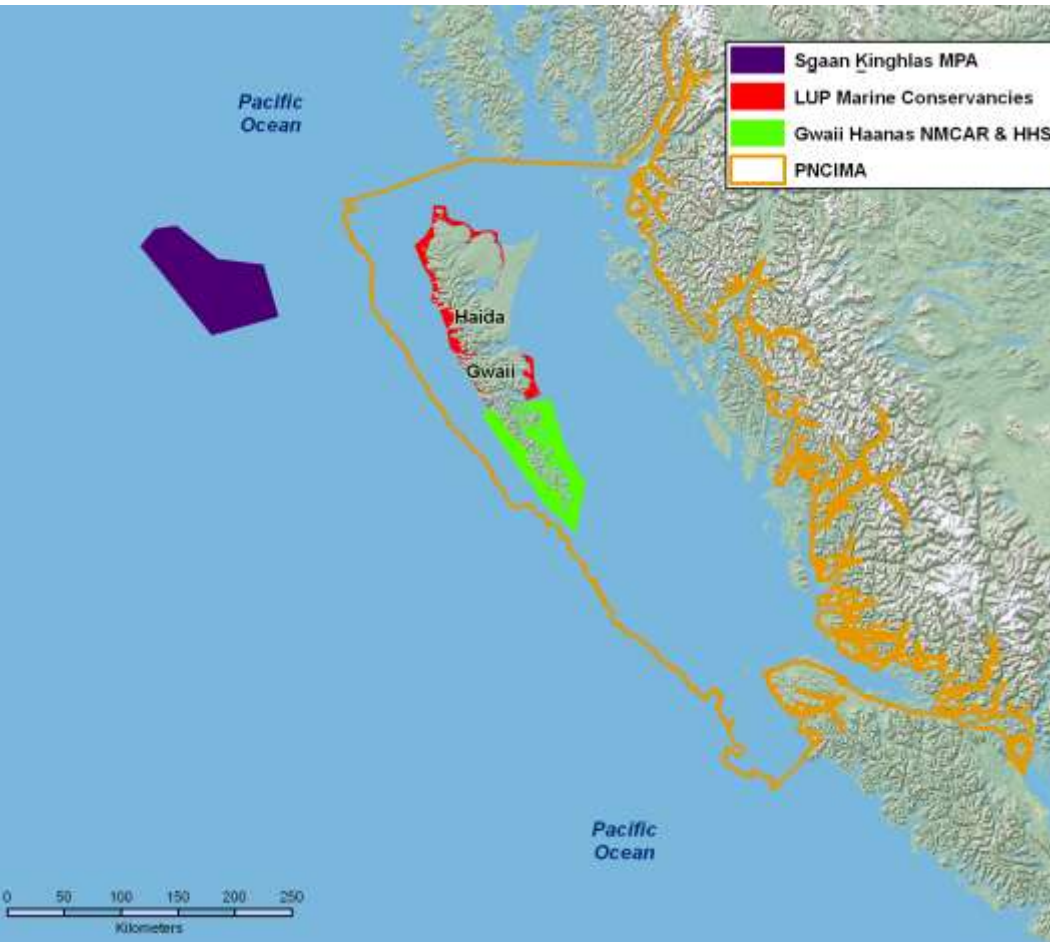


Kunst'aa Guu – Kunst'aayah

Reconciliation Protocol (continued)

- Haida Gwaii Solutions Table is comprised of 2 CHN and 2 BC representatives.
- Responsible for technical and day-to-day operational matters.
- Table operates on basis of “shared decision making”:
 - Parties operate in good faith to find solutions that meet the needs of both parties, compromising when necessary.
 - If a decision cannot be reached, the issue returns to the CHN and BC for independent decision-making.

SGaan Kinghlas-Bowie Seamount MPA



- **1997** – CHN designate SGaan Kinghlas as a Haida Marine Protected Area.
- **1998** – DFO identifies Bowie Seamount as an Area of Interest for MPA designation under the *Oceans Act*.
- **1999-2007** – Information compilation and consultation with government, stakeholders and others.
- **2007** – DFO and CHN sign a *Memorandum of Understanding* that commits to cooperative management of the MPA.
- **2008** – SGaan Kinghlas-Bowie Seamount MPA is established.

SK-B Memorandum of Understanding

- MOU includes standard disclaimers regarding title, ownership etc.
- MOU establishes a Management Board comprised of 2 DFO and 2 CHN representatives.
- The Management Board is responsible for providing advice to the Minister and the CHN.
- If a dispute arises both parties appoint senior representatives to consider and attempt to resolve the dispute.
- New process that has not yet been tested.



Photo Credit: DFO

SK-B Memorandum of Understanding

- Among other responsibilities, the Management Board is responsible for:
 - Development of a management plan for the SK-B Protected Area.
 - Providing advice regarding the co-ordination and delivery of research, fisheries management, stewardship, public outreach programs and enforcement programs.

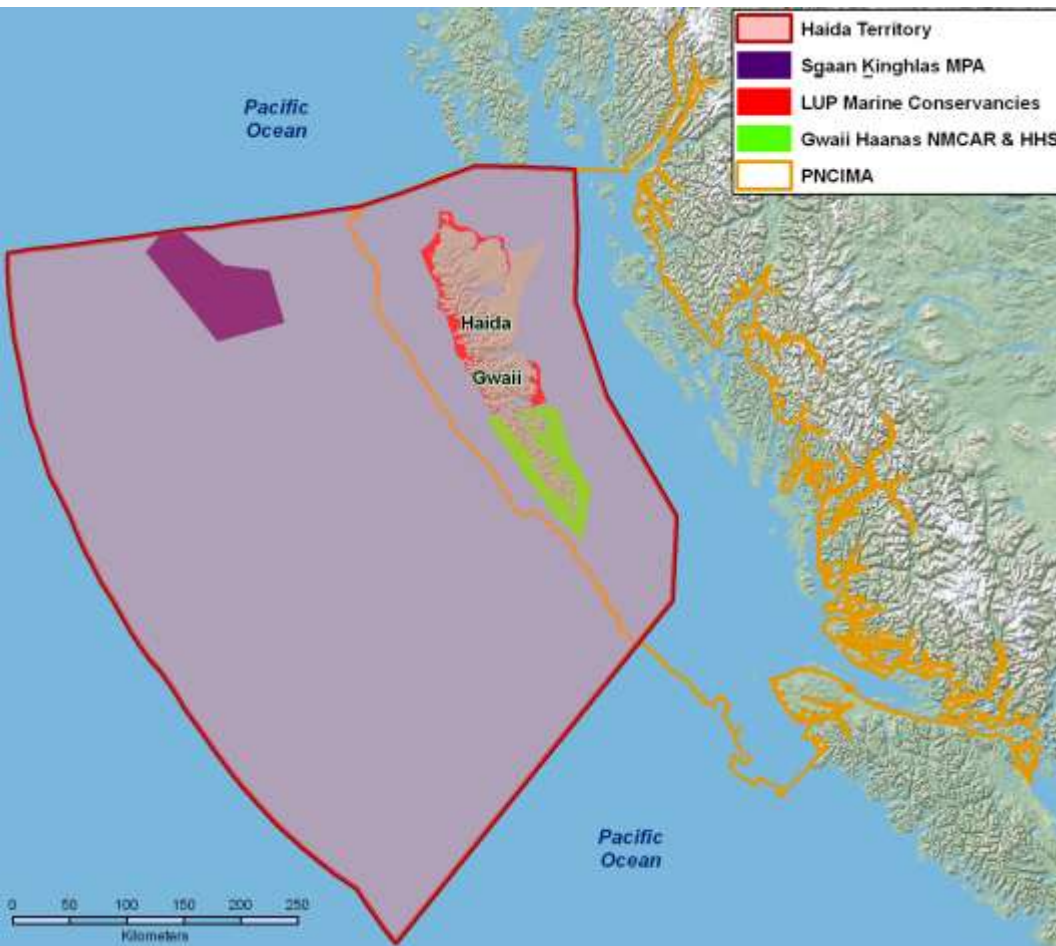


SK-B Protected Area – Next Steps

- DFO and CHN collaborative development of a SK-B management plan (ongoing).
- Activities in the area include:
 - A sablefish trap fishery
 - Vessels that transit the area
 - Some research and monitoring



Haida Gwaii Marine Use Planning



- Comprehensive marine planning for all of Haida marine territory.
- Consistent with Coastal Management Area (CMA)/ Geographic Management Area (GMA) scale planning referenced in the *PNCIMA Collaborative Governance MOU*.

Haida Marine Work Group

- Established by CHN in 2006 and responsible for:
 - Development of Haida Marine vision, ethics and values
 - Haida Marine Traditional Knowledge Study
 - Identification of key marine issues and concerns
 - Identification of ecologically and culturally important areas
 - Communications and outreach
- Supported by Haida Oceans Technical Team



Photo Credit: Haida Fisheries Program

Priority Planning Issues

- Priority marine planning issues on Haida Gwaii include:
 - Ecological values and significant features
 - Cultural values and features
 - Haida traditional fishing
 - Commercial fishing
 - Recreational fishing
 - Marine transportation & infrastructure
 - Marine tourism
 - Energy – wind, tidal, offshore oil & gas
 - Aquaculture – shellfish, finfish
 - Logging-related marine activities



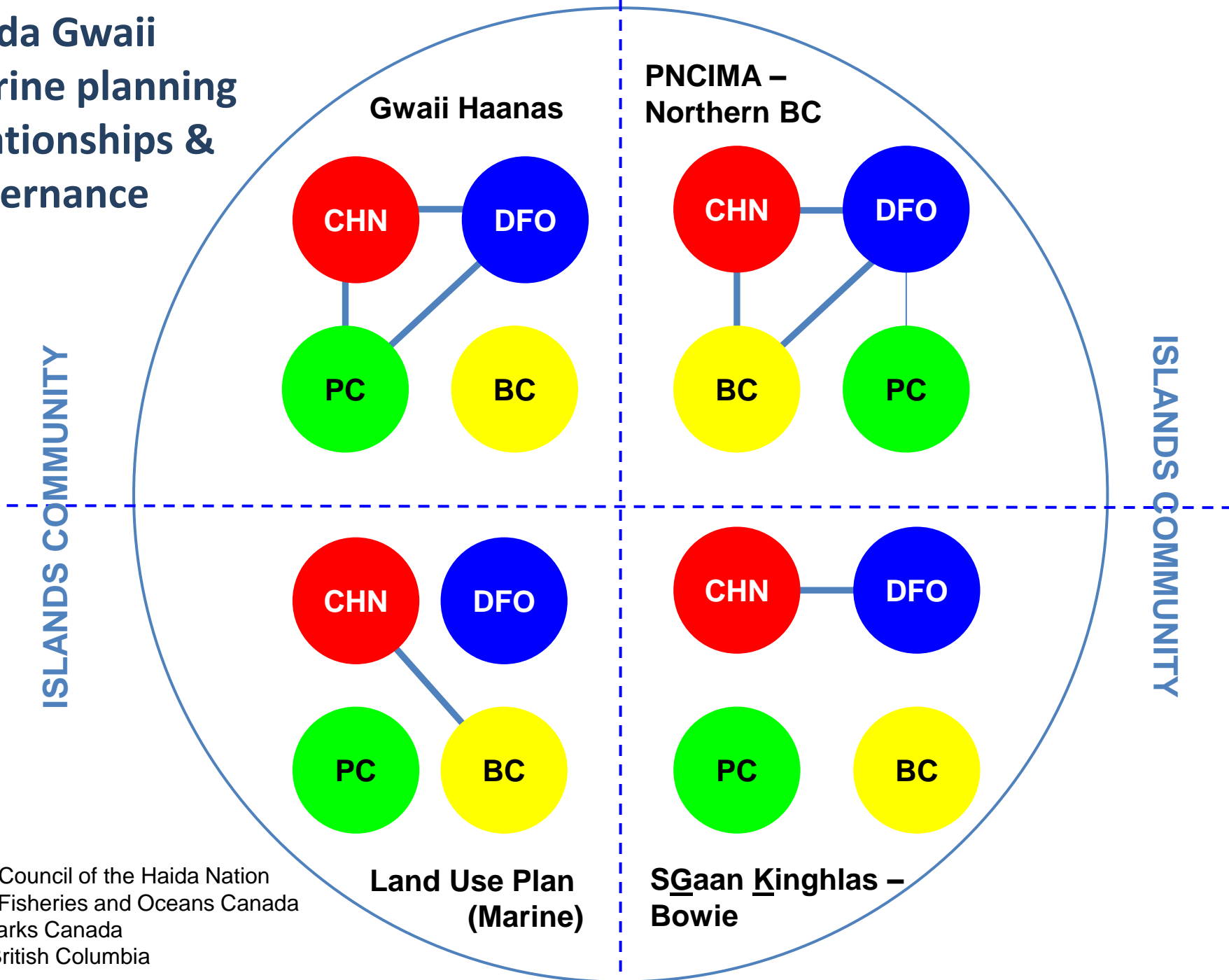
Photo Credit: Dolly Garza

Linkages to other planning processes

- **PNCIMA** – balances LOMA planning with CMA/GMA scale planning referenced in the collaborative governance MOU.
- **Gwaii Haanas** – ensure consistency in zoning approach and management direction
- **Heritage Sites/Conservancies** – address federally managed activities within provincial/CHN jurisdiction
- **SGaan Kinghlas-Bowie Seamount** – address fisheries management concerns, establish working cooperative relationship with DFO at north coast/Haida Gwaii level



Haida Gwaii marine planning relationships & governance



Goals in Building an Effective Plan

- Address threats to Haida Gwaii ecosystems and species, both over the short and long term
- Incorporate Haida and Haida Gwaii values
- Clear guidance on acceptable marine uses and development in Haida Gwaii waters
- Support sustainable Haida and Haida Gwaii communities
- Link to marine planning on a regional and local scale



Photo Credit: Haida Fisheries Program

Expected Planning Outcomes

- Marine spatial plan and protected area network
- Policy and management guidelines for key issues
- Integrated approach to economic development including consideration of cumulative effects
- Effective governance and integrated decision-making framework

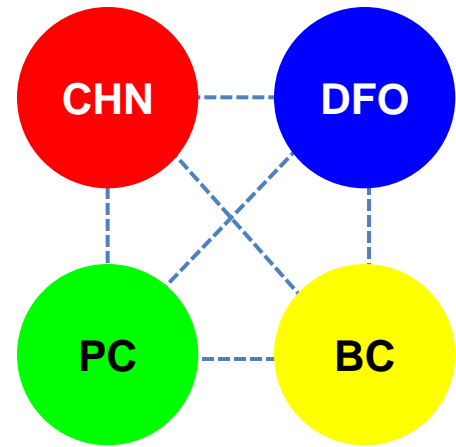


Photo Credit: Catherine Rigg

Haida Marine Vision

Haida culture is intertwined with all of creation in the land, sea, air and spirit worlds. Life in the sea around us is the essence of our well-being, and so our communities and culture ...



Photo Credit: CHN Communications

... We will take steps today to achieve **a future with healthy intact ecosystems that continue to sustain Haida culture, communities, and an abundant diversity of life, for generations to come.**



Acknowledgements:

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Gordon and Betty Moore Foundation*