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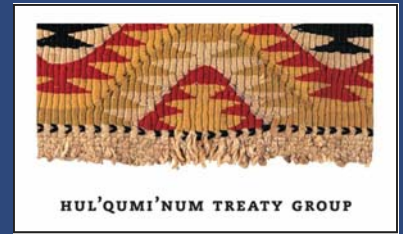
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NMCA

TREATY TALK

Special Edition: NMCA National Marine Conservation Area



What does NMCA stand for?

NMCA stands for the **National Marine Conservation Area**.

Parks Canada is conducting a feasibility study that proposes to designate the waters surrounding the Southern Gulf Islands as an NMCA. The full name of this project is the *Southern Strait of Georgia National Marine Conservation Area Reserve Feasibility Study*.

Background

According to the Parks Canada website, Parks is responsible to establish 29 National Marine Conservation Areas that effectively 'represent' the full range of marine regions in Canadian waters.

NMCA's are intended to be managed for sustainable use and include smaller areas of higher protection zones.

The Southern Strait of Georgia has been selected as one of the areas to be assessed. Parks Canada is currently conducting a feasibility study to assess whether or not this area needs representation and should be proposed for designation as an NMCA.

The proposed boundary (map on page 4) includes much, if not all of the waters surrounding the Southern Gulf Islands. This is a significant portion of the Hul'qumi'num marine claim area and is the subject of treaty negotiations (see page 2).

This feasibility study began approximately 3 - 4 years ago and is based on a memorandum of understanding (MOU) between Canada and BC. The MOU sets out what the feasibility study must include, such as environmental studies, social impact analysis, mineral assessment, governance, etc.



See Page 7 for an update on what we're doing.

How does this fit into treaty negotiations?

The Proposed Strait of Georgia NMCA and HTG Treaty Talks

Brian Thom

Senior Negotiations Support

In the 2003 treaty negotiations, HTG, Canada, and BC negotiated the main provisions of the Agreement-in-Principle chapter relating to proposed National Marine Conservation Areas. We reached tripartite agreement on many (but not quite all) elements of the post-treaty relationships between the Hul'qumi'num people and Parks Canada in respect of NMCA's.

The Agreement-in-Principle provides constitutional guarantees that Hul'qumi'num people's rights to harvest wildlife, plants, and birds will be recognized within the NMCA. Negotiations have not concluded on fishing within NMCA's, but we anticipate fishing rights to similarly be recognized and protected in the treaty.

Hul'qumi'num people will have consultation rights around new or additions to NMCA areas and can exercise a veto over any proposed deletion of NMCA boundaries, once they are established.

Parks Canada and HTG have agreed on a treaty-protected process for cooperative management and planning for a broad range of issues within the NMCA.

Parks Canada also commits to recognizing the significance of Hul'qumi'num culture and to use the Hul'qumi'num' language in their interpretive programs, and to work to protect heritage and sacred sites.

These Agreement-in-Principle provisions, along with important related provisions in the Fisheries and other chapters, provide the framework from which the more detailed Final Agreement will be negotiated.



Cowichan River Salmon Weir

Royal British Columbia Museum Photographic Collections, PN 1380

This NMCA covers a huge area and will affect many First Nations, how would it be governed?

Governance & the NMCA

Jess Rogers

Former Natural Resources Coordinator

Whose rights are potentially affected by the proposed NMCA, and how will they be addressed?

The proposed boundaries of the “Southern Strait of Georgia National Marine Conservation Area” affect the traditional territories of 19 First Nations. The provincial and federal governments are currently attempting to consult with all 19 nations as part of the feasibility study and have reached agreements with certain groups on how to undertake this process. Preliminary consultation is a complex undertaking on its own, which raises questions surrounding how the rights and interests of all the nations impacted by the designation of the NMCA will be addressed once established.

The NMCA encompasses a significant portion of the Hul’qumi’num marine environment. Therefore, it is essential that the member nations rights are formally recognized. This should include agreed upon decision-making structures and processes that govern the process of designation, and then the use, management, and planning of the NMCA. It should also be clear that the decision-making authority of the HTG member nations will also have to be reconciled with those of the other 13 nations, along with those of the provincial and federal governments and their line agencies.

Who are the current decision-makers?

Currently the NMCA project team provides project management and technical planning expertise to the feasibility study. The project team is comprised of both federal (Parks Canada, Fisheries and Oceans Canada) and provincial (Ministry of Agriculture and Land and Ministry of Environment) staff. There are also three seats available to First Nation groups (filled by HTG, Sencoten and Tsecum), and a seat for a commercial and sport fisher respectively.

The project team is an advisory body to the Canada-BC Action Plan (CBCAP) Steering Committee, which is co-chaired by the Director General of National Parks for the Parks Canada Agency and the Deputy Minister of the Ministry of Environment. The steering committee is the final decision-maker on all aspects of the designation of the NMCA, including management options. (Look for a project team participation update in future Special Editions on the NMCA).

Is this current decision-making model a sign of the governments thoughts for a future NMCA governance model?

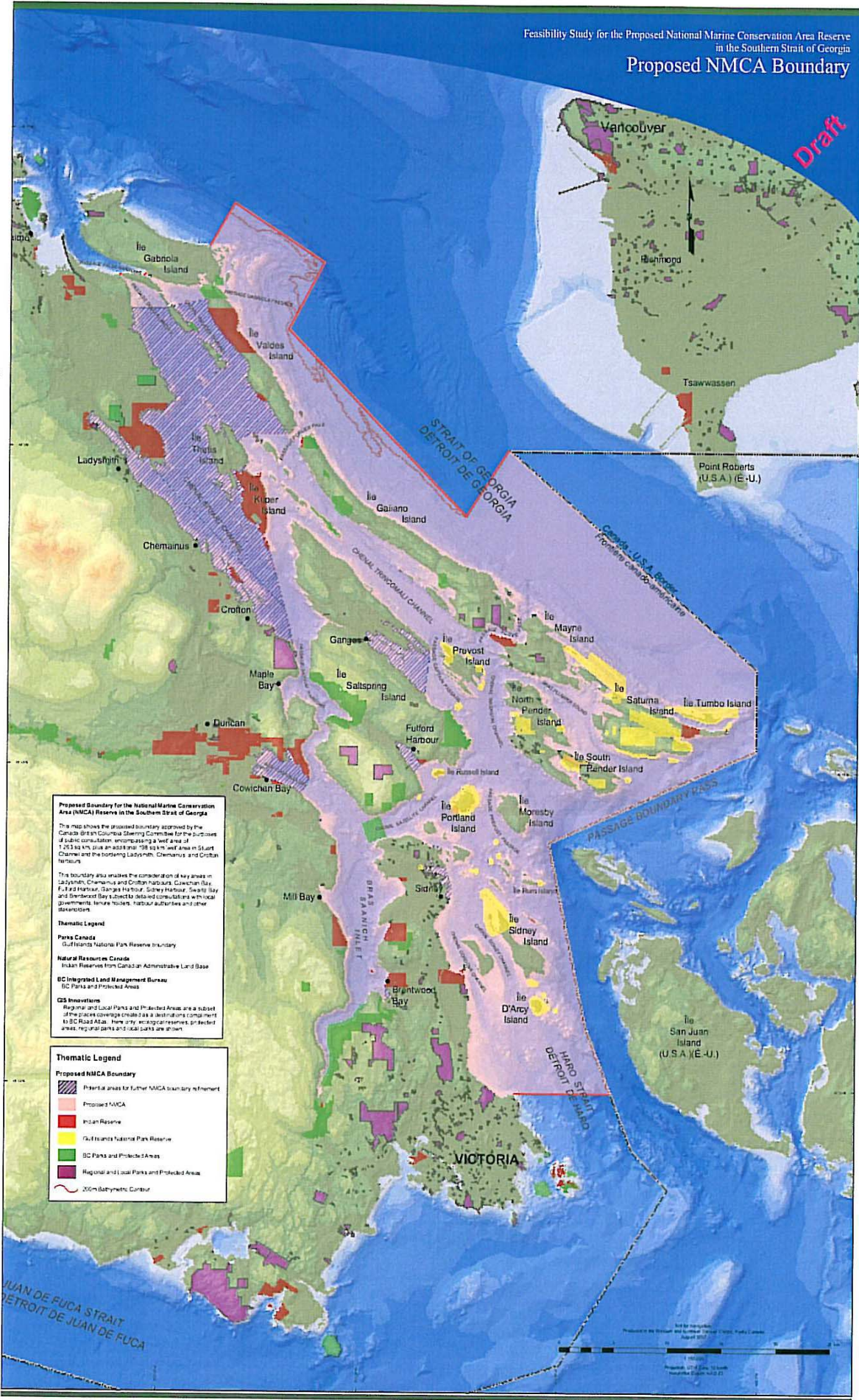
The Hul’qumi’num need to know how the governments see the First Nation’s role in the governance of the NMCA. More importantly, the First Nations role should be resolved during the feasibility study and not

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Feasibility Study for the Proposed National Marine Conservation Area Reserve
in the Southern Strait of Georgia
Proposed NMCA Boundary

Draft



Proposed Boundary for the National Marine Conservation Area (NMCA) Reserve in the Southern Strait of Georgia
This map shows the proposed boundary approved by the Canada's British Columbia Steering Committee for the purposes of public consultation, encompassing a west area of 7,200 sq km plus an additional 198 sq km west area in Stuart Channel and the adjoining Ladysmith, Chemainus and Crofton harbours.
This boundary also enables the consideration of key areas in Ladysmith, Chemainus and Crofton harbours, Cowichan Bay, Fulford Harbour, Ganges Harbour, Sidney Harbour, Swains Bay and Brentwood Bay subject to detailed consultations with local governments, tenure holders, harbour authorities and other stakeholders.

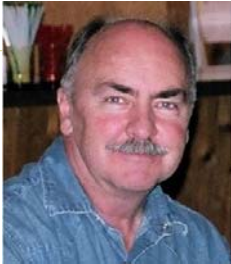
Thematic Legend
Parks Canada
Guilford Islands National Park Reserve boundary
Natural Resources Canada
Indian Reserves from Canadian Administrative Land Base
BC Integrated Land Management Bureau
BC Parks and Protected Areas
CBS Reservations
Regional and Local Parks and Protected Areas are a subset of the parks coverage created as a destination component in the BC Land Use Plan. Here only ecological reserves, protected areas, regional parks and local parks are shown.

Thematic Legend
Proposed NMCA Boundary
Potential areas for further NMCA boundary refinement
Proposed NMCA
Indian Reserve
Guilford Islands National Park Reserve
BC Parks and Protected Areas
Regional and Local Parks and Protected Areas
200m Bathymetric Contour

Who are the people at Parks Canada?

The Parks Canada Staff responsible for the Feasibility Study are:

Bill Henwood, Senior Planner



Bill is currently the Project Manager for the study to assess the feasibility of establishing a national marine conservation area reserve in the southern Strait of Georgia in British Columbia. Bill was raised in southern Ontario. In his career he has spent over 30 years as a park planner, first in Alberta, and following that a short stint in Ottawa, and for the last 19 years here with Parks Canada in British Columbia. He has worked almost exclusively in the field of establishing new national parks and national marine conservation areas.

Most recently, Bill has been involved in the proposal to establish a new national park reserve in the dry interior grasslands of British Columbia. Bill also spent over 2 years traveling and visiting many parks and protected areas around the world, including New Zealand, Australia, Asia, Africa and Europe.

Shanna Fiddler, Parks Canada



Shanna grew up in Ucluelet, near Pacific Rim National Park Reserve, and worked as an interpreter for a non-profit education centre, delivering programs on rainforest ecology to visitors, community members, schools and youth. Prior to joining Parks Canada, Shanna worked at the Federal Treaty Negotiation Office (DIAND) in Vancouver as an assistant negotiator, where her duties included community (both aboriginal and non) and local government level consultation.

Since coming to Parks Canada, she has taken the lead in consultations with First Nations in two feasibility studies on the potential establishment of a future national park, as well as a potential National Marine Conservation Area Reserve in the Southern Strait of Georgia. In addition, Shanna is negotiating treaty provisions relating to Parks Canada's interests throughout BC. It should also be noted that she is a Girl Guide leader and a rabid Canucks fan!

What is the connection to the work of the HTG - GINPR Parks Committee?

HTG-GINPR Parks Committee vs. NMCA

Lea Joe

Parks Coordinator

Our Gulf Islands National Park Reserve (GINPR) Committee is a consulting body consisting of delegates from HTG's six member Nations, plus an Elder representative chosen by the Chiefs.

The committee deals with an array of issues and topics, such as: management of resource harvesting, found human remains and other cultural matters, deletions or additions to the GINPR, area planning, and environmental assessments, to name a few.

However, the committee is **not** mandated by the six communities to cover issues related to the National Marine Conservation Area. While our committee may have their opinions about the NMCA, they would be sharing these opinions in a personal manner, not at the committee level.

The committee reports out in their own newsletter separately. For absolute clarity, the HTG~GINPR Committee is not associated with the NMCA Feasibility Study.



Gulf Islands National Parks Reserve Field Orientation Visit
Shellbeach, Portland Island 2007— Photo Credit: Parks Canada, GINPR

What are we doing?

HTG Referrals Department Report

Kathleen Johnnie

Referrals Impact Assessment Coordinator.

The Hul'qumi'num Treaty Group (HTG) is not a First Nation and has no constitutional recognition. There is no duty for the government to consult HTG.

However, HTG does have three mandates to review referrals and these are to:

~ review proposals for potential impacts to treaty negotiations;

~ coordinate the technical review of proposals that affect more than one member First Nation; and

~ respond to a request from a member First Nation for assistance (capacity and resources permitting).

HTG is reviewing the NMCA Feasibility Study to assess potential impacts to treaty negotiations and to coordinate the technical review of the feasibility study for our six member First Nations.

To date Parks Canada has conducted an environmental profile study, an assessment of the mineral and aggregate resources, an assessment of the conventional and non-conventional hydro-carbon resources, a socio-economic profile study (not fully covering First Nations), and a governance analysis of marine protected areas around the world and in the Southern Strait of Georgia.

Additional studies are anticipated in the feasibility study review process, including a social impact analysis and a seabed ownership options analysis and more.

In addition, a science network was established to respond to four key questions and provide recommendations on key issues.

In at least two studies, First Nations information was found to be lacking, these were the socio-economic profile and the science network question exercise.

In the socio-economic profile there was very little information collected on First Nations communities. This was also an issue HTG identified to Parks in January of 2007. In the Science Network exercise, the science team found they needed traditional use information and First Nation expertise to be able to fully respond. The need for a comprehensive traditional use study has been brought to the attention of Parks Canada as well. HTG anticipates providing more information on all Parks studies in future **HTG Special Edition Newsletters** on the **Southern Strait of Georgia National Marine Conservation Area Feasibility Study**.

If you have any questions please contact:

Kathleen Johnnie
Referrals Impact Assessment Coordinator
Hul'qumi'num Treaty Group
Email: kathleenj@hulquminum.bc.ca

cont from pg 3...Governance & the NMCA

left to the implementation stage, a much later phase of the NMCA establishment process.

What type of questions should First Nations be asking?

When Parks representatives come to your communities, you could ask:

~ How will all 19 First Nations be included in the planning and management of the NMCA?

~ Will there be a management body?

~ Will each Nation have equal representation on the body?

~ What authority will this body have? (e.g. con-

sultative, advisory, decision-making)

~ What will be the decision-rules? e.g. majority rule, consensus, etc

~ How will this body relate to existing government ministries (e.g. Department of Fisheries and Oceans) and existing First Nation organizations (e.g. Gulf Island National Park Co-management Committees)?

Above all... be informed and make sure that your rights are addressed in the NMCA governance model.



Since writing this article Jess has left HTG and taken a position working on the Central Coast Land Use Plan.

WANTED

Information leading to the whereabouts of all Hul'qumi'num Treaty Group members.

Member nations include: Chemainus, Cowichan, Halalt, Lake Cowichan, Lyackson & Penelakut

If you are a member of one of these nations we're looking for you. We need your contact information

So we can include your input and keep you informed of treaty negotiations.

Please forward your: Name, Address, Telephone Number, Email Address & Band Affiliation to

April Miller at the Hul'qumi'num Treaty Group

12611B Trans Canada Highway

Ladysmith, BC, V9G 1M5

Telephone: (250) 245-4660

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Email: aprilm@hulquminum.bc.ca