

TOWARDS FIRST NATIONS WATERSHED CO-MANAGEMENT IN METRO VANCOUVER: A CASE OF KWIKWETLEM FIRST NATION AND THE COQUITLAM RIVER WATERSHED

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FIRST NATION AND THE COQUITLAM RIVER WATERSHED

By

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Leanna Leib-Milburn

INTRODUCTION

The Coquitlam River Watershed is a unique case of watershed management and governance which confronts many challenges. It is a large watershed comprised of a land base that is both heavily urbanized in the lower reaches (Lower Watershed) and a wilderness viewed as being pristine and untouched in its lower reaches (Upper Watershed). The landbase within the Lower Watershed generally falls under the jurisdiction of multiple municipalities and the upper watershed, including the Coquitlam Lake Reservoir and Water Conservation Area is under the management of a regional governing entity and a crown corporation. There are numerous NGOs and citizen groups operating in the watershed with a keen interest in participating in watershed management discussions and processes. The watershed's namesake is also a passionate First Nation that strives to maintain an active role in the management of the lands they call home.

Kwikwetlem First Nation has called the lands within the Coquitlam River Watershed their home since time immemorial. Archeological evidence suggests that there has been human presence in the watershed since deglaciation over 10,000 years ago, and the shores of Coquitlam Lake hold the remains of dozens of traditional settlement and activity sites (Nicole Oakes, Archeological Consultant and Heritage Advisor, personal communication). It is only in the most recent century with the dramatic increase of European settlers in the region that the First Nation has been required to resettle down near the mouth of the Coquitlam River. The Nation has also struggled to maintain an active role in and around the Coquitlam Lake reservoir.

This research project emerged at the request of Kwikwetlem First Nation as one part of their ongoing initiatives to have their Aboriginal Rights and Title interests meaningfully addressed in their Traditional Territory. They are interested in working with Metro Vancouver and BC Hydro to develop a new relationship when it comes to decision-making and management in the Coquitlam River Watershed. The present situation is one of top-down management with little engagement of Kwikwetlem. In the eyes of the First Nation the current arrangement is not working, and the First Nation increasingly is dissatisfied with their inability to access the traditional watershed lands. They are also disappointed that Metro Vancouver and BC Hydro do not always consult with the First Nation from the early stages of every project. The Nation is also frustrated with the lack of involvement in processes of management decision-making. Kwikwetlem First Nation requested that this project be developed to explore how they might be able to develop a collaborative relationship with Metro Vancouver and BC Hydro. The aim of the Nation is to enhance their role in the management of the Coquitlam River Watershed.

"... the watershed is conceived of in many ways right now as a pristine landscape, but it's never been a pristine landscape without people. It's been a landscape that's been managed by people, that has held and been occupied by people forever, since that land was deglaciated" (Nicole Oakes, Archeological Consultant and Heritage Advisor for Kwikwetlem First Nation, personal communication)

In the late 1800's, the Coquitlam Lake reservoir emerged as a primary source of drinking water for residents in the Metro Vancouver area ("Coquitlam Lake Dam", n.d.). It has been deemed a protected water conservation area and the governing entities of the watershed have completely restricted public access to the watershed. This has made it so individuals may not access the Coquitlam Lake Reservoir without express permission and accompaniment. The Kwikwetlem people were essentially barred from accessing the reservoir in 1911. From that

Map 1: The Metro Vancouver Watersheds¹



time forward, the Nation members found it very challenging, and next to impossible, to gain access to the grounds of the Coquitlam Lake reservoir to carry out their traditional ceremonies, or engage in their traditional hunting and gathering practices. More recently, the Nation has struggled to engage effectively with watershed managers to conduct a range of archeological work and other land-based research needed to assist with the Nation's rights and title interests, and to re-engage traditional cultural practices in the reservoir (Nicole

Oakes, Archeological Consultant and Heritage Advisor for Kwikwetlem First Nation, personal communication). A combination of the absence of a clear process for gaining access to the reservoir and the limited involvement of the First Nation in decision-making and management of the watershed has resulted in a strained relationship between the First Nation and the controlling authority of the Coquitlam Lake Water Conservation Area – Metro Vancouver.

Kwikwetlem First Nation has expressed a series of concerns in relation to their attempts at working Metro Vancouver over the years:

- 1) The First Nation has made many efforts to reach out to Metro Vancouver to have their concerns with the relationship addressed. KFN is not satisfied with the current level of consultation on activities in the Coquitlam Lake Reservoir or with the communication of activities in areas of the Lower Watershed such as in Colony Farm Regional Park. The Nation continues to seek meaningful involvement in decisions made in their territory that affect Kwikwetlem rights and title interests in the entirety of the Coquitlam River Watershed. The First Nation perceives an unwillingness on the part of Metro Vancouver to explore alternatives to the existing systems of management and decision-making in the watershed that currently do not meet the standards expected by the Nation.

1. Image Source: <http://www.metrovancouver.org/services/regional-planning/Maps/WatershedMap.pdf>

2) Metro Vancouver's consultation with the First Nation has been predominantly focused on a process that caters to their own needs, rather than a process that incorporates the needs of the First Nation. This often leads to the First Nation feeling disappointed when concerns are not adequately addressed, or when Metro Vancouver might choose to address a portion of the concerns brought forward to them. Archeological consultant and Heritage Advisor Nicole Oakes spoke of numerous times that Kwikwetlem has sat down with Metro Vancouver and identified a series of issues, only to hear back that only one or two of them was going to be incorporated and addressed in planning processes (personal communication).

3) The First Nation has also sought to work within Metro Vancouver's existing policy frameworks to achieve their goals. This causes immense frustration when the First Nation is working on items that are time-sensitive in nature. This has especially been the case in terms of gaining access to the watershed lands for cultural practices or land-based research. For example, Councillor Fred Hulbert Sr. said that it took him five years to be able to get into the watershed to do a Burning Ceremony, which is a ceremony that should happen annually (personal communication).

The challenges that the Nation faces to access the Coquitlam Lake Reservoir have had a significant effect on the ability of the Nation's members to carry out their traditional hunting and gathering practices. However, one of the most critical impacts to the Kwikwetlem First Nation way of life was the construction of the Coquitlam Dam in the early 1900's. This dam destroyed the Coquitlam River sockeye run, eliminating a primary food source to the Nation, which has long identified primarily as a fishing community. Because of this, the First Nation has also identified the crown corporation of BC Hydro as another entity operating in the watershed with which they would like to develop an enhanced relationship.

Kwikwetlem's relationship with BC Hydro has been improving over the years, yet there is still a disconnect and ongoing discussions relating to the potential construction of a fish ladder for the Coquitlam Dam. BC Hydro is the controlling entity of the dam, which is a major source of electricity for its customers. The First Nation has long advocated for the construction of a fish ladder in the dam to allow for the return of the historic Coquitlam River salmon run. However, this project has not yet been completed given concerns relating to the cost of such an endeavor (Dr. Craig Orr, Environmental Advisor for Kwikwetlem First Nation, personal communication).

"One of our old Chiefs said, 'You're actually putting a lock on our fridge, on our cupboards, and denying us access to some things that are essential to our being.'" (Councillor Fred Hulbert Sr., personal communication)

Councillor Hulbert speaking about when the dam was built and the Kwikwetlem people were barred from accessing the watershed.

RESEARCH DESIGN

In order to support the First Nation's request, this project has been designed to answer two key questions: 1) What type of relationship should Kwikwetlem First Nation aim to develop with these controlling entities? 2) How might the First Nation go about establishing this new relationship? Answering these questions required that there was first an established understanding of the situation facing Kwikwetlem First Nation in the Coquitlam River Watershed, as well as the Nation's relationship with Metro Vancouver and BC Hydro. Preliminary discussions were held with various representatives from the First Nation to gain a better understanding of what challenges they were looking to overcome.

A review of the situation facing the First Nation, and a preliminary look at the literature, brought co-management forward as the preferred model recommended for the circumstances in the Coquitlam River Watershed. The First Nation representatives agreed that they would like to explore this option and learn how it might help address their concerns. The Nation representatives agreed that they would like to explore a model such as co-management that has the potential to support a collaborative approach to managing the watershed. The representatives feel that all parties have the same underlying goal – the health and long-term sustainability of the Coquitlam River Watershed – and a co-management model will allow all parties to work together to ensure that this goal is realized.

A case study review is included to bring forward features of successful co-management relationships that would lend well to the Kwikwetlem First Nation case. Representatives from Kwikwetlem First Nation have also been interviewed to provide their insights into how co-management might be used to address challenges in the Coquitlam River Watershed. Interviews were held with Kwikwetlem First Nation's Chief and Council, the Senior Administrative Officer, the Nation's Archeologists and Heritage Advisors, and their Environmental Advisor. Each interview shared a different perspective on the potential to develop a co-management relationship in the watershed, while there were also a number of recurring similarities in the issues brought up through each conversation. This helped to inform the next step of the research which is how the First Nation might proceed to develop a co-management relationship with Metro Vancouver and BC Hydro.

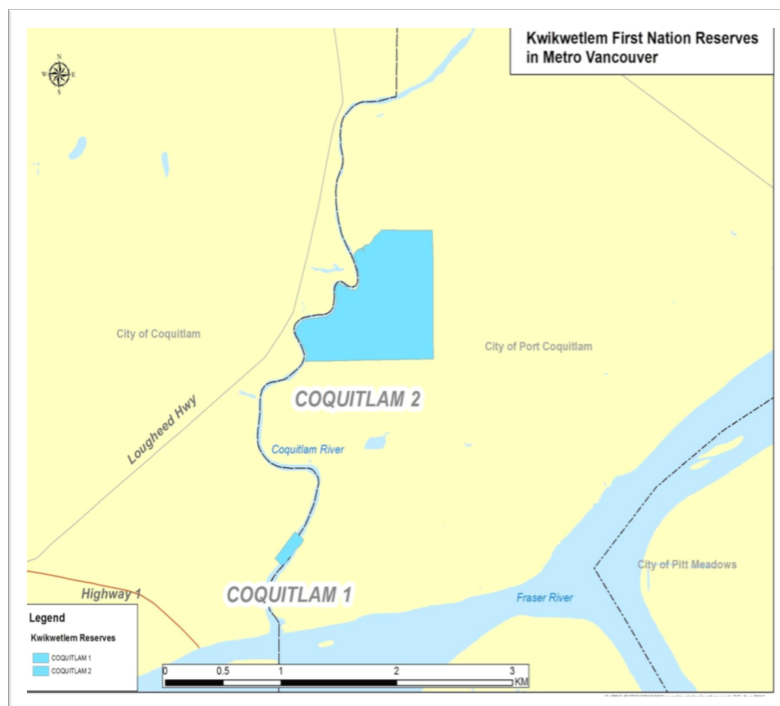
In reviewing the literature on co-management and the case of Kwikwetlem First Nation in the Coquitlam River Watershed, it was determined that the First Nation should seek to lead a dialogue process with Metro Vancouver and BC Hydro on the topic of co-management. The feedback from representatives of the First Nation indicated that there was a general sense that discussions around issues in the watershed have historically been top-down in nature. This approach is not working for any of the parties involved, and to make matters worse, the First Nation has felt increasingly marginalized through this approach. If the First Nation were able to manage the dialogue process, they would be able to ensure that they are elevated to an equal position in the conversation. Taking a bottom-up approach such as this would also provide an opportunity for all entities to work together to develop a unique model that would work best to address their needs.

In order to assist in this endeavour, this project has culminated in the creation of a set of tools for Kwikwetlem First Nation to use as they move forward in initiating dialogue with Metro Vancouver. The items created include: 1) A toolkit/facilitator guide that has been designed to help the First Nation guide a dialogue process with Metro Vancouver, 2) A draft Memorandum of Understanding outlining what is involved in the dialogue process, and 3) A draft Terms of Reference for the Committee that would be expected to participate in a dialogue process. These draft tools will be able to be used as a foundation and should be built upon once all parties have come to the table and are ready to engage with one another.

KWIKWETLEM FIRST NATION AND THE COQUITLAM RIVER WATERSHED

Kwikwetlem First Nation is a Downriver hə́ŋqəmiṇə́m speaking community. In this language, the name “Kwikwetlem” refers to “Red Fish Up the River” or the “little red fish” and suggests the strong tie to the annual salmon run and the long-standing identity of the community as master fishermen. The reserve lands of Kwikwetlem First Nation are located in Metro Vancouver between the rapidly growing municipalities of Coquitlam and Port Coquitlam. Kwikwetlem First Nation has two reserves. The Nation’s I.R. #1 totals 6 acres and is situated near where the Coquitlam River meets with Sto:lo (Fraser River). It is on this reserve that the majority of the Nation’s small membership resides. Kwikwetlem’s I.R. #2 is situated further up the Coquitlam River. It totals approximately 200 acres and was previously economically and culturally significant wetlands where ancient Kwikwetlem villages were once situated. As wetlands, the majority of I.R. #2 was not able to support modern infrastructure. To remedy this, the reserve is currently undergoing major fill operations with the intention for commercial development to come underway in five years’ time. The majority of the Nation’s Traditional Territory has been settled and has become heavily urbanized, with the exception of the Coquitlam Lake reservoir. The land within the reservoir boundaries is pristine and essentially untouched, with much of the landscape representing the pre-contact state of the Kwikwetlem territory.

Map 2: Location of Kwikwetlem First Nation Reserves in Metro Vancouver



Coquitlam Lake is one of three reservoirs serving the residents of the Lower Mainland of British Columbia, along with the Seymour and Capilano watersheds. All three of these reservoirs are heavily protected and access to these sites is strictly limited. This is done with the intention of

protecting the drinking water for the region. This restriction is necessary as Metro Vancouver does not utilize complex filtration systems or water treatment given the high quality of water available in these reservoirs. However, this strict control on the part of Metro Vancouver has prevented the First Nations' people from using the land to engage in a broad range of ancestral and traditional activities, including hunting and gathering practices, as well as place-based cultural and spiritual ceremonies. Water quality protection is a valued top priority for all communities, including Kwikwetlem. However, the loss of access and restriction of Kwikwetlem people to access their ancestral lands and exercise their traditional rights is no longer tenable. They hope to explore how all parties might find a balance in ensuring water quality for the residents of Metro Vancouver while also ensuring the revitalization of Kwikwetlem's traditional cultural practices. An example of one key concern raised by Kwikwetlem First Nation members has been the challenge of holding a traditional Burning Ceremony. The tradition of this ceremony makes it time-sensitive in nature and it also requires that the Nation's members are left alone and given privacy to carry out the ceremony, which is intended to honour their ancestors. This means that guides sent to accompany the First Nation members into the watershed, along with any of the First Nation's non-Band member staff must distance themselves from the ceremony. This request to be left alone has often been questioned and scrutinized, and they have also faced bureaucratic delays that have left them scrambling to try and organize a Burning Ceremony last minute (Councillor Fred Hulbert Sr., Councillor of Kwikwetlem First Nation, personal communication).

The process to access the watershed lands to conduct archeological work or to complete any field-based research has also been a challenge. The First Nation is required to complete a set of documentation and communicate with a number of representatives from Metro Vancouver each time that they seek to gain permission to access the lands (Doug Brown and Nicole Oakes, Archeological Consultants and Heritage Advisors, personal communication). This has led to mounting frustration in the First Nation's leadership and administration, which has limited human resources capacity to work through Metro Vancouver's processes. This has prompted many negotiations throughout the course of the past century, and particularly in recent years to develop a long-term plan or process. Thus far, Kwikwetlem First Nation has not made progress that they have found to be favourable. They still struggle to gain access to the watershed lands to carry out work that is necessary.

On top of issues of access, the Nation is also still kept on the outside of decision-making processes. This has been an ongoing and frustrating challenge for the Nation's members and leadership who have a passionate and vested interest in the future of the watershed. They are exploring methods to have their voice recognized in the planning for the future of the watershed. Chief Ron Giesbrecht vocalized his frustration with the issues of access and management and expressed his feelings towards the attempts to develop a new relationship: "The unwillingness for them [Metro Vancouver] to sit down is insulting and disrespectful on so many levels and in so many ways" (personal communication). The Kwikwetlem Chief and Council would like to see a recognition on the part of Metro Vancouver that the Nation has a

unique set of interests and rights in the watershed, and they would like to see efforts made to address these in a meaningful way in future planning initiatives.

This removal from planning and decision-making is a major point of contention for Kwikwetlem First Nation as they see themselves as the stewards of the watershed and all of the lands within their Traditional Territory. The Nation is engaged in a variety of environmental monitoring and stewardship activities to ensure the lasting health and vitality of their environmental resources. They have been involved in habitat restoration programs including the Wilson Farm Project, which saw the creation of habitat for young wild salmon. They drove the Kwikwetlem Salmon Restoration Program, which was a collaborative effort between BC Hydro and the Nation to restore wild salmon to Coquitlam Lake. The Nation has also been an ongoing leader in the Sheep's Paddock habitat restoration project, which has created a restored habitat for wildfowl and small animals. Kwikwetlem is also an active voice in fisheries discussions with Department of Fisheries and Oceans and the Nation is also a director of the First Nations Fisheries Legacy Fund, which has overseen the creation of new salmon habitat along the Fraser River.

The First Nation is also an ongoing and active participant on the Coquitlam River Watershed Roundtable (CRWRt) and has been since its inception in 2011. The CRWRt is a multi-stakeholder group committed to advocacy and education, as well as management and planning efforts ("Roundtable", n.d.). The Core Committee of the group is made up of representatives from all levels of government, including Federal, Provincial, Municipal and Regional. There are also representatives from various corporations, including the crown corporation, BC Hydro. Community groups are also present at the table, which helps to ensure that there is support for a range of interests in the watershed. Kwikwetlem First Nation has been a member and key funder of the CRWRt since its inception and places tremendous value on the work of the Roundtable (Chief Ron Giesbrecht, Chief of Kwikwetlem First Nation, personal communication). They recognize the importance of their continued participation in this initiative, but they also recognize some of the limitations of this model. Most importantly, they take issue with the fact that: "The Roundtable does not have authority to make decisions that are the jurisdictional or legislative responsibility of governments or the legal responsibility of any other entity that is participating in the Roundtable. Governments and government agencies participate, but the Roundtable is an independent entity" (Coquitlam River Watershed Roundtable, n.d.). For this reason, the Nation does not see themselves as having a true say in decision-making in the watershed. The Roundtable is not a venue for it, nor does the discussion tend to centre around issues that are of interest to the Nation's rights and title. The First Nation is member of the Core Committee of the CRWRt, but they are still just one of many stakeholders being involved in a dialogue process that speaks to general issues in the lower watershed. This is frustrating to Kwikwetlem when they see themselves as being the key stakeholder given the nature of their interests in the watershed (Dale Lessoway, Senior Administrative Officer, personal communication). The First Nation sees an enduring role of the Roundtable in being a space for dialogue amongst a variety of interest groups and stakeholders in the watershed. At the same time, they do not see the Roundtable as being able to become the solution to the concerns that they have. While they hope to see the Roundtable

continue in its advocacy and stewardship work, they see the need for a more direct relationship between themselves, Metro Vancouver and BC Hydro when it comes to decision-making (Chief Ron Giesbrecht, Chief of Kwikwetlem First Nation, personal communication).

Despite the involvement of the Nation in this group and the other projects that they have been involved in, the Nation still feels a lack of acknowledgement on the part of state agencies towards their rights and title in the Coquitlam River Watershed, both in the reservoir and in the lower watershed. They aim to seek a stronger voice in decision-making processes and establish a government-to-government dialogue and decision-making venue between the Nation and the regional government in control of the watershed, Metro Vancouver, as well as the crown corporation, BC Hydro. According to the representatives at Kwikwetlem, these two agencies have had an historically poor record of meaningful engagement with the First Nation, and the Nation feels that there has been a failure for their territorial rights to be acknowledged in discussions that have taken place. They especially feel this to be the case in terms of access to the watershed and recognition of the Nation's interests in decision-making outcomes. This has led to the development of strained relationships between these key stakeholders and ongoing conflict when decisions are to be made.

LEGAL CONTEXT

First Nations across British Columbia are witnessing significant changes to the legal landscape set before them. The 1997 Delgamuukw decision laid new ground in defining Aboriginal title. It identified Aboriginal title as being a right to the land itself, and not just to the use of the land for traditional practices as was argued previous to this. This case was also integral in recognizing oral histories and other forms of indigenous knowledge sharing as evidence in Aboriginal title cases. The Delgamuukw decision is widely recognized as being a pivotal moment in the British Columbia legal arena, and has been used by many First Nations across the province to assert title in their Traditional Territories (BC Treaty Commission, 1999). One such case is that of *Tsilhqot'in Nation v. British Columbia*, 2014 SCC 44. In this landmark decision, the Supreme Court declared Aboriginal Title over a tract of land that the Tsilhqot'in Nation had traditionally used and occupied. This decision granted the Nation the right to control the land and to play a critical role in decision making relating to resource extraction and use of the land in the future (Tsilhqot'in National Government, 2014; Hansen, S.D. & Bear Robe, K.A., 2014).

"There's not a real recognition that Kwikwetlem has legitimate legal rights and title to the watershed. They're not taking it seriously enough." (Nicole Oakes, Archeological Consultant and Heritage Advisor, personal communication)

This decision set tremendous precedent for other First Nations struggling to have their unique interests in their traditional territories acknowledged. In the case of *Saik'uz First Nation and Stelat'en First Nation v. Rio Tinto Alcan Inc.*, 2015 BCCA 154, the Saik'uz and Stelat'en First Nations have been granted the ability to sue Rio Tinto Alcan Inc. for the diversion of the Nechako River, caused by the Kenney Dam. This dam devastated the two Nations' traditional fishery and led to the loss of use for a significant portion of the Nations' lands along the river. The Saik'uz and Stelat'en Nations have long asserted Aboriginal title to the lands surrounding the Kenney Dam and the Nechako River. In 2013, the Supreme Court ruled that the two Nations had only asserted title, but had not delivered evidence to prove their claim. The Nations appealed this decision in 2015, in the wake of the Tsilhqot'in decision. This new legal landscape recognized that First Nations have the right to use and control their land, and most importantly, they do not have to prove their Aboriginal rights and title claims before taking an issue to court (Ratcliff & Company, 2015).

It is expected that many other First Nations will proceed as the Saik'uz and Stelat'en First Nations have done, and draw on the new found legal strength granted to them through the Tsilhqot'in decision. They will begin to make Aboriginal title claims in their territories, and governments and businesses operating on crown lands will increasingly find themselves being called to the table to negotiate better relationships with First Nations, or face the brunt of legal force that is becoming available. It is likely the case that consultation will no longer be enough to address the full spectrum of First Nations interests in the future of their lands, and new structures of decision-making and land governance will begin to emerge (Mandell Pinder LLP, 2015).

Kwikwetlem First Nation is one of many First Nations across British Columbia who are seeing increased legal ground on which to assert their right to become meaningfully involved in decision-making and planning processes in their Traditional Territory. The First Nation recently filed an Aboriginal title and rights and Charter Claim with the supreme court of Canada on February 9th 2016. This claim is to three key parcels of land within the lower Coquitlam River Watershed. The claim includes Colony Farm Forensic Psychiatric Institute Lands, Colony Farm Regional Park, and the Riverview Hospital Lands. In the press release put out by Kwikwetlem First Nation, the Nation identify their hope that this “case will help to ensure [KFN] is meaningfully involved in decisions made about its lands” (KFN, 2016). The legal action taken by Kwikwetlem demonstrates that organizations like Metro Vancouver and BC Hydro will no longer be able to get by on meeting the minimum standards of the duty to consult. There will be an increased need for proactive relationship building with First Nations when any decision-making takes place in their Traditional Territory. This makes it essential for organizations that consistently work with First Nations to become increasingly mindful of the relationships that they have created.

CO-MANAGEMENT FOR KWIKWETLEM FIRST NATION

Like many other First Nations before it, Kwikwetlem First Nation is facing a situation of heightened conflict between itself and the controlling entities in the watershed. This is one of the key reasons that a co-management relationship is being proposed as a solution to the failing relationship between Kwikwetlem First Nation, Metro Vancouver, and BC Hydro when it comes to the Coquitlam River Watershed. Watershed management is a complex undertaking. It captures the many aspects of an ecological system – from fisheries to forestry and aquaculture to agriculture – and it also must take into consideration the intricate political and socio-cultural dynamics that are at play within the boundaries of the watershed. As Brandes and O’Riordan (2014) indicate in *A Blueprint for Watershed Governance in British Columbia*, watersheds are sites of extraordinary political complexity in that “decision-making about water and watersheds in Canada spans all levels of government, including First Nations, [and] constitutional responsibility for water and watersheds directly involves federal, as well as provincial and territorial governments, with many activities delegated to more local levels” (2). Further, grassroots and civil society organizations are also having an increasingly significant interest and involvement in the management of watersheds (Born & Genskow, 1999; Koehler & Koontz, 2008; Pahl-Wostl, 2005). Collaborative and co-management relationships between citizen user groups and state agencies often emerge in watersheds as a response to a strong place-based connection between the citizenry and the water resources on which they depend (Koehler & Koontz, 2008; Genskow & Born, 2006; Lurie & Hibbard, 2008; Lubell, 2004a). This connection to the land, and particularly water resources, is especially true among aboriginal groups who have depended on these resources to sustain their livelihoods since time immemorial. Through processes of colonization, many aboriginal groups have been forced onto small slices of their once expansive territories and many of their traditional practices have been replaced with Western approaches to environmental management. This has translated into depleted resources and restricted access to the resources that remain, which has had a devastating impact on aboriginal cultures. In response, aboriginal groups across the world are striving to revitalize their culture and are asserting their rights to manage and govern resources within their traditional territories. This has resulted in a variety of forms of co-management emerging to address the myriad of issues that exist in systems of watershed management, including fisheries, wildlife management, forestry, and water quality. Many aboriginal communities are now considering resource co-management relationships as a potential solution to some of the conflicts between their interests and those of the governing state.

UNDERSTANDING CO-MANAGEMENT

Co-management has become a popular, catchall term since its rise to popularity. This makes it important to draw the distinction between co-management and consultative or advisory processes. Pinkerton (2003) addresses this issue and suggests that the term co-management is often misapplied to situations where there is very little power sharing and that “co-management is misnamed unless it involves at least the right to participate in making key

decisions” (62). Misnaming these consultative scenarios as being co-management can be especially problematic if the goal of the relationship is conflict resolution. Castro & Neilsen (2001) suggest that keeping indigenous groups in a position where they are merely consulted can actually generate further conflict, especially if there is no mechanism in place to ensure that those who hold power listen to or act on the advice that is given to them by user groups.

This is precisely what has happened in the case of Kwikwetlem First Nation, and their current role in the Coquitlam River Watershed. The Nation has been involved in the Coquitlam River Watershed Roundtable, and has participated in dialogue around the future of the watershed. However, the key decision-makers, policy makers and legislative bodies are under no obligation to listen to or implement the recommendations put forth by the Nation or the Roundtable, nor are they required to bring important issues to either group prior to a decision being made. This has made the development of a new and enhanced relationship with Metro Vancouver and BC Hydro a top priority for Kwikwetlem. This is why they are now seeking a solution that grants the Nation an elevated role in discussions and decision-making in the watershed. The Nation feels that they have an inherent right to hold a stronger position in these important conversations. They want to work with Metro Vancouver and BC Hydro to develop a system that would accommodate their involvement in decisions that directly relate to or impact their interests in the watershed.

In discussions with representatives from Kwikwetlem First Nation, it was clear that co-management meant the development of a “meaningful” role for the First Nation in management and decision-making. For Nicole Oakes, archeological consultant and heritage advisor for Kwikwetlem, that meant “it’s not just being fully involved in what’s happening on the ground, it’s really, from the beginning, taking a look at what is being managed, what the goals and objectives of the program are, and being really involved in a real way, in a 50/50 way of setting out the goals and the objectives. It’s being part of a planning process and directing and organizing that planning process” (personal communication). The First Nation sees co-management as being a part of all planning processes for activities and projects in the watershed from the beginning. This would allow them to shape the vision and direction for all activities in the watershed. It would also help to ensure that the goals and objectives of any project would have the influence of their unique set of interests. Dr. Craig Orr, Environmental Advisor to the Nation, suggested that co-management is about “First Nations having a more meaningful say in resource management decisions in their territory”. He went on to say that it means “meaningful engagement from the start of the project” (personal communication). This idea of the First Nation being brought to the table from the beginning of any project was common across all representatives from the First Nation. There was also an expression for the importance of “full on participation in all decision-making” (Councillor Ed Hall, Councillor for Kwikwetlem First Nation, personal communication), rather than “being talked to and being told” (Dale Lessoway, Senior Administrative Officer for Kwikwetlem First Nation, personal communication). Too often representatives from external agencies approach Kwikwetlem with the hope to receive the Nation’s blessing, but they do so midway through a project, which makes it impossible for the First Nation to influence outcomes or participate in the on-the-

ground implementation. In order for a relationship to be co-management in the eyes of the Kwikwetlem First Nation leadership and administration, it will be essential for the relationship to ensure the Nation has a voice in decision-making processes from the outset of every project.

As the discussion moves forward, the agencies involved need to recognize that at the center of any co-management relationship is the sharing of power and decision-making authority between the state or its actors and local user groups and/or aboriginal communities (Berkes, 2008; Castro & Neilsen, 2001; Pinkerton, 1992; Pinkerton, 1996). It is important that this is considered as groups move forward in pursuit of a co-management partnership and that the sharing of power, and the role of all parties in decision-making, is discussed and properly instituted. Once a sharing of power has been established there are a variety of additional features in co-management relationships that yield success and positive outcomes. The willingness to share power and decision-making is a necessary precondition to any successful co-management relationship. A co-management arrangement can be seen as being successful for a variety of other factors, including the longevity of the partnership (Leach & Pelkey, 2001), the relationships that are formed (Dale, 1999), the conflicts that are resolved (Castro & Neilsen, 2001; Notzke, 1995), and the ongoing sharing of knowledge between stakeholders (Berkes, 2008). A review of key co-management literature indicates that reaching this success can come as a result of a number of factors or features in the relationship.

Co-management begins with willingness on behalf of the state and its actors to share power or relinquish their complete control over decision-making processes. It is important for the government to remain as a key actor engaged in the dialogue, and to continue building relationships with the user groups involved in the co-management partnership, but this should be done as a participant, rather than as a convener (Pinkerton, 1991; Pinkerton, 1996). Pinkerton (1996) specifically suggests that relinquishing control of the process to a professional mediator or facilitator ensures that the discussion is not “perceived as just another way to impose government’s agenda” and it instead allows participants to “work towards solutions in good faith” (57). In fact, much of the literature indicates that it is important that a skilled and unbiased facilitator is brought in to oversee the process (Pinkerton, 1991; Pinkerton, 1996; Leach & Pelkey, 2001; Sandstorm et al., 2014; Dale, 1999). Sandstorm et al. (2014) look at this topic in detail and emphasize a few key considerations that should be made in the selection of a facilitator. Their key argument is that one of the strengths of a successful coordinator or facilitator is an extensive range of knowledge on the subject matter, including “[sensitivity] to pre-existing structures and the interests and opinions of identified key actors” (Sandstorm et al., 2014, 71). They explain how integration of this knowledge and the existing circumstances into new structures yields successful outcomes where stakeholders are more likely to accept the new system, and ultimately the decisions that are made. They go on to suggest that successful facilitation that is founded in knowledge of the unique circumstances of the case can ultimately lead to collective action between state actors and the community groups and the formation of positive relationships.

Dale (1999) also discusses the importance of a strong facilitator in building relationships. He specifically talks about the importance of building trust among stakeholders either through

consensus-building dialogue, the sharing of knowledge and histories related to the task at hand, or through the interaction of stakeholder in an informal setting where they can come to recognize each other as working towards common goals and objectives. Trust is an essential feature of successful co-management, and it often comes from the work of a skilled facilitator (Sandstorm et al., 2014). Building trust between aboriginal groups and state agencies can be a tremendous challenge given the historical tensions that often exist. However, without trust and open dialogue about these histories, it can be next to impossible for co-management relationships to move forward to a place of productive dialogue.

Co-management relationships should also strive to incorporate a multitude of perspectives and in doing so bring a diverse set of knowledge into the decision-making process. Each stakeholder brings a unique set of knowledge and information to a resource co-management relationship, and finding ways to integrate this knowledge into decision-making is an important benefit of instituting co-management (Berkes, 2008). This knowledge sharing can foster decision and policy making that is stronger and better able to address the broad range of issues relating to a resource because it is centered on locally relevant knowledge and circumstances (Lubell, 2004b). Working to bring a diverse set of voices to the table, particularly from aboriginal communities that are not generally given the opportunity to bring multiple perspectives to the table, has the potential to enrich decision-making processes, and yield more effective policies in the long-term.

Successful co-management must also take into consideration the importance of follow through. One of the challenges identified in regards to successful co-management is the ability to follow through on decisions made through the partnership, such as policy implementation (Lubell, 2004b) and the ongoing evaluation of the relationship (Leach & Pelkey, 2001). This ongoing commitment to ensuring that the relationship is affecting the desired change is a major challenge, but it is essential that these practices are instituted in any new co-management partnerships. If aboriginal groups or user groups feel that their involvement in the dialogue is simply symbolic and an effort to “smooth ruffled interest group feathers without paying the costs of significant progress” (Lubell, 2004b, 566), the co-management relationship is at risk of falling apart. Successful co-management relationships are those in which the state agencies recognize the importance of adhering to the decisions made in the co-management partnership and consistently implement policies in response to the recommendations that these relationships put forward.

BENEFITS OF CO-MANAGEMENT

The establishment of a successful co-management relationship can be hugely beneficial to its participants. First and foremost, co-management models are often seen as being a form of conflict resolution (Castro & Neilsen, 2001; Pinkerton, 1996; Notzke, 1995; Sandstorm et al., 2014). The frustration felt by Kwikwetlem First Nation is escalating and the potential for conflict is rising. This is making it increasingly timely for state agencies to express a willingness to explore the potential for a co-management relationship in the Coquitlam River Watershed as

an alternative form of conflict resolution. As Dr. Craig Orr suggested, “when people are sharing decision-making and talking a bit more, there’s less friction and far more likelihood of a positive outcome around resource management” (personal communication). Since a co-management relationship is one in which there is a devolution of state agency power and the aboriginal community is given a role in decision-making, such an approach is not always possible or palatable for state agencies (Castro & Neilsen, 2001). However, there are numerous benefits to the establishment of a co-management relationship, including: (1) a reduction in bureaucratic processes for activities and projects undertaken together (Lubell, 2004b), (2) positive public perception of state agencies and the aboriginal groups involved (Poncelet, 2001), and (3) knowledge sharing (Berkes, 2008; Lubell, 2004b). Each of these has benefits that has the ability to apply to both the state agencies involved and the First Nation in different ways, and it is important for all parties to consider and acknowledge how shared decision-making would be of benefit to them. The representatives of Kwikwetlem First Nation could foresee innumerable shared benefits that co-management would have for their organization, as well as for Metro Vancouver and BC Hydro that run in line with some of these commonly understood benefits of co-management. Some topics discussed included streamlined policies and processes, favourable public perception, and knowledge sharing as being key benefits to all parties involved.

BC Hydro has already come to the table and is working with Kwikwetlem to develop a consultation agreement to address some of the internal systems that the First Nation has identified as being problematic (Doug Brown, Archeological Consultant and Heritage Advisor, personal communication). A co-management relationship built on this preliminary discussion has the potential to serve as a foundation on which to build better systems to minimize the bureaucracy that the First Nation faces when it works with either BC Hydro or Metro Vancouver. As previously discussed, one of the Nation’s primary concerns is to develop a streamlined system to access to the watershed lands to conduct field work or to carry out cultural activities. Presently, the First Nation faces immense challenges in trying to access the watershed for any purpose. Dale Lessoway, Senior Administrative Officer for Kwikwetlem First Nation, sees that working together with Metro Vancouver in a co-management relationship has the potential to make it easier for the Nation and its members to return to the watershed to learn about their culture (personal communication). A co-management relationship would certainly provide the First Nation with an avenue to bypass this system, especially if they are able to institute a system as a part of the co-management agreement.

Kwikwetlem First Nation also sees the potential for all parties to benefit from co-management in positive “public awareness and public perception” (Nicole Oakes, Archeological Consultant and Heritage Advisor, personal communication). The development of a co-management relationship in the Coquitlam River Watershed would be an unprecedented feat in Metro Vancouver, and would likely be met with tremendous fanfare. It would be an appropriate response to the current “change in tide of what Canadians in general, particularly British Columbians, expect in terms of the integration of First Nations people into their Traditional Territories” (ibid). Developing a co-management relationship would be a tremendous

undertaking for both Metro Vancouver and BC Hydro. It would put them in a tremendously positive light to the public, as well as the many other Aboriginal groups that they engage with

“First Nations have a unique point of view in the world. It’s not just about dollars and cents. It’s more about a holistic point of view of the world, rather than through the lens of just money.” (Dale Lessoway, Senior Administrative Officer, personal communication)

across the region and across the province. Kwikwetlem First Nation’s ability to enter into a co-management relationship would also situate them in a positive light, and demonstrate their openness to exploring models of shared authority, while still elevating their decision-making power.

Knowledge sharing is often identified as a primary benefit to come of a co-management relationship (Berkes, 2008). The potential for knowledge sharing in the case of the Coquitlam River Watershed is immense. From the perspective of the First Nation, it would be hugely beneficial to gain access to the diverse range of studies that Metro Vancouver and BC Hydro have conducted in the watershed. Alternatively, from the perspective of Metro Vancouver and BC Hydro, they could gain access to the cultural information and archeological databases that the First Nation has compiled (Nicole Oakes, Archeological Consultant and Heritage Advisor, personal communication). This data sharing would support enhanced decision-making on the part of all agencies involved. It could also support better long-term planning for the watershed that takes into account all elements of its ecosystem, including its cultural heritage. The First Nation’s involvement in the process would also “bring out the culture” (Chief Ron Giesbrecht, Chief of Kwikwetlem First Nation, personal communication) in all decision-making, and ensure that the First Nation’s interests were always respected.

POTENTIAL CHALLENGES FACING CO-MANAGEMENT

The representatives from Kwikwetlem First Nation also identified potential challenges that might face the establishment of a co-management relationship in the Coquitlam River Watershed. One of the number one concerns presented by nearly all of those interviewed related to the policies and bureaucracy within Metro Vancouver. As Dr. Craig Orr put it: “traditional approaches tend to die hard” (personal communication). In speaking about accessing the watershed, Councillor Ed Hall spoke about the policies being utilized by Metro Vancouver as being over 100 years old in some cases (personal communication). This has been a tremendous barrier for the First Nation to try and move projects forward with Metro Vancouver, as they still rely on extremely outdated policy frameworks. Chief Ron Giesbrecht expressed his frustration by saying: “Their policies need an overhaul *completely!* That’s what they keep saying to us, ‘It’s not in our policy to do that. It’s not in our policy.’ Change the policy!” (personal communication). This has been an issue that the First Nation has encountered on an ongoing basis in working with Metro Vancouver. It has come to the point where the First Nation has prepared to say “it’s up to you to do something about your structural, organizational, and administrative impediments because they’re not suiting a collaborative relationship” (Doug Brown, Archeological Consultant and Heritage Advisor,

personal communication). If Metro Vancouver is unable to address the structures within their organization that the First Nation find impossible to navigate, a co-management relationship may not move forward in a positive way.

Another concern brought forward in discussion with representatives from Kwikwetlem First Nation related to the cultural awareness of the various agencies. There was a suggestion that there is a “lack of respect for coming to the table ... and maybe a bit of cultural ignorance” (Nicole Oakes, personal communication). The sense is that many agencies, but especially Metro Vancouver, struggles to conduct their business in a way that acknowledges the aboriginal experience or a First Nation way of doing business. For example, Chief Ron Giesbrecht explained that there have been a number of times when the First Nation has sat down with BC Hydro or Metro Vancouver and they have said, ‘Past infringements are not our issues’ (personal communication). This narrow understanding of the First Nation’s experience is troubling to the representatives and they would like to see a change in the way that Metro Vancouver approaches their work Nation. They would especially like to see them adjust their top-down to be more inclusive of what the First Nation needs in the process (Nicole Oakes, personal communication). The top-down model has not been effective thus far and it is time to explore a new method of decision-making. It was suggested that the establishment of any co-management relationship include some sort of cultural sensitivity or awareness workshop to provide non-Aboriginal representatives with an enhanced understanding of the necessary considerations in working with a First Nation (ibid). This has been discussed further in the attached toolkit.

CASE STUDY REVIEW

In order to explore what Kwikwetlem First Nation could propose for the Coquitlam River Watershed, it is important to look at what other models of co-management have been effective in elevating the Aboriginal voice in decision-making processes. The literature offers some general suggestions to consider when building a co-management relationship. However, there is something to be learned from each story of successful co-management, and the incorporation of as many features as possible into any new relationships that are formed has the potential to support their success. The following case studies have been used to showcase a few of the important features of successful co-management partnerships, and have been selected based on their relevance to the Coquitlam River Watershed case. In each of these cases, the importance of supporting the aboriginal voice in watershed management decision-making is a key factor, as is the willingly relinquished of power of state agencies involved in the process. However, in addition to these key themes, each case showcases a unique feature that should be considered as dialogue around co-management moves forward. The first case is based in the British Columbian context and looks at the sharing of power between aboriginal and non-aboriginal governments. The second case looks at an international case in Australia where the state agency assumed the role as an observer in the process, which allowed a grassroots watershed planning initiative to develop organically. The third case looks at a case just down the coast into Washington to look at the important role of a coordinator in successful co-management relationships.

COWICHAN WATERSHED BOARD, COWICHAN VALLEY REGIONAL DISTRICT, BRITISH COLUMBIA: COWICHAN TRIBES AS EQUAL PARTNERS

The Cowichan Watershed Board is a watershed entity that was established to assist the regional district in implementing the Cowichan Basin Water Management Plan. The Cowichan Valley Regional District (CVRD) identified a need to establish the Board in their plan, seeing it as a tool to protect and enhance environmental quality and sustainability in the watershed. The Board was established in 2010, and since then has played a key role in directing the activities carried out in the watershed (Cowichan Watershed Board, n.d.).

The Board is an advisory body comprised of leaders from the CVRD, including mayors, electoral area directors, members of the Cowichan Tribes Council, and members of the community at large. Cowichan Tribes has played a key role in the process of establishing the Board, and their voice is well represented. It is co-chaired by a Mayor of the CVRD, presently the Mayor of Ladysmith, and the Chief of Cowichan Tribes. The Board is also required to include a Councillor from Cowichan Tribes. The CVRD and Cowichan Tribes collaborate to jointly select three or four members of the community at large to participate in Board, and these individuals are expected to provide a specialized skill set and local watershed knowledge to decision making processes. Presently, the community at large representatives on the Board include a former president of the BC Groundwater Association, a Public Health Consultant, a

retired Member of Parliament, and a Natural Resource Consultant of Cowichan ancestry (CVRD, 2010).

The Board has been established as an advisory body with the key responsibility of implementing the Cowichan Basin Water Management Plan. However, the CVRD has established this entity in good faith with the understanding that it will encourage regulatory agencies to base their decisions on the Board's recommendations, and offer a positive direction to watershed-related initiatives. The Governance Manual for the Board also addresses the water management reforms underway in British Columbia's legislative environment, and suggests that the governance model for the Board "will co-evolve and could potentially receive some form of delegated authority to make some local water management decisions" (CVRD, 2010, 2).

This case of the Cowichan Watershed Board provides an interesting and positive case of watershed co-management with aboriginal groups in a British Columbian context. It does so both in terms of the composition of the Board, as well as in the CVRD's attitude towards the Board. In terms of the Board's composition, the establishment of this entity came under the direction of the regional district, which identified the importance of bringing Cowichan Tribes into the decision-making structure as an equal partner from the onset. The decision to structure the watershed entity in such a way that a leader from the Tribes serves as a co-chair is not only a symbolic gesture of equal partnership, but it also demonstrates the recognition of the key leadership role that the Tribes should be welcomed to play in the watershed management process. Further, the CVRD's decision to include multiple representatives from Cowichan Tribes' Chief and Council is also an interesting feature of the watershed entity, as is the decision to bring the Tribes into the process of appointing the community members at large. This recognition of a diversity of voices from aboriginal communities often goes amiss and much valuable dialogue is lost from assuming that one individual can represent the diverse range of knowledge and opinions within a community.

Beyond the structure of the entity, the CVRD's attitude towards the Board is probably the most important feature of the co-management relationship to be considered. The Governance Manual for the Cowichan Watershed Board explicitly recognizes that the Board as being advisory in nature, but where this case differs from other similar advisory group cases, the manual also acknowledges that regulatory agencies should consider and adhere to the recommendations that the Board puts forth. The manual also looks to the future and suggests that delegated authority may one day come to the Board in line with the changing legislation in British Columbia. These acknowledgements demonstrate that the CVRD has established this entity in good faith, and recognizes the valuable contributions that it will bring to the watershed management process. Adopting such an attitude demonstrates trust and a willingness to share power, both of which are features of successful co-management. The CVRD case of successful collaboration is being used as a model in other attempts to established shared-decision making governance structures in watershed management on Vancouver Island, such as in the Capital Regional District (CRD) where tensions have historically existed between state agencies and First Nations in the watersheds (Jenna Dunsby, personal

communication). A co-management model such as this one may be suitable to the case of the Coquitlam River Watershed, as it elevates the First Nation to an equal position in decision-making related to the watershed. It would be worthwhile for the parties to explore how a similar model might be applied in the watershed and what elements might need to be modified to address any circumstances that they feel are unique.

MITCHELL RIVER, QUEENSLAND, AUSTRALIA: THE IMPORTANCE OF STATE SUPPORTED COMMUNITY INITIATIVES AND THE VALUE OF DIVERSE VOICES

Pinkerton & Weinstein (1995) review the case of the Mitchell River Watershed Management and Working Group in their report *Fisheries that Work: Sustainability Through Community-Based Management*. The case is a unique example of a community-based watershed management structure that evolved into a co-management style relationship. The Kowanyama aboriginal people initially took the lead to protect the Mitchell River watershed and established the Working Group as a bottom-up system of watershed governance. They observed a number of environmental management issues in the watershed and were becoming increasingly concerned with the role of aboriginal people in fisheries management and aboriginal rights to access. The Working Group was established as a way to lobby the government to incorporate local knowledge and experience into planning processes, and protect the watershed in which they made their home.

The Kowanyama Council drew upon their past successes collaborating with the local branch of the Queensland Commercial Fishermen's Organization to bring together multiple stakeholders from both the aboriginal and non-aboriginal community. The diversity of actors involved in this Working Group is a tremendously unique factor, and what is most noteworthy is the remarkably diverse set of voices from the aboriginal community. The Working Group included members of the Counsel of Elders, the Community Council, and representatives from the regulatory authority, specifically the Kowanyama Aboriginal Land and Natural Resource Management Office. In addition to the aboriginal community representatives, non-aboriginal representation in the Working Group came from the tourist industry, grazers and farmers, the regional environmental centre, the Queensland Commercial Fishermen's Organization, the Red Dome Gold Mine, and Shire (county) councils.

This group was established in 1990 and worked together to plan for the future of the watershed. At the beginning, they invited government representatives and state agencies to observe the process, but in 1993 they suggested that the government representatives become full, participating members in the process. What was most interesting about this move was the way that the government chose to engage in the process. The government agencies strived to play an advisory role to the group and to not influence the decision making process. They found that they gained tremendous value from allowing this community group to take a leadership role in the process. Their involvement and observations of this process translated into a new state policy for 'integrated catchment (watershed) management' where the Mitchell

River Watershed Management Working Group was ultimately used as a model for watershed management.

The Working Group was a unique case in a number of ways. Not only was the group of representative more diverse than is typical of most collaborative or co-management relationships, with multiple perspectives from the aboriginal community represented, this case also offers an example of how government support of grassroots and bottom-up watershed management initiatives can translate into a form of successful watershed co-management. The willingness on the part of the state agencies and government actors to completely relinquish power and take a back seat in the process allowed the community to reach decisions that were made in consideration of their diverse range of local knowledge, and in the best interest of the long-term sustainability of the watershed. The government acknowledgement and recognition of this group's efforts has also allowed for them to attract the funding needed for the projects that they have undertaken. In consideration of this case, the most important thing to take away is the value that was added to the management of the watershed through the government's willingness to have faith enough to leave decision-making power in the hands of the community user groups.

SEQUIM BAY, PUGET SOUND AREA: THE NECESSITY OF SUCCESSFUL COORDINATION FOR CITIZEN SUPPORTED PLANS

Pinkerton (1991) reviews the case of the community-developed Sequim Bay Watershed Plan in "Locally Based Water Quality Planning: Contributions to Fish Habitat Protection". She looks at how the 1980 'Boldt Decision' ruled in favor of aboriginal rights to access and manage fish habitat for the western Washington tribes, and how this has had a number of implications on fish and wildlife management in the state. One way that this has had an impact is in the requirements for tribal involvement in the efforts of the Puget Sound Water Quality Authority (PSWQA), and one of the key initiatives of the PSWQA was watershed planning at the local level. The Authority targeted six watersheds that were deemed to require immediate attention, and one of those was Sequim Bay. The county established a committee and hired a coordinator to oversee the creation of a watershed management plan that would address the environmental concerns of the area, namely the water quality problems. The Watershed Management Committee that was established was comprised of 22 members including farmers, commercial shellfishermen, sportfishermen, boaters, environmentalists, port officials, local business, local government officials, and the Jamestown Klallam tribe. Committee members were selected from a diversity of local interests and provisions were put in place to ensure that the individuals selected would keep an open-mind through the planning process.

There was a bleak outlook towards the planning process from the onset, given the history and socio-political dynamics of Clallam County. The area's non-aboriginal community had a strong history of resistance to the treaty rights of the tribal groups and many local groups had never even met with a tribe. The prediction was that a planning process would not last three months. Against all odds, a very successful planning process was undertaken and the Committee put

forth a watershed management plan to the government agencies that had “widespread support from all sectors of the community, such that the county officials charged with implementation must take it seriously” (Pinkerton, 1991, 1332). The success of this process came from a variety of factors, but at the forefront was the role of the committee’s coordinator. Pinkerton (1999) argues that “a qualified coordinator is the single most important factor in the success of a planning process” (1329). In the case of Sequim Bay, the coordinator had a diverse skill set and drew on a past experience in interest-based planning to drive the process through to success. The coordinator understood the complexity of working with a diverse range of interest groups that “were either polarized or potentially polarized” (1330). To work through this challenge, the coordinator drew on private caucuses to gain an understanding of the differing positions and to give all group members an opportunity to express their opinions and concerns. This approach to facilitation worked towards consensus building and ensured that all voices are given a place within the dialogue. The coordinator also found opportunities to bring everyone together to work on projects to build the sense of commonality and a shared goal. In this case, the Committee and 100 citizens came together for a marine debris clean-up. This type of activity reminds participants that they are all working towards a shared goal, and can ultimately translate into building an increased sense of trust towards one another.

This planning process yielded a successful watershed management plan that was so widely supported by the community that the government officials became completely accountable to it. These types of deep, consensus building processes can be time and labour-intensive, but the result is a sense of shared decision-making authority within the community that mitigates potential conflict and fosters ongoing support for state agencies. There is much to be learned from this case, but most importantly is that the involvement of a skilled facilitator can bring about consensus building in groups with polarized views. The coordinator in the Sequim Bay case made the project so successful by building consensus by acknowledging the diverse and polarized viewpoints, and also in building trust between Committee Members by getting them to work together on projects to help them recognize their shared goals. This facilitation translated into a successful watershed management plan that came to inform state decision-making.

In building co-management relationships it is important to consider the importance of coordination efforts and how that role should be filled. In some cases, such as in the case of the Cowichan Watershed Board, shared coordination authority between aboriginal and non-aboriginal governments has been successful. In others cases, such as this one, a coordinator is required to drive the process through to success. Coordination of the co-management relationship must be determined from the onset, as it plays a big part in establishing how power is to be shared between stakeholder groups. When structuring the process for discussing the Coquitlam River Watershed, it will be important to consider how coordination will play into its success. It will also be essential to explore how a co-management structure might be facilitated in the future, and to determine whether or not an external facilitator will be necessary to support the relationship in the long-term.

APPLYING THE CASE STUDIES IN THE COQUITLAM RIVER WATERSHED

In exploring the potential for co-management, the state agencies and First Nation need to consider some of the defining factors of successful watershed co-management relationships, and work to incorporate them into the new governance structure for the Coquitlam River Watershed. Borrowing from the case of the Cowichan Watershed Board, the stakeholders should explore the potential for developing a relationship where a balance of power is built into the governance structure. This may be in a similar approach, such as the establishment of a co-chaired Board, or it might be in an alternative way, such as through the establishment of a Board where a coordinator oversees the process, and no stakeholder is required to serve as convener. In consideration of the Kowanyama case, the state agencies should strive to take a back seat role in the decision-making processes and allow community groups and the First Nation to come to decisions without their influence. Further drawing on this case, it is important to consider the benefits that come from incorporating multiple voices from the First Nation, as opposed to the singular representative that is generally asked to participate. Finally, drawing on the Sequim Bay case, a successful co-management relationship is one that has a skilled facilitator at the center of it to drive trust and consensus building. In addition to their defining characteristics, all of these cases suggest an element of willingness on the part of the state agencies to share power with the aboriginal and/or community groups involved, and each case recognizes the importance of bringing a diversity of voices into the conversation. These factors are tied to successful co-management, and their incorporation would likely yield a co-management relationship that would address the concerns of Kwikwetlem First Nation without jeopardizing the position of the state agencies.

NEXT STEPS: MOVING FORWARD WITH CO-MANAGEMENT

Establishing a co-management relationship in the Coquitlam River Watershed will be a significant undertaking and will require a substantial commitment on the part of all participants. This project provides a baseline understanding of the situation Kwikwetlem First Nation is facing in the Coquitlam River Watershed and how co-management might be presented as a solution. It also recommends that a dialogue process takes place to encourage representatives from all agencies (Kwikwetlem First Nation, Metro Vancouver and BC Hydro) to come together to discuss co-management and work towards a unique model. This dialogue process should seek to:

1. Help the parties develop a shared understanding of what co-management is and what it means to be involved in a co-management relationship.
2. Build cultural understanding and awareness in the non-Aboriginal organizations that are participating in the process.
3. Give all parties an opportunity to understand the challenges facing their organizations.
4. Foster an understanding of what co-management could look like in the Coquitlam River Watershed.
5. Result in a set of recommendations to be put forward for approval by all partner organizations.

It is recommended that this dialogue be led by Kwikwetlem First Nation. This is intended to counter the traditionally top-down approach of Metro Vancouver and BC Hydro in working with the Nation. Taking a bottom-up approach to the process will bring a different dynamic to the ongoing discussion and has the potential for issues to come to the foreground that may have not been previously discussed. In order to support the First Nation's leadership in this dialogue, a Toolkit has been developed to serve as a guide to the process. This Toolkit addresses some of the pre-dialogue considerations that the First Nation must address before entering into a dialogue process. It also contains a draft Memorandum of Understanding and Terms of Reference. Both of these documents should be discussed, edited and finalized before dialogue commences. In order to support the dialogue process, the Toolkit also contains recommended activities and facilitation tools, which can be adjusted by the facilitation team as needed.

TOOLKIT: FACILITATION GUIDE

TOWARDS FIRST NATIONS CO-MANAGEMENT IN THE COQUITLAM RIVER WATERSHED

SUMMARY

Kwikwetlem First Nation aims to enhance their role in the management and decision-making in the Coquitlam River Watershed. They intend to engage in dialogue with Metro Vancouver, the key controlling interest in the watershed, to develop a mutually agreed upon model of watershed management. This toolkit is designed for the use of the First Nation for them to guide a dialogue process that serves their needs and interests. The Nation has long felt that its concerns have not been addressed or incorporated into previous dialogue and negotiations with Metro Vancouver, which has been a contributing factor to increasing tensions between the two organizations. By acting as the leader of the dialogue process, Kwikwetlem First Nation has the ability to shape the conversation to ensure that it is conducted in a way that is respectful of their interests.

Kwikwetlem First Nation would like to establish a form of co-management relationship with Metro Vancouver in regards to the management of the Coquitlam River Watershed. This toolkit is designed to guide a process that can help these two parties meet such a goal. This guide has been divided into five key sections:

1. Initiating Dialogue
2. Building Cultural Sensitivity
3. Identifying Key Concerns
4. Working Towards a Model
5. Drafting Agreements

Each of these sections being developed to address concerns that have been brought forward by representatives of the First Nation. This toolkit also includes a section intended to be used by the First Nation prior to engaging Metro Vancouver in dialogue. These pre-dialogue considerations will require that Kwikwetlem First Nation do some preliminary internal work to ensure that they are ready to engage in this process.

This toolkit is intended to serve as a guide to the dialogue process. It is important to acknowledge that adaptations may become necessary through the process as circumstances change or as the request is made by committee members.

PRE-DIALOGUE CONSIDERATIONS

This toolkit has been designed with the intention to have Kwikwetlem First Nation serve as the leader to the dialogue process. This means that the Nation's leadership and administrative team must ensure that they are prepared to take the lead role in this process. This work must be done prior to bringing Metro Vancouver and BC Hydro to the table. It has been designed under the assumption that the First Nation has been successful in negotiations and has received a commitment from Metro Vancouver and BC Hydro to participate in the process.

STEP 1: ENSURE INTERNAL CAPACITY IS AVAILABLE

Developing an enhanced relationship will require an ongoing commitment from Kwikwetlem First Nation, as well as Metro Vancouver and BC Hydro. It is essential that the First Nation is able to contribute the necessary human resources to this project. Through discussions with various representatives from Kwikwetlem First Nation, it was expressed that this can often be a challenge in various projects, including the Nation's representation on the Coquitlam River Watershed Roundtable.

This process will require the consistent participation of council and various members of staff in the dialogue committee. This consistency will be essential to ensure productive discussion and fruitful relationship building. Prior to beginning a dialogue process, a commitment needs to be made on the part of the First Nation to fully participate in the process every step of the way. Until such a time as this commitment can be made, the First Nation should not initiate a full-fledged dialogue process.

STEP 2: HIRE A FACILITATION TEAM

A facilitation team must be brought on from the outset to help guide the process. This team will work with the First Nation leadership and administration through the pre-dialogue work and they will continue through with the project to its completion.

The role of this team will be to provide unbiased facilitation through the process. They will work with representatives from BC Hydro, Metro Vancouver and Kwikwetlem First Nation to ensure that the process continuously supports participation from all parties.

It will be their key task to host the series of meetings that will be necessary to complete this process. They will provide facilitation in these meetings and ensure that detailed reporting is completed after each meeting takes place. At the end of the project, they will be responsible for helping the parties put forward a set of recommendations on how to develop an enhanced relationship in the Coquitlam River Watershed.

STEP 3: IDENTIFY OBJECTIVES

It is important for Kwikwetlem First Nation to identify what they are hoping to get out of this process in the end. The facilitation team will need to hold a visioning workshop with council

and administrative staff of the First Nation to develop a set of objectives. This is also the time to have an internal discussion around what the Nation is willing to compromise on and what they view to be their non-negotiable outcomes. There should also be a discussion around what they feel to be realistic expectations for the process. Entering into the dialogue with these in mind will help the First Nation's representatives to ensure that they are maximizing their participation.

STEP 4: SET EXPECTED TIMELINES

Setting an expected timeline with deadlines will help to keep the process moving forward. This timeline will be shared with all participants from the outset of the project. This will give them a clear indication of the time commitment required to participate in the process. When it is given out, it should be acknowledged that this timeline should be seen as a guide and will need to have flexibility to accommodate the demands of everyone's schedules.

STEP 5: COMPLETE A MEMORANDUM OF UNDERSTANDING (MOU) AND TERMS OF REFERENCE (TOR) FOR COMMITTEE

The topic of collaboration and co-management in the Coquitlam River Watershed has been highly contentious between the controlling entities in the watershed, Metro Vancouver and BC Hydro, and Kwikwetlem First Nation. It might be the case that there are concerns held by either party in regards to having an open discussion on the topic. This makes it essential that the work is done prior to the dialogue to ensure that all individuals feel comfortable participating in the discussion.

First and foremost, a Committee needs to be formed to participate in the process from beginning to end. This Committee needs to understand that they are to be advisory in nature for the duration of the project, and they will not be required to make decisions. Committee members should be mixed between representatives from Kwikwetlem First Nation and those in various departments at Metro Vancouver and BC Hydro. Efforts should be made to ensure that the range of participants involves the range of authority levels in the two organizations to speak to the various considerations that must be made. This will ensure that the ideas coming forward are actionable and can truly be put forth as recommendations at the end of the process.

Once the Committee is formed, an MOU needs to be developed to make it clear that representatives from both parties are willingly participating in a dialogue process. The document should indicate that the dialogue is intended to generate ideas on how to develop an enhanced relationship and to put forward potential outcomes that could be reached. It is important that all participants understand that this process will help to bring forward ideas on how to develop an enhanced relationship. However, it is also important to recognize that this MOU is not a commitment to enter into a new agreement, nor is this process intended to make decisions on the formation of a new relationship. There needs to be an understanding that the

items brought forward in the discussions are ideas that will influence the recommendations brought forward and are not necessarily commitments on the part of either party.

The MOU will indicate that the dialogue is intended to support the facilitation team to put forward a set of recommendations on what factors might contribute to a successful co-management relationship in the future.

In addition to the MOU, the parties should also work together to develop a Terms of Reference (TOR) for the Committee and its members. This TOR should clearly indicate the purpose of the Committee and the role of its members. It should also clearly identify the authority of the Committee members.

MEMORANDUM OF UNDERSTANDING

The purpose of the Memorandum of Understanding (MOU) is to bring representatives from Kwikwetlem First Nation together with representatives from Metro Vancouver to engage in dialogue on the topic of co-management in the Coquitlam River Watershed. It is essential that this dialogue is able to take place without fearing ramifications from participation. This MOU needs to indicate that participation in this process is an agreement and a willingness to participate in a discussion on the topic of co-management in the watershed, but it is not necessarily an agreement to enter into a co-management relationship. It is expected that a willingness to participate in the dialogue demonstrates an interest in exploring a new and enhanced relationship. However, it should not be assumed that either party will want to establish a co-management relationship at the end of the process.

A draft MOU has been included in this toolkit. It has been drafted to include provisions that indicate:

1. A commitment on the part of Kwikwetlem First Nation, Metro Vancouver and BC Hydro to participate in a dialogue process, including a commitment to maintain human resources through the duration of the project.
2. A willingness to engage in open dialogue on the topic of co-management in the Coquitlam River Watershed.
3. A desire on the part of both parties to work towards a mutually agreeable solution to the ongoing conflict in the watershed.

This MOU also includes provisions to indicate that it is not:

1. A commitment to enter into a co-management relationship.
2. A definition for a new relationship between Kwikwetlem First Nation, Metro Vancouver and BC Hydro.

All parties should review the draft MOU and make recommendations on how it might be adjusted to better-suit their needs if they are to participate in the dialogue process. Once it has been modified to meet the needs of all parties, it should be signed and the discussion can begin.

TERMS OF REFERENCE The TOR should be designed to ensure the ongoing involvement of all Committee members in the dialogue. This Committee is intended to be focused on dialogue rather than on decision-making. So, provisions relating to decision-making processes will be limited. It will instead focus on outlining the responsibilities of Committee members and the outcomes expected at the end of the project.

DIALOGUE PROCESS

SESSION 1: INITIATING DIALOGUE

Once the MOU has been signed, all parties have agreed to come together to work on a solution to the ongoing conflict in the watershed. The relationship between Kwikwetlem First Nation, Metro Vancouver and BC Hydro has faced much tension over the years. This makes it essential for the process to begin with positive and productive dialogue.

The dialogue will begin with a workshop that has been designed to have participation from a large number of individuals from each organization. It is essential that those who will take part in working towards an enhanced relationship are able to attend this initial session. It will be an opportunity for people to get to know one another and to express their opinions in an open forum.

Visit The World Café online to learn more about the process and how it works:
<http://www.theworldcafe.com/>

This workshop will be designed in a World Café format to allow for movement around the room and to encourage each individual to have conversations with a variety of representatives from both of the participating organizations. The guiding questions are intended to encourage positive discussion about the watershed and the future of the relationship.

The role of the facilitation team in this case will be to introduce the idea of World Café for those who have not participated in such a workshop. They will also be tasked with ensuring that the conversation stays positive and looks to the future, rather than focusing on past challenges or conflict.

WORKSHOP DESIGN: WORLD CAFÉ – THE FUTURE OF THE COQUITLAM RIVER WATERSHED

Overview

This workshop will be held in a World Café format. This format of this type of workshop relies on multiple rounds of small group discussions and the movement of participants into different table groups after each round. This allows for all participants to have the opportunity to connect with multiple individuals. It also encourages diverse ideas to spread throughout the room. There will be a harvesting of ideas at the end of the discussion rounds, where the key themes and ideas will be shared and documented in a graphic recording.

Objective of workshop

The objective of this workshop is to generate preliminary dialogue on the topic of managing the Coquitlam River Watershed. The idea of co-management will also be introduced here and participants will be asked to discuss their understanding of the concept.

Participants

Participants in this workshop should include representatives from Kwikwetlem First Nation council and administration whose work relates to watershed management or anyone with an interest in participating in the dialogue. Metro Vancouver and BC Hydro participants should include anyone who will be involved in negotiations with the First Nation or who will be expected to work with the First Nation in the watershed. It is essential that participants from both organizations cover a range of authority levels.

Instructions

1. The room should be arranged with a number of round tables. In keeping with World Café format, these tables should be made to appear inviting with table cloths, flowers, decorations, etc. Every table should be assigned a number.
2. When participants enter the room, they will be given a number at random. This will help to spread individuals out in the space.
3. Once everyone is seated, the facilitation team will give an introduction to the process and the objectives of the project. They will also explain the concept of World Café.
4. The facilitation team will ask an individual from each table to identify him or herself as the table leader. The role of the table leader is to facilitate and document the conversation. They will stay at the table after each round and report the highlights from the previous round's conversation to the next group of table participants.
5. There will be three rounds of discussion, with each round focused on a particular guiding question.
6. Once all three rounds have taken place the facilitation team will have the table leader report back on the conversations had at their table through all three rounds of discussion.

Guiding Questions

Round 1: What is your vision for the Coquitlam River Watershed?

Round 2: How could an improved relationship help achieve these goals?

Round 3: How would you define co-management?

Harvest

Give the table leaders a few minutes to work with their group to pull together key themes and ideas. This will help maximize the value of the harvest. Once the table leaders have each reported back on their table discussions, ask the room if there is anything else that is important to add.

The facilitation team will document the discussion and deliver a summary to all participants. This summary will include an overview of the key themes and some of the important take away messages from the initial dialogue session. The summary will also be accompanied by a brief introduction to the next phase of the process.

SESSION 2: BUILDING CULTURAL SENSITIVITY

The representatives from Kwikwetlem First Nation identified that their discussions with many external agencies, including Metro Vancouver and BC Hydro, have often been frustrating due to a lack of cultural awareness or an absence in understanding of the needs of the First Nation. They feel that this, coupled with the internal complexities of the organizations, have made it challenging for the First Nation to make any progress in having their concerns addressed.

As a part of this process, the First Nation would like to see Metro Vancouver revisit their policies on working with First Nations. This would give Metro Vancouver's representatives and negotiators more flexibility to help meet the needs of First Nations such as Kwikwetlem. Currently Metro Vancouver's policies are inflexible. There have been numerous cases where the First Nation has brought their concerns forward in conversations and negotiations and the Metro Vancouver representative working on the case does not have the ability or the authority to address the issues at hand. The issue is then taken back to a superior or to the Metro Vancouver board. In this case, it often happens that only one or two of the Nations concerns are addressed with the others being dismissed. This causes great frustration to the First Nation's representatives and they often feel as though their efforts have been wasted. It also causes frustration for Metro Vancouver's representatives who work to try to meet the needs and address the concerns of the First Nation.

Kwikwetlem First Nation suggests that Metro Vancouver needs to reassess their internal policies in working with First Nations. This would make it easier to move negotiations forward and address concerns that might exist. However, before this is done, the suggestion has been made that Metro Vancouver institute some form of cultural sensitivity training to its representatives who work with First Nations, or who are tasked with decision-making that might impact First Nations interests. They

SAN'YAS INDIGENOUS CULTURAL SAFETY TRAINING

This is a facilitated on-line program that has been designed to help support those who work directly and indirectly with Aboriginal people. This program has been developed mostly to support health care workers, but its Core ICS module is intended for non-health professionals. This program would be recommended if there was a preference towards individual learning.

To Learn More:

Website: <http://www.sanyas.ca/>

Contact: ics@phsa.ca

INDIGENOUS CORPORATE TRAINING INC.

This organization provides on-site training to corporations. They offer three different types of corporate training that are targeted towards improving Aboriginal awareness and enhance working relationships with Aboriginal people. Their clients often include government agencies and corporations. They will work to tailor the program to a client organization's needs. This program would be recommended if there were a preference towards group learning and tailored programming.

To Learn More:

Website: <http://www.ictinc.ca/>

Contact: info@ictinc.ca or 1.888.986.4055

see this as being an essential precursor to a policy review to ensure that any new policies are developed through a lens of cultural awareness. It is important for Metro Vancouver to learn to acknowledge First Nations ways of knowing, conducting business, and how history can play into ongoing conflicts. BC Hydro representatives would also benefit from participating in such a process, and may like to work with Metro Vancouver to arrange a workshop.

There are various organizations that offer cultural awareness or sensitivity training to corporate organizations. It is within the right of Metro Vancouver to select the option that would best suit their needs. Recommendations have been provided in this toolkit, but there are other options that exist.

Kwikwetlem First Nation will meet with the representatives of Metro Vancouver and BC Hydro again once they have taken part in the training. This next meeting will provide an opportunity for Kwikwetlem First Nation to indicate where they have met with frustration in past discussions regarding the watershed. This discussion should be focused on specific cases where the First Nation's unique needs were unable to be met, and where they see an opportunity for change or improvement. This will be an opportunity for Metro Vancouver to make note of where policy changes should be made to develop a better system in working with First Nations. It is important that both Metro Vancouver and BC Hydro take the time to acknowledge the events that have frustrated Kwikwetlem First Nation in previous discussions. Metro Vancouver and BC Hydro should also make a real commitment to find solutions that will ensure that these situations will not occur again. Kwikwetlem First Nation must be willing to accept the acknowledgement and be willing to move forward in good faith.

STEP 3: IDENTIFICATION OF KEY CONCERNS

The establishment of a successful new relationship will require that the key concerns of all parties are addressed. At this stage, Kwikwetlem First Nation will have had already the opportunity to express some of their concerns about developing an enhanced relationship with Metro Vancouver and BC Hydro, namely their internal policies and systems that place a tremendous burden on the low-capacity administration of the First Nation. Both organizations will have had the opportunity to respond and present solutions to some of these policy framework challenges that might be facing the establishment of a new and enhanced relationship.

This phase of the project will present an opportunity for all involved parties to bring forward their key concerns in developing a co-management relationship. It is essential that all participants feel as though they are able to express their concerns without fear of perception. Discussion in this phase will be structured in two meeting events.

WORKSHOP DESIGN: PART 1 – PASSIVE ENGAGEMENT – REPORTING KEY CONCERNS

Overview

This workshop is designed to give everyone an opportunity to share their concerns without feeling judgement for their opinions. This is important for a discussion of this nature, as many participants might feel uncomfortable sharing their thoughts in an open format. In this

workshop, passive engagement techniques will be used to provide an opportunity for all participants to have their concerns addressed.

Objective of the Workshop

The primary role of this workshop is to ensure that all concerns are addressed prior to exploring different forms of a co-management relationship. The workshop has been designed in this manner to encourage the participation of as many representatives from each organization as possible.

Participants

The participants in this workshop should include representatives from Kwikwetlem First Nation council and administration whose work relates to watershed management or anyone with an interest in participating in the dialogue. Metro Vancouver and BC Hydro participants should include anyone who will be involved in negotiations with the First Nation or who will be expected to work with the First Nation in the watershed. It is essential that participants from both organizations cover a range of authority levels.

Instructions

1. Set up the room with large posters containing the guiding questions. Make sure that each of the posters are separate from one another. This is important to allow for space between participants and movement around the room.
2. When participants arrive, they will each receive a set of sticky notes and a pen.
3. Explain to participants that they may put as many sticky notes on each of the boards as they like. Also inform them that it should be anonymous and they should not put their name on the sticky notes or anything that might indicate who has made the comment.
4. Once the participants have put up their comments on to the boards, they can be seated. Once all participants have completed the exercise, the facilitation team will call the group's attention.
5. The facilitation will begin reading out a few examples from the boards. They will ask for the group to think and reflect, but will not ask for comment on the concerns.

Guiding Questions

Question 1: What is your biggest concern about having co-management in the Coquitlam River Watershed?

Question 2: What challenges do you see facing the establishment of a co-management relationship?

Question 3: Why do you think a co-management relationship might not work in the Coquitlam River Watershed?

Wrap-up

The facilitation team will commit to summarizing the exercise for all participants. They will document each of the concerns placed on a sticky note and on the boards. They will circulate this package to both parties for internal discussion.

WORKSHOP DESIGN: PART 2 – ROUNDTABLE DISCUSSION – ADDRESSING KEY CONCERNS

It will be the responsibility of each organization to review the concerns brought forward in the workshop. Each organization should have an internal discussion on the list of concerns and find ways to address them within their organization. If they are unable to address a concern, or if they require more information to address the concern, they should make note of this with as many accompanying details as possible. Once the organizations have addressed the concerns relevant to their work, they will prepare a summary report and deliver that to the facilitation team. The facilitators will distribute the reports to all participants and arrange a time to have a roundtable discussion of the reports.

The roundtable discussion will take place with all participants and must include those in leadership positions in both organizations. This is an essential part of ensuring that the two parties will be able to work towards solutions.

It will be the task of the facilitation team to guide this discussion and ensure that it remains positive and productive. A focus should be placed on common concerns and answering questions. If responses to concerns are not viewed as satisfactory, they should be addressed as well. It is important that the time spent in this roundtable has all participants feeling as though their concerns have been effectively addressed.

The facilitation team will document the discussion and provide a summary back to all participants. This document will be used as a reference when it comes time to begin drafting agreements for a new relationship model.

STEP 4: WORKING TOWARDS A MODEL

This phase of the process will involve the most in-depth discussion, as the participants work to review what a successful model of co-management might look like in this case. It will involve a series of workshops that each focus on a different aspect of building a model. In this stage, the facilitation team will work with the participants to review a set of examples of other successful co-management relationships. They will also discuss with the participants what non-negotiable features need to be incorporated into a successful co-management relationship in the Coquitlam River Watershed case. It is during this stage that the Committee will work closely with the facilitators to put forth a set of recommendations for a co-management relationship for the watershed.

WORKSHOP DESIGN: PART 1 – CASE STUDY REVIEW

The intention of this workshop is to expose all Committee members to different types of co-management relationships and varying situations where co-management relationships have emerged. This

Another useful resource:

“Co-managing Natural Resources with First Nations: Guidelines to Reaching Agreements and Making Them Work” by the Saskatchewan Indian Federated College. Available at: <http://publications.gc.ca/collections/Collection/R32-223-1996E.pdf>

This resource was created to assist with the creation of successful resource co-management relationships. It outlines different types of co-management structures available and also contains information to support the creation of a negotiations strategy.

workshop will require that the facilitation team present on a series of cases of co-management relationships. They will highlight why this case was selected and what might be applied in the case of the Coquitlam River Watershed. They will inform participants that group discussion will take place after the cases are reviewed.

Each participant should be provided with a guide at the beginning of the process that will allow them to take notes through the presentations. This guide should simply include the name of each of the cases and a section for notes after each title. Committee members should be encouraged to document their thoughts after each case is reviewed. Once all cases are reviewed, have Committee members form into small groups ensuring that there are participants from all organizations in each group. Participants should discuss:

1. What did they learn about co-management?
2. What did they take away from the case study review?
3. What questions do they still have?
4. Are these cases helpful/relevant to the Coquitlam River Watershed case?

One participant from each group will present a summary of their conversation back to the full group and the facilitation team will document the highlights.

The following cases have been selected for review given that they have been successful, and that there are features in each of the cases that might inform the creation of a co-management model in the Coquitlam River Watershed. They are intended to serve as a starting point for dialogue. Participants should be reminded that the situation of the Coquitlam River Watershed is unique, and it will need to develop its own model. The intention is to try and learn from others who have already undergone this process.

Gwaii Trust (Haida Gwaii, B.C.): Co-management of a perpetual Trust Fund for Haida Gwaii

The Gwaii Trust Society formed in 1994 to operate a perpetual trust fund for Haida Gwaii. The trust was established in the wake of an ongoing conflict and land dispute relating to Lyell Island. The purpose of this fund is to support projects on Haida Gwaii that enhance sustainability on the island (Gwaii Trust, n.d.). The process leading to the creation of the Gwaii Trust was long and filled with much conflict between the Haida and the non-Aboriginal residents of the island. This was largely a result of cross-cultural misunderstandings relating to traditional knowledge and historical injustices. Once the facilitator was able to bring these issues forward, the dialogue was able to move forward in a much more productive way (Dale, 1999). The Gwaii Trust Society is now a collaborative effort between all four participating communities and the four Councils of the Haida Nation on Haida Gwaii. Each has a representative on the Board of Directors that participate on a voluntary basis. They also ensure that every member of the Board has an alternate to represent them in the event that they cannot be present at a meeting (Gwaii Trust, n.d.).

Inuvialuit Final Agreement (Northwest Territories, Canada): Long-term co-management in the North

The Inuvialuit Final Agreement was signed in 1984 and is widely recognized as one of the most successful cases of co-management in Canada (Campbell, 1996). The Inuvialuit "agreed to give up their exclusive use of their ancestral lands in exchange for certain other guaranteed rights

from the Government of Canada” (Inuvialuit Regional Government, 2007). One of the rights that they demanded was the right to participate in the management of the wildlife and natural resources within their ancestral lands. They established a series of Joint Management Boards with the various levels of government involved in the process, as well as relevant industry representation. Each of these Boards has been established with 50% Inuvialut representation and are designed to be consensus-based to ensure successful implementation of decisions (Campbell, 1996).

Cowichan Watershed Board, Victoria, B.C.: Cowichan Tribes as Equal Partners

The Cowichan Watershed Board is a watershed entity that was established to assist the regional district in implementing the Cowichan Basin Water Management Plan. The Board is an advisory body comprised of leaders from the CVRD, including mayors, electoral area directors, members of the Cowichan Tribes Council, and members of the community at large. Cowichan Tribes has played a key role in the process of establishing the Board, and their voice is well represented. It is co-chaired by a Mayor of the CVRD, presently the Mayor of Ladysmith, and the Chief of Cowichan Tribes. The Board is also required to include a Councillor from Cowichan Tribes (CVRD, 2010).

Beyond the structure of the entity, the CVRD’s attitude towards the Board is probably the most important feature of the co-management relationship to be considered. The Governance Manual explicitly recognizes that the Board as being advisory in nature, but where this case differs from other similar advisory group cases, the manual also acknowledges that regulatory agencies should consider and adhere to the recommendations that the Board puts forth. The manual also looks to the future and suggests that delegated authority may one day come to the Board in line with the changing legislation in British Columbia (ibid). These acknowledgements demonstrate that the CVRD has established this entity in good faith, and recognizes the valuable contributions that it will bring to the watershed management process. Adopting such an attitude demonstrates trust and a willingness to share power, both of which are features of successful co-management.

WORKSHOP DESIGN: PART 2 – NON-NEGOTIABLE FEATURES

At this stage the Committee will have worked through a variety of case studies and will have gained a better understanding of what co-management can look like on the ground. It is now time for the Committee to begin bringing forward features that they see as being critical to the establishment of a co-management relationship in the Coquitlam River Watershed. The purpose of this session will be to discuss non-negotiable features that must be incorporated into a co-management relationship in order for it to be successful.

This activity should seek to model a high level of consensus building, meaning that all participants must be able to agree, or at the very least, accept that a certain item has been put forth as a non-negotiable. The parties involved may have conflicting non-negotiable items. It will be the role of the facilitation team to help the participants to compromise and work towards a positive shared outcome.

It is recommended that the facilitation team use the facilitation practice of Deep Democracy at this stage of the process. This is a practice that is similar to consensus building, but “it emphasizes that every voice matters and that decisions are wisest when majority and minority voices are both valued” (“About Lewis Deep Democracy”, n.d.). Utilizing this practice will help to ensure that all voices feel valued in the process of developing a co-management relationship. This will be an essential part of ensuring that the relationship can be successful.

Deep Democracy

Deep Democracy is based on a series of key principles:

1. Think of every issue as an ‘iceberg’ with 10% above the waterline and 90% is invisible. This represents the conscious, or generally recognized features of an issue, and the unconscious, or the underlying features. Deep Democracy brings the unconscious features of an issue to the surface so they might be acknowledged and addressed.
2. Deep Democracy does not simply take a majority vote when there is disagreement on an issue. It works to ensure that all participants have been given what they might need to accept a decision. In this sense, it is more of a consensus-building process.
3. The dissenting voice is acknowledged and encouraged. Deep Democracy recognizes that the minority voice holds tremendous wisdom and that the incorporation of their concerns can lead to a more positive outcome (Bojer, n.d.).

The Deep Democracy website contains a set of resources that are helpful to gain an understanding of how these principles are applied. A recommended resource for understanding how to utilize Deep Democracy is Mille Bojer’s piece “Deep Democracy in Relation to Dialogue Processes”. This resource can be found in the Readings section of the Deep Democracy website at: <http://www.deep-democracy.net/articles/DD-and-Dialogue-Processes1.pdf>.

At the end of this workshop, the Committee will have developed a set of non-negotiables. This list will serve as the foundation for the facilitation team to build a set of recommendations to take back to the group for approval in a final meeting.

FINAL MEETING: REVIEW OF RECOMMENDATIONS

The Committee will meet one last time to review the recommendations put forth by the facilitation team based on the information gathered through the dialogue process. This set of recommendations will clearly indicate what type of co-management structure the Committee feels would work in the Coquitlam River Watershed. This report should include the Committee’s thoughts on:

1. Composition of the Co-management Committee, identifying who will be on the Committee, the number of representatives from each Committee, the role of Committee Members, etc.
2. Decision-making structures, indicating how decisions will be made, definition of veto powers, etc.
3. Coordination considerations, which states how the Co-management Committee will be coordinated.
4. Rights of all parties in the relationship, including financial obligations and legal authority.
5. Communication provisions to ensure that all parties are included in decision-making, that they are informed of all new projects, and kept up-to-date on existing projects.
6. Ensuring transparency and accountability from all parties involved in the process.
7. Provisions to ensure that the relationship is revisited on an ongoing basis to ensure that any concerns or issues are addressed in a timely manner.

Once a set of recommendations has been prepared and agreed upon, this report will be given to each of the participating entities. It will be the responsibility of each organization to take this report back to their organizations for internal discussion and legal review. They will also be responsible for having decision-makers within the organization approve the co-management relationship and to develop a plan for how their organization will work to accommodate the new relationship.

It is possible that this dialogue process will result in all parties agreeing that co-management is not the best option for the Coquitlam River Watershed. In this case, the set of recommendations put forth should clearly indicate what types of alternative mechanisms could be instituted to address the concerns of all parties. It is essential that the recommendations put forth will lead to an enhanced relationship between Kwikwetlem First Nation and the controlling entities in the watershed.

STEP 5: IMPLEMENTING THE MODEL AND DRAFTING FORMAL AGREEMENTS

This is the stage of the process where all organizations will bring their lawyers to the table to assist in drafting formal agreements. This will help all parties to develop a legally sound co-management relationship. The legal team of all parties should work to accommodate the model that has been discussed and developed through the dialogue process. Their role should be to indicate any concerns that they might have for their client in the model put forward.

The model should be instituted with a relatively short-term 'test-run' or 'pilot' period for all parties to determine if the relationship is working. It should be acknowledged that this undertaking is unprecedented in Metro Vancouver, and there will certainly be challenges along the way as all parties adjust. This endeavor must be approached with an open mind and a willingness to accept the needs of all participants in the process.

SAMPLE MEMORANDUM OF UNDERSTANDING

Memorandum of Understanding

Between

'Kwikwetlem First Nation'

and

'Metro Vancouver'

and

'BC Hydro'

1. Preamble

This Memorandum of Understanding (MOU) sets forth the terms and understanding between Kwikwetlem First Nation, Metro Vancouver and BC Hydro ('the parties') to engage in a dialogue process on the topic of co-management in the Coquitlam River Watershed.

This MOU, while not a legally binding document, indicates a voluntary agreement behalf of all parties to participate in a dialogue process on the topic of co-management in the Coquitlam River Watershed. It does not, however, bind any of the parties to action, nor does it stand as a commitment to institute a co-management relationship.

2. Background

Kwikwetlem First Nation ('KFN') has long strived to gain an enhanced position in resource management and decision-making processes in the Coquitlam River Watershed. They would like to see a new relationship formed between KFN and the controlling entities in the watershed, Metro Vancouver and BC Hydro, that situates them as a key decision-maker in all management and planning decisions.

KFN is proposing that the entities explore the potential of a co-management model being developed to elevate the First Nation's role in the watershed. They also foresee a co-management model as enhancing communication and collaboration on all projects within the watershed.

3. Purpose

The goal of this MOU is:

- Bring all parties together to engage in a productive dialogue on the potential for co-management in the Coquitlam River Watershed.

The objectives of this MOU are:

- Support the participation of representatives from all parties in a dialogue process on the topic of co-management in the Coquitlam River Watershed.
- Recognize that participation in this process will require the in-kind contribution of human resources through the duration of the project.
- Ensure that all parties agree to consistently participate in open dialogue on the topic.
- Acknowledge that all parties will benefit from the establishment of a mutually agreeable solution to the ongoing conflict in the Coquitlam River Watershed.
- Enhance communication between the parties involved in the project.

These goals and objectives will be accomplished by:

- Establishing a Committee made up of representatives from all partner agencies. These representatives should cover a range of duties and varying levels of authority in their respective organizations.
- Developing a Terms of Reference for this Committee outlining its role, as well as duties and responsibilities of its members.
- The participation of this Committee in a facilitated multi-stage dialogue process.
- Creating a set of recommendations to be put forth to each of the parties' respective decision-making authorities.

4. Reporting

All meetings and workshops will be documented and reported on by the facilitation team. Participants will receive summary meeting notes according to the schedule set out at the beginning of the project.

Internal reporting to the participating agencies on the progress of the project will be the responsibility of the Committee members from each of the parties.

5. Confidentiality and Information Sharing

All information and ideas shared during Committee meetings and workshops can be discussed internally by the participating parties.

[To be expanded in discussion with participants – Can ideas discussed in the meetings/workshops be shared? What information can be discussed with outside parties? Responding to media requests?]

6. Funding

This MOU is not a commitment to deliver funding. The parties may be required to deliver in-kind funding by way of staff time and meeting spaces.

[identify how the facilitation team will be funded]

[identify how costs associated with the project will be addressed]

7. Duration

This MOU is at-will and may be modified by mutual consent of authorized officials from Kwikwetlem First Nation, Metro Vancouver and/or BC Hydro. This MOU shall become effective upon signature by the authorized officials from the participating parties and will remain in effect until modified or terminated by any one of the partners by mutual consent, or until the time that the dialogue process has concluded. In the absence of mutual agreement by the authorized officials from the participating parties this MOU shall end on [INSERT DATE AGREED ON BY PARTICIPANTS].

8. Termination

This MOU may be terminated by either party, for any reason, by giving 30 days written notice to all other parties.

Signatures

For and on behalf of

Kwikwetlem First Nation

Signature

Name

Date

Witness

For and on behalf of

Metro Vancouver

Signature

Name

Date

Witness

For and on behalf of

BC Hydro

Signature

Name

Date

Witness

SAMPLE TERMS OF REFERENCE

Terms of Reference

for

Coquitlam River Watershed Management Research Committee

1. Background

Kwikwetlem First Nation aims to work together with Metro Vancouver and BC Hydro to develop an enhanced relationship in the Coquitlam River Watershed. The First Nation would like to see a model developed where they are seen as an equal partner in terms of all management and decision-making in the watershed. They have put forth the recommendation that the parties explore the concept of co-management as a potential solution. The establishment of a Committee of representatives from all parties is necessary for productive dialogue.

2. Purpose

The purpose of the Coquitlam River Watershed Management Research Committee (the 'Committee') is to engage in an open dialogue on the topic of co-management in the Coquitlam River Watershed (the 'Watershed'). This Committee will work with a facilitation team to discuss co-management and develop a set of recommendations on how a co-management relationship might proceed.

3. Scope

This Committee is intended to discuss the concept of co-management and how it might be applied in the case of the Watershed. It will be responsible for putting forth a set of recommendations at the end of the project that will be taken to decision-makers for final approval.

This Committee is not a decision-making entity and no member of the Committee is bound by suggestions brought forward in the dialogue process. Participants on the Committee cannot make decisions or commitments on behalf of their organization.

4. Composition and Membership

This Committee will be comprised of individuals from all three participating entities including:

- a. Kwikwetlem First Nation
- b. Metro Vancouver
- c. BC Hydro

It is important that this Committee include participants with a range of expertise and varying levels of authority within their organization. This will ensure that the Committee is able to put forth recommendations that are realistic and actionable.

It will be up to the respective organizations to select no less than three (3), but no more than five (5) representatives to participate in the dialogue process.

5. Selection Process and Length of Term

Each of the organizations will self-select the representatives that they feel would be best suited to discuss co-management in the watershed. These individuals will be appointed to the Committee and will remain as members for the duration of the project.

6. Roles and Responsibilities of Committee Members

All Committee members will be required to:

- Maintain consistent attendance at meetings and workshops.
- Participate in open dialogue on the topic of co-management.
- Respect the opinions and ideas presented by other participants.
- Work collaboratively with all other participants.
- Report back to their respective organizations as required.

7. Outcomes

This Committee is intended to engage in dialogue on the topic of co-management and use this dialogue to generate a series of recommendations that will indicate:

- Why co-management should be instituted in the Coquitlam River Watershed
- What features should be incorporated into a co-management model in the Coquitlam River Watershed
- What model would the Committee propose for the Coquitlam River Watershed

In the event that the Committee decides, through consensus, that they do not feel that co-management is the correct model for the circumstances. The recommendations will indicate:

- Why co-management should not be instituted in the Coquitlam River Watershed
- How concerns might be addressed through alternative mechanisms

8. Coordination and Reporting

This Committee will participate in a series of meetings and workshops that will be guided by a facilitation team. This team will be responsible for all elements of coordinating and reporting on meetings. There will be no need for Committee members to serve as a chair, or participate in the administration of the process.

9. Decision-making

This Committee is not intended to be decision-making in nature. It will, however, need to work with the facilitation team to put forth a set of recommendations to be taken to decision makers in their respective organizations.

This Committee will operate under principles of consensus building. Consensus must be reached on every item put forward in the recommendations.

10. Confidentiality and Information Sharing

All information and ideas shared during Committee meetings and workshops can be discussed internally by the participating parties.

[To be expanded in discussion with participants – Can ideas discussed in the meetings/workshops be shared? What information can be discussed with outside parties? Responding to media requests?]

11. Funding

[Further information will be required]

12. Amendment procedures

This TOR can be updated as needed through the project at the request of any Committee member. Any changes will be agreed upon through consensus of all Committee members. The revised TOR will be signed and redistributed to all parties both physically and electronically.

13. Termination

This Committee will continue for the duration of the dialogue process and will terminate when the set of recommendations has been developed.

In the event that one of the participating parties wishes to terminate the Committee, they may do so, for any reason, by giving 30 days written notice to all other parties.

Date of Last Review: [DATE]

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