Buffalo in Banff National Park: Frameworks for Reconciliation in Wildlife Management

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Introduction

In June 2017, 16 buffalo were transported to Banff National Park. If the re-introduction of buffalo to the park proceeds as planned, a nascent herd will be roaming largely free of constraint by 2020, over a hundred years since the last wild buffalo were seen in the park. The re-introduction is an example of shared wildlife management, where Canadian and Indigenous legal systems work together toward the achievement of shared goals. This paper explores how the re-introduction of buffalo to key sites in Canada and the United States represents a framework for reconciliation in wildlife management.

Buffalo Return to Banff: Canadian Legal Perspectives

A number of civil society groups and Indigenous nations advocated for the return of buffalo to Banff. Before the re-introduction could move forward, however, several requirements of Canadian law had to be met. As a national park, Banff is subject to regulation by federal statute. The park was created under, and is managed by authority derived from, the *Canada National Parks Act*[1] [the Act]. A national park is in many ways 'full' of Canadian state law. Regulations under the *Act* govern the identification of wilderness areas,[2] traffic regulations,[3] garbage disposal,[4] wildlife,[5] aircraft access,[6] fishing,[7] and more. In Banff National Park specifically, there are also extensive regulations governing the town itself[8] and commercial ski areas.[9] National Parks are highly regulated spaces, and this concentration of state law has historically worked to exclude Indigenous peoples and their laws from these areas.[10]

In respect of the re-introduction of buffalo in Banff, the prevalence of state law meant that the project could not move forward until certain Canadian legal requirements were met. An environmental impact analysis, for example, had to be carried out.[11] Parks Canada has authority to carry out EIA's for projects on 'federal lands' under s.67 of the *Canadian Environmental Assessment Act.*[12] This requires an assessment of whether the project is likely to "cause

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[1] *Canada National Parks Act* S.C. 2000, c. 32
[2] *National Parks Wilderness Area Declaration Regulations*, SOR/2000-387.
[3] *National Parks Highway Traffic Regulations*, CRC, c 1126.
[4] *National Parks Garbage Regulations*, SOR/80-217.
[5] *National Parks Wildlife Regulations*, SOR/81-401.
[6] *National Parks of Canada Aircraft Access Regulations*, SOR/97-150.
[7] *National Parks of Canada Fishing Regulations*, CRC, c 1120.
[8] See: *Order Fixing the Boundaries of the Town of Banff in Banff National Park and Adding a Description of the Boundaries as Schedule IV to the Act*, SOR/90-45; *National Parks Town, Visitor Centre and Resort Subdivision Designation Regulations*, SOR/91-8.
[9] *Canada National Parks Act*, *supra* note 1 at schedule 5.
[10] See Stan Stevens, ed, *Indigenous Peoples, National Parks, and Protected Areas: A New Paradigm Linking Conservation, Culture, and Rights* (Tuscon: University of Arizona Press, 2014).
[11] "Detailed Environmental Impact Analysis, Plains Bison Reintroduction in Banff National Park: Pilot Project 2017-2022. Executive Summary" online. [EIA].
[12] *Canadian Environmental Assessment Act*, 2012 (S.C. 2012, c. 19, s. 52). Proposed legislation is likely to modify this regime. At the time of this writing, Bill C-69, *An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts*, has been introduced to the house but has yet to pass first reading. The process detailed here took place under the 2012 regime.

significant adverse environmental effects" and, if so, if such effects can be justified.[13] Parks Canada performed a detailed environmental impact analysis, assessing the impact on "soil, vegetation and fire; wildlife resources; aquatic resources; cultural resources; species at risk; visitor experience; and the socio-economic dynamics of surrounding human communities."[14] This assessment determined that the impact would be "insignificant."[15]

In the pilot phase of the project (2017-2022), the Buffalo will be limited to an area designated as a 'Wilderness Zone' under the *CNPA.* As such, the 'wilderness character' of the area is a priority and it is not accessible by trail with a motorized vehicle.[16] The 're-introduction zone' is further subdivided into three "Bison Management Zones" in accordance with the "Bison Excursion Prevention and Response Plan."[17] Until June 2018, the animals will be kept in an enclosed 'soft-release' pasture. At that point, they will be released into a broader 1,892 km2 're-introduction zone.' The animals will be monitored closely throughout this period and, if they venture into a peripheral 'hazing zone', will be herded, hazed, or baited back into the re-introduction zone. At the end of the five-year pilot period, the project will be evaluated in light of project targets and a determination will be made as to whether or not the project should continue.[18] As can be seen from this cursory overview, re-introducing a species to a national park implicates requires considerable movement from Canadian state law.

Buffalo Return to Banff: Indigenous Legal Perspectives

In September 2014, ten Indigenous nations from both sides of the Canada-US border came together in Montana to sign the 'Buffalo treaty.'[19] The aim of the treaty is cooperation regarding "the restoration of bison on reserves or co-managed lands within the U.S. and Canada."[20] The treaty was the outgrowth of the Iinnii Initiative, conceived by leaders Blackfoot Confederacy in 2009 to re-introduce buffalo to their nations.[21] Two years after the treaty signing, 87 plains buffalo were transferred from Elk Island National Park to the Blackfeet Nation.[22] Since the initial signing, a dozen more First Nations in Canada have signed the treaty.[23]

The signatory nations drafted the Buffalo Treaty in recognition of the historical importance of buffalo to Indigenous peoples of the region. It is an initiative aimed not only at strengthening

[13] *Ibid* at s.67
[14] EIA *supra* note 11.
[15] *Ibid* at 7.
[16] *Ibid* at 2.
[17] *Ibid.*
[18] *Ibid.*
[19] "Historic treaty signed among 10 First Nations and tribes in Banff" CBC News Online, August 14, 2015: http://www.cbc.ca/news/canada/calgary/historic-treaty-signed-among-10-first-nations-and-tribes-in-banff-1.3190715.
[20] Collette Derworiz, "Historic Buffalo Treaty signed by First Nations to bring back bison" The Calgary Herald, September 23, 2014. Online: http://www.calgaryherald.com/news/Historic+Buffalo+Treaty+signed+First+Nations+bring+back+bison/10229219/story.html.
[21] http://blackfeetnation.com/iinnii-buffalo-spirit-center/
[22] *Ibid.*
[23] Shari Narine, "Gains in bison conservation recognized at annual conference." *Windspeaker*, Oct. 15, 2016, p. 14; Jason Kerr, "Bringing back the buffalo" Prince Albert Daily Herald, September 20, 2017.

buffalo populations by re-introducing them into traditional habitats, but at reinvigorating and recovering Indigenous cultural, spiritual, and legal practices associated with the buffalo. As Professor Leroy Little Bear has said, "the treaty speaks to issues such as culture, health, research, and conservation."[24] This is reflected in the full name of the Treaty - "The Buffalo: A Treaty of Co-operation, Renewal and Restoration" – and in the purpose of the treaty as stated in the text:

> To honor, recognize, and revitalize the time immemorial relationship we have with BUFFALO, it is the collective intention of WE, the undersigned NATIONS, to welcome BUFFALO to once again live among us as CREATOR intended by doing everything within our means so WE and BUFFALO will once again live together to nurture each other culturally and spiritually. It is our collective intention to recognize BUFFALO as a wild free-ranging animal and as an important part of the ecological system; to provide a safe space and environment across our historic homelands, on both sides of the United States and the Canadian border, so together WE can have our brother, the BUFFALO, lead us in nurturing our land, plants and other animals to once again realize THE BUFFALO WAYS for our future generations.[25]

The buffalo treaty is an example of Indigenous law at work. Indigenous nations had, and continue to have, systems and practices of law internal to their communities.[26] They also have traditions of transnational law – that is, law between Indigenous nations.[27] When Europeans began entering into treaties with Indigenous peoples, they carried on not only European traditions of treaty making, but Indigenous ones.[28] Treaty making has historically been an important aspect of inter-indigenous transnational law. The Buffalo Treaty is a contemporary example of this.

The treaty acts as an assertion of Indigenous law by articulating standards and norms derived from Indigenous legal traditions and worldviews. For example, the treaty states: "We, collectively, agree to perpetuate all aspects of our respective cultures related to BUFFALO including customs, practices, harvesting, beliefs, songs, and ceremonies."[29] This is notable, as many customs, songs, and ceremonies have important legal dimensions, often acting as sources of legal principles and legal reasoning.[30] The re-introduction of the buffalo reinvigorates a 'lifeworld' in which Indigenous legal regimes exist.[31] The treaty also speaks to land and resource

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[24] As cited in Amy Spark, "Portals for Collaboration" online https://albertaecotrust.com/portals-for-collaboration/.
[25] "The Buffalo: A Treaty of Co-operation, Renewal and Restoration" [The Buffalo Treaty] online: http://www.bisonbelong.ca/docs/BuffaloTreaty_2014.pdf
[26] See for example, John Borrows, *Canada's Indigenous Constitution* (Toronto: University of Toronto Press, 2010).
[27] For an application of the term 'transnational law' in the Indigenous context, see for example James [Sakéj] Youngblood Henderson, "First Nations' Legal Inheritances in Canada: The Mi'kmaq Model" (1996) 23 Man LJ 1.
[28] See Robert A. Williams Jr., *Linking Arms Together: American Indian Treaty Visions of Law and Peace, 1600-1800* (Oxford: Oxford University Press, 1997).
[29] The Buffalo Treaty, *supra* note 25.
[30] Borrows, *supra* note 26; Hadley Friedland & Val Napoleon, "Gathering the Threads: Developing a Methodology for Researching and Rebuilding Indigenous Legal Traditions" (2015-2016) 1:1 Lakehead LJ 16; James (Sákéj) Youngblood Henderson, "Postcolonial Indigenous Legal Consciousness" (2002) 1 Indigenous Law Journal 1.
[31] See Aaron Mills, "The Lifeworlds Of Law: On Revitalizing Indigenous Legal Orders Today" (2015-2016) 61 McGill LJ 847 at 853.

use on both sides of the Canada-US border.[32] The territorial scope of the jurisdiction claimed under the treaty tracks Indigenous geographies. Among the initiatives supported by the treaty signatories was the re-introduction of buffalo to Banff National park.

Overlapping Law, Shared Jurisdiction, and Reconciliation

In the Canadian context, there are geographic regions where multiple legal orders are working, at times in relation to the same subject matters. Where multiple legal orders exist in this way, they always sit in relationships of tension and accommodation. Achieving reconciliation between state and Indigenous legal orders requires taking the fact of legal pluralism as a starting point.[33] In a practical sense, this means clearly identifying the legal barriers to the recognition of Indigenous legal orders and drawing on examples where those barriers have been overcome.

The Truth and Reconciliation Commission, in its 94 *Calls to Action*, called on Canada to "repudiate harmful principles such as the Doctrine of Discovery and Terra Nullius."[34] An analysis of why it may have done so sheds light on the question of how to move toward meaningful reconciliation. A first step in this regard is identifying where the Doctrine of Discovery is still alive in Canadian law. In its simplest form, this doctrine expresses the view that European powers gained territorial sovereignty and legal authority over lands in North America upon 'discovering' them. A full accounting of the doctrine, however, requires a broader lens. As Tracey Lindberg writes, the Doctrine of Discovery is "a dogmatic body of shared theories (informing theory, law, and understanding) pertaining to the rightfulness and righteousness of settler belief systems and the supremacy of institutions (legal, economic, governmental) that are based upon those belief systems."[35] *Terra Nullius* is a complementary doctrine through which lands were categorized as legally vacant, a crucial prerequisite to 'discovery' and the answer to the question "how can a continent full of people be 'discovered?'" Though *terra nullius* was official policy in Australia, in Canada it was not.[36] Yet, as a corollary to the Doctrine of Discovery, it was relied on in important ways nonetheless. Though the Doctrine of Discovery in its simplest form may seem like an antiquated idea, it animates much judicial reasoning on Indigenous rights and continues to shape the relationship between Indigenous peoples and the state in important ways.[37]

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[32] See "Iinnii Initiative: the Return of the Buffalo": online http://blackfeetnation.com/iinnii-buffalo-spirit-center/

[33] Paul Berman refers to "the fact of legal pluralism" in international and federal state contexts: Paul Schiff Berman, *Global Legal Pluralism: A Jurisprudence of Law Beyond Borders* (Cambridge: Cambridge University Press). Gordon Christie uses the phrase "fact of strong legal pluralism" " in the domestic Canadian context with specific reference to state and Indigenous legal orders: Gordon Christie, "Indigenous Legal Orders, Canadian Law and UNDRIP" in Oonagh Fitzgerald and Risa Schwatz, eds, *UNDRIP Implementation: Braiding International, Domestic and Indigenous Laws* (Waterloo: Centre for International Governance Innovation, 2017) at 49.

[34] Truth and Reconciliation Commission of Canada Calls to Action, specifically Calls 39, 46, 47. Online: www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls_to_Action_English2.pdf

[35] Tracey Lindberg, "The Doctrine of Discovery in Canada" in Robert J. Miller, Jacinta Ruru, Larissa Behrendt, and Tracey Lindberg, eds, *Discovering Indigenous Lands: The Doctrine of Discovery in the English Colonies* (Oxford: Oxford University Press, 2010) at 94.

[36] On the use of *terra nullius*, see Stuart Banner, Why *Terra Nullius*? Anthropology and Property Law in Early Australia" (2005) 23:1 Law and History Review 95. For comparison between Canada and Australia see Arthur J. Ray, *Aboriginal Rights Claims and the Making and Remaking of History* (Montreal & Kingston: McGill-Queen's University Press, 2016) at 3-16.

[37] John Borrows, "The Durability of Terra Nullius" (2015) 48:3 UBC L Rev 701.

The doctrine became an explicit part of Indigenous rights law in the common law world in the 1823 American case of *Johnson v M'Intosh*.[38] There, Marshall CJ held that the "principle was that discovery gave title to the government by whose subjects or by whose authority it was made against all other European governments."[39] Though the title gained through discovery was good "against all other European governments,"[40] discovery also affected Indigenous peoples. As Marshall CJ held, "the rights of the original inhabitants were in no instance entirely disregarded, but were necessarily to a considerable extent impaired. They were admitted to be the rightful occupants of the soil, with a legal as well as just claim to retain possession of it, and to use it according to their own discretion; but their rights to complete sovereignty as independent nations were necessarily diminished."[41] This decision shaped the Canadian approach. Discussing the nature of Indigenous land rights and Crown authority in *Guerin*, the Supreme Court cited *Johnson* in stating that: "The principle of discovery… justified these claims gave the ultimate title in the land in a particular area to the nation which had discovered and claimed it."[42]

Following the constitutional recognition of Aboriginal and Treaty Rights in 1982, the Doctrine of Discovery animated the court's approach to interpreting s.35 rights in two ways. First, in *Sparrow*, the court held that s.35 rights can be unilaterally infringed by the Crown subject to a justification analysis.[43] The Court cited *Johnson* as articulating the long held position that "there was from the outset never any doubt that sovereignty and legislative power, and indeed the underlying title, to such lands vested in the Crown.[44] While the Court made a move to question this by citing, with seeming approval, professor Noel Lyon's argument that s.35 opens the door for court's to question Crown sovereign authority, it nonetheless held onto that unilateral authority as the basis for the power to infringe s.35 rights.[45] The doctrine is also still present in the doctrine of Aboriginal title. The Supreme Court has established a framework that takes the assertion of sovereignty as the key date for establishing Aboriginal title.[46] Employing what is known as the 'crystallization thesis', the court held that Aboriginal title crystalized upon of the assertion of Crown sovereignty.[47] The ability to gain sovereignty by assertion is rooted in the Doctrine of Discovery.

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[38] *Johnson v M'lntosh*, 8 Wheaton 543 (1823)
[39] *Ibid* at 573.
[40] *Ibid.*
[41] *Ibid* at 574.
[42] *Guerin v The Queen*, [1984] 2 SCR 335 at 378.
[43] *R v Sparrow*, [1990] 1 SCR 1075.
[44] *Ibid.*
[45] Ibid at 1063. See also Mark Walters, "'Looking for a knot in the bulrush': Reflections on Law, Sovereignty, and Aboriginal Rights" in Patrick Macklem and Douglas Sanderson, eds, *From Recognition to Reconcilitation: Essays on the Constitutional Entrenchment of Aboriginal and Treaty Rights* (Toronto: University of Toronto Press, 2016) at 35-62; Joshua Nichols, *A Reconciliation without Recollection? An Investigation of the Foundations of Aboriginal Law* (Toronto: University of Toronto Press, forthcoming 2018).
[46] *Delgamuukw v British Columbia*, [1997] 3 SCR 1010, at para 143; *Tsilhqot'in Nation v British Columbia*, 2014 SCC 44 at paras 25 – 26.
[47] For a critique of this approach see: John Borrows, "Sovereignty's Alchemy: An Analysis of *Delgamuukw v. British Columbia*" (1999) 37 Osgoode Hall LJ 537.

These principles then shaped the development of the duty to consult. The Court has repeatedly emphasized that the duty to consult does not include a veto power.[48] What this framing means is that the Crown retains the power to act unilaterally in the face of Indigenous opposition. Further, under the consultation framework the courts insist they hold the power to unilaterally determine the relative rights and obligations of the parties. Indigenous rights are, therefore, *asserted* until such point as they are proven in court, while Crown entitlements are assumed. The legitimacy of such unilateralism is based on a hierarchical organization of legal systems. While the courts have undoubtedly pushed Aboriginal rights forward in important respects, often in the face of intransigent state actors,[49] the doctrines of discovery and terra nullius are engrained in s.35 jurisprudence. How, then, can the unilateralism and engrained hierarchy of the constitutional rights framework be challenged?

Increasingly, the *United Nations Declaration on the Rights of Indigenous Peoples* is cited as a source of foundational substantive norms that can guide Crown-Indigenous relations.[50] Self-determination and Free, Prior and Informed Consent, in particular, provide legal language through which Indigenous people are now voicing their claims to control affairs in their traditional territories. With the federal government committing to UNDRIP implementation, questions about what this implementation will look like are now top of mind. There is considerable debate about what implementation might look like and how UNDRIP interacts with s.35. While there is considerable uncertainty regarding the definition of 'consent' in UNDRIP and the extent to which UNDRIP pushes past current s.35 jurisprudence, it seems clear that UNDRIP envisages states as legally pluralistic spheres.[51] The unilateralism that grounds s.35 therefore seems inimical to UNDRIP. When the Truth and Reconciliation Commission calls for a repudiation of the Doctrine of Discovery, it is calling for a repudiation of the hierarchical ordering of legal systems and the unilateralism of Crown sovereign authority as it has been historically understood. This, in turn, requires that legal authority be negotiated rather than dictated by the state and the state's courts.[52]

Reconciliation Frameworks and Wildlife Management

The re-introduction of buffalo into Banff National Park included elements of both Canadian state law and Indigenous law. The Buffalo Treaty is aimed at the re-introduction of buffalo in sites across the region and the care of existing populations. This is being undertaken to reinvigorate Indigenous cultural, spiritual, and legal orders. In specific locales, such as Banff, the re-introduction requires significant movement from state law. Parks Canada has recognized the importance of Indigenous involvement. As Parks Canada explains: "Making sure that bison received proper blessings before they returned to the Banff landscape was a key part of the project. Parks Canada hosted a blessing ceremony on the shore of Lake Minnewanka with Buffalo Treaty signatories and celebrated at a second ceremony at Elk Island to mark the

[48] *Chippewas of the Thames First Nation v. Enbridge Pipelines Inc.,* 2017 SCC 41 at para 59; *Ktunaxa Nation v. British Columbia (Forests, Lands and Natural Resource Operations),* 2017 SCC 54 at paras 80, 89, 119.
[49] See for example Ray, *supra* note 36 at 67 – 104.
[50] *United Nations Declaration on the Rights of Indigenous Peoples*, GA Res 61/295, UNGAOR (2007), online: <www.un.org/esa/socdev/unpfii/documents/DRIPS-en.pdf> [UNDRIP].
[51] See: Christie, *supra* note 33.
[52] *Ibid.*

departure of the herd to Banff."[53] Both state and Indigenous protocols had a role to play. The Buffalo Treaty signatories have consciously sought out this form of collaboration. When the Mistawasis First Nation signed, for example, "[o]ther groups were on hand to sign as supporters of the treaty. Those groups included Saskatchewan Polytechnic, the Canadian Parks and Wilderness Society and the City of Prince Albert, which was represented by Mayor Greg Dionne."[54] While co-management regimes under modern treaty and land claims agreements are reasonably well known, such agreements are impractical or undesirable for many Indigenous nations. Yet, as the Buffalo Treaty example is showing, there are other ways to move forward.

There are several other examples taking place in National Parks under Parks Canada initiatives to 'connect with Indigenous partners.'[55] In Jasper National park, a section of the park "is closed to the general public for a week to allow members of a B.C. First Nation to hunt on their traditionally used lands, which fall within the park boundary."[56] Similarly, in 1993 the Champagne and Aishihik First Nations, and 2003 for the Kluane First Nation, negotiated the resumption of traditional harvesting in Kluane National Park.[57] The 'Healing Broken Connections' project has since attempted to build on these legal gains by encouraging Indigenous participation in a range of activities in the park, strengthening the connection between the people and the place.[58] In these examples, Indigenous peoples work within the existing National Parks framework to create space for the exercise of Indigenous law.

In other examples, Indigenous peoples have asserted their law as the primary source of authority and pushed the state to work within Indigenous legal frameworks. One example of this is the creation of 'tribal parks.' The Tla-o-qui-hat, Tsilhqot'in, Haida, and Doig River First Nations have established tribal parks. Tribal parks are areas of Indigenous jurisdiction, subject to Indigenous law. They are, with one exception, not yet formally recognized at Canadian law. The park with the most well-known origins is likely the first park established by the Tla-o-qui-hat in 1984.[59] The provincial government in British Columbia had provided a licence to harvest old growth forest on Meares Island, a small island on the west coast of Vancouver Island. As part of their opposition to the project, the Tla-o-qui-hat declared the Island to be a tribal park under their jurisdiction. While the Tla-o-qui-hat ultimately secured an injunction to stop the logging (which has stood to this day), the courts did not acknowledge or speak to the existence of the tribal park.[60] Yet, the Tla-o-qui-hat continue to manage the island as a tribal park. They have since declared three more parks in their territory.[61]

The Haida Nation also asserted a tribal park, with somewhat different results. In 1982, the Council of the Haida Nation passed a resolution aimed at prohibiting logging on over 227,000

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[53] http://www.pc.gc.ca/en/pn-np/ab/banff/info/gestion-management/bison/faq
[54] Kerr, *supra* note 23.
[55] https://www.pc.gc.ca/en/agence-agency/aa-ia/te-wt/chap01.
[56] Karen Bartko, "Part of Jasper National Park closed for traditional hunt" Global News, Oct. 6, 2017. Online: https://globalnews.ca/news/3789694/part-of-jasper-national-park-closed-for-traditional-hunt/.
[57] https://www.pc.gc.ca/en/agence-agency/aa-ia/te-wt/chap01#chap01-2
[58] *Ibid.*
[59] Grant Murray and Leslie King, "First Nations Values in Protected Area Governance: Tla-o-qui-aht Tribal Parks and Pacific Rim National Park Reserve" (2012) 40:3 Human Ecology 385, at 389.
[60] *MacMillan Bloedel Ltd. v. Mullin*, 1985 CanLII 696 (BC SC).
[61] https://www.wildernesscommittee.org/sites/all/files/publications/2013_tla-o-qui-aht_Paper-Web-2.pdf

hectares of Haida Gwaii, declaring the area a tribal park under Haida jurisdiction. In 2008, the government of British Columbia ultimately recognized the claim by making the area a park under provincial law.[62] The Haida retain ongoing "traditional use" rights, including "monumental cedar and cedar bark harvesting, seaweed harvesting, medicinal plant harvesting, hunting, fishing, trapping and food gathering" in Duu Guusd.[63] The area is now a park under two legal regimes, a fact explicitly noted in the park's co-management outline. More recently, the Tsilhqot'in have declared a tribal park - Dasiqox Tribal Park - encompassing some 90,000 hectares of their traditional territory adjacent to the lands over which the Supreme Court recognized their Aboriginal title in 2014.[64] It is yet to be seen how this will interact with federal and provincial laws.

Conclusion

Whether under created under federal, provincial, or Indigenous authority, what the approaches discussed above have in common is that they move beyond a unilateral approach, allowing for the terms of engagement between Indigenous peoples and Canadian governments to be subject to negotiation. That is, negotiation is not constrained to the exercise of particular "rights." Jurisdiction, and along with it the terms of co-existence, are being negotiated on a small scale in these illustrative examples. These examples also illustrate that developing notions of self-determination and free, prior and informed consent need not disrupt wildlife management in Canada. Frameworks for reconciliation in wildlife management can be developed on the basis of negotiation and in relation to specific locales and issues.

[62] "On May 29, 2008, Bill 38 — 2008 (the Protected Areas of British Columbia (Conservancies and Parks) Amendment Act, 2008) established Duu Guusd park on Haida Gwaii.
[63] http://www.env.gov.bc.ca/bcparks/explore/cnsrvncy/duu_guusd/
[64] Position Paper Nexwagwez?an Dasiqox Tribal Park June 2016 <http://www.dasiqox.org/publications/>