

# MUSKWA-KECHIKA ADVISORY BOARD

## Meeting Minutes FINAL

Meeting Dates: October 26, 2011

Meeting Location: Pomeroy Hotel, Fort St John BC

### **Muskwa-Kechika Advisory Board Members Attending:**

Tom Briggs (Chair)	Wayne Sawchuk	Jason Lee	Peter Stone
Johnny Mikes	Barry Holland	Roslyn Pokiak	Leif Olsen
Juergen Puetter	Stephanie Killam	David Luff	

### **Guests Attending:**

Bruce Muir (West Moberly FN)

9:00 AM Welcome and opening remarks from Tom Briggs M-KAB Chair

(Treaty 8 Tribal Association had several members enter the meeting room just prior to 9:00 am start time)

M-KAB Chair acknowledged Treaty 8 Tribal Association representatives and permitted Tribal Chief Liz Logan to address the M-KAB members.

Tribal Chief Liz Logan welcomed the M-KAB to Treaty 8 territory.

She then discussed concerns and issues that Treaty 8 Tribal Association has with the M-KAB and addressed First Nations protocol and representation on the M-KAB:

Key issues and concerns identified by Tribal Chief Logan:

- The need to respect Treaty 8 territory and the First Nations that have treaty rights in this treaty
- The M-KAB should be respectful by notifying Chief and Council in advance of holding meetings on Treaty 8 land. It is not appropriate to learn from representatives on this Advisory Board
- Treaty 8 representatives on the M-KAB follow up with Chief and Council at the Tribal Association and their participation on the Advisory Board does not constitute consultation
- There are lots of challenging issues within our territory and we tend to get involved too late and after the fact, we need to get our people involved earlier in these issues and have our views heard.
- Government to Government (G2G) discussions and negotiations has stalled and this is a major concern for us, we hear nothing about this.

- T8TA does not like the direction the Advisory Board is moving, previous direction from ADM Gary Townsend was to advance the Government to Government model and that the M-KAB was to keep First Nations onside with this direction
- The current M-KAB direction in “opening up” for industry in the M-KMA goes against what the M-KMA is all about; the M-K is for conservation and protection. Industry has always wanted to get into the M-KMA – is this Advisory Board letting them in?

Tribal Chief Logan concluded her remarks by saying she hoped that this Advisory Board would move in the direction of conservation and protection for the M-KMA.

Chief Davis, from Doig River FN spoke briefly to the Advisory Board and said he would like to see Treaty 8 First Nations Council members on the M-KAB Advisory Board.

M-KAB Chair Tom Briggs thanked the Tribal Chief for her remarks to the Advisory Board.

Tom spoke specifically on a couple of issues brought forward:

- The M-KAB is governed by the M-K Act and M-K Management Plan Regulation
- This Act stipulates that industrial development will be allowed in certain areas and under regulatory conditions.
- The M-KAB’s role is to provide advice to the Government of BC and does not make decisions on what can or cannot take place in the M-K.
- The M-KAB has supported a Government to Government model for the M-KAB but is not involved in those discussions or negotiations that were to be left between the two governments.

Tom concluded that these opening remarks would certainly be taken into consideration for the deliberations of this Advisory Board for today’s’ meeting and for future meetings of the Advisory Board.

The agenda for this meeting was then presented and accepted.

### Financial Status of the M-KAB:

M-K Trust Account funds:

The M-K Secretariat briefly outlined the history of this fund and with the expiration of these legislated funds in 2006, that the Advisory Board was directed to utilize the remaining funds in this government account. Due to several factors, there was a residual amount in the account and the approved Expenditure Plan was reviewed and the approved projects discussed.

All funds in this account have to be expended by March 2012 and the only funds not fully committed at this time are the funds targeted for a workshop (follow up from the 2006 Joint Solutions workshop hosted by the M-KAB) and advancing the monitoring role for the M-KAB.

#### M-KAB Operational Funds:

The Secretariat provided a brief overview of this funding provided to the M-KAB by the Province of BC for its operation in 2009. Funds are held by a 3<sup>rd</sup> party, Resources North Association.

The 2<sup>nd</sup> Quarter financial report was tabled at this meeting for Board members review and understanding of this funding.

Funds remaining in the account as of September 30,201: \$103,607.76 and must be expended under the grant agreement to Resources North Association by March 2013.

Further discussion on the Board's operation funding, it was asked what funding strategy was in place for the M-KAB for further funding of the Advisory Board?

Without a funding strategy, it would seem the end of the M-KAB will be in 15 months!

***This point was put into the meeting “parking lot” for discussion and decision later in the meeting.***

#### Engagement of Industry by the M-KAB

This agenda topic was based on the direction provided by the Province, John Cavanagh, ADM for NE for Ministry of Forests, Lands and Natural Resource Operations at the May M-KAB meeting.

However with the position of Treaty 8 Tribal Association brought forward from Tribal Chief Liz Logan, the Board entertained a discussion on this and how they could advance the engagement of industry based on this position.

Further one Board member stated that the government official who provided the May direction left government shortly after that meeting and asked why the Board was following his direction?

Secretariat advised the Board that the term “engaging” industry was not to imply that the Board desired to see the M-KMA opened up for industry. The direction provided by government was to engage them in a meaningful way and for the Advisory Board to work with industry to understand how they view the M-KMA, what are the rules and work to provide clarity and certainty in any industrial activity taking place in the M-KMA.

It was brought forward that the M-K Act and Regulation, clearly provide the opportunity for resource development to take place.

References were made to the Hunt Oil case.

It was brought forward of the importance of using Traditional Knowledge (and using the legal definition for this) in making land use decisions was tabled.

The role of the M-KAB was put forward, a discussion on the potential “shift” of the Advisory Board and the issue of the “perception” that John Cavanagh

presented to the Board (perception that the M-KAB does not welcome industry into the M-KMA) was all thrown into the discussion.

The following are the key actions coming from the Advisory Board's discussion on further involvement with industries. (Note that it should be "industries" and not "industry" as noted by one Board member so that it includes all resource development)

**Decisions and Actions required by the M-KAB:**

- 1) Send a letter to BC Government stating Treaty 8's position regarding resource development in the M-KMA . Include a strong message to the Province to deal with this. A Draft letter would be circulated to the Advisory Board for review, editing and finalizing before being sent.
- 2) Prior to a letter going to the Province, a discussion (meeting/phone call or email was tabled) to advise Treaty 8 Tribal Association, Kaska Dene and Tsay Key Dena on the direction the Advisory Board is undertaking on this major issue. *It was not determined who would take the lead on this on behalf of the Advisory Board*
- 3) Peter Stone offered to host a workshop by Kaska Dene on the process they use with industry. This was discussed and recommended to follow through on by the Advisory board members at this meeting. Peter recommended that the M-K Secretariat follow up all the details with Bill Lux after the meeting and begin to scope this out with a target date of mid to late January.

UNBC Partnership with the M-KAB

A brief overview of the partnership between UNBC and M-KAB was provided with a recent meeting that discussed a renewal of this partnership.

A discussion on some of the benefits and several Board members thoughts on this resulted in agreement to advance this.

**Decision:**

Consensus to move this forward with a commitment from David Luff and Juergen Puetter to participate and take a lead in the advancing this partnership into some tangible deliverables.

November 23<sup>rd</sup> 10 am start time, confirmed meeting at UNBC.

Board members David Luff, Juergen Puetter, Bill Lux, Jason Lee, Johnny Mikes, Stephanie Killam and Tom Briggs may attend the meeting. Secretariat to follow up with UNBC and meeting outline and objectives.

M-K video- "The Muskwa-Kechika – A Delicate Balance"

The agenda topic was to have a Board discussion on how the distribution of the final product of this DVD would take place.

Board member Wayne Sawchuk asked that a discussion and decision regarding the issue of conflict of interest with him in the dvd and the reference to his company, be resolved. Wayne dismissed himself from the meeting at this juncture.

M-K Secretariat provided the background to this issue that was raised after the DVD was completed. Secretariat went through the whole process that the Advisory Board used from beginning to end of this project and the final deliverable and that this issue of conflict of interest arose upon completion of the DVD. Government public affairs viewed a final draft of this DVD and they did not put forth any issue of a conflict of interest for anyone in the DVD.

**Decision:**

Board members attending this meeting, the Government of BC conflict of interest guidelines were reviewed and after thorough review and discussion of those guidelines made a determination that there was NO conflict of interested for Board member Wayne Sawchuk or others in the DVD.

Wayne returned to the meeting and was advised of this decision of the Advisory Board.

The discussion on the distribution and that the purpose of this DVD was outlined in the M-K regulation that govern the Advisory Board, which is to create awareness, understanding and support of the M-KMA.

Based on this, the Advisory Board reviewed a proposal from the producer of the DVD, "Ear to the Ground" who provided a proposal on how they would distribute this DVD and the estimated costs.

Questions brought forward: Has the Board determined/defined the audience for this? The world at large is too wide open, challenges of having it broadcast and whether social media at minimal cost is the way to go. Have you established measurable results?

The Board came to consensus on the next steps as follows:

- Secretariat to draft a Request for Proposal for the DVD committee to review and approve (Wayne Sawchuk, Bill Lux and Tom Briggs).
- After RFP process has been completed, review and make a recommendation to award a contract to the Advisory Board through the M-K Executive.
- Upon Executive review and a decision move the DVD to distribution based on the approved direction.

M-K Conservation Assessment Project (Yellowstone to Yukon project, support and partial funding from the M-KAB)

The final report is being designed and will be ready shortly for distribution.

Y2Y has requested the M-KAB to determine what role they want to play in the “roll out” of this project, in terms of media release, meeting with senior government and distribution of this final report and how to advance it for M-KMA decision makers to use the finding and recommendations in the report.

It was determined that some Board members have not reviewed the final draft provided by Y2Y at the May meeting. Any review by the Board was to take place over the summer on comments provided to Y2Y by September. It is now too late to provide any comments or edits to the report with it now being a final product.

As for the media release, the meeting with government the Advisory Board has determined that it will NOT take part in this and will advise Y2Y accordingly.

The Advisory Board will provide advice to the Province of BC that this project be used by statutory decision makers in the M-KMA.

### Investigating Impacts of Wind Power Development in the M-KMA

The final deliverable for this project was recently received by the Province of BC and the project is now complete.

Advisory Board members have not been able to review the final report in detail as provided to Government.

#### NEXT STEPS:

- Upon having government confirm that the project and deliverables are final and accepted, post these for public review on the M-KAB's website.
- Set up a meeting with the Province of BC staff to discuss the final project and how it will be used for management purposes in the M-KMA.

#### Meeting Parking Lot issues:

- As noted in the minutes, a draft letter to the Province of BC outlining the position of Treaty 8 Tribal Association on industrial activity in the M-K would be for review by all Board members prior to being approved and sent to Province
- Either an email, phone call or letter would be provided to T8TA PRIOR to the government letter above being finalized to advise them of the Board's intent.
- A funding strategy was deferred to the Executive for discussion and follow up actions.
- Secretariat to follow up with Bill Lux on the potential workshop hosted by Kaska on their process in dealing with industrial activity within their territory. Proposed workshop with Industry as tabled in May needs to move ahead by March 31, 2012 due to funding in trust account.

At 4:30 pm only 5 board members remained. Chair Tom Briggs asked for closing comments and remarks by all remaining and meeting adjourned at: 4:40 pm