

**PUBLIC CONSULTATION GUIDELINES
PREPARED FOR THE MUSKWA-KECHIKA
MANAGEMENT AREA**

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EXECUTIVE SUMMARY

In May 2001 the Muskwa-Kechika Management Area Land Use Coordination Office issued a Request for Proposal (RFP) to prepare Guidelines on the Principles of Consultation. The RFP stated that the goal was to undertake a study regarding guidelines on the principles of consultation. The RFP went on to say that:

“The Board views public consultation to be a very important element of any proposed activity. The Board believes that public consultation goes beyond simply informing people. Public consultation should include accepting feedback from those potentially affected by or having valid concerns regarding a development and reflecting that feedback in the project decisions may be appropriate and reasonable. Furthermore, public consultation in the development stage of a project provides industry with opportunities to plan for and mitigate or otherwise address the concerns of the public. Industry must therefore, assume the primary responsibility for designing and conducting an appropriate public consultation program for proposed activities.”

EBA Waberski Darrow Consulting Ltd. (EBA) was the consultant hired to prepare these guidelines. In order to develop these guidelines, EBA conducted a literature review and interview process to gather information regarding the issues, the options and the alternatives.

A total of 30 stakeholders and First Nations were interviewed. Their comments and insight were extremely valuable in the development of the guidelines.

The essence of the public consultation guidelines recommended in this report includes thirteen steps:

1. Form a registry of stakeholders through the use of past programs and new contacts;
2. Prepare a website to house all of the information, along with hard copies in libraries;
3. Prepare a project description with full information and mapping to be distributed;
4. Pre-application notification by sending out the information to the stakeholders;
5. Identify a project contact so that all questions and concerns can be registered with one individual;
6. Stakeholder and First Nation review within 30 or 90 days (depending on the magnitude of the project);
7. Meet with stakeholders and First Nations to follow up on comments;
8. Document the consultation to establish clear reporting of stakeholder and First Nations concerns and /or feedback;
9. Establish Alternative Dispute Resolution (ADR) should there be irreconcilable differences;
10. Modify the application to address the concerns and issues raised;
11. Feedback and proponent response to ensure that the participants can see how their input was used;

12. Present the final application in the form of the pre-tenure application;
13. Ensure that all applications are used to establish precedent for future applications.

There was a lot of discussion regarding the use of the Internet to disseminate the information on applications. The Internet can be a very useful tool, but in the case of the M-KMA it must be considered as only one tool. Potentially a website could be constructed so historical projects are listed. This provides proponents and the public the opportunity to view established precedents, i.e. projects of similar scope or in similar areas, thus enabling the stakeholder/proponent to see how an issue had been dealt with previously. Essentially, the website would function as part of a reference library or archive area where all completed projects could be stored for others to view and reference. These past applications would also be available for view in hard copy at the Muskwa-Kechika Advisory Board (M-KAB) offices. This will ensure a continually improving system that will:

- a) uphold the regulatory process;
- b) provide openness and enhance transparency (by reviewing past decisions and results);
- c) improve the availability of project information;
- d) provide adequate response time;
- e) ensure respect for all participants;
- f) provide meaningful consultation and respect for the environment.

Other tools must still include a complete reference library, hard copy reports at various locations, open houses, public and one-on-one meetings.

It is essential to have a registry of stakeholders formed early in the process to allow for a comprehensive program. The registry will build and develop as the process continues and the number of applications grows.

This report was provided to the M-KAB in fulfilment of the contract to develop consultation guidelines for the Muskwa-Kechika Management Area.

EBA acknowledges and thanks the Muskwa-Kechika Trust Fund for the funding of this project. We also thank all of the participants for their contribution of time and effort to the interview process along with Dan Gauvin and Kathleen O'Neill for their assistance in stakeholder selection for the interview process.

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1.0 INTRODUCTION

The Muskwa-Kechika Advisory Board (M-KAB) has commissioned the preparation of public consultation guidelines for development and planning in the Muskwa-Kechika Management Area (M-KMA). While being an advisory body, the members acknowledge that there should be consistent application of consultation guidelines throughout the M-KMA. The stakeholders and First Nations agree that a consistent and fair consultation process should be applied throughout the M-KMA for all projects, regardless of scope.

The consultation guidelines must also recognize the provincial government's shift in the philosophy on public consultation. The government is moving from a consensus-building model to consultation, leading to decision-making. This recognizes that in some cases, not all parties will be completely satisfied with a decision, but that the decision makers will consider the input, review the technical issues and make a decision to keep forward momentum. It is felt that this can be achieved by developing a balanced set of public consultation guidelines with very clear rules that are easily followed.

In the process of researching other consultation methods already in place, the Environmental Assessment Office (EAO) process provides the most efficient and practical consultation model that the M-KAB could refer to as a framework in developing the consultation process.

“Effective public participation requires good communication: the proponent provides comprehensive information about a project proposal, the EAO ensures notification, availability of information, opportunity to comment, and consideration of public comment by the project committee; and the public, in turn, shares its ideas, questions and concerns about the potential impacts of the proposal.”¹

Therefore, to develop public consultation guidelines, EBA Waberski Darrow Consulting Ltd. (EBA) consulted with a group of stakeholders and First Nations to gather their ideas and suggestions for adequate consultation. The guidelines developed reflect the comments and concerns of stakeholders and First Nations.

It is important to establish the difference between pre-application and pre-tenure consultation for the purposes of this project.

For the purpose of this report, pre-tenure planning will be described as per the “Memorandum of Understanding respecting Operational Land Use Planning for Oil and Gas Activity in Northeast British Columbia” between representatives of the provincial government, federal government regulators and the petroleum industry.

“Pre-tenure planning is one means of strengthening the certainty of oil and gas tenure by increasing the predictability of the government response to industry proposals. That is pre-tenure plans can provide industry with direction on what conditions must be met to obtain project approval in an area, before money is spent to acquire the oil and gas right. Pre-tenure plans will be prepared by the Provincial Government, with industry and other

¹ http://www.eao.gov.bc.ca/PUBLICAT/pro_guide2001/appendices/a_5/1.0.htm

stakeholder input. The plans will identify and inventory resource values, delineate environmental sensitivities and associated management options, consider access management requirements and identify issues that will require more detailed assessments by the operators acquiring tenures.”²

Pre-tenure planning takes place before a parcel of land is granted, which may or may not take place after the proponent or applicant have prepared their designs, drawings, business plans and submitted the application. The decisions on pre-tenure applications will be made based on the Besa-Prophet pre-tenure plan in conjunction with the recently developed Land and Resource Management Plans (LRMP). Pre-tenure consultation is formalized in legislation.

The consultation involved at the *pre-application* (also described as post-tenure) stage will take its direction from these public consultation guidelines. This consultation will be less formal, will occur before the developer/proponent has a fixed application and will allow the public to have input into the development prior to the formal submission. This allows the applicant to modify the application at an early stage.

In the process of developing these guidelines, EBA interviewed a total of 30 stakeholders, representing a variety of interests. We have listened to and summarized these interviews, determined the basic principles of public consultation and developed guidelines.

Because a consultative process was used to develop these guidelines, we trust that the process will reflect what the public generally wants.

One of the roles of the M-KAB is to advise provincial departments. It is anticipated that these public consultation guidelines will be recommended to the province in consideration for consistent application of public consultation during the pre-application decision making process.

2.0 KEY ISSUES IDENTIFIED

During the interview process, 30 stakeholders participated, each having distinct viewpoints as to what elements are important for meaningful consultation to occur. The interviews are summarized in Appendix C. The key issues (those that were repeated by various groups) are listed below. These pose the critical items that must be considered in the development and implementation of public consultation guidelines. They have been divided into interest groups: government, industry, users, environmental groups and First Nations.

2.1 Environmental Groups

The key issues raised by the environmental groups were:

- a. Consultation cannot be tokenism;
- b. There must be adequate information and time for public to respond;
- c. Level of consultation should vary depending on magnitude of project;

² [://www.em.gov.bc.ca/Subwebs/Landsale/InfoLetters/petitles/EMD96-07.htm](http://www.em.gov.bc.ca/Subwebs/Landsale/InfoLetters/petitles/EMD96-07.htm)

- d. Different stakeholders have different interests;
- e. Consultation should start as soon as possible;
- f. All stakeholders must be included;
- g. Let the participants know that their input was important;
- h. Recognize limited literacy levels. Timing of meetings must be reconsidered;
- i. Electronic communication is not available to everyone, and where it is available, the format of the electronic information must be universal;
- j. Hard copies of information should be readily and easily available;
- k. Onus on the government and proponent to get the information out to stakeholders;
- l. Utilize public meetings, radio and local newspapers for information and discussion;
- m. Recognize that most of the people involved are volunteers.

2.2 Industry

The key issues raised by industry representatives were:

- a. During the LRMP process industry was told there would be no increased level of burden;
- b. Consultation should work both ways (industry should be informed of trappers and guides);
- c. Consultation should begin at the earliest stage;
- d. Distinction between major and minor projects is important;
- e. One source point for data (Reference Library);
- f. Compensation for tenure holders where there is unavoidable conflict;
- g. Conflict resolution process (ADR);
- h. Open houses are good first steps in letting the public know the intent of projects and provide feedback at the very early stages of the project.

2.3 Government Representatives

The key issues raised by government representatives were:

- a. Consultation rather than consensus;
- b. Need for consistent structure for referrals;

- c. Single website for all applications and to collect comments;
- d. Hard copies in public libraries and M-KMA office;
- e. Need a reasonable and specified time frame;
- f. Feedback loop to the public and participants;
- g. Adjust consultation to meet the magnitude of the project: divide the projects into small, medium and large for the determination of consultation needs;
- h. One-on-one meetings are the best way to get meaningful input;
- i. Local M-KMA office should be the conduit for all information;
- j. Not everyone is connected to the Internet;
- k. Some consultation is mandated by legislation;
- l. Want public to be very specific about what they do and do not like;
- m. UNBC would be a good location for a central portal for all information ;
- n. Issues: volunteer burn out, great distances to travel, sparse population, seasonal work, low levels of Internet access;
- o. Single issue meetings are more successful than general meetings;
- p. Mail outs, bulletins and newsletters are expensive;
- q. Need mapping of First Nation significant areas.

2.4 Users

The key issues raised by the user groups were:

- a. Concerns regarding anything that impacts wildlife;
- b. Alternative dispute mechanisms need to be in place (ADR);
- c. Need for sensitivity as to the isolation of the work and seasonal nature;
- d. Limited electronic communication;
- e. Thirty days is insufficient time to respond;
- f. Need to increase legal involvement;

- g. During LRMP consultation, the government participants were paid but the stakeholders and public were self funded and were uncompensated for their time;
- h. Good mapping is critical in any application;
- i. Proponent must be ready to come to the trapper;
- j. Compensation should be awarded if trap lines are destroyed or interrupted.

2.5 First Nations

The key issues raised by the First Nations were:

- a. Capacity building must be part of the process;
- b. They are not a stakeholder, they are a partner;
- c. Entire nation must be involved in consultation – not one spokesperson;
- d. Must include the elders;
- e. Minimum of one month for any review and have it presented to them directly;
- f. Do not readily have Internet access;
- g. Consultation feedback is very important;
- h. Reminded that the province has a fiduciary responsibility to the First Nation;
- i. They are ignored after they provide input;
- j. Should be involved at the very beginning of the process;
- k. Co-management is an approach they advocate;
- l. Database should be consolidated in one location.

3.0 PRINCIPLES OF CONSULTATION AND PUBLIC PARTICIPATION

In developing the public consultation guidelines, EBA reviewed literature and examples of public consultation. We drew on our past experience with similar consultation guidelines (such as the Mackenzie Valley Land and Water Board, Pre-Application Public Consultation Guidelines). We consulted the International Association for Public Participation and current literature. Our research included recent court cases that have begun to define the legal definition of public consultation. There were some clear parameters that could be identified:

- a. Consultation does not mean consent;

- b. Adequate consultation means providing the public with sufficient information and time to make an educated response;
- c. First Nations are partners in managing the land and must be treated as such;
- d. Consultation must be meaningful;
- e. Enables proponents to affect the final project or outcome.

In applying these parameters to the M-KMA, we have assessed the uniqueness of the situation including the remote nature of the area, the legislation governing the area and the mix of resource based industries. From this assessment we have developed the principles of public consultation that will be applied to the M-KMA.

The Muskwa-Kechika Management Act requires adequate public consultation be provided for all planning and activities in the M-KMA. The concern was to define “adequate” and to use this as a minimum level of consultation.

These principles provide a checklist to ensure that any public consultation program can be measured against these principles to ensure that there has been adequate public consultation.

3.1 Upholding the Regulatory Process

The Muskwa-Kechika Management Act created the M-KAB, which is then responsible for ensuring that adequate consultation guidelines and policies are developed prior to issuing project approvals. However, there are overlapping jurisdictions that must be considered during any approval process in the area. This principle is unique to the M-KMA.

3.2 Openness and Transparency

All public consultation processes must be open and transparent to be effective. This means that the proponent must provide as much information as possible (recognizing shareholder liability and industry competition) for the public to review. This information must be easily and readily available to all stakeholders and First Nations. In addition, the process must be open and transparent and in a standard format, wherein clear and concise content of details will provide the consistency needed to ensure transparency. This builds trust and confidence in the public. It does not allow for “end runs” and back door deals.

3.3 Adequate Response Time

Given the isolation of the region, the lack of electronic mail and poor communication (satellite telephones are not common use as yet) and the seasonal nature of the work, adequate response time must be redefined. A 30 day referral time is insufficient for a guide outfitter or trapper who is in remote locations for extended periods. In addition, not all First Nations administration buildings have Internet access and due to costs, may not have this communication tool for some time. Adequate response time in the M-KMA will likely be longer than the traditional 30 days and may be as long as 90 days.

3.4 Respect for All Participants

Because of the variety of lifestyles in the area, it is critical that all proponents and government agencies respect all of the participants. This reflects seasonal work, education and literacy levels, language, cultural differences and corporate strategies.

3.5 Meaningful Consultation

Consultation must provide the opportunity for the public to respond and the proponent must demonstrate how that input has been considered. The consultation must occur early enough in the process to ensure that the project can actually be influenced by the input received or it is “tokenism”. This is another critical area for building trust and confidence in the process, the project and the proponent and also reflects the respect with which people are due. It is also important to have two-way communication, which promotes understanding and problem solving.

3.6 Respect for the Environment

The primary reason for the establishment of the M-KMA was because the area is recognized as being environmentally significant. While this is a management area and not a conservation area or park (although there are parks and conservation areas within the M-KMA) the need to ensure respect for the environment and sustainable management of the various activities within the M-KMA is critical. This is another very unique principle that applies to the M-KMA.

Using these principles of public consultation we have developed a set of guidelines that have been specifically prepared for the M-KMA and for the M-KAB.

4.0 GUIDELINES FOR PUBLIC CONSULTATION

It is recognized that these guidelines refer to a pre-application process. One repeated comment, which resulted from the interviews with stakeholders and First Nations, was that there needs to be consultation as early in the process as possible. These guidelines are designed to provide this early consultation. In the process of researching other consultation methods, the British Columbia Environmental Assessment process is the most concise and easily understood process by which the M-KAB could obtain a framework for the consultation practices.

The process that we have developed is illustrated in Figure 1.

Once the project has been determined to be either major or minor, the level of consultation would be determined. For example, a minor application would be advertised in the paper, put on the website, hard copies made available at public libraries and the M-KAB offices, and mailed out to applicable stakeholders or individuals who requested the information. A major application will be advertised in the local newspapers, letters and information packages mailed to the identified stakeholders, information placed on the website and hard copies of material placed in the public libraries and in the M-KAB offices. A total of 30 days would be provided to respond to a minor application and 90 days for a major application.

A major application would be considered one that impacts multiple existing tenures situated within an Enhanced Management Area or Special Management Zone (SMZ) or encompassed or overlapped existing tenures.

A First Nation interest assessment could then be carried out by the government, wherein the relevant information could be given back to the client in order to respond to any concerns.

If the website is to be used, it is essential that the website be continually updated during the review period to ensure that concerns are being addressed.

A complete project report would then be submitted to the government for review. This report would list the identified impacts, illustrate how the impact could be mitigated and report back to the stakeholder and First Nations to inform them of how their input was being dealt with and how their concerns had been incorporated into the completed project report. This would then be posted on the website as either a rejected or approved project. A rejected project would then be able to modify the application to address the concerns and impacts and re-submit it for consideration.

Any issues that could not be resolved during the course of this process could be revisited or taken to ADR.

The principal guidelines are outlined below.

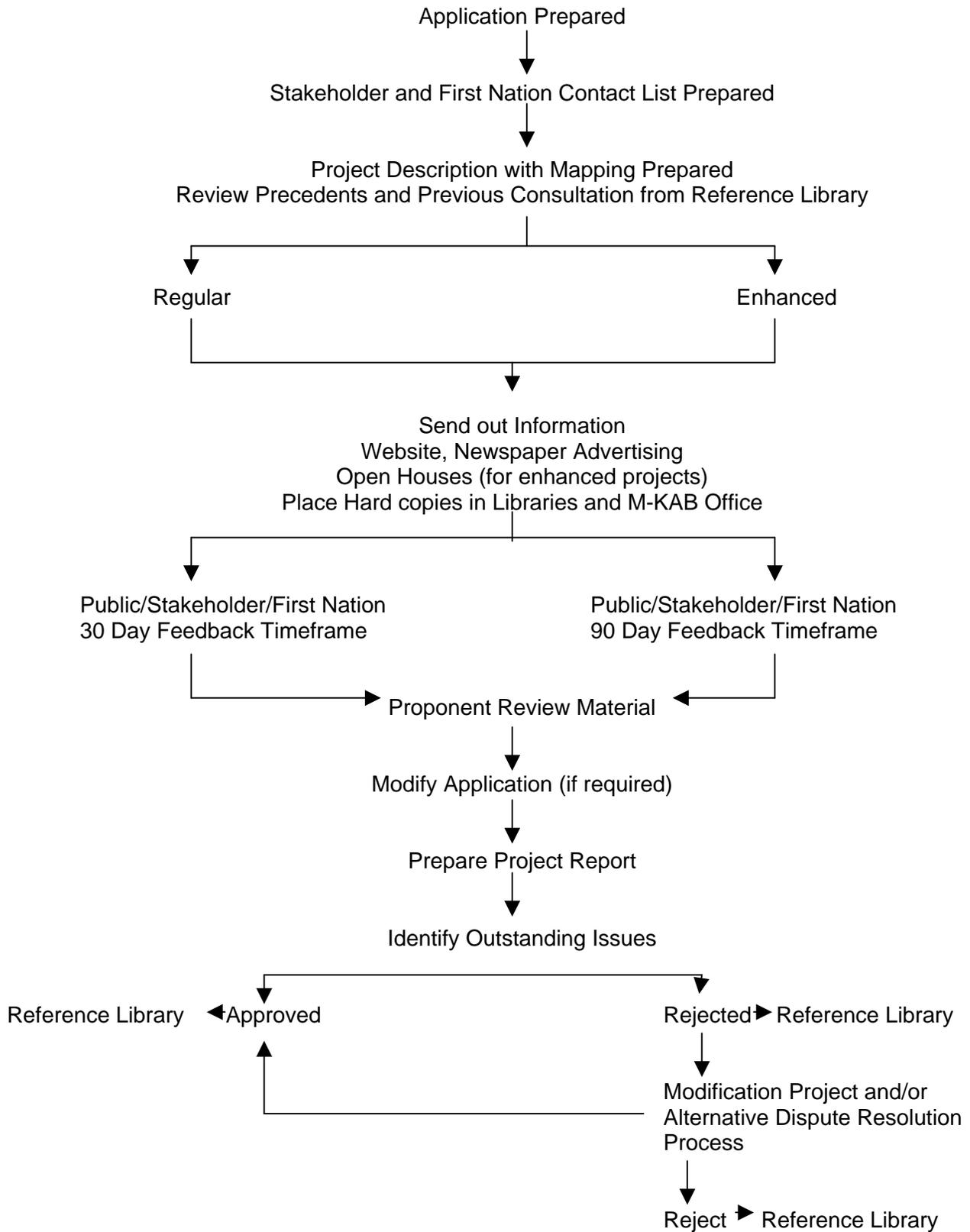
4.1 Form a Registry of Stakeholders

The M-KAB will begin to develop a list of stakeholders based on past consultation, those people who were involved in the LRMP process and other people who have expressed interest. These people will be asked to complete an information sheet with all possible contact names and numbers. The proponent will be given this list at the initial stages. The proponent is responsible for placing advertisements in the local newspapers. Any people who contact the proponent or the M-KAB office regarding the application will be added to the stakeholder list.

4.2 Prepare Reference Library

The M-KAB office will build the website links and pages onto the existing website that will allow for all future applications to be posted. In addition, to create a historical perspective, all past applications will be posted on the website. There will be electronic addresses and links listed for people to provide their comments to both the proponent and the government and M-KAB. This will take time to prepare and will never completely replace the need for hard copies of all applications and responses to be kept by the M-KAB office.

**FIGURE 1
PUBLIC CONSULTATION PROCESS**



4.3 Determine Project Scope

The proponent will be required to determine if the project is considered a major or minor project. This will reflect whether the impacts are local or regional and can be based on: the geographic extent of the proposed development, the amount of impact and where it is located (is it in an already impacted area or a pristine area?). The proponent will review the scope of project, sphere of influence, and prepare a list of the stakeholders and First Nations who will be impacted by the project. In order to determine if the consultation is adequate, the proponent can review projects of similar size and impact and the level of consultation that they utilized from the reference library (i.e., determine precedence) to determine if their strategy is acceptable. Ultimately, this information will be posted on the Internet, however, in the early stages of this process they may have to contact the M-KAB office to get this information.

4.4 Prepare Project Descriptions

The proponent will be required to prepare a clear and concise project description abiding by strict form and format to ensure consistency in the application process. They should also attach sufficient mapping (in a simple file format such as jpeg so that it can be easily read from any computer and easily reproduced for the hard copy packages) and detailed information relating to the design of the project infrastructure, facilities and operational practices, as well as other supporting material to allow the public and First Nations the opportunity to review the information to ensure complete understanding of the project. The complete project application information should be:

- a. compiled into a Reference Library including:
 - i. postings on the Internet;
 - ii. providing hard copy for review in the M-KAB offices;
- b. sent to each proponent by hard copy or on disk in a consistent format;
- c. provided in hard copy to each public library in the region.

It is important in this documentation for the proponent to identify the potential impacts and opportunities to the community and local residents.

4.5 Pre-Application Notification

The proponent will create a list of all stakeholders and First Nations who were identified from the registry during project initiation and provide them with the project description. This will include either mail out, courier, or delivery to the groups and individuals identified. Each element of the information must be confirmed. The most appropriate way of doing this is by telephone. The proponent is responsible to ensure that the interested groups have received the information, that it is legible (not a poor facsimile copy or an electronic copy that does not open or translate properly) and that they have the entire package and are not missing any information. An information session should also be held, for instance an open house that should be advertised in the local newspapers, radio and television three to four weeks prior to the event. It could also be advertised

on the website and e-mailed to those affected by the project. E-mail correspondence could also enhance this process by allowing people to respond at their convenience. Other approaches could potentially be a mediated radio talk show wherein callers phone in to discuss how a given project may affect interested groups or an informed “round table” discussion.

4.6 Identify a Project Contact

Once notification has been sent out, it is essential that the public knows who they should contact and how, if they have immediate concerns. A spokesperson should be designated and made available by local phone, cell phone, e-mail, and facsimile along with their addresses.

4.7 Stakeholder and First Nation Review

The proponent will ensure that all stakeholders and First Nations have an appropriate opportunity to review the information. This means that the time frames must be appropriate for the audience. It also means that the information must be in a format that the audience can understand. If the circulation of the project occurs during hunting season or trapping season or during a period where guide outfitting is occurring, the review period may have to be extended or the proponent may have to meet on site. But it is also important that guide outfitters or trappers make themselves available. If they are away for extended periods, they should have an alternate person in charge of conducting their business or making their location and means of contact available. An open house for example, should be advertised at three to four weeks in advance on the radio and in the newspaper, and guides or trappers should have someone show up in their place or lose representation. The onus should be on the guide outfitter to respond when notified, not on the project proponent to obtain a confirmation of response. One of the ways of establishing an appropriate time frame is to ask the audience when they can get the information back to the proponents.

4.8 Meet with Stakeholders and First Nations

Depending on the complexity of the project and the extent of the impacts, it may be critical to meet with the stakeholders and First Nations to discuss the project and collect their input. This may equate to one-on-one interviews with the representative of the group or individuals affected. It may mean that the proponent goes to the audience. Depending on the requirements of the audience, it may mean meetings with Chief and Council, site inspections and tours with the guide outfitters, trappers and First Nations elders. The extent of the meetings and consultation will be determined project by project, and will be dependent on the audience’s need for information or the need to provide site-specific input.

4.9 Document the Consultation

The proponent of the development will document all consultation. This will include:

- a. copies of the information package that was sent out with date confirmation, i.e., by registered mail, or e-mail;
- b. a detailed list of stakeholder concerns made public on the Internet for all parties to view;
- c. a comprehensive recipient list;
- d. dates confirming the information got to the audience;

- e. follow up meetings, telephone conversations or correspondence;
- f. copies of the responses from the stakeholders and First Nations.

4.10 Alternative Dispute Resolution (ADR)

In the case of unresolved conflict, such as drastic and irrevocable damage to an overlapping or adjacent tenure, the M-KAB should consider facilitating ADR measures such as mediation and/or arbitration. This will provide assistance to the government should issues of compensation be raised. No crown tenure should have precedent over another and when there are conflicting tenure issues, the guiding principle of mediation and arbitration is what should best serve the public's interest.

4.11 Modify the Application (if applicable)

The proponent will take the information provided by the stakeholders and the First Nations and consider the effects on the project. If modifications are made to the project based on the consultation, this will be documented. If no modifications are made to the project, despite comments and proposed changes from the audience, the proponent will provide an explanation of why these changes were not made. It is not expected that every comment from a stakeholder or First Nation will be incorporated into the project. There may be very good corporate, technical or economic reasons for not including these changes. This should be clearly documented.

4.12 Feedback and Proponent Response

Once the consultation has been considered and the proponent has finalized the application, the proponent will send a statement to all of the people and groups consulted, to indicate to them how their input was used. In the case of comments that were not incorporated, the proponent will explain why the comments were not used and notify them that they will be given an opportunity during the decision process. This can be sent out by mail and does not require meetings or one-on-one consultation, however, if the proponent thinks that a "personal" explanation is in order, this may be included.

4.13 Present the Final Application

Once this pre-application consultation is completed, the application for review can be submitted. The documented public consultation information and information on how the application has already been modified to address the concerns raised by the public will be submitted as part of the application. This will demonstrate the project has been circulated to the public and may or may not have public support based on the justification of the changes made to the original project description. It is assumed that this will expedite the approval process since much of the background work has already been completed.

5.0 CONCLUSION

The purpose for developing these guidelines is to involve the public at the early stages of the application process. These guidelines will also ensure consistent application of public consultation for all projects in the M-KMA. The M-KAB can then use these guidelines as a basis for their

recommendations to the approving authorities and to give direction to future developments and plan preparation.

To ensure an efficient and adequate consultation process, there needs to be strict guidelines and timeframes, dependent on the size and scope of the project. It should be decided early in the process whether First Nations issues are to be handled at the provincial or federal level.

It is important to identify projects with the potential for major impacts and those with the potential for much less impact. For example, a project in a pristine area would have a more intensive or “enhanced” level of consultation expectations than a project of “normal” size and scope in a management area. It is important to emphasize that a normal project still requires adequate consultation, even though it might be far less intensive than that required for an enhanced project. It is essential to have a registry of stakeholders formed early in the process to allow for a comprehensive program. This will build as the process continues and the number of applications grows.

A reference library, complete with approved and rejected applications, scientific and socio-economic literature and any other pertinent information should be compiled in a central location and catalogued for ease of access. While currently not available to all stakeholders, a comprehensive website will form an integral part of the process wherein information is submitted throughout the review process and the site should be interactive in order to minimize the review time for a project proposal.

The website will not completely replace hard copy availability of project information. The website should be constructed so historical projects are listed. This gives the public and proponents the opportunity to view established precedents, i.e., projects of similar scope, or in similar areas to see what constituted adequate consultation. This enables the stakeholder/proponent to see how an issue had been dealt with previously. This would essentially function as a library or archive area where all completed projects could be stored for others to view and reference, even though these past applications would be available for view in hard copy at the M-KAB offices. This will ensure a continually improving system that will; uphold the regulatory process, provide openness and enhance transparency (by reviewing past decisions and results), improve the availability of project information, provide adequate response time, ensure respect for all participants, provide meaningful consultation and respect for the environment.

A potential capacity building opportunity may be a fee paid by the proponent built into the process to contribute to extending Internet capabilities to remote areas (in terms of extending service, provision of hardware and software and training or building the historical record and reference library).

In dealing with First Nations and their concerns towards specific projects, areas with a high or low potential of impacting their cultural heritage should be mapped out so that government officials can decide early in the process whether a given band needs to be consulted. It is important to respect the fact that First Nations are hesitant to break their oral traditions, but government confidentiality should ensure the privacy of the information.

ADR should also form an integral part of the consultation process. When there are issues that cannot be resolved via the traditional process, a third party “Alternate Dispute Resolution” process can be very effective.

The guidelines provided here ensure clear and concise rules by which industry can conduct their business while at the same time providing flexibility for the M-KAB.

APPENDIX A SCOPE OF WORK AND METHODOLOGY

1.0 SCOPE OF WORK

We have outlined the generic approaches to public participation and the reasoning (principles) behind why proponents and stakeholder groups find it useful to engage in this practice; and then we have expressed how this can directly benefit the M-KMA and the M-KAB.

EBA proposed the following scope of work:

- a. review the local political/development environment;
- b. examine the major issues of the M-KMA;
- c. review existing documentation and legislation for the M-KMA;
- d. interview local stakeholders and seek feedback on how consultation should be conducted;
- e. review other agencies consultation guidelines and principles.

A key point to consider while reading this report is the goal for long-term sustainable strategy for the M-KMA. A comprehensive consultation program will assist in achieving this goal. The report addresses:

- i. what consultation (public participation) is;
- ii. why we consult;
- iii. when we should engage in consultation;
- iv. where it is necessary to engage in consultation and why geography plays a role in its success;
- v. how this process specifically applies to the Muskwa-Kechika Management Area ;
- vi. how we should consult based on the varying needs of diverse projects.

2.0 METHODOLOGY

In the course of data collection in developing the guidelines, person-to-person interviews were conducted when possible and telephone interviews were conducted when it was more convenient for the participant. In all, 30 stakeholders were interviewed from several groups including trappers, guide outfitters, government and industry representatives, First Nations along with some special interest groups.

APPENDIX B STAKEHOLDER AND FIRST NATIONS REPRESENTATIVES INTERVIEWED FOR THIS PROJECT

List of interview Participants

The following individuals were interviewed to acquire information and opinions regarding the development of the Guidelines on the Principles of Consultation.

a. Trappers, Guide Outfitters and Special Interest Groups

Wayne Sawchuk, Chetwynd Environmental Society
George Smith, Canadian Parks and Wilderness Society
Brian Churchill and Karilyn Vince, Chillborne Environmental Ltd.
Dale Drown, Guide Outfitters Association
Barry Holland, BC Wildlife Federation
Darwin Carey, Guide Outfitter
April Moi, Northern Rockies Alaska Highway Tourism Association
Tammy Danshin, North Peace Economic Development Commission
Pierre Barrette, BC Trappers Association
Bruce McKnight, BC Yukon Chamber of Mines

b. Government Agencies

Elvin Gowman, Commercial Recreation Manager, BC Assets and Lands Corporation
Hon. Richard Neufeld, Minister of Energy and Mines
Wally Eamer, Regional Director, Ministry of Water, Land and Air Protection
Scott Fraser, BC Parks
Graheme McLaren, Director, Oil and Gas and Mineral Exploration
Bob Read and Ed Hoffman, Ministry of Forestry (Fort Nelson)
Phil Zacharatos and Dan Adamson, Ministry of Sustainable Resource Development
Garry Miltenberger, Tom Ouellette and Ben Mitchell-Banks, Oil and Gas Commission
Ed Beswick, Ministry of Energy and Mines
Colin McGee, Manager, Land Administration, Ministry of Energy and Mines
David Lawson and Howard Medill, Ministry of Forests (Fort St. John)
Jim Little, BCALC
Several Representatives from the City of Fort Nelson

c. Industry

Allan Savage, Doublestar Resources Ltd.
David Fawcett, CEO, Western Canadian Coal Corp.
Bernie Patterson, Marathon Canada
Kim Bittman, Teck Cominico
Jim Stephenson and Dave Menzies, Canadian Forest Products (Canfor)

d. First Nations

Brian Wolf, Prophet River First Nation
Bill Moore and Ken Barth, Fort Nelson First Nation

APPENDIX C RELEVANT FEEDBACK FROM INTERVIEW PROCESS

1.0 INTRODUCTION

EBA Engineering Consultants Ltd. (EBA) has been hired to draft public consultation guidelines for the M-KAB, through the Land Coordination Office. This document is a background report summarizing all of the stakeholder interviews that were conducted during the two week period of November 5 to 16, 2001.

In an effort to collect all opinions and concerns regarding consultation, EBA staff interviewed over 30 people involved in various activities in the M-KMA. This included industry, tourism operators, government agencies and M-KMAB members.

As was expected, there was a broad range of concerns and issues that were raised by the stakeholders, depending on the interests of the stakeholder.

There were common themes expressed. In addition, the stakeholders raised several other issues that, while not directly related to public consultation, have been provided for the consideration of the M-KAB.

1.1 Common Themes

The following ideas on public consultation were repeated during the stakeholder interviews:

- a. While the government finds electronic mail the easiest way to disseminate information, not everyone is “wired” and not everyone is close to public libraries to gain access;
- b. Consultation should be more open and accessible;
- c. Consultation should always provide the background material for the application(s);
- d. Consultation should consider the seasonal nature of the work in the area;
- e. One-on-one consultation (while being time consuming) provides much better opportunity for a clear understanding of the project and the concerns of the stakeholder or First Nations.

2.0 SUMMARY OF INTERVIEWS

During the two week period of November 5 to 16, 2001 EBA staff conducted over 30 interviews with stakeholders. The following is a summary of the interviews in the order that they were conducted. The actual names of the interviewees and the names of the organizations have been removed to provide some anonymity to the individuals. The type of organization has been referenced. Government representatives include provincial and municipal and other organizations such as the Oil and Gas Commission (OGC). Users include trappers and guides. Environmental groups encompass the special interest groups. First Nations are self-explanatory and Industry includes oil and gas and forestry.

2.1 Environmental Group

The interviewee's primary interest, being involved with the environmental field, is the protection of the environment. However, living in the north, he is also aware of the importance of resource industries and respects that a balance must be achieved.

The interviewee indicated that there are two phases to any project. The second phase is when the project is formally proposed and the legislated process is initiated (pre-application). But, he says the more important phase is the pre-planning or pre-tenure phase. It is important to include consultation at this stage, particularly for the landscape planning level. It was also noted that full stakeholder involvement in a public forum is required. In some instances, this already occurs, particularly with the oil and gas industry, which seems more willing to be pro-active and are very responsive to the public. In the interviewee's opinion, the forestry industry does what is mandated and is somewhat responsive to the public. While the mining industry, although there is not a lot of mining activity, does not consult at all because they do not want to hear what the public has to say.

It was felt that if the public was not listened to, or the consultation was "tokenism" or lip service, they will take "other measures" to be heard. Most of these measures are much less productive for all involved and come from frustration or desperation.

One of the most urgent issues on the table is the disposition of commercial recreational tenures. The direction of the new provincial government is to issue these tenures (some of which have been waiting approval for five years). This will open up huge areas of the M-KMA and the public consultation process has been completely inadequate. The government is not notifying the public and while they held three public meetings, there was no written information that the stakeholders could take away and respond to. There was no adequate opportunity for feedback or input and therefore, no modification to the proposals. It is the BC Assets and Land Corporation (BCALC), controlled by the Ministry of Sustainable Resource Management (MSRM), that is providing direction. The provincial drive is economic development. The government does not have a process or a plan to resolve land use/user conflicts. Along with potentially opening up new areas, there are overlaps in use and conflicts with user groups. There are over 30 commercial recreational tenures pending.

There is a recreational management plan for a large part of the M-KMA, but it does not deal with operations. It is strategic but does not overlap other resources. They need a process to adjudicate the tenure issues. There was a consultation program for the development of the recreation management plan.

The interviewee was asked about how the level of consultation should be identified:

- a. Geographic extent of the proposed development;
- b. Amount of impact;
- c. Where it is located (is it in an already impacted area or a pristine area);
- d. Dependant on the participants.

2.2 Environmental Group

The interviewee's primary concern is the ecological integrity and biological sustainability of the area. The legislation reflects this, but the practice is different.

One of the biggest concerns of the group, which has not been addressed in the legislation, is the cumulative impacts of development. Definitely the size of the project and the scale of the area are important as well. In addition, a lot of minor projects can cause a major impact. We should consider social impacts as well. The impacts in terms of people need to be considered, but it must be specific to the traditional use. Measurable analysis must be completed. This requires the determination of the base case and pre-development conditions and then the cumulative impacts. While some areas have good wildlife information, some areas have no information.

All of the types of development (oil and gas, forestry, mining, commercial recreation and non-commercial recreation) should be dealt with separately.

Reclamation plans must receive increased consideration, particularly the withdrawal of roads.

Companies need to provide the information to the public so that they can comment properly. We need to be able to quantify and qualify the data.

Mining has traditionally been the worst industry for consultation.

The group wants cumulative impact assessment and measurement against existing development and a rational process. They do not want to respond to everything and in fact, they do not want every application circulated to them. They are particularly interested in development in the new pristine areas. They believe that the level of consultation should be related to the level of impact and that there should be consultation at the pre-tenure planning stage. They also feel that the time frame for responding should depend on the industry (oil and gas are usually on a shorter time frame than mining or forestry). It was also noted that the OGC has identified reasonable time frames.

2.3 Industry

Currently this company has five cutblocks approved and grandfathered in the M-KMA. They will need to construct roads and it will eventually have to be reclaimed, but not until the silviculture is complete. The company will not be able to proceed until there is an approved landscape level plan. The landscape level plan is similar to the pre-tenure plan.

It was noted that during the LRMP process the committee agreed that there would be no increased level of burden on industry. The interviewee felt that an additional level of public consultation would contravene this agreement and add a burden to development.

It was also noted that consultation should go in both directions. For example, backcountry activities should consult with industry because they may impact the operations of the forestry industry.

In the context of the new provincial government, landscape level planning was Ministry of Forestry and Ministry of Environment, now it has changed departments to MSRM. The

government has abandoned the consensus building model and wants to have consultation. The company believes in public consultation at the earliest possible stage.

Forestry has established a public advisory group. The members will identify important items and then sort out the conflicts. They want a collaborative, rational process. This is a joint project between forestry companies and small business.

The interviewee suggested that we need consultation in between the landscape level plan and the pre-tenure plan. He also indicated that we need more long-term thinking and that consultation and planning cannot be single industry driven. We need a full inventory of what exists. We need a full comprehensive database in a useful format such as GIS. It is very difficult to do a cumulative impact assessment when there is no base data.

Consultation should apply to all plans. All plans should use the same principles. Consultation should start at the early stages. There should be no added layers of consultation and no deals behind doors.

First Nation consultation should be treated the same way as non-first Nations. They should be involved up front in all processes. The government has legal obligations to First Nations.

2.4 Industry

Currently this company has an advanced exploration site in the M-KMA and it is under care and maintenance. They will open this when the market is anticipated to improve. There is no access to the site. It is a very difficult site to mine. They will need to be part of the consultation loop. The M-KMA has great potential in mineral resources but there has been very little exploration in the area (it is a young exploration area). There are many junior companies that would like to explore in the M-KMA but it is very expensive and it is difficult to get funding (particularly when the M-KMA has such restrictions and regulations). In order to proceed in the area there needs to be more exploration and drilling. Generally, a company expects six months of exploration but in the M-KMA, companies anticipate two to three years. In addition, it generally takes 10 years from “find to mine” and over \$1 billion. Add the restrictions expected in the M-KMA, it will take longer than 10 years.

The interviewee would like to emphasize the economic benefit of mining to the region and that the M-KMA is a management area, not a park and therefore resource development should be allowed in a controlled manner.

They expect the normal consultation – pre exploration. The company will also consult with neighbours and any other requirements of the government. Local environmental groups should be consulted. The interviewee did not feel that national or international environmental groups should carry the same weight in the consultation process. In this case, the Fort Ware First Nation would have great impact. The company has already completed a lot of work with the First Nation.

The socio-economic component of the Mackenzie land use plan does not include a realistic mining component. They did not include any future mining. This was short-term thinking for a long-term plan. The consultant who did the study did not consult with the stakeholders about the potential of the area. The life span of a mine is hard to determine. It depends on the ore and the market.

There are conflicting tenures on the ground and below the surface, but they are workable.

The Ministry of Mines dictates the reclamation plans. It is unknown if the M-KMA will require any additional requirements because there has not been a new mine open since the M-KMA has been created. There is full "bonding" required covering the cost of reclamation of roads and sites and for ground water testing.

The interviewee felt that the distinction between major and minor projects is important for the consultation program. The interviewee felt that mine exploration would be considered minor.

2.5 Environmental Group

The interviewee believes that consultation should start as soon as possible but with the oil and gas industry, they are usually so far ahead in the process that consultation is always late.

There are two critical elements: meaningful consultation and capacity (time, knowledge and financial resources).

There is also the issue that not all of the stakeholders are included in circulation. This exclusionary procedure would be OK if the person the referrals are circulated to had the time to respond to them. One of the critical issues is how to get people involved. The process must be inclusive.

2.6 Industry

The interviewee noted that it was important to get the information out to everyone and that there is sufficient time for people to respond. The distribution list must be developed, expanded and updated regularly. There should be a repository for hard copies of the applications, and it would be excellent if there was a website that provided the applications as pdf files. Open houses for one evening are not useful in this region and so it should be considered that an open house be held for one week in a location, possibly the M-KMA lobby. Newspaper ads one day per week do very little to notify the public of important applications but if people check the website regularly, they will see the new applications.

The interviewee agreed that cumulative impacts are very important to the region and that while identifying major and minor applications is important, he also agreed that several minor developments can create a major impact. There is no base data, the province has regulations but does not require any assessment of cumulative impacts.

Another critical element of consultation is letting the participants know that their input was meaningful. If it is incorporated, let them know individually how. If it was not incorporated, the participants need to know that as well. This is the only way to let the people know that their input was not wasted.

The interviewee also warned that literacy levels are low in the area. People have difficulty understanding plans. People in the area relate to the land. Industry does not want the M-KMA to become another level of bureaucracy.

2.7 Government Representative

One of the first things the interviewee did was clarify the new government position on public consultation. The government feels that the new model for consultation is to hear the input from the stakeholders, in the government's timeline and then the government will make a decision. Timelines are more important than consensus building. While collaboration is good and means partnerships, which the government hopes to encourage, it will not be the main focus. The government wants decisions and wants results. There was consultation at the master plan stage; it should not be at the individual application stage.

Staff will make decisions on technical information.

There are two problems with the approach that the M-KAB is taking:

- a. it is still working on the old government direction of consultation and consensus on a project by project basis; and
- b. there is a need for a consistent structure for referrals.

It was suggested that a single website would provide a location for all applications in the area to provide a transparent process. The interviewee said that (other than First Nations) everyone has access to the Internet (public libraries). The college, the public library or a government department could host this and there could be a hard copy in each of these locations as well. This one window for information would provide a central information source.

It was noted that the M-KMA has been identified as nationally and internationally significant and therefore, the comments from national organizations are important and the information being placed on the Internet is appropriate.

2.8 User

The interviewee represented an association of guide outfitters in BC, Yukon and the Northwest Territories. The concerns that outfitters have are related to disturbance of the surface of the land that will impact wildlife habitat in any way. The tenure holdings of the membership amount to several thousand square kilometres. This can include seismic, forestry and heli-portables.

Because of the reduction in staff in the department, there are fewer professionals to maintain the impacts. Therefore the outfitters have become the watchdogs or stewards of the land. They have a vested interest, but in addition, they are on the land regularly and are most familiar with it.

The referral process can be daunting because of the sheer number of oil and gas applications. The interviewee has had to retain the services of a professional habitat biologist.

If the permit is issued, the outfitters continue to be the stewards and monitor the development to ensure that it meets the conditions of the permit. If the development does not, the first action is for the individual outfitter to report the actions. If the actions are very drastic, the Association will become involved. ADR is the next step. The last resort is the political approach.

The outfitters tenure values range between \$100K and \$2.5M. The BC government is open for business and they want to have an efficient flow of approvals.

Conflicts in land use are inevitable. The oil and gas industry is generally pretty responsible. Mining, while within the M-KMA is minimal, has a great potential for conflict. Forestry provides short term impacts.

The aboriginal interests in the area have been quite vocal. The consultation guidelines will be different for First Nations than other groups. One of the keys is capacity building, but not just for First Nations. Technical reports are difficult for any non-professional or non-technical person to comprehend and they need resources to assist them review the application and make an intelligent response.

There is concern that compliance issues will continue to be a concern. The interviewee feels that the government must accept the onus for the enforcement and they can pay for this by the additional revenues of the increased development. Rehabilitation and reclamation on forestry roads is not as good as it could be.

2.9 Environmental Group

The interviewee said the M-KAB is mandated by legislation to ensure adequate consultation. However, there is no definition of what "adequate" means. They understand the new provincial direction and although they do not require consensus, they need good consultation. Holding meetings during weekdays is very difficult for most people to attend. If we use spokespersons of organizations to funnel all applications through, they will get burnt out. The M-KAB members represent stakeholder organizations and their responsibility is to the Act and the Management Plan.

If we use a website to disseminate information, it downloads the responsibility to the individual. Electronic communications are not available to everyone (even though everyone has access to a public library the distances are sometimes too far and since the libraries are only open during weekdays it is impossible for people to get there). In addition, some individual's computers cannot handle the size of the files of the data and maps.

The M-KAB will take these guidelines and recommend them to the provincial government, likely the MSRM. If the department does not accept the consultation guidelines, the M-KAB has the option of reporting to the Premier once a year.

One problem is consultation with the non-commercial recreationalists, those without tenure. There is general apathy in the early stages of the process.

The guidelines should outline the amount and type of information that the proponent should provide, as well the proponent must identify the impacts and proposed mitigation. The onus should be on the government and the proponent to get the information out.

Public communication meetings and advertising on local radio and in local newspapers is best.

It is critical that the people understand how their input was used.

Backcountry recreation will be the test in the M-KMA because of the 30+ tenures awaiting disposition. Eco-tourism has impact on the environment that is often underestimated. Emotion gets involved in many projects. Condensing time frames is not bad, but it must be done properly. Most of the people involved are volunteers, while the government employees are the people setting the times and dates and they are paid. There should be a way to compensate the volunteers by paying expenses or honorariums.

2.10 Government Representative

While BC Parks (Parks) only has jurisdiction over the parks, many impacts do not just stop at the boundaries. Parks has very little input on oil and gas projects. The department is in the process of developing park plans, but they must fit within the M-KMA (for example, hunting and traditional uses will be allowed inside the parks in the M-KMA).

Motorized access is an issue and can be impacted by the development immediately outside the park boundaries. Parks has great power, but only within the park boundaries. Parks enforcement is very low key and successful, but there is concern about the success of self-policing for motorized vehicles and other restrictions.

Parks has their own consultation process, but they like to deal with spokespersons and not individuals. First Nations can often shut projects down. Parks will have open meetings, advertise the meetings in the local paper and send out packages when requested. The government wants to demonstrate that they have completed their due diligence and document it so that if the public decides to come into the process at the end, when it is too late, they can demonstrate the process.

Facilities can be a problem with parks. Heliskiing could be a problem. The M-KMA has protected land for a reason – other areas have been developed. They do not want to see the development of a Banff or Jasper.

Access is the big issue – but we must remember that the rivers are roads too with just as much impact (stirring up the gravel by boats can greatly impact fish habitat). To remove roads but keep economic development, we should strongly promote helidrilling. The current road reclamation plans are weak.

Consultation is expensive and with the government direction to cut budgets by 50%, there is concern that consultation will not be a reality.

2.11 Government Representative

With the current changes in government departments, it is difficult to say what the future process will be. However, it is recognized that consultation is important. In fact the department is currently looking at hiring a consultant to prepare a consultation program for their department for the pre-tenure planning stages. This includes looking at who consultation should be with and how much consultation there should be.

Consultation should include a variety of mediums including electronic and hard copy.

While the government direction is no longer for consensus, it is still good to get as much agreement as possible. The Minister has given the dates of March 2003 and December 2003 to complete the planning for M-KMA.

The interviewee agreed that cumulative impact assessments would be very important. It requires a database. The M-KAB can address how the cumulative impact assessment will be presented.

We need to ensure adaptability in our planning. The First Nations are the weak spot in communication and meetings. This relates to capacity issues and budgets. Consultation is an expensive item.

2.12 Government Representative

The interviewee started by saying that there were no new forestry tenures in the five year plan. There are some current range tenures which need to be advertised if they are new or expansions. If they about a First Nation, the First Nation will be consulted. All horse permits are dealt with the same way whether it is M-KMA or not.

Industry does a good job of notifying adjacent tenures and interest groups. They will notify trappers if harvest is planned and if the trapper comes in to discuss the development, they will show him all of the maps and provide the information and discuss the impacts.

Forestry has five year plans and is legislated to consult.

Landscape units establish old growth management areas (old growth characteristics) to be maintained over time. They are drafting land use objectives for forestry for the LRMP, as to how and what to manage. These will dictate how management will take place at the forest level (not the stand level). These areas do not necessarily follow water basins (although they can) and these areas will identify the percentage of various forest stages. However, then the OGC can give oil and gas tenures that can destroy forest. This is frustrating to Ministry of Forests (MOF) and causes land use conflict.

BCALC is responsible for backcountry recreation. Many of these tenures will include hunting. This causes problems. The government's inaction likely causes illegal operations. Most of these are to be addressed by spring 2002. While there were some open houses, and these were attended well by the government agencies, they were poorly attended by the public.

There are two very distinct views on the purpose of the M-KMA. One group says it is a management area not a park and therefore let development happen. The other group says that it is a significant wilderness area and nothing should happen. The public and some government agencies are confused and it would be very beneficial if the government and the M-KAB could make strong statements and promote and educate people on the purpose of the M-KMA.

2.13 Government Representative

The need for consultation and then action (with or without consensus) in a reasonable and specified time frame is a good strategy. However, the public trust may be threatened (they will not trust the new process). The way to build back the trust is to build in a feedback loop to provide the participants information on how their input was used. This demonstrates accountability on behalf of the government.

The issue of major and minor developments was discussed. The interviewee suggested a type of decision tree. If a certain situation exists and the impacts are a certain level, then there is a certain

level of consultation necessary. The level of consultation will shift with the situation. One size does not fit all!

We need to re-affirm the principles of consultation and move away from consensus.

The key considerations are:

- a. do you have the resources and capacity for facilitating the consultation; and
- b. do you have the finances for the associations to speak for their membership.

The problem is always getting the general public involved. The consultation process must ensure that the chances of an “end run” are limited.

Consultation with First Nations is frustrating because the treaties are not resolved, they use planning processes to stall and delay until the treaties are completed. They always ask for money to build their capacity to respond. Using the principles and the new strategy, the government cannot wait for the First Nations to respond, even while being sensitive to their culture and traditions. Just ensure that the government has done its due diligence. We want their buy-in, but if they decided not to respond, the government must make decisions.

The MSRSM should be the single portal for all information in the M-KMA. The guidelines must be crystal clear and streamline efficiencies.

2.14 Industry

The OGC is currently preparing consultation guidelines that industry is using voluntarily right now. Conflicting tenure interests can cause problems for the oil and gas industry. Some of the issues are:

- a. There should be one source point for data;
- b. There should be compensation for tenure holders where there is unavoidable conflict; and
- c. There should be a method for resolving conflicts.

The OGC is legislated and they are regulators. Sometimes they act as an advocate for industry. Outfitters are short-term tenures and by talking about exclusive use, it is a contradiction. Once a company has tenure, they have a vested interest and then they want to be involved in the consultation process. OGC did not participate in the backcountry recreation review.

The purpose of the M-KMA must be made very clear. More education and public relations is required. The government may have moved from consensus to consultation, but they should ensure the consultation is up front. The information is very spotty – how can proper assessments be made without good information. The LRMPs said there would be oil and gas exploration. And while the government has said that BC is “open for business” we hope that it is “responsible” business.

The issue of reclamation of access roads was mentioned. It was acknowledged that reclamation was important. The alternative was helidrilling (which caused other issues and problems). OGC

would consider access when considering pre-tenure planning for backcountry because there was no sense in duplicating access.

2.15 Government Representative

Currently there is no mining in the M-KMA. If there were, the process would be slightly different in the M-KMA than other areas. They would ensure advertising particularly stated it was within the area. The legislation says the Chief Inspector can require a level of public consultation (to be determined by the size of the project) and that upon the filing of the application, it shall be published in the Gazette and the local newspapers. There are three types of projects:

- a. Small – would not recommend any public consultation, but would refer to the First Nation because of the fiduciary responsibility;
- b. Medium – would then place an ad in the local paper and use a distribution list provided by the M-KAB as well as key stakeholders and M-KAB members to provide information about the development;
- c. Large – would require the preparation of an environmental impact assessment, including advertising, open houses, information packages and public meetings.

The mining companies do not want to negatively impact the environment and they truly want to mitigate any impacts. Their model of open houses includes a 4 to 7 p.m. open house with a meeting at 7 p.m. There would be additional consultation with First Nations.

Mining does not go through the pre-tenure planning phase because they have claim areas. The LRMP process has the policy of not staking reserves (claims) on the land. Protected areas will not allow mining. The market is not suited to the type of mineral in the area just yet.

A website could allow all developments and stakeholders to put information on the site.

2.16 Industry

The interviewee has one mineral property in the M-KMA. It is a zinc/lead area with about seven (7) tonne reserve base grades not economical to take out at this time. There is no infrastructure in the area. Capital is hard to find for this big project.

There is already a very stringent process that the mining industry must go through and they are not very happy with the idea of another layer of consultation. The applications are very technical. There are meetings held in towns that everyone is able to attend.

The interviewee indicated that they did not participate in any of the applications for tenure.

The company had an active project just outside of M-KMA and spent over \$.5M. While they agree with protecting the environment, people must know the consequences. When environment dominates the agenda there is no economic development. They should understand that mining benefits the entire province.

2.17 User

The interviewee lives in Kelowna during the off season. Many guides and trappers did not live in the area of their outfit or trap line. It was very difficult to attend open houses. During the busy season, it was also difficult to attend meetings due to work commitments. In addition, the packages that were mailed to them had short response times and often sat in post offices because the interviewee did not come to town to collect their mail regularly (even if they did they would have no way to respond). While the use of satellite phones is increasing, guides and outfitters have no Internet or e-mail access and often, no phone access for long periods of time. Thirty days is not sufficient time to respond.

The park plans are a very positive step forward, but when the interviewee has offered his time and assistance, it has been ignored or turned down. He has offered to take people on tours. He says that their guide license says they must have a park permit, but there is no park permit for guiding. Although Parks has said that they want the plans done by March, there has been no contact of the public in the preparation. This leads them to believe they are either not being done, or they are being done behind closed doors.

The interviewee is very concerned about the overlap in tenures. This concern is with reduced habitat, activity that causes animals to move and activity during critical times. It is also difficult for the guides and trappers to respond to oil and gas applications in an intelligent way because they are so technical. Often they have to refer it to their lawyers.

Fishing licenses do not require circulation to other tenure holders. However, this can also cause a conflict with guides and outfitters in the area. There is never any work done on the capacity of the lake for fishing.

2.18 Government Representative

One of the primary concerns is that the M-KAB needs a tourism voice. The M-KAB also needs a voice from the north, particularly Fort Nelson. There is plenty of hype on the opportunities for the area, but very little action for the non-commercial recreation and tourism operations. This is particularly evident in the lack of trails. One of the opportunities could be partnerships. Groups working together could generate more interest in the area provincial wide. The tourism industry feels there are too many restrictions on the uses. People who are going to use the area need to be educated on how not to interfere with other uses.

Muskwa-Kechika is not a household word. People are not clear on what the area is to be used for.

2.19 Government Representative

Representing economic development the interviewee feels that industrial associations can give better information, and that it can be provided in a very efficient manner. One-on-one consultation is better at getting more meaningful input than public meetings. The Economic Development Commission does not take a stand politically. They provide assistance to businesses. They take an infrastructure approach to development.

Road access and communication needs to be improved in the M-KMA. The local office should be the conduit for all information. The onus is on the operator to participate but if they are not even

being notified, or are being notified in a manner that is inappropriate for them, they cannot participate. The M-KMA could use other organizations to get information out to members.

The purpose for the M-KMA is not clear. It is not clear what the M-KAB wants to do, what their jurisdiction is and what their priorities are. Not many people know what BCALC is and why they were holding an open house. It was also noted that this was a token open house. There is no tourism representative on the M-KAB. There is no sharing of information.

Soft adventure is the trend in tourism and recreation (bird watching, northern lights, easy hikes). Fort Nelson is trying to position itself as the gateway to the M-KMA. Mackenzie wants to promote winter sports. Some of the Economical Development Commission members are older and are not tied into electronic mail. The province has to understand their market and know how to reach them.

With so many cuts in government and airlines, it is becoming more difficult to get things done in the area.

2.20 First Nation

In answer to the question of what he considered to be adequate public consultation, the interviewee indicated that First Nations were not stakeholders, they were an authority. When asking for consultation, it must be from the entire nation, not just a spokesperson. Traditional knowledge is oral history and therefore, you must talk to the people, particularly the elders. The First Nation has identified treaty land entitlement areas. The First Nation works with provincial departments more and more.

The First Nation would require notification, a letter and follow up meeting with the proponent of development, at a minimum. They would like a minimum of one month for review. This way industry will talk to them before they get too far into the process. This First Nation is a small First Nation (924 acres with 186 members, only 90 of which live on reserve).

They do not have Internet access. The concerns will vary depending on the magnitude of the project. A lot of areas in the M-KMA are significant to Prophet River.

They are working on a traditional use study. Elders do not like traditional knowledge written down or mapped but they are devising a system where they mark general areas. In terms of economic development, they are looking at a portable sawmill and want to partner with Fort Liard with the oil and gas activity.

They often feel that they are left out of the loop and gain no recognition. The example was the dinosaur that was found on reserve. The archaeologist would not have found the remains had it not been for the elders. However, when this was on Discovery Channel, the First Nation was not even mentioned.

The interviewee liked the idea of consultation feedback to those who participated.

2.21 Government Representative

Forestry has a feedback loop in their consultation. Forestry also has a consultation process mandated by legislation. The process is generally to identify the clients, provide the information and get the comments. It is a fairly rigid process within the Forest Development Plan and has a

60-day public circulation. They are very open to making changes when items are identified but they want them to be as specific as possible. They have an extensive program with First Nations. They sit down and explain the project, get comments back and make their decision. Often the First Nations do not want to be part of a public group. They want the Chief and Council to make the decision. There must be documentation. They have compensated First Nations for their expenses in participating and they use the government per diem.

In the M-KMA, development can only take place once enhanced planning has taken place. Forestry uses interdisciplinary committees. The idea of consensus varies – it does not mean that everyone has to agree – it generally means that people can agree to live with the decision. The process is generally not facilitated. The issues with First Nations are capacity building and compensation. Forestry will pay an elder to “walk the block” but this pay is fee-for-service.

There are currently no plans to open up harvesting in the M-KMA. They are preparing forestry land use plans now. These will establish objectives. With results based code there will be no site plans. The direction from the LRMP becomes “law”. Oil and gas and forestry do not match well. Oil and gas is very secretive while forestry lays out its plans for 20 years plus. If oil and gas and forestry could work together they could deal much more accurately with the cumulative impacts. Access is the biggest issue.

MSRM is supposed to compile all of the data. It would be even better if the corporate land data would be included.

2.22 User

One of the issues the interviewee presented was that in the LRMP process the government people were paid, but the stakeholders were supposed to give up work and come and meet with no compensation. Some things got put into the plan when the trappers and outfitters were not able to attend.

Oil and gas is drastically impacting the area and if the interviewee had his say, there would be no oil and gas in the M-KMA. Keep it out of the M-KMA entirely. Oil and gas opens up access, the helicopters ruin the hunting and trapping and they are always in a hurry. Trappers have stopped shooting the grizzly bears because of public opinion so why can't we stop oil and gas based on public opinion. Forestry destroys habitat. A trapper is a good steward of the land. We need to manage our resources. Management could include logging an area to get rid of a beetle infestation. With out old growth, we have no marten habitat. Trappers need to use ATVs on their trap lines.

Adequate consultation to the interviewee is giving notice when any development, tenure or application is made adjacent to or within the tenure area of a trapper/outfitter. It should include proper mapping (previously it was provided at both 1:25,000 and 1:50,000). If the proponent could not reach the stakeholder, they would go into the bush and find them.

Personal contact is very important for protected area strategy. People do not understand what the M-KMA is and what it should be. There is a “billboard mentality”. Instead, the M-KMA should be getting information out to the people on a regular basis.

Where trap lines are destroyed or interrupted, there should be compensation. Consultation meetings during trapping and hunting season are a waste of time.

2.23 First Nation

When asked what adequate consultation was, the interviewee addressed the fiduciary responsibility of the provincial government to consult with First Nations. They also indicated that what caused the most problem to First Nations in achieving meaningful consultation is the ability to respond. They lack the capacity and the resources. How can they participate in the process when they are unable? They suggested that there be money set aside in the M-KMA for consultation. This money could pay for fee-for-service from knowledgeable members (not necessarily an elder).

They are concerned that they “sign off” on a development and later that could somehow be used against them in future claims.

They also indicated their frustration that even after they are consulted, they are often ignored. A consultation feedback loop would do much to either let the First Nation know how their info was used or make the company justify why they did not include the input. Resolution is important. Mediation should be used in some cases to ensure that the solution includes all parties concerns and tries to mitigate them.

They review thousands of oil and gas applications. They know there are many commercial recreation applications pending and they do not want them all sent in at the same time. They feel that there are too many decision-makers. Co-management is an approach that they advocate.

The interviewee expressed that First Nations are not stakeholders, they are equal partners. They should be involved at the very beginning of the process and that they themselves are the stewards of the land. There has been a discussion of signing an MOU for co-management in the M-KMA but there has been no action.

They agreed that the database must be consolidated in one location. There are gaps in the data and this must be dealt with. The provincial government has come to the First Nations asking for information on caribou range. They recognize the difficulty in mapping because of oral tradition and the fact that the elders do not like traditional knowledge written down or mapped. If the information is mapped there is concern that the government may use this as a reason to not consult further. Oil and gas are very site specific, unlike forestry that are area specific. The First Nation still wants to be able to review a specific application and have an elder walk the area.

They are concerned that tenures are issued that do not respect the carrying capacity of the land to accommodate everything that is being approved.

Access is a concern but they would be willing to review applications for facilities or development that does not use roads (lodges accessible only by horseback). Business caters to the lowest common denominator and the rubber tire market dictates. Keep them out of the M-KMA or in specially designated activity zones.

2.24 Government Representative

The interviewee has been involved in the planning for the M-KMA for many years. He explained that it was the recreation master plan that allowed the commercial recreation applications to

proceed. The M-KMA has been told to focus on the pre-tenure plans. In terms of consultation, the interviewee feels that there has been good consultation. They recognize that the seasonal type of work in the M-KMA requires extra lead-time. There is currently a 140-day process. This includes consultation time with First Nations. For a commercial recreation pre-tenure plan, the department goes to the First Nation to show them the plan. They realize that the First Nations would like to be involved as early as possible.

In discussing the possible guidelines, the interviewee indicated that possibly a major and minor category would be helpful.

The interviewee, when discussing a central data portal, suggested that University of Northern British Columbia is an option but that Fort St. John is closer to the majority of the people involved with the M-KMA. He has a feeling that there will be significant data gaps. Unfortunately, with proposed budget cuts, it may be difficult to prioritize this consolidation of information.

The interviewee acknowledged that the BCALC open house had poor attendance. Setting meetings is always a difficult thing to do to please everyone.

In summary, the following issues were expressed:

- a. Volunteer burn out;
- b. Great distances to travel;
- c. Sparse population;
- d. Seasonal work;
- e. Low levels of Internet access.

2.25 Government Representative

The interviewee was critical of British Columbia's consultation practices, especially when it comes to sub-surface projects, and that bad planning was exhibited in many cases. He also felt that a key problem that contributed to the inefficiency of the LRMP process was the multi-stakeholder approach, as it is very problematic. The issue of ADR came up as well, and the interviewee felt that ADR using a facilitator/mediator is great when there are two parties involved but doesn't work so well when there are 19 sectors sitting around a table.

The interviewee had strong opinions regarding how consultation is carried out in mining and how the LRMP process itself was carried out.

- a. The current LRMP plan doesn't deal well with sub-surface resources, as you can't negotiate and plan as easily as you can in a timber industry with surficial resources;
- b. Industry representatives managing the public's resources aren't representative of the public, this is government's role;
- c. Mineral potential is in untenured land which is owned by British Columbia and should be represented by the government of British Columbia, not industry. Forestry is much easier,

as 95% of it is already tenured while 95% of mining is untenured. It is a public advocacy issue, not an industry issue;

- d. The process at the table is not a reasonable balance. Half of the table is representing less than 5% of the public interest;
- e. It is important to have neutral, unbiased mediation at the table. It is a charade to try and carry out the LRMP without balance, as you will end up with a manipulated result and a fabricated consensus. There is a claim that there is consensus when there really isn't any;
- f. There is a need for a socio-economic impact, which was started in the beginning of the process, but never actually happened. Things need to be monitored and checked on by the public otherwise, you don't know the damage that you are doing;
- g. There needs to be guidelines imposed by the province, objectives laid out, not a blank cheque. Someone has to represent the public interest and keep the M-KMA in check;
- h. Government must live up to their 1992 commitment to regularly reporting what is happening and what comes out of the plan. It needs to be audited in order to determine if we are achieving what we set out to achieve in terms of socio-economics.

When asked how he felt about the representation on the M-KAB, the interviewee stated that the M-KAB is far too large and indicated further that the agencies should be carrying out the LRMP plan. He also stated that he didn't agree with the premise at the table. "They are still trying to make it into a giant park, when it's supposed to be 75% management area." It was not intended to be a game park for locals to take their clients out. "We've operated for 100 years without an advisory board, why should we start now?"

When asked about the potential for mining, the interviewee, stated that there was none, and that investors would not come with the amount of uncertainty that there is in the M-KMA. He also stated that we shouldn't lock up more resources than we need to and should be developing the resources of the M-KMA.

2.26 Government Representative

When asked about possible areas of success in consultation methods, it was stated that there is no actual area of success. If you have open houses during the week or weekend, no one shows up. When there is a single issue where someone has a concern, people will show up. They had also suggested that maybe a single issue meeting might be a better idea, and that they have had the odd response to notices that have been placed in their municipal bulletin. The recent open house that BCALC organized to illustrate the commercial recreation applications that were pending only resulted in seven people showing up. It was indicated that perhaps the fact that only a tiny ad that showed up in the Fort Nelson newspaper was the reason for the poor turnout. In Fort St. John, however, it was announced on the radio and in the paper.

A suggestion put forward by this group was to perhaps have a short call-in radio show where some of the issues could be discussed that might affect the population in the area a few days prior to the meeting could help to attract a larger turnout. The rationale being that if people realize that they might be affected, or having something at stake, they are more likely to turn out. It is important to state how this project or issue might affect them.

The interviewee stated that people didn't understand until after the fact that the LRMP process might affect them, and that people are feeling "ripped off" because of the LRMP and the M-KMA's process. Tourism is not adequately represented during the planning process.

When asked whether MOF, Ministry of Energy & Mines and OGC were effective in their consultation methods, it was stated that MOF is very effective with their five year plans but with OGC, everything needed to be done yesterday. It was also stated that 30 days is a good timeline for responses to consultation, not two weeks.

Commercial recreation was discussed and the suggestion was that it is "how you put it out there" that will spark the public's interest. For example, some feel that "commercial recreation has nothing to do with me!" but when you start to discuss river-boating, heliskiing and hiking, they quickly realize how it could actually affect them.

The issue also came up that no one outside of the M-KMA process has any idea where the process is. The City of Fort Nelson, thought to be the "Gateway to the M-KMA", has started to invest money towards exploring commercial recreation and other opportunities, but now feels as though they are wasting their money because of the degree of uncertainty. They also stated that the general public have no idea what the M-KMA is really intended for, nor does the M-KAB really know what its purpose is.

It was also expressed that all that is heard about is conservation and protection, not development and exploration. Concern was also expressed about the fact that there is too much environmental and First Nation's representation on the M-KAB and not enough industry. There are two industry positions and seven representatives from environmental/First Nations.

2.27 Government Representative

The interviewee believes that public consultation should be conducted at the pre-tenure planning stage. MSRSM will ultimately be responsible for signing off on pre-tenure planning. Pre-tenure planning should be able to address major issues prior to getting down to the application level. If major issues can be avoided during this phase then public consultation may not be required on every single application.

The government has identified the issue of getting all land information together in one place, and MSRSM will be doing this. The interviewee noted however that this is an enormous undertaking and the collective information may not be available for some time yet. Eventually, such a source of information will be available to the public via the Internet. The interviewee indicated a commitment to e-info and believed that this is the most effective way to get information out to the public, even in the north. He felt that a lot of people in the north did have access to the Internet and that a long term view needed to be taken regarding information access, as Internet usage will only increase over time. Mail outs, bulletins and newsletters are expensive, particularly for companies at the project level, and do not help if the public interest has not been captured. In the end, only interested parties will be involved in public consultation anyway and the Internet is a neat way of providing information for those that are interested in collecting information. Public consultation should be targeted at relevant stakeholders and should not be left open for anyone without links to the project and area to comment on. To open up discussion to people outside the affected area will slow up the consultation process and will not assist in trying to get informed comments back. Generally though, people need to be informed of the issues before they are asked for comments. If applications are put into a broader perspective, more informed and useful comments will result (for instance information regarding mining products, the impact of

development on the provincial economy, the overall objectives of the M-KMA and the provincial government more broadly, need to be made more public in an attempt to link project applications to the big picture). Positive large scale perspective messages regarding development, economic success and area objectives need to become part of public education.

In response to questions on timeliness, the interviewee noted that timing and keeping projects moving were an issue. There needs to be a mechanism for resolving disputes as public consultation should not hold up projects. Much of this type of problem can be alleviated by identifying potential problems early on the pre-tenure planning process, and identifying where early communication with stakeholders will be required. Early identification of key issues also assists in producing more informed public comments.

The interviewee stated that First Nations need to be consulted in a comprehensive manner. Identification of issues early on is particularly important regarding consultation with First Nations so that comprehensive communication and dialogue can result. Information sharing and mapping of First Nation's significant areas would be a very helpful step, as it would raise an early alert to potential clashes of interest. The government has plenty of experience in handling sensitive information, and such information from First Nations could be kept confidential. Companies are likely to be very compliant in respecting First Nations issues if they had such information while projects were still in their infancy. Such a procedure would also help First Nations to overcome resource issues, as they would not necessarily have to review every project application.

2.28 Government Representative

The interviewee had some comments regarding the process for government agencies – that they were bound to comply with statutory regulations, that pre-tenure plans are established with public consultation and MSRM will have the sign-off authority once the plans are complete. An examination of the pre-tenure plans will help to gauge the success of the public consultation. Under the current government there is a change in focus from the old consensus model to a new structure of consultation.

On public consultation specifically, the interviewee felt that the time-frame set for consultation will depend in part on the project and issue at hand, more complex projects may need more time. Generally, a 60 to 90 day window for input may be an appropriate guide. Making clear what is required from stakeholders is very important. Stakeholders need to be made aware of the issue at hand and how it fits with the M-KMA objectives. The context in which comments are requested needs to be made very clear, to prevent false public expectations on how public input will be utilized. The message that is sent out is particularly important regarding development projects. What is required from public consultation is informed and useful comments that will prove constructive to planners. Public consultation should ideally be a several stage process. The first stage may consist of workshops or public information sessions, advertised in local papers. The second stage would be more direct consultation with key stakeholders. First Nations should have a separate stage of consultation in an attempt to effectively address their issues. This is especially true if they have not been involved in the initial workshops. First Nations are generally eager to participate in the pre-tenure planning process. A feedback loop is very important. A starting point for a list of stakeholders can be generated from the LRMP process.

With regard to the M-KMA more generally, it was felt that the M-KAB is too large to be effective and could be reduced in size. The push towards conservation at the board level seems to be a

deviation from original M-KMA objectives. In addition, the M-KAB needs to be clearer on when to provide advice. They should not get involved at the operational level, nor get into the regulatory role. The LRMP guiding the M-KMA is often vague and this is due to the fact that consensus was required to make decisions. The M-KMA office could step up its role and be more proactive in getting information out to the public. They could become more of a central information point, and by increasing the available information on the area and on the objectives of the M-KMA the public would be able to provide more informed comments during future public consultation.

2.29 Industry

The interviewee clarified that the company does have some proposed projects in northern British Columbia, although none directly within the M-KMA.

In response to questions regarding experiences with public consultation, the interviewee referred to two projects that are currently in the pre-application stage around the Tumbler Ridge area. The company has conducted two informal public meetings, with local businesses and city council. An open house was advertised in the local newspaper and was held with a good turn out from the public. The open house was an introductory information session and was aimed at informing the public generally about the proposed projects. The potential for new jobs and economic community development was likely a big draw card for members of the public, but generally you have to try to interest the public. The company information and material, including specifics about the proposed projects, have been featured in several write-ups and stories in the local newspaper which has helped to disseminate information. The interviewee agreed that it is best to attempt to disseminate information through a wide variety of sources, including local government, service clubs, personal communication with identified stakeholders, email information mail outs as well as the local media and open houses. A wide net will attract more public input and will help alleviate public alienation from the project.

The company has also met with First Nations regarding their projects, again as an introductory session to explain the intent of the company. The interviewee agrees that it is helpful to meet with First Nations separately, as they are often not comfortable in attending public meetings. It also provides a format for them to address their specific issues, which may be different from those of the general public. Often however, seeking resolution on issues can be difficult, particularly when the issues raised are much bigger than the company and the project and are issues that should be dealt with by the government. Resolution of such issues can sometimes take a lot of company time, particularly for smaller companies that do not a lot of money to throw at problems.

Regarding public consultation guidelines, the interviewee feels that the guidelines should seek to distinguish between different projects, different issues and different sorts of companies rather than have blanket regulations for all applications. For instance, mining companies might not have to go through the same consultation procedure as oil and gas companies as they often have less of an impact, have fewer dollars to spend and are often smaller companies. The issue of how junior firms with limited resources should approach front end communication with the public is something he is concerned with. Mining companies may have very little resources with which to conduct consultation at the start of the project, but may produce many long-term jobs for local communities. It is important to put these issues in context and to explain overall objectives when informing the public and requesting their comments – need to educate on relative impact. It is also important to set out what you want or require in terms of feedback when asking for public input.

2.30 Industry

The interviewee indicated that the company had just completed a well drilling application in the Sikanni area. He described the consultation the firm did for this project, which was all pre application. They identified the stakeholders and used a broad interpretation. They met with the environmental groups, the Rod and Gun Club, two guides in the area and three First Nations (Blueberry, Halfway and Prophet River). They asked about meeting with the M-KAB and it was determined that meetings with the proponents was inappropriate. They showed all of the participants maps, alternative well locations and (even though it was not part of the current application) pipeline locations. In addition, the company laid out their commitments that included financial commitment for habitat improvement and a manned gate, etc. It is unclear at this time whether the OGC will actually put these as conditions on the permit.

Although they included First Nations, they did not pay for their participation.

The company conducted a feasibility study on heli-portable drilling at the request of OGC. Once prepared, OGC said they did not want to see it. Environmentalists wanted to see the report and wanted to make it public. The bottom line is that heli-portable drilling is feasible but it adds great costs and the risks are higher. The company completed a heli-portable drilling operation in Wyoming for the same access and environmental reasons. To complete this for the Sikanni project it added over \$3 million to the project in an area where there already were access roads. It was not economically feasible for this particular project. If year round drilling were allowed in the M-KMA, there may be projects where heli-portable drilling is more feasible.

2.31 Government Representative

The interviewee initially questioned why the M-KAB would want a set of guidelines on public consultation when government guidelines for public consultation are already in place and the M-KMA is covered by LRMPs. He felt that in some ways this report was out of step with changes to consultation under the new government. The way in which provincial ministries are conducting consultation is evolving quickly following change of government. Under current government there is less of an emphasis on public/stakeholder review than a focus on more comprehensive planning, and the MSRM will have end authority over planning. Planning phase should incorporate public input and then provide guidelines to statutory decision makers. This allows ministries to make informed decisions without having to necessarily engage in public consultation for all applications. It was felt however that no significant project within the M-KMA could go ahead without public consultation or at least comprehensive advertising spelling out project to the public.

When asked about his experiences with public consultation, the interviewee addressed the recent series of open houses that BCALC had conducted regarding commercial recreation applications within the M-KMA. Government instructions are that ministries should clear their backlog (applications over one year old) by March 2002 and since the recreational plan for the area has been completed BCALC has begun processing commercial recreation applications. Turn out at open house did not meet expectations after having been advertised in Fort St. John via local newspaper, M-KMA office, city council, the Guide Outfitters Association of British Columbia, the Northern British Columbia Guide Outfitters Association and the BC Wildlife Federation. It was also felt that putting information on the website was a good idea, and that all BCALC projects

(applications and approvals) will be posted to the website which could provide a central point for public input. The interviewee also agreed that local radio may be a good advertising forum. He found that at the Fort Nelson open house there was some confusion as to what precisely was going to be discussed. Issue of making sure that the public is clearly aware of what is being asked of them was apparent. The interviewee suggested that it would be a good idea to ensure that messaging for M-KMA information be differentiated substantially from messaging regarding ministry programs. He felt that the public did seem to understand what the M-KMA mandate was but that some had difficulty accepting it.

BCALC had set November 19, 2001 as the time-frame on public input in response to open house but many felt this time-frame was too condensed. In retrospect, the interviewee feels that a longer time-frame may be more appropriate and has agreed to accept input after that date.

In attempting to identify stakeholders, BCALC has arrangements with the guide outfitters and packers to regularly provide information to the associations which can be farmed out to individual members. BCALC has less of a formal arrangement with the trappers, who are generally informed through advertising aimed at the general public. The interviewee felt that requests for public input should be confined to the local area, however accepts that the web opens up information to the world and that BCALC would have to accept comments from a broader public base if the web was used to request input. In the end though, only informed and constructive comments are of use to decision makers.

In response to questions regarding consultation with First Nations, the interviewee explained that BCALC was obliged under law to conduct meaningful consultation with First Nations. First Nations do not have veto power over applications and BCALC attempts to put tight timeframes on response times. BCALC tries to determine if applications impact on treaty or aboriginal rights, and most often consultation with First Nations will be required to make the determination. If BCALC can assess initially that the project will have little impact, then minimal consultation will be required. Cumulative impact is becoming more of a concern, particularly if development continues, and this may become a major issue addressed by consultation, particularly with First Nations.

Generally BCALC streams their applications into three different levels according to type and complexity of project and risk assessment, and that this dictates what level of consultation will be required. The interviewee feels that is appropriate that public consultation guidelines cater to the type of project, length and type of tenure, complexity of issues and who the stakeholders are, rather than simply having a blanket set of guidelines that will apply for all projects.

The interviewee stated that the M-KAB would be more successful in its role of monitoring decision makers if it was reduced in size and made more effective. It was noted that the M-KAB did not have a fair representation of general public interests and that it would be better if the M-KAB was more balanced and included members advocating the interests of the general public (maybe a representative from each of the major districts in M-KMA). The potential for a conflict of interest for board members was raised as a concern.

3.0 CONCLUSIONS

The people who generously donated their time to this consultation process were eager to talk, provided valid constructive comments and were genuinely interested in the development of a fair

and equitable set of consultation guidelines. We believe that this has provided a fair and representative sample of the interests in the M-KMA.

It was very clear that consultation was very important to all of the people interviewed, whether they were trappers, oil and gas company representatives or casual recreational users.

One conclusion that can be drawn is that past consultation has not always met the principles of open and transparent process, inclusive or respectful. Often the time lines and the process are unreasonable for the region. While everyone agreed that undue delays were not appropriate, it was also agreed that if consultation is to be meaningful, the process and time lines for consultation must consider the uniqueness of the area.

APPENDIX D ADDITIONAL ISSUES

The following issues were seen as not directly relevant to this project, but feedback that might be of interest to the M-KAB. Along with the issues relating to public consultation, the stakeholders also raised issues that they felt were important to the success of the M-KMA. These issues were raised by more than one stakeholder and because each issue was mentioned in several interviews, they were considered to be significant and of importance for the M-KAB:

- a. Develop the M-KMA or the MSRM as a one window approach for all information, research and data for the M-KMA that is available to all of the public;
- b. Establish a website to post all applications and collect comments.
- c. Establish a database for stakeholders. Start by sending out a questionnaire to all tenure holders to establish their area of interest, their addresses (summer and winter), their contact numbers, if they are available electronically, what their business includes. Update this annually and put it in a database so that if an application is submitted, the government agencies and the M-KAB can pull up the immediately affected people;
- d. Even though most people think the M-KAB is too big, they agree that there should be a tourism representative on the M-KAB;
- e. Most people are not clear on the purpose of the management area. There should be public education to explain what a management area is and the goal to balance protection and harvesting resources must be achieved;
- f. Cumulative impacts must be addressed;
- g. Consultation is expensive and with budget cuts, the government will not be emphasizing consultation;
- h. Board needs to address the concern regarding overlapping tenures;
- i. Consideration must be given to the issue of industry working in the field at critical wildlife times;
- j. Must consider the carrying capacity of the land and the cumulative impacts when awarding tenure;
- k. An application fee should be instituted and a portion of the application fee should be put towards having them set up or ensuring that they receive hard copies if they do not have Internet access;
- l. The current LRMP plan doesn't deal well with sub-surface resources, as you can't negotiate and plan as easily as you can in a timber industry with surficial resources;
- m. Industry representatives managing the public's resources aren't representative of the public - this is government's role;

- n. Mineral potential is in untenured land that is owned by British Columbia and should be represented by the government of British Columbia, not industry. Forestry is much easier as 95% of it is already tenured, while 95% of mining is untenured. It is a public advocacy issue, not an industry issue;
- o. It is important to have neutral, unbiased mediation for ADR;
- p. There is a need for a socio-economic impact, which was started in the beginning of the process, but never actually happened. Things need to be monitored and checked on by the public, otherwise, you don't know what damage you are doing;
- q. There needs to be guidelines imposed by the province, objectives laid out, not a blank cheque. Someone has to represent the public interest and keep the M-KMA in check;
- r. Government must live up to their 1992 commitment to regularly report what is happening and what comes out of the plan. It needs to be audited in order to determine if we are achieving what we set out to achieve in terms of socio-economics;
- s. The question was raised as to why the M-KAB would want a set of guidelines on public consultation when government guidelines for public consultation are already in place and the M-KMA is covered by the LRMPs;
- t. A survey of 12 First Nations Bands in north eastern British Columbia, north western Alberta, North West Territories and Yukon Territories was conducted by telephone which found that all (100%) of the 12 bands contacted have access to a personal computer on site, and 10 of the 12 (83%) are connected to the Internet.