

- A RENEWED FUTURE -

A Strategic Land Use Plan Implementation Framework
for the Muskwa-Kechika Management Area
and Land Use Planning in Northeastern BC



Final Report
June 30, 2007

Submitted by:

**Monitoring, Reporting and Advice Committee
of the Muskwa-Kechika Advisory Board**

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EXECUTIVE SUMMARY

The Muskwa-Kechika Management Area is an area of unique wilderness in northeastern British Columbia that is endowed with a globally significant abundance and diversity of wildlife; the management intent to maintain in perpetuity the wilderness quality and diversity of wildlife and the ecosystems on which they depend while allowing resource development and use; recognizing the long-term maintenance of wilderness characteristics is critical to the social and cultural well-being of First Nations and other people in the area; the integration of management activities especially related to the planning, development of road access is central to achieving the intent and the long-term objective is to return the lands to their natural state as development activities are completed. (from Preamble: The Muskwa-Kechika Management Area Act, 1998)

The purpose of this Final Report is to provide recommendations on the future governance model and management direction for the Muskwa-Kechika Management Area (M-KMA). The M-KMA is a unique land management model – there is no other like it in North America, if not the world. The challenge is to develop a governing and funding framework that suits this global responsibility, reflects the principles of The New Relationship and is fiscally prudent. The Project Charter required recommendations that focus on the following:

- A strategic land use plan implementation and governance framework for the M-KMA and the Fort Nelson, Fort St. John and Mackenzie LRMPs that will be fiscally prudent and that will increase certainty for the M-KMA and any resource development that may occur in the M-KMA.
- An objective set of recommendations for an affordable and consistent framework for strategic land use plan implementation for the rest of British Columbia.
- Mechanisms and processes to strengthen First Nations involvement in land use plan implementation, consistent with the evolving New Relationship strategy being developed by the province.

It is acknowledged that the Muskwa-Kechika Advisory Board (M-KAB) provides an important socio-economic screen that government does not provide. However since the M-KMA was created in 1998 there have been constant changes to policy, procedures and the context within which the M-KAB operates. These changes have led to a high level of frustration by the Board, government staff, the surrounding community and the various sectors.

Aboriginal interests, as reflected by The New Relationship, need to be incorporated into the M-KMA governance model. Additionally First Nations have the opportunity to lead the development of strategic land use plans that reflect their interests and traditional ecological knowledge.

There are twenty recommendations in the Final Report, of which the highlights are:

- That the government and M-KAB reaffirm their mutual agreement on the purpose and vision for the M-KMA, and mandate for the Board so that more efficient and effective efforts can be directed toward the core business of providing advice on the management of the M-KMA.
- That the *Muskwa-Kechika Management Area Act* and associated Regulation are out-of-date and inaccurate and require legislative amendment as soon as possible.
- That the Board requires \$1Million a year to operate. The M-KAB and its staff should operate through a service agreement with government. Government would support the government appointed M-KAB through annual voted funding.
- That northeast land use plans be properly funded and updated. It is especially important that lands directly adjacent to the M-KMA's legislated boundaries be carefully managed to ensure integration.

- That the M-KMA planning regime needs improvement in relation to cumulative impacts, provincial park coordination and access management, with the goal of having each local strategic plan legally approved under the *Land Amendment Act*.
- That the current board composition should remain.
- That an important monitoring function of the M-KAB is to produce a biennial 'State of the M-K Environment' report.
- That a governance and funding framework that honours the New Relationship and incorporates the principles of the New Direction be established.

Upon receiving the Final Report the government needs to undertake more formal consultations with the Kaska Dena, Treaty 8 First Nations, Tsay Keh Dene as directed by the Project Charter. After this process government will report back to the Muskwa-Kechika Management Board to discuss the feedback they received and how best to implement it.

Successful implementation of the recommendations of this report will bring a renewed enthusiasm to the management of this spectacular landscape and the role of the M-KAB within that management regime, along with greater certainty to resource users and better relationships with First Nations.

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1.0 BACKGROUND

In February 2006 Minister Pat Bell, as Minister Responsible for the Muskwa-Kechika Management Area, attended the Muskwa-Kechika Advisory Board meeting to discuss the Board's role in relation to the M-KMA and Land Use Resource Plans (LRMP) implementation. At this meeting he proposed that the Board take on a project that would recommend a continuance of the M-KMA and the Advisory Board and from this project provide recommendations for land use plan implementation provincially. This request was followed up in writing in April 2006.

The Terms of Reference for this project were formalized and are outlined in the Project Charter: A Strategic Land Use Plan Implementation Framework for British Columbia, June 2006, produced by the Muskwa-Kechika Advisory Board (M-KAB) and subsequently approved by the Minister of Agriculture and Lands.

The Project Charter directed this project to build on the experience of the M-KAB and:

1. Assess the strengths and weaknesses of the M-KMA governance model from 1998 to 2006.
2. Build on the work of the M-K Governance Task Group, specifically related to the roles and responsibilities of the M-KAB.
3. Propose a new governance model with the intention it be authorized in updated legislation.
4. Highlight the significant accomplishments of the M-KMA.
5. Review the participation of the First Nations in the M-KMA and assess new opportunities for First Nations with respect to updated management relationships with the Province.
6. Review the operational efficiency of the M-KAB in terms of the existing legislated mandate.
7. Evaluate the efficiency of the mechanisms used by the M-KAB for the management and expenditure of public funds and the accountability of these funds.
8. Evaluate the contribution of the M-KMA and the M-KAB to strategic land use plan implementation and the management of M-KMA wilderness and wildlife values.
9. Review the level and scope of resource development in the M-KMA and make recommendations to provide greater certainty for sustainable economic development in the M-KMA.
10. Assess the challenges and opportunities in the relationship of the M-KMA to the three northern LRMPs.

It was agreed that by June 30, 2007 the M-KAB would put forward recommendations for the Minister's approval that would address the following:

- A strategic land use plan implementation and governance framework for the M-KMA and the Fort Nelson, Fort St. John and Mackenzie LRMPs that will be fiscally prudent and that will increase certainty for the M-KMA and any resource development that may occur in the M-KMA.
- An objective set of recommendations for an affordable and consistent framework for strategic land use plan implementation for the rest of British Columbia.
- Mechanisms and processes to strengthen First Nations involvement in land use plan implementation, consistent with the evolving New Relationship strategy being developed by the Province.

2.0 THE MUSKWA-KECHIKA MANAGEMENT AREA

2.1 The Setting

Comprising 6.4 million hectares in northeastern British Columbia, the M-KMA boasts an expansive wilderness with abundant resources and associated cultural, recreation and economic opportunities. Through legislation approximately 25% of the area is designated under the provincial park system and 75% is designated for special resource management where resource development is permitted in a manner that ensures natural values are maintained. (Map One: The Muskwa-Kechika Management Area)

The origins of the M-KMA can be traced back to consensus recommendations flowing from the Fort St. John (1997), Fort Nelson Land and Resource Management Plans (1997), and the Mackenzie LRMP (2000). The Provincial Government subsequently agreed to these recommendations. Unlike a few other provincial land use plans that were legally formalized, these three LRMPs remain as policy level documents. The planning processes proposed the establishment of the M-KMA, the formation of an Advisory Board, and the establishment of a Trust Fund that would provide an overarching strategic and advisory perspective on wildlife and wilderness management.

The principal elements for the M-KMA were originally brought into effect through the *Muskwa-Kechika Management Area Act* (1998). Other governance arrangements, including specific resource management direction from the LRMPs, were captured with the Muskwa-Kechika Management Plan Regulation (1997). It is important to note that since the Mackenzie LRMP was approved after 1998, the legislation and regulations do not reflect the Mackenzie addition.

The *M-KMA Act* requires government to consult with the Advisory Board before making regulations to "enact or amend the management plan respecting the environment, resources management or land use in the management area" [Section 4(2)]. Since 1998 amendments have been made to the *M-KMA Act* that have altered the original intent, in particular related to the requirement for multi-agency sign-off prior to planning development. Concern has been expressed that these changes were made without reference to Section 4(2) above. In addition, the clauses with respect to the funding of the Trust, and therefore funding of the M-KAB, have legally expired. The current M-KAB governance and funding structure is described in Appendix One.

2.2 Significance

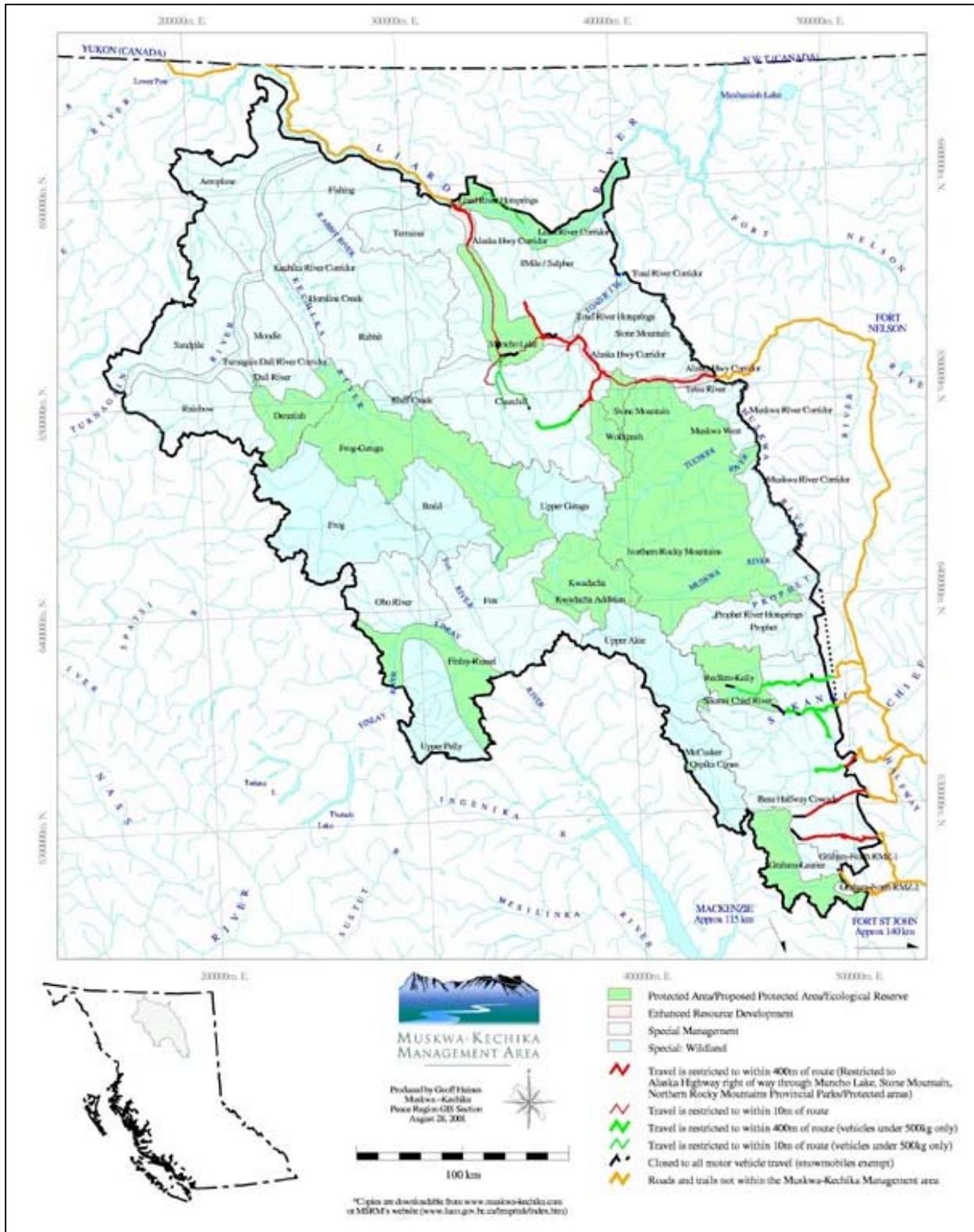
The Muskwa-Kechika Management Area is a globally significant area of wilderness, wildlife and cultures, to be maintained in perpetuity, where world class integrated resource management decision-making is practiced ensuring that resource development and other human activities take place in harmony with wilderness quality, wildlife and the dynamic ecosystems on which they depend. (Vision: M-KMA Strategic Direction and Strategic Plan, 2006)

The Muskwa-Kechika Management Area is of international significance. In 1998 the provincial government determined that it was such a special place that it required a specific legislative, governance and funding arrangement.

During the development of the Fort Nelson, Fort St. John LRMPs and subsequently the Mackenzie LRMP, it was recognized by both the local and provincial representatives that the large landscape ecosystems around the Muskwa, Kechika and Finlay River systems were so remarkable that they needed to be treated differently than the remaining landscapes of the three LRMP areas. That rationale led to the designation of the Muskwa Kechika Management Area, comprising approximately 7% of British Columbia and 31% of the three LRMPs.

The M-KMA provides a significant opportunity for managing resource development, human activity and wilderness on a large landscape scale. To achieve this goal the governance and funding mechanism for the M-KAB, and the relationship with the three northeast LRMPs must be compatible with managing an area of such special quality, size and diversity.

MAP ONE: The Muskwa-Kechika Management Area



The M-KMA is a unique land management model – there is nothing else like it in North America, if not the world. In 1998 the government legislated the *Muskwa-Kechika Management Area Act* to legally protect the special nature of this landscape.

This 'special nature' of the M-KMA is exemplified by:

- A management model that enables economic development while maintaining a large, intact and predominately roadless wilderness.
- Aboriginal cultures that extend back for thousands of years.
- Critical east-west and north-south ecological connectivity.
- One of the greatest assemblages and diversity of large mammal species in North America.
- The north-south transition zone for BC's two caribou sub-species: southern mountain (woodland) and northern mountain.
- The majority of the world's Stone's Sheep.
- The Kechika River, which at 2.2 million hectares is British Columbia's largest remaining roadless watershed.

The global importance of the M-KMA is becoming more important as concerns rise internationally about such issues as climate change, the availability and quality of water, loss of species and biodiversity.

However what makes the M-KMA truly significant is that while protecting this world-class wilderness and wildlife complex, the opportunity also exists for economic development – which in turn generates benefits for the region, province and First Nation governments.

2.3 Assessment of Accomplishments

The Muskwa-Kechika Advisory Board received \$15.2 million in funding from 1998 through to the end of 2006. This total includes the base funding from the Trust Fund, matching capability and third party contributions. This funding has contributed to the achievement of a number of significant accomplishments including:

- Increasing knowledge about fish, wildlife and ecosystem values in the M-KMA.
- Increasing understanding of First Nation values and building stronger working relationships with First Nations.
- Developing a partnership with the University of Northern British Columbia to undertake research and collect baseline scientific data.
- Supporting baseline research and information gathering to improve and assist integrated management.
- Undertaking stewardship activities aimed at cleaning up hazardous materials and waste left from past industrial activities.
- Supporting local level planning activities including pre-tenure plans, Provincial Park plans, wildlife plans and recreation management plans.
- Undertaking communication and outreach activities aimed at profiling the value and importance of the M-KMA to British Columbia.

A more detailed description of these accomplishments is provided in Appendix Four.

3.0 CONTEXT AND CONSIDERATIONS

When deciding the future management and governance structure for the M-KMA and M-KAB it is important to understand that:

1. The formation of the M-KMA was a consensus recommendation of two LRMP multi-stakeholder tables to form the Muskwa-Kechika Management Area, later joined by the Mackenzie.
2. The M-KMA encompasses a number of First Nation governments and territories, some of which have treaties and some that don't.
3. The M-KMA helps BC adapt to the impact of climate change by maintaining biological diversity and ecosystem connectivity and helping as many species as possible migrate to new habitat locations. The scientific literature is increasingly acknowledging that to save biodiversity there is no solution more important than the protection of natural environments in reserves large enough to maintain wild populations.
4. Oil and gas development along the eastern boundary has established that economic development can occur in the M-KMA without needlessly harming wilderness and wildlife values, while yielding revenue to the provincial government.

3.1 Added Value

Established in statute, the M-KAB has a designated role to provide independent advice. This advice is derived from consensus and sector-based agreement, and through this mechanism the M-KAB is of 'added value' to government. The M-KAB provides an important community and business screen, as well as an ecological and socio-economic perspective that the government does not fulfill. For example, the Board:

- Provides broad-based independent advice on land, water and resource issues and management planning in the M-KMA.
- Operates by consensus, which ensures the opportunity for each member to express support for their interests and to resolve differing approaches while reaching a mutual decision.
- Acts as a monitor on the health of the M-KMA as a whole.
- Engages and gathers together diverse peoples, sectors, organizations and First Nations to discuss the management of the M-KMA.
- Represents a range of First Nation rights and interests.
- Attracts money for projects beyond the scope of government funding.
- Plays an important public awareness role.

3.2 Vision

The Board believes that the original vision for the M-KMA remains valid and needs to be maintained. However, over time the Board perceives that the commitment of the provincial government to manage to this vision has diminished. Examples are: the M-KMA Management Plan Regulation is out-of-date, incorrect and incomplete; the local strategic plans are being developed in isolation from each other and there is no systematic framework for monitoring.

In addition, since the vision was developed a number of new drivers have emerged:

- Recent funding arrangements with the provincial government. As a result of the Trust Fund provisions in the *Act* expiring the M-KAB receives no legislated directed funding from government.
- The changing socio-economic context, for example: on-going oil and gas activity, the potential for increased mineral activity (although effected by fluctuating metal prices) and the future effect of the mountain pine beetle on the forest ecosystem.
- The New Relationship initiative between the provincial and First Nations governments, and negotiations with Treaty 8.

- The New Directions approach to land use planning as it affects LRMP implementation and monitoring.
- Changes in ecosystem and landscape processes due to climate change.

RECOMMENDATION ONE:

That the M-KAB and Minister Responsible reaffirm a mutual agreement on the purpose and vision for the M-KMA. Important elements include:

- The M-KMA be managed within the context of the region, and not be managed in isolation.
- The Board operate at the 'strategic and policy level' and not become too operational or 'hands-on'.

4.0 PROVINCE-WIDE IMPLICATIONS

4.1 The New Direction

The province is establishing a strategic land use implementation framework that will be more consistent province-wide and reflect the current and emerging government goals and priorities. Any land use activities related to the M-KMA or associated LRMPs must consider this new approach¹. The government has stated that all future strategic land use plans (SLUP) will be guided by the following principles:

1. Any planning activities are to be justified by a clear business case.
2. Outcomes need to establish and maintain certainty to users of the land base.
3. Land use processes must be transparent, cost effective, identify clear roles and responsibilities, apply consistent and defensible (scientific) standards with clear unambiguous outcomes, and adhere to established Terms of Reference.
4. Government will remain responsible for ensuring that its goals, objectives and value criteria inform the planning mandates.
5. A flexible approach to process and outcomes, which are subject to fiscal constraints.
6. Products provide guidance to government in land allocations and tenures to support strategic priorities.
7. Key stakeholders play an advisory role in the development and implementation of land use plans.
8. First Nations' interests and values are incorporated into the planning process and product, but not to the extent of turning planning into surrogate treaty or interim measures and individual land transaction processes.

Plan Implementation Monitoring Committees (PIMCs) are in place for each land use plan, however their role is neither well defined nor consistent, nor have they received adequate funding. Since PIMCs are dependent on government, government financial and staff support is necessary to ensure that PIMCs are supported so that the land use plans are properly monitored and implemented.

In addition, this new approach to land use planning emphasizes the increasingly important role for Interagency Management Committees (IAMC) in coordinating the actions of resource agencies and providing recommendations to government in the delivery of regional land use plans. The relationship between the Northern IAMC, the M-KAB and associated land use planning processes will therefore become increasingly important.

Building in the new provincial land use planning policy into the governance and management of the M-KMA will lead to dramatic change.

¹ This approach has been outlined in a new policy adopted by government, [A New Direction for Strategic Land Use Planning in BC](#). (November 2006).

4.2 The New Relationship

The province and First Nations are working to provide clarity on their New Relationship² – a government-to-government relationship based on respect, recognition and accommodation of aboriginal title and rights – that will be carried out on the ground. There are certain principles from The New Relationship that are essential to incorporate into this review.

- Agreement to establish processes and institutions for shared decision-making about the land and resources for revenue and benefit-sharing, recognizing the right to aboriginal title 'in its full form', including the inherent right for the community to make decisions as to use of the land and therefore the right to have a political structure for making those decisions.
- Mutually develop processes and implement new institutions and structures to achieve integrated intergovernmental structures and policies to promote co-operation, including practical and workable arrangements for land and resource decision-making and sustainable development that will lead to efficiencies in decision-making and institutional change.
- Work together to manage change and take action to develop new institutions or structures to negotiate government-to-government agreements for shared decision-making regarding land use planning, management, tenuring and resource revenue and benefit sharing.

As the M-KAB and government proceed with their M-KMA related responsibilities it is important to stress that the New Relationship process is in its infancy. It is essential that any actions reflect the principles of a government-to-government relationship. The implications are long term – many of which can not be predicted – for the M-KMA, M-KAB and associated land use planning processes.

RECOMMENDATION TWO:

That as the M-KAB and government work together to deliver on M-KMA responsibilities they will build a reporting framework that:

- Reflects the principles of a government-to-government relationship.
- Clarifies the mandate of the M-KAB in relation to new land planning policies.
- Improves the communication and working relationships with the associated LRMPs.

5.0 FIRST NATION APPROACH AND RELATIONSHIPS

The M-KMA is within the traditional territory of the Treaty 8 First Nations, the Kaska Dena and the Tsay Keh Dene. The establishment of the M-KMA is without prejudice to the aboriginal and treaty rights of Treaty 8, Kaska Dena and Tsay Keh Dene. First Nations have expressed concern about the BC government's commitment to the M-KMA.

Following are a number of points in relation to the approach to First Nation relationships that must be considered by the M-KAB and government as a future governance and funding framework for management of the M-KMA and associated LRMPs is developed.

5.1 Governance

- The New Relationship and negotiations with Treaty 8 may affect the future M-KMA board structure and membership. New options must be explored that reflect more of a joint approach between the BC government and First Nations.
- The LRMPs were mostly stakeholder focused. As a result current LRMPs do not adequately reflect First Nations' interests. First Nations want to be involved in the implementation of these plans, so future governance must incorporate a mechanism that reflects government-to-government, in a manner that allows the BC government and First Nations interests to work together.

² For more information on The New Relationship refer to www.newrelationshiptrust.ca

- The M-KAB should provide advice on matters related to the M-KMA management through the respective First Nation and provincial governments in a manner that is more reflective of collaborative decision-making.
- First Nations believe the Board should have decision-making capability and that it have a more direct role in reviewing applications within the M-KMA. The result would be recommending to the Minister that proposed developments be accepted, rejected or modified.

5.2 Aboriginal Participation

- The M-KAB is not a forum for First Nation consultation or negotiations. It is a forum for discussion between First Nations interests and the key sectors, stakeholders, local/regional governments and residents of the northeast about the management of the M-KMA. It is important however that the M-KAB be knowledgeable about the on-going consultations and negotiations that the three First Nations are undertaking with the BC government, to ensure that the matters the M-KAB are discussing do not inadvertently interfere or undermine aboriginal or treaty rights.
- Treaty 8, Kaska Dena and Tsay Keh Dene First Nations need to be members of the M-KAB in a manner that is collective and cooperative. This structure may lead to a joint First Nation approach to management of the M-KMA.
- Of consideration is whether the M-KAB should be co-chaired – with First Nation and provincial designated appointees.

5.3 Land Use Planning

- The New Relationship strengthens First Nation involvement in land use planning. The New Directions document outlines commitments to collaboration with First Nations on land use planning. The intended outcome is the development of strategic land use plans that reflect First Nations' interests and are approved by both First Nation leadership and the appropriate government Minister.
- The LRMPs were not developed with First Nations' interests in mind. First Nations are therefore developing their approach to land use planning through Land Stewardship Plans, or ecosystem stewardship management planning as they frame it. The resultant plans will better reflect The New Relationship and government-to-government elements.
- The implementation of the M-KMA and the northeast land use plans must build on the approaches outlined in The New Relationship and the New Directions documents.
- The long-term vision for LRMP and First Nation land use planning is to have one plan for all areas on the land base that includes a set of common goals, objectives and outcomes for the management of these lands.
- As an initial step 'pilots' that reflect land use planning should be undertaken within and outside the M-KMA on a smaller land scale base. To assist this process both the provincial and First Nation governments should work with the M-KAB regarding an area-based planning approach for the M-KMA.

5.4 Traditional Ecological Knowledge

- Maintaining the integrity of the M-KMA as both a large-scale intact functioning ecosystem and a socio-economic and cultural landscape can best be accomplished by drawing upon a combined base of historical and contemporary knowledge.
- There are many challenges facing First Nations communities regarding the preservation of their history, cultural values and sites and traditional knowledge. Traditional ecological knowledge provides an important perspective on resource management, wilderness and wildlife management and industrial development both within and outside the M-KMA.
- It will take a concentrated effort by both the M-KAB and government to formalize the integration of traditional knowledge into the management of the M-KMA. There needs to be a mechanism to accommodate First Nation information, history, language, traditions, social and cultural values and community functions; to enable their preservation and to encourage communities to use this information and knowledge based on their own values and worldview.

5.5 Funding

- First Nation land use plan implementation funding should better reflect a government-to-government relationship that may lead to considering aspects of collaborative decision-making, resource revenue and benefit sharing.
- There must be sufficient funding to provide First Nations with the capacity to undertake land use planning and for traditional ecological knowledge to be incorporated into management decisions.

RECOMMENDATION THREE:

That to honour a government-to-government relationship with First Nations it is important that:

- Traditional ecological knowledge receives greater consideration in the implementation and monitoring of the M-KMA and associated land use plans.
- It must be recognized that sufficient funding is required to support First Nations' capacity to assist with their ability to undertake First Nation land use planning.
- The long-term vision is to have one plan for all areas on the land base that includes a set of management objectives and values for each piece of the LRMP land base, both inside and outside the M-KMA.

6.0 THE MUSKWA-KECHIKA MANAGEMENT AREA AND ASSOCIATED LAND USE PLANS

A great deal of volunteer time, government and sector energy was put toward the development of the northeastern LRMPs, and the current M-KMA is a reflection of those LRMP deliberations. A consensus recommendation of each LRMP was that the land use plans need to remain current and be updated regularly to reflect the emergence of new issues.

PIMCs were put in place for each of the three LRMPs. Their purpose is to monitor and inform on progress toward implementation of the land use plan and to make recommendations on plan revisions to government. However for a variety of reasons – the Board perceives largely related to inadequate government support and the effects of reorganization – the land use plans have not been updated nor have the PIMCs been meeting as regularly as necessary to remain informed.

These LRMPs were not adequately reflective of First Nations interest, as First Nations did not fully participate in the LRMP process. Some First Nations are about to begin their own land use planning process that will bring these cultural and traditional interests forward, with the long-term vision of having one set of management objectives on the land base.

6.1 Associated LRMPs

It is the perspective of the M-KAB that LRMPs are not being implemented as well as they might. Regular meetings are not being held, associated monitoring is ad hoc, the documents are not being updated and there is no strategy to ensure that the existing LRMPs are being respected. To this end the M-KAB needs to play a more proactive role by providing necessary advice to government. For example, the M-KAB could work with ILMB staff to arrange joint meetings between the M-KAB and PIMCs.

To secure the wilderness and wildlife values of the M-KMA it is also essential that land management practices directly adjacent to the M-KMA legislated boundary be consistent with and complementary to the strategic direction being taken within the M-KMA management regime. To do so, specific locations that are particularly crucial to wilderness and wildlife values along the boundary will need to be identified and monitored by the M-KAB and relevant PIMCs, to ensure appropriate management along relevant zones.

A number of the management issues for the M-KMA and surrounding land use plans are distinctive; however there are overlapping interests, especially in relation to the management of directly adjacent boundary areas. The M-KMA and these land use plans need to be rationalized regionally to ensure this 'big picture' approach to management is not lost. Regular communication between the M-KAB and associated PIMCs is therefore essential. This coordination must not only include the three LRMPs that led to the formation of the M-KMA (Fort Nelson, Fort St. John, Mackenzie) but needs to also include the Cassiar-Iskut Stikine LRMP area and the Dease-Liard SRMP area. (Map Two: Land Use Planning Boundaries in relation to the M-KMA).

To maintain the management consistency emphasized above the M-KAB will need to work together with government to develop a management framework that addresses both the interests of the M-KMA and the associated PIMCs.

6.2 Funding

Land use planning implementation requires a secure funding base from government so that the Fort Nelson, Fort St. John and Mackenzie PIMCs have appropriate capacity and can function effectively. In addition funding support is necessary to facilitate the management of those lands that directly abut the legislated boundary of the M-KMA.

RECOMMENDATION FOUR:

That government provide the necessary funding to update, implement and monitor the Fort Nelson, Fort St. John and Mackenzie LRMPs to enable a consistent approach to land management over the entire land base encompassed by the three LRMPs.

RECOMMENDATION FIVE:

That the management and planning documents for the M-KMA and the five surrounding land use plans be updated and consistent in relation to those lands that directly abut the M-KMA's legislated boundary. Specifically:

- The Terms of Reference for each plan implementation committee be similar and reference their role *vis a vis* the M-KMA's legislated boundary.
- M-KAB and PIMC members, especially from the three northeastern land use plans, formally attend each other's meeting as part of their responsibilities to improve communication and information sharing.

7.0 MUSKWA-KECHIKA ADVISORY BOARD MANDATE AND GOVERNANCE

The Mission of the Board is to provide respected and trusted advice that ensures the dynamic ecosystems, wilderness, wildlife and cultural diversity of the M-KMA are maintained in perpetuity. (from M-KMA Strategic Direction and Strategic Plan, 2006)

The M-KMA Strategic Direction and Plan, *M-KMA Act* (including the Preamble) and Regulation guide all M-KMA management and planning. To achieve the M-KMA vision management and operational activities must be consistent, build on each other and recognize the cumulative nature of activities – from a statute, policy and an 'on-the-ground' perspective.

7.1 Legislation

The *Act* and Regulation are very much in need of updating and correcting, particularly in relation to the Mackenzie LRMP, recent changes in governance and funding, recognition of First Nation rights and interests and enabling regulatory alignment.

The management direction needs to be clear that forestry, trapping, hunting, fishing, mining, tourism/recreation and oil and gas development are allowed within the M-KMA, subject to wilderness and wildlife values being maintained.

The identified portion of the M-KMA included within the Mackenzie LRMP needs to be included under the *M-KMA Act* and Regulation so that all lands associated with the M-KMA are legally recognized.

RECOMMENDATION SIX:

That the provincial government, in cooperation with First Nations and the M-KAB, put forward legislated amendments to both the *M-KMA Act* and Regulation in relation to:

1. Keeping the original intent of M-KMA intact,
2. Retaining the Preamble within the *Act*,
3. Correcting identified errors,
4. Ensuring consistency between the *Act*, Regulation and LRMP direction as well as various other Acts and Regulations of government,
5. Recognizing First Nation rights and interests,
6. Bringing in the Mackenzie portion.

In the meantime the M-KMA should continue to be operated and managed as if the Mackenzie LRMP were legally included.

7.2 Mandate

Under the *Act*, the M-KAB is accountable to the Responsible Minister. The Board is appointed by the Premier “to advise on natural resource management in the management area...” This advice takes the form of providing recommendations on the planning of projects and their outcomes, the conditions of research, developing a monitoring framework, facilitating dialogue with stakeholders and First Nations; and providing a community socio-economic perspective. For a detailed Board mandate refer to Appendix Three.

As stated previously First Nations believe that if the principles of a government-to-government relationship are to be addressed then the Board needs to be more reflective of collaborative decision-making. To this end the Board would have a more direct role in reviewing strategic issues that may

effect natural resource management within M-KMA boundaries. It is important that ILMB (IAMC, Prince George and Peace Managers) and the M-KAB work together to draft a framework Letter of Agreement to clarify protocols regarding the process for the Board providing strategic advice and the IAMC responding more formally to that advice.

RECOMMENDATION SEVEN:

That the M-KAB's current statutory advisory mandate include a provision for structured review and/or recommendations in relation to selected management activities and major strategic issues occurring with the M-KMA.

7.3 Planning Framework

The current M-KMA planning regime does not provide an adequate overarching framework to address cumulative effects or the pace and intensity of development. As a result concern has been expressed that the integrity of the M-KMA as a whole could be threatened and therefore put the wilderness and wildlife values at risk.

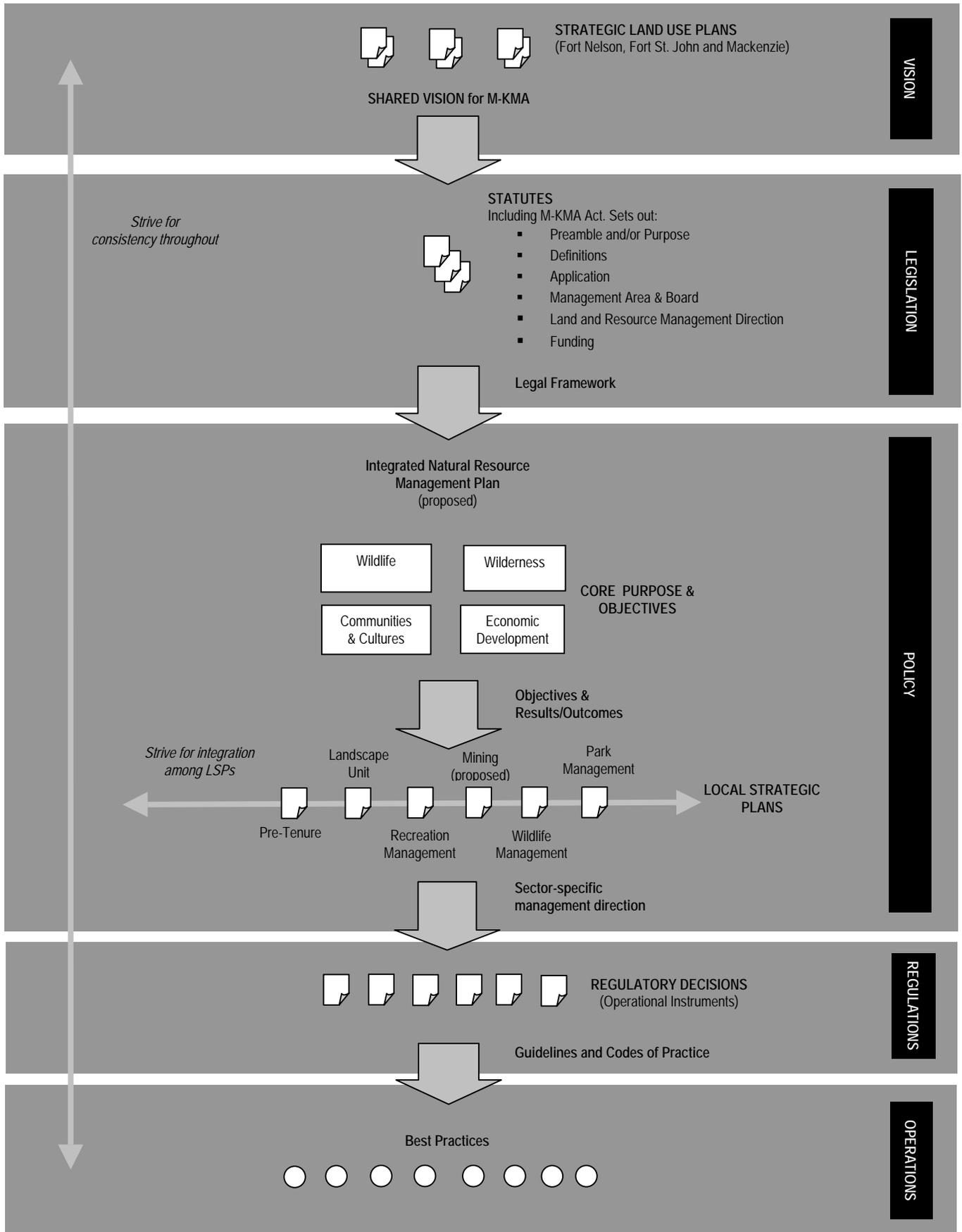
The Board's view is that the current planning regime is inadequate in relation to:

- The M-KMA Management Plan Regulation being out-of-date and failing to provide coherent direction for subsequent planning and management activities - nor does it reflect the principles of the New Directions approach.
- Vertical alignment among the *Act*, Management Plan Regulation and the local strategic plans that the Regulation recognizes; and horizontal alignment between the local strategic plans themselves.
- The need for the Board, in concert with government, to develop thresholds for recreational use, industrial activity and the associated access.
- The Fort Nelson, Fort St. John LRMPs (administered through the Peace Region office), the Mackenzie LRMP (administered through the Prince George Region office) and the M-KMA each receiving similar treatment and being managed in a holistic manner by the Peace River and Prince George government offices. Integrated cross-coordination is required among the various ministries.
- The provincial governments should work with the M-KAB and the PIMCs to develop a process for bringing together the LRMPs and any future First Nation land use plans with the goal of developing an area-based plan for each area of the land base. As an initial step in this process the M-KAB and government should work together to identify a set of 'pilot areas' where this planning process can be initiated and refined.

An improved planned framework will include (Figure One: Proposed Planning Framework for the M-KMA and Associated LRMPs):

1. **An Integrated Natural Resources Management Plan** - This plan would be area-based and describe all the values of the M-KMA and how the management of these values would be coordinated to protect the wilderness and wildlife that the M-KMA was established to sustain, while allowing resource development.
2. **A Local Strategic Plan for Mining** - The Management Plan Regulation is unclear about the need for a local strategic plan for mining. It needs to be clear that mining is permitted in the M-KMA. The Board has been discussing this matter and hosted a Joint Solutions Workshop for Mining in the M-KMA in March 2006. This meeting is to be followed by the publication of a Guidebook on Mineral Exploration in the M-KMA, prior to developing the local strategic plan itself.
3. **Local Strategic Plan for Park Management** - Approximately 25% of the M-KMA is designated as Provincial Park. The mandate for Provincial Parks derives from their legislation and not the *M-KMA Act*, nevertheless there needs to be greater consideration of the M-KMA within their management planning and zoning. Given the responsibility and the significant size of the parkland base, the Board believes that coordination between BC Parks' employees and those staff that manage the M-KMA is very important and can be improved. There seems to be a need for greater recognition of the role that provincial parks have in the overall management of the M-KMA.

FIGURE ONE: Proposed Planning Framework for the M-KMA and Associated LRMPs



To this end, the Park Management local strategic plan needs to be finalized. As well as protection, provincial parks have a strong mandate for recreation and education that requires emphasis. A comprehensive approach to the local strategic plan for park management would ensure that park management plans are not developed in isolation and consider the values of the surrounding M-KMA, that zoning is appropriate, that the park plans relate to each other, that their educational and recreational role be outlined, and that the historical use of the M-KMA be recognized.

4. **Access Management** - A comprehensive and integrated access management plan needs to be developed that includes a description of how the various local strategic plans will coordinate with each other to address this concern.
5. **Completion of local strategic plans** - The existing local strategic plans are sector-based, largely independent and lack coordination. In particular objectives are set for multiple sometimes overlapping and conflicting values with little or no guidance how these conflicts should be resolved. Some of the local strategic plans deal with a portion of the M-KMA, some with the entire M-KMA and there are areas within the M-KMA where local strategic plans overlap. Objectives and targets from local strategic plans are set at widely varying scales with significantly different levels of detail and precision, and considerable variation with individual local strategic plans in the level of defining objectives and targets. Additionally critical strategic plans have not yet been completed (recreation management, wildlife management, park management, remaining pre-tenure). These gaps need to be addressed and the plans completed as soon as possible.

RECOMMENDATION EIGHT:

That the M-KAB, in partnership with government, lead the discussions related to improving and completing the M-KMA planning framework to better address mining, park management, access management, integrated value planning and completion of the local strategic plans. It is also essential to determine how this planning framework would be applied, monitored and address cumulative impacts.

RECOMMENDATION NINE:

The provincial governments should work with the M-KAB and the PIMCs to develop a process for bringing together the LRMPs and any future First Nation land use plans with the goal of developing one area-based plan for each area of the land base. As an initial step in this process a set of 'pilot areas' should be identified where this planning process can be initiated and refined.

RECOMMENDATION TEN:

That the management provisions of the local strategic plans and the proposed M-KMA Integrated Natural Resources Management Plan be approved as legislated results based objectives under the appropriate Sections of the *Land Amendment Act*, 2003.

7.4 Scientific Research

The M-KMA presents a good opportunity to better understand how large ecosystems operate. Research to date has helped to increase such understanding, which in turn has informed the management decisions of the M-KAB and adjacent land use plans. This level of informed decision-making has helped to increase business certainty. It is essential that scientific research related to wilderness, wildlife and integrated resource management continue in order to:

1. Provide data on the unique wildlife and wilderness biodiversity of the M-KMA.
2. Determine how recreation, development and resource extraction can be successfully integrated with wildlife and wilderness values.
3. Integrate local knowledge.
4. Follow through on a number of temporal studies that are underway, so the value of data collected to date is not lost.

The University of Northern British Columbia has played a significant role and/or coordinated much of the scientific research that has occurred, while other organizations such as Madrone, Synergy and the Ministry of Environment have been involved as well. Financial support for this research has come from two main sources – within the M-KAB budget and money raised outside the M-KAB budget. This funding has led to a number of important partnerships.

Although useful research studies have been produced to date the Board understands that the current approach is not as coordinated as it might be on such matters as unifying ecosystem management, facilitating integrated resource management, incorporating local knowledge and monitoring and managing cumulative impacts. In addition the research being undertaken in the M-KMA needs to be more aligned with the provincial government in relation to their internal scientific research strategies and the various research projects they are undertaking to avoid duplication.

RECOMMENDATION ELEVEN:

That the M-KAB leads the process for updating the M-KMA scientific research strategy to ensure its continuing ability to address such issues as ecosystem and integrated resource management, and to improve its alignment with provincial government scientific research strategies.

7.5 Relationship with the BC Government

The relationship between the provincial government and the M-KAB is a very important partnership in that it assists government in carrying out its legislated and policy directions for land use planning, and related funding allocations. The M-KAB needs to have a clear, well-defined relationship with the provincial government, both regionally and in Victoria. The present relationship is not as strong as it might be, with the result that the goals and objectives for the M-KMA are neither being effectively nor efficiently delivered by either party. As stated earlier a Letter of Agreement between the M-KAB, the Northern IAMC, Prince George and Peace managers would be assist greatly in improving this situation, especially related to advice on strategic matters.

RECOMMENDATION TWELVE: That

- a) The coordination, communication, staffing, financial, administrative and potential fundraising functions of the M-KAB be delivered through a service agreement with government, managed by the M-KAB. Managing these functions would require a senior person to lead the Fort St. John office.
- b) The M-KAB broaden their relationship with the provincial government beyond the Minister Responsible under the *Act* to include the Ministers and senior government officials within the Ministries of Environment, Forests and Range, Energy, Mines and Petroleum Resources and Aboriginal Relations and Reconciliation.
- c) The M-KAB meets annually in Victoria to maintain contact with senior government officials.

7.6 Budget and Funding

The *M-KMA Act* states that funding is provided to the M-KAB for two major reasons:

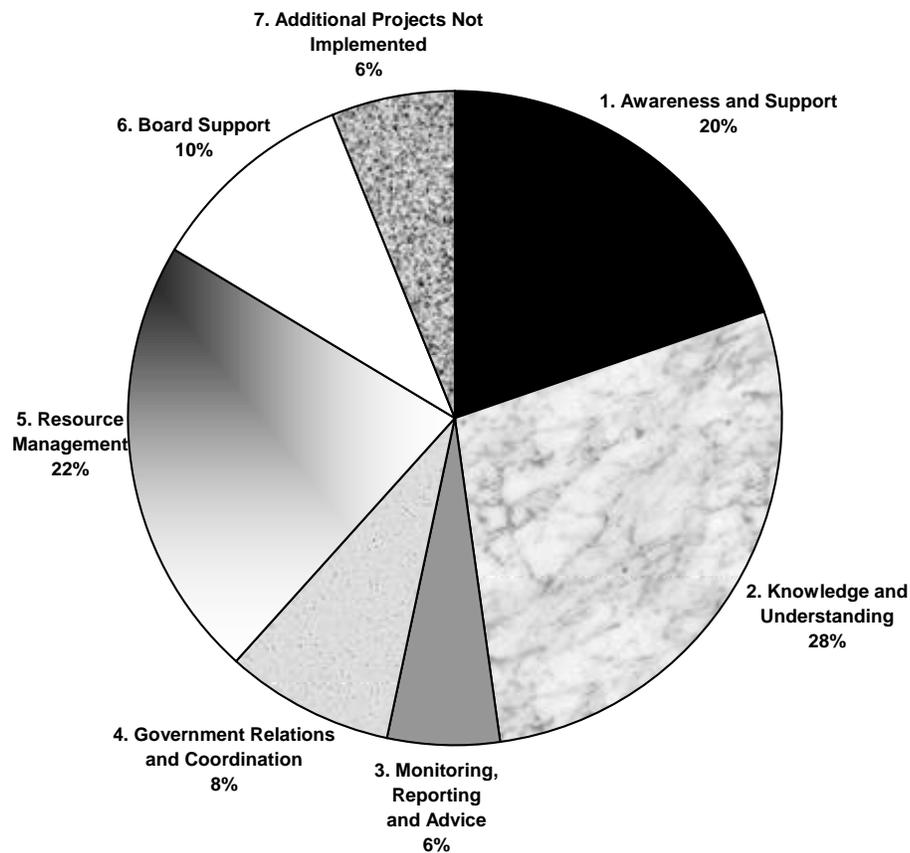
1. To support wildlife and wilderness resources of the Management Area through research and integrated management of natural resource development.
2. To maintain in perpetuity the diversity and abundance of wildlife species and the ecosystems on which they depend throughout the Management Area.

Initially the M-K budget was for \$1Million of base funds and \$1Million was available for matching third party contributions, for a potential total of \$3Million. This budget was enshrined in the *M-KMA Act*, however the legislated funding provisions expired in 2005 and 2006. When the Mackenzie LRMP was added in 2000 an additional \$1Million allocation was discussed, and not implemented. \$1.3Million of voted funds was provided in 2006-2007, and in 2007-2008 the budget was reduced again to approximately \$400,000. Currently M-KAB funding has little security. The government has difficulty in approving and providing the M-KAB their requested budget allocation in a timely manner, it is therefore difficult to get time-sensitive projects underway early in the fiscal year.

Table One illustrates an average annual M-KAB budget, based on the fiscal years between 1998-99 and 2005-06.

TABLE ONE: Average Annual M-KAB Budget Based on Historical Data³

CATEGORY	BUDGET	% of TOTAL
1. Awareness and Support	\$ 380,200	20%
2. Knowledge and Understanding	\$ 547,300	28%
3. Monitoring, Reporting and Advice	\$ 107,500	6%
4. Government Relations and Coordination	\$ 159,000 ⁴	8%
5. Resource Management	\$ 427,500	22%
6. Board Support	\$ 199,600	10%
7. Additional Projects not Implemented	\$ 117,500	6%
TOTAL	\$1,938,600	100%



³ This data is based on internal M-KAB financial information for eight years, from 1998-99 to 2005-06.

- Awareness and Support - informing the public, engaging youth and building a broad constituency.
- Knowledge and Understanding - inventories, assessments and research.
- Monitoring, Reporting and Advice - monitoring progress and advising on stewardship.
- Government Relations and Coordination - establishing relationships with governments and First Nations, special provincial government undertakings related to regulations and operations.
- Resource Management - ecosystem management, management of resource development.
- Board Support - costs related to board meetings, administration and staff.
- Additional projects not Implemented - An average of 6 projects a year received Board and budget approval, and yet were not implemented as proper scoping had not occurred or the government determined the project was not appropriate.

⁴ This figure includes approximately \$75,000 of M-K Trust Fund money that was allocated directly to support government positions and projects.

Given the above fiscal data, the Board has determined that a realistic annual budget in the range of \$1Million per year is required to manage the Board and its activities, based on the following broad responsibilities:

- Informing the public
- Scientific research
- Monitoring progress
- Government relations
- Facilitating ecosystem management and resource development
- Administration and staffing.

The Board reviewed a range of funding alternatives and how a number of independent and quasi-independent organizations raised the money necessary to operate. A number of options were discussed, such as: a regional tax levy per household, an 'Alaska Highway' gas tax, a designated percent of the provincial sales tax, a special M-K permit, a daily/annual user fee, a M-K lottery, a designated portion of current permit fees, resource revenue and benefit sharing, a M-K Stewardship Pass and a recreation surcharge. There are pros and cons to each alternative. As well, some alternatives simply would not raise sufficient funds or provide the necessary certainty. The Board concluded that the simplest and best alternative for their situation would be the establishment of a M-K Endowment Fund through a one-time-only investment of \$30Million by the provincial government. However due to the government's inability to fund this mechanism such an Endowment Fund is not achievable at this point.

The best remaining solution therefore is that the government provide the necessary funding from voted funds, with the goal that government provide the \$1Million per year required to fulfill the Board's responsibilities. A three-year budget would provide the certainty that all parties require. If government is unable to provide the required \$1Million any additional monies required for projects deemed appropriate by the Board will need to be raised or 'topped up' through other sources such as foundation grants, partnerships, other government sources and/or matching arrangements, donation and bequeaths. In order to facilitate this process for additional fundraising to support project work the M-KAB will need to register as a BC society and obtain a federal charity number.

RECOMMENDATION THIRTEEN:

Given that government is unable to support the option of a special one-time-only investment to a M-K Endowment Fund, then to provide the necessary certainty the M-KAB recommends the government examine a mechanism for a three-year funding envelope of a minimum of \$500,000 per year for the Board to fulfill its responsibilities.

RECOMMENDATION FOURTEEN:

A mechanism to enable the M-KAB to transfer the funds in the existing Trust Account (approximately \$480,000) to a suitable external trust needs to be determined by the M-KAB in collaboration with government. These funds would be used for land-based management or research related projects. The M-KAB, or a body established by the M-KAB, would retain the authority to manage this fund.

7.7 Membership

The *M-KMA Act* and Regulation specifies that the Muskwa-Kechika Advisory Board be up to seventeen members, including a Chair⁵. There are seven First Nation members recommended to the Premier, who is responsible for appointing Board members. The other members are selected for their understanding and support for the M-KMA vision, their knowledge of the landscape as well as being from a particular sector, community or group – with the overall goal of retaining balance and perspective.

It is important that the Board remain this size. Ample board size is necessary to ensure that all interests are heard, the geography of the area can be represented and First Nations are present. Since the volunteer Board members conduct much of the work of the M-KAB the capacity needs to exist to undertake the substantial responsibilities related to projects and administration. As illustrated in Table One Board costs are currently only ten percent of the budget, so financial concerns needn't be a key driver behind determining board size.

RECOMMENDATION FIFTEEN:

That the M-KAB size and composition (government, sector and First Nation) remain the same. If future changes are considered then government must work together with First Nations and the M-KAB through the process to reform the *M-KMA Act* before any final decisions are made.

7.8 Assessment

When the M-KMA was established in 1998 a set of goals and objectives were put in place. It is important to continually measure the status and appropriateness of these goals and objectives. This information will be required whenever the M-KAB updates its existing Strategic Direction and Plan.

7.8.1 State of the Muskwa-Kechika Environment Reporting

There is a need to better monitor 1) the individual regulatory decisions made by government, 2) the advice offered by the M-KAB in relation to achieving the intent of the *Act* and the vision for the M-KMA, and 3) the state of the M-KMA's ecosystems to make sure the M-KMA continues to function as BC's working wilderness. The following framework has been suggested as a 'first step' to assist in measuring wilderness and wildlife values and key socio-economic factors for the M-KMA:

- Maintaining consistency with the M-KMA vision.
- Protecting the environment and land and water quality and ecosystem functioning.
- Providing a clear understanding of access management.
- Providing certainty for resource development and future land use decisions.
- Ensuring fiscal prudence and cost effectiveness.
- Monitoring cumulative effect.
- Clarifying M-KAB's role in relation to LRMP implementation.
- Determining the amount of industrial activity occurring.
- Maintaining the support of sectors, First Nations and local community.
- Ensuring accountability for land management.

RECOMMENDATION SIXTEEN:

That the M-KAB biennially measure the 'state of the M-K environment' against a set of indicators to determine whether its condition is improving, deteriorating or staying the same⁶.

⁵ In addition, the practice has been that a provincial government representative attends M-KAB meetings as an *ex officio* member.

⁶ To this end, the Board is developing a preliminary template for the first biennial State of the M-K Report.

7.8.2 M-KAB Annual Reporting

The M-KAB needs to improve the annual report cycle. M-KAB meetings may be open to the public and when relevant issues are on the agenda the public do attend, however generally the public are absent from meetings. A website is maintained; however it requires updating. The only direct form of M-KAB public accountability is the submission of an Annual Report to the Premier and the public. The focus of the Annual Report should be less on the financial and more about the strategic advice offered to government. The Board, in conjunction with the Northern IAMC, does develop an annual work and strategic plan, to ensure broader public accountability this annual work and strategic plan could be posted to the M-KAB website.

RECOMMENDATION SEVENTEEN:

That the M-KAB continues to produce an Annual Report however more information should be included, especially related to the strategic advice being offered to government. In addition key documents related to strategy, work plans, finances and approved projects should be posted regularly on the M-KAB website to improve public communication.

8.0 DISCUSSION

This project has been undertaken within a fast evolving political, First Nation and land use policy context. It is critical that this project's recommendations effectively link to these concurrent initiatives:

- Land use-planning discussions with First Nations.
- Government-to-government negotiations with Treaty 8, the Kaska Dena and the Tsay Keh Dene.
- Emerging plan implementation and governance arrangements from other planning processes taking place around the province.
- The evolving new government Land Use Planning Vision and Framework.

To help ensure this report properly reflects this changing context a number of people knowledgeable about the M-KMA, provincial land use planning and First Nations issues have been contacted. In addition, other provincial strategic land use plans and implementation governance structures were reviewed: Gwaii Haanas National Park Reserve and Heritage Site Agreement, Fraser Basin Council, Creston Valley Wildlife Management Authority, Clayoquot Sound Central Region Board, Habitat Conservation Trust Fund, Stein Valley Heritage Park, Morice LRMP, Peace Moberly Tract SRMP, Dease-Liard SRMP, Nisga'a Memorial Lava Bed Park and Recreation Area; and in particular the agreements associated with the Central and North Coast land use plans.

8.1 Current Governance Model for M-KAB and Land Use Planning in the Northeast

FIGURE TWO: Current Governance Model for M-KAB and Land Use Planning in the Northeast

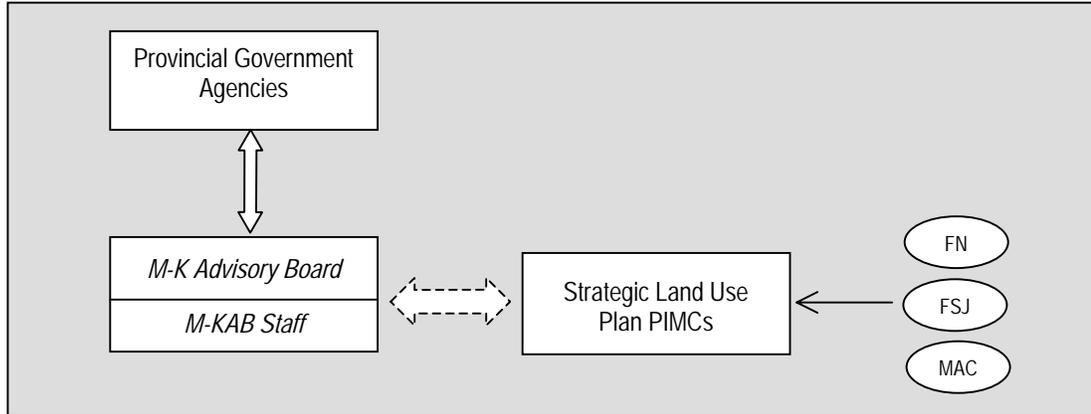
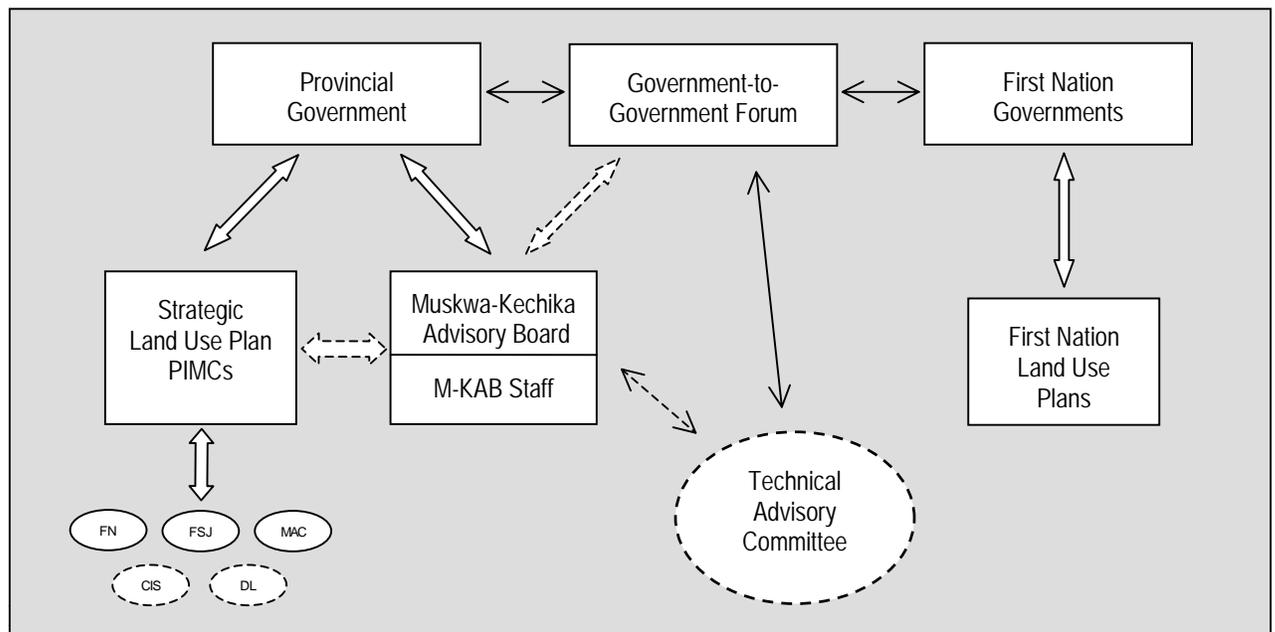


Figure Two illustrates the current governance model for the M-KAB and associated land use plans:

1. The M-KAB and staff are responsible to government, as legislated by the *M-KMA Act* and Regulations. The primary relationship is with the Northern IAMC, government staff who have responsibility for the M-KMA and other staff who have the responsibility for the implementation of strategic land use planning in the Prince George and Peace administrative regions.
2. The M-KAB mandate is stipulated in the *Act*.
3. The provincial government provides the necessary funding for the M-KAB and the land use committees (PIMCs) to operate from voted funds.
4. The three associated LRMPs each have a PIMC, operating at a different level of effectiveness and efficiency.
5. Informal communication exists between the M-KAB and the three northeastern PIMCs – Fort Nelson, Fort St. John and Mackenzie.

8.2 Proposed Governance Model for M-KAB and Land Use Planning in the Northeast

FIGURE THREE: Proposed Governance Model for the Muskwa-Kechika Management Area and Land Use Planning in the Northeast



1. The M-KAB is responsible to the provincial government with the primary mandate to advise and make specific recommendations on a management regime for the M-KMA. A secondary mandate relates to advising on compatible use directly adjacent to its legislated boundaries. The M-KAB consists of government, sector and First Nations appointees, with First Nations having direct input into the selection of the Chair.
2. The M-KAB has a service agreement with the provincial government in relation to financial management and staff functions. A realistic annual budget in the range of \$1Million per year is required to manage the board and its activities. If government is unable to provide the required \$1Million any additional monies required for projects deemed appropriate by the Board will need to be raised or 'topped up' through other sources such as foundation grants, partnerships, other government sources and/or matching arrangements, donation and bequeaths. In order to facilitate this process for additional fundraising to support project work the M-KAB will need to register as a BC society and obtain a federal charity number.
3. The Government-to-Government Forum is a collaborative decision making body with membership from an equal number of First Nation and government appointees. Its purpose is to make recommendations on the development and implementation of First Nation land use planning, monitoring and updating of the LRMPs and management of the M-KMA. The Forum also provides advice on recommendations on strategic level matters that it receives from the M-KAB, and when required facilitates disputes that may arise in relation to land use planning. The Forum may request that projects be undertaken by the M-KAB on matters it deems appropriate.
4. First Nation land use planning will be undertaken as a responsibility of the First Nations themselves. Primary funding support will come from the provincial government with the potential for some funds from the M-KAB budget for planning within the M-KMA land base. First Nation land use planning should be acknowledged by legislation and as it is completed it may influence the management of the M-KMA and associated land use plan implementation. In an effort to reconcile the existing LRMPs with on-going First Nation land use planning the long-term vision is to have one plan for all areas on the land base that includes a set of common goals, objectives and outcomes for the management of these lands.
5. A Technical Advisory Committee (TAC) seems necessary. There are a number of functions that need to be provided, whether a TAC is established or not. If a TAC is not established it would fall directly to government and/or the M-KAB to provide those functions. The Board's advice is to establish a Technical Advisory Committee. The membership would comprise First Nations, government and various sectors – appointed by the province and First Nation governments. TAC would not be a decision making body, instead it would provide professional advice to the Government-to-Government Forum on management and research as requested. This advice would particularly apply to cumulative effects monitoring, knowledge gaps, adaptive management, and integrated resource management. It would also have an important role in rationalizing existing land use plans with those produced by First Nations. TAC would also coordinate and manage data to help harmonize competing views and provide guidance to 'trade-off' analysis to help move decisions forward. It has been suggested that M-KAB staff may provide the administrative functions to this body, if so an additional funding allocation would need to be provided by government.
6. The M-KAB and relevant PIMCs would need to coordinate their management efforts in relation to those activities adjacent to the M-KMA legislated boundary.
7. The associated PIMCs would function separately from the M-KAB, be funded by government and would have common Terms of Reference. (See Appendix Two)

RECOMMENDATION EIGHTEEN:

That the proposed Governance model in Figure Three for the Muskwa Kechika Management Area and land use planning in the northeast be adopted and implemented, including the provision for First Nation land use planning and the establishment of both a Government-to-Government Forum and a Technical Advisory Committee. During the transition process the current M-KAB governance and funding model should remain in place.

8.3 Provincial Implications

As directed by the Project Charter one outcome of this project is include recommendations on how this proposed governance and funding model may be applied to other areas where LRMPs or other forms of land use plans are being implemented.

RECOMMENDATION NINETEEN:

The recommendations in this report provide an affordable and consistent framework for reconciling differing land use objectives, addressing the legitimate interests of First Nations and fostering greater certainty for resource uses, especially related to:

- The need for a consistent framework for land use plan implementation that incorporates the principles of the New Direction document and the New Relationship protocol.
- The requirement to fund plan implementation and monitoring committees to ensure that land use plans are implemented, monitored and updated.
- The necessity for government to work with First Nations on land use planning and to provide sufficient funding for resource management that enables traditional ecological knowledge and the principles of The New Relationship to be incorporated into these plans.
- The long term goal of having one land use plan addressing all values within a planning region that incorporates both government-led land use plans and the First Nations land use plans.
- The need to set out a process to initiate pilot land use plans to help rationalize First Nation and government land planning.
- The importance that the Minister undertake the process required to proclaim all relevant sections of the Land Amendment Act so that this report, and other important provincial land use reports, can be fully implemented.

9.0 TRANSITION AND NEXT STEPS

Upon approval of this report a detailed transition and implementation strategy will be required. Implementation by government, the M-KAB and First Nation leadership, will initially focus on the details of legislative changes and the associated administrative and funding arrangements; with the eventual goal of adopting a new governance framework. This transition period will require coordination, especially related to any public communications.

RECOMMENDATION TWENTY:

1. June 30, 2007 the M-KAB formally presents the Final Report to the Minister Responsible.
2. Upon approval of the project recommendations by the Minister, it will be government's responsibility to provide further consultation on the report's recommendations, in particular the Kaska Dena, Treaty 8 and Tsay Keh Dene First Nations.
3. Final implementation will occur upon completion of these consultations and after a full report on these consultations has been reviewed by the M-KAB for their additional advice.

10.0 RECOMMENDATIONS

The Project Charter directed that a set of recommendations be developed to address the following matters:

- A strategic land use plan implementation and governance framework for the Fort Nelson, Fort St. John and Mackenzie LRMPs and the M-KMA that will be fiscally prudent and that increases certainty for the M-KMA and any resource development that may occur in the M-KMA.
- The manner in which the M-KMA fits into the new land use policies of the provincial government.
- Mechanisms and processes to strengthen First Nations involvement in land use plan implementation, consistent with the evolving New Relationship strategy being developed by the province.

RECOMMENDATION ONE:

That the M-KAB and Minister Responsible reaffirm a mutual agreement on the purpose and vision for the M-KMA. Important elements include:

- The M-KMA be managed within the context of the region, and not be managed in isolation.
- The Board operate at the 'strategic and policy level' and not become too operational or 'hands-on'.

RECOMMENDATION TWO:

That as the M-KAB and government work together to deliver on M-KMA responsibilities they will build a reporting framework that:

- Reflects the principles of a government-to-government relationship.
- Clarifies the mandate of the M-KAB in relation to new land planning policies.
- Improves the communication and working relationships with the associated LRMPs.

RECOMMENDATION THREE:

That to honour a government-to-government relationship with First Nations it is important that:

- Traditional ecological knowledge receives greater consideration in the implementation and monitoring of the M-KMA and associated land use plans.
- It must be recognized that sufficient funding is required to support First Nations' capacity to assist with their ability to undertake First Nation land use planning.
- The long-term vision is to have one plan for all areas on the land base that includes a set of management objectives and values for each piece of the LRMP land base, both inside and outside the M-KMA.

RECOMMENDATION FOUR:

That government provide the necessary funding to update, implement and monitor the Fort Nelson, Fort St. John and Mackenzie LRMPs to enable a consistent approach to land management over the entire land base encompassed by the three LRMPs.

RECOMMENDATION FIVE:

That the management and planning documents for the M-KMA and the five surrounding land use plans be updated and consistent in relation to those lands that directly abut the M-KMA's legislated boundary. Specifically:

- The Terms of Reference for each plan implementation committee be similar and reference their role *vis a vis* the M-KMA's legislated boundary.
- M-KAB and PIMC members, especially from the three northeastern land use plans, formally attend each other's meeting as part of their responsibilities to improve communication and information sharing.

RECOMMENDATION SIX:

That the provincial government, in cooperation with First Nations and the M-KAB, put forward legislated amendments to both the *M-KMA Act* and Regulation in relation to:

1. Keeping the original intent of M-KMA intact
2. Retaining the Preamble within the *Act*
3. Correcting identified errors
4. Ensuring consistency between the *Act*, Regulation and LRMP direction, as well as various other Acts and Regulations of government
5. Recognizing First Nation rights and interests
6. Bringing in the Mackenzie portion.

That, in the meantime, the M-KMA should continue to be operated and managed as if the Mackenzie LRMP were legally included.

RECOMMENDATION SEVEN:

That the M-KAB's current statutory advisory mandate include a provision for structured review and/or recommendations in relation to selected management activities and major strategic issues occurring with the M-KMA.

RECOMMENDATION EIGHT:

That the M-KAB, in partnership with government, lead the discussions related to improving and completing the M-KMA planning framework to better address mining, park management, access management, integrated value planning and completion of the local strategic plans. It is also essential to determine how this planning framework would be applied, monitored and address cumulative impacts.

RECOMMENDATION NINE:

The provincial governments should work with the M-KAB and the PIMCs to develop a process for bringing together the LRMPs and any future First Nation land use plans with the goal of developing one area-based plan for each area of the land base. As an initial step in this process a set of 'pilot areas' should be identified where this planning process can be initiated and refined.

RECOMMENDATION TEN:

That the management provisions of the local strategic plans and the proposed M-KMA Integrated Natural Resources Management Plan be approved as legislated results based objectives under the appropriate Sections of the *Land Amendment Act, 2003*.

RECOMMENDATION ELEVEN:

That the M-KAB leads the process for updating the M-KMA scientific research strategy to ensure its continuing ability to address such issues as ecosystem and integrated resource management and to improve its alignment with provincial government scientific research strategies.

RECOMMENDATION TWELVE: That

- a. The coordination, communication, staffing, financial, administrative and potential fundraising functions of the M-KAB staff be delivered through a service agreement with government, managed by the M-KAB. Managing these functions would require a senior person to lead the Fort St. John office.
- b. The M-KAB broaden their relationship with the provincial government beyond the Minister Responsible under the *Act* to include the Ministers and senior government officials within the Ministries of Environment, Forests and Range, Energy, Mines and Petroleum Resources and Aboriginal Relations and Reconciliation.
- c. The M-KAB meets annually in Victoria to maintain contact with senior government officials.

RECOMMENDATION THIRTEEN:

Given that government is unable to support the option of a special one-time-only investment to a M-K Endowment Fund, then to provide the necessary certainty the M-KAB recommends the government examine a mechanism for a three-year funding envelope of a minimum of \$500,000 per year for the Board to fulfill its responsibilities.

RECOMMENDATION FOURTEEN:

A mechanism to enable the M-KAB to transfer the funds in the existing Trust Account (approximately \$480,000) to a suitable external trust needs to be determined by the M-KAB in collaboration with government. These funds would be used for land-based management or research related projects. The M-KAB, or a body established by the M-KAB, would retain the authority to manage this fund.

RECOMMENDATION FIFTEEN:

That the M-KAB size and composition (government, sector and First Nation) remains the same. If future changes are considered then government must work together with First Nations and the M-KAB through the process to reform the *M-KMA Act* before any final decisions are made.

RECOMMENDATION SIXTEEN:

That the M-KAB biennially measure the 'state of the M-K environment' against a set of indicators to determine whether its condition is improving, deteriorating or staying the same.

RECOMMENDATION SEVENTEEN:

That the M-KAB continues to produce an Annual Report however more information should be included, especially related to the strategic advice being offered to government. In addition key documents related to strategy, work plans, finances and approved projects should be posted regularly on the M-KAB website to improve public communication.

RECOMMENDATION EIGHTEEN:

That the proposed Governance model in Figure Three for the Muskwa-Kechika and land use planning in the northeastern be adopted and implemented, including the provision for First Nation land use planning and the establishment of both a Government-to-Government Forum and a Technical Advisory Committee. During the transition process the current M-KAB governance and funding model should remain in place.

RECOMMENDATION NINETEEN:

The recommendations in this report provide an affordable and consistent framework for reconciling differing land use objectives, addressing the legitimate interests of First Nations and fostering greater certainty for resource uses, especially related to:

- The need for a consistent framework for land use plan implementation that incorporates the principles of the New Direction document and the New Relationship protocol.
- The requirement to fund plan implementation and monitoring committees to ensure that land use plans are implemented, monitored and updated.
- The necessity for government to work with First Nations on land use planning and to provide sufficient funding for resource management that enables traditional ecological knowledge and the principles of The New Relationship to be incorporated into these plans.
- The long term goal of having one land use plan addressing all values within a planning region that incorporates both government-led land use plans and the First Nations land use plans.
- The need to set out a process to initiate pilot land use plans to help rationalize First Nation and government land planning.
- The importance that the Minister undertake the process required to proclaim all relevant sections of the Land Amendment Act so that this report, and other important provincial land use reports, can be fully implemented.

RECOMMENDATION TWENTY:

1. June 30, 2007 the M-KAB formally presents the Final Report to the Minister Responsible.
2. Upon approval of the project recommendations by the Minister, it will be government's responsibility to provide further consultation on the report's recommendations, in particular the Kaska Dena, Treaty 8 and Tsay Keh Dene First Nations.
3. Final implementation will occur upon completion of these consultations and after a full report on these consultations has been reviewed by the M-KAB for their additional advice.

APPENDICES

APPENDIX ONE

The Current M-KAB Governance and Funding Framework

- The Muskwa-Kechika Advisory Board has seventeen members, including the Chair. There are seven positions held by First Nations. The remaining members are selected for their scientific, financial or community service experience and expertise. The Premier appoints board members. Board members are not appointed as formal representatives for specific constituencies, but are collectively reflective of the diversity of groups and individuals with interests in the M-K Management Area. Other than an honorarium for the Board Chair, members are not remunerated by the M-KMA and are reimbursed for travel expenses incurred as a result of their Board duties. Committees of the Board are struck to undertake specific tasks as needed.
- The Premier appoints the Board Chair who in turn reports to the Minister of Agriculture and Lands. A Board member fills the Vice-Chair position.
- The M-KMA is within the traditional territory of the Treaty 8 Tribal Association, the Kaska Dena and the Tsay Keh Dene. The T8TA First Nations communities who have an interest in the M-KMA are Fort Nelson, Prophet River, Halfway River, Doig River, Sauleteau, Blueberry and West Moberly; whereas, the Kaska bands are the Daylu Dena Council in Lower Post, the Dease River Band Council in Good Hope Lake and Kwadacha in Fort Ware and Muncho. The Tsay Key Dene are located at Tsay Key near the northern tip of Williston Lake. The establishment of the M-KMA was without prejudice to aboriginal and treaty rights. First Nations have been encouraged to have a direct role in the implementation and monitoring of the M-KMA as well as the three individual LRMPs. The province is currently examining options to improve government-to-government relationships through The New Relationship process.
- The Advisory Board operates with funding provided by the Provincial Government, and in collaboration with those agencies that have jurisdiction in the M-KMA. Accountability for the planning and management of land and resources in the M-KMA rests with the Provincial Government. The Northern IAMC is important to the operation of the M-KAB and the management of the M-KMA.
- The Advisory Board's organizational strategy and business strategy exists within a Planning Framework approved by the M-KAB in 2006. This framework is comprised of four components: strategic direction, strategic plan, business plan and expenditure plan. The Board's expenditure plan is drawn up by the Advisory Board and is subject to approval by the government. Funding authority has not been delegated to the Board.
- The M-KAB has the support of an "M-K Secretariat" – three contracted positions to support operations of the Advisory Board. The government has their own administrative and technical staff to assist in the delivery of the Board's Strategic Plan. Detailed operating procedures are set out under a Policy and Procedures Manual, and must comply with prevailing Provincial Government policies. (This manual is presently being updated.)
- Initially the Muskwa-Kechika Trust Fund budget was for \$1M of base funds and \$1M was available for matching third party contributions, for up to a \$3M available budget. These legislated appropriation provisions of the M-K Management Area Act have expired. The Minister committed the use of voted funds to support M-KMA and M-KAB expenditures – \$1.3M for 2006/07. These voted funds no longer remain and for 2007/08 ~\$400,000 has been allocated from other sources within the Ministry. The M-KAB has been informed that funding for 2008/09 will likely be reduced and that the Provincial Government is not expected to re-formulate the M-K Trust Fund.

APPENDIX TWO

LRMP Plan Implementation and Monitoring Committee (PIMC) Terms of Reference

A monitoring system that identifies implementation strategies is necessary to achieve strategic land use plans and meet the intent reflected in the original LRMP goals and objectives. Implementation is led by regional provincial government offices, in accordance with the approved LRMP implementation plan.

PICs are a broad and balanced representation of diverse public stakeholders with interests in the Planning Area, with sector representation from the former LRMP and other interest-based organizations or sectors. It is intended that each original LRMP have an active public monitoring committee and that they meet as required and/or at least once a year. Their role is to:

1. Monitor and evaluate the implementation and effectiveness of the land use plan by:
 - Participating directly in the monitoring and evaluation process
 - Reviewing and providing feedback on monitoring reports, and
 - Working collaboration with the Government-to-Government Forum and the Technical Advisory Group.

2. Advise the province and First Nations on implementation strategies, revisions and issue resolution after assessing implications for both ecosystems and human well being by:
 - Recommending how to resolve outstanding land use issues.
 - Providing feedback on any proposed amendments to the plan and resulting classification (minor amendment or significant revision).
 - Providing feedback on critical implementation projects and issues.
 - Recommending how various sectors can pursue commercially viable activities while achieving ecological integrity and human well being.
 - Providing information to the public and consult with the public through appropriate mechanisms during implementation, review and revision.
 - Providing recommendations to the Government-to-Government Forum on aspects of regional and sub-regional land use plans that should be revised.
 - Providing recommendations to the Government-to-Government Forum on the content of amended plans that result from review/revision processes.

3. Provide advice and receive information related to development adjacent to the M-KMA's legislated boundaries.

APPENDIX THREE

Muskwa-Kechika Advisory Board Terms of Reference

(From: M-KMA Advisory Board Strategic Direction and Strategic Plan, March 2006)

The mission (purpose) of the M-K Advisory Board is to provide respected and trusted advice that ensures the dynamic ecosystems, wilderness, wildlife and cultural diversity of the Muskwa-Kechika Management Area are maintained in perpetuity.

The mandate of the Muskwa-Kechika Advisory Board is to contribute to the stewardship of the M-KMA on behalf of all British Columbians by:

- Identifying priority policy and regulatory issues that must be addressed to ensure the Vision for the M-KMA is realized;
- Providing information, analysis and advice to the Government of British Columbia and others regarding the integrated management of renewable and non-renewable resources within the M-KMA;
- Providing advice to the Government of British Columbia regarding industrial and other human activity and the priority for the management and protection of wilderness, wildlife and fisheries values;
- Assisting the Government of British Columbia in monitoring the development, implementation and results of integrated resource management decision-making within the M-KMA;
- Developing an annual Expenditure Plan for approval by the Government of British Columbia that covers Board operational costs and initiates projects that provide data and information on priority planning and management issues;
- Reporting on the 'state of the M-KMA' as it relates to the Vision for the M-KMA;
- Reporting on the results of Advisory Board projects and initiatives;
- Promoting and encouraging effective and innovative planning and management approaches based on the most current and up-to-date research;
- Building awareness, understanding and knowledge of the principles, processes and practices of integrated resource management decision-making within the M-KMA; and
- Building knowledge and awareness of the M-KMA's globally significant environmental values.

All program objectives and activities within the M-KMA need to acknowledge the role of the Board and its contribution as a catalyst, convener, facilitator and partner in achieving the vision for the M-KMA.

APPENDIX FOUR

Examples of Significant Accomplishment of the Muskwa-Kechika Advisory Board 1998-2006

Fish, Wildlife and Ecosystem Values

Approximately \$4 million was spent on projects to gain knowledge and understanding of the ecosystems in the M-KMA along with specific studies for fish and key wildlife species including Stone's sheep, grizzly bears and northern caribou. Examples of key projects include:

- An Ecosystem Approach to Habitat Capability Modeling and Cumulative Impact Management
- Stone's sheep and Caribou populations in the Northern M-KMA – reviewing populations, mortalities and heard health
- Conducting fishery overview and assessments in the majority of the M-KMA watersheds
- Assessment of habitat suitability models for managing predator-prey ecosystems.

First Nations Values

The M-KAB spent approximately \$1.8 million on projects aimed at increasing knowledge of First Nation values and building relationships with First Nations. Examples include:

- Hosting a symposium for “Incorporating First Nations Values into the M-KMA”
- An annual First Nations Youth Camp in the M-KMA which provided an opportunity for both aboriginal and non aboriginal participants to learn about First Nations culture and values as well as land and resource management
- Traditional knowledge projects aimed at bringing traditional knowledge into the decision making process within the M-KMA
- A Kaska Dena film done on the MacDonald family in the Muncho Lake area of the M-KMA.

M-KMA Environmental Youth Camps

The Muskwa-Kechika Environmental Youth Camps have been held in the M-KMA each summer since 1999. Hosted by the Kaska Dena and Treaty 8 First Nations alternatively, these camps have provided incredible opportunities for northern youth, both aboriginal and non-aboriginal. Benefits to youth have included strengthening cultural awareness, learning about group dynamics and personal identity, physical fitness, gaining a stronger understanding of First Nation traditional practices, learning about natural resource management and related concepts, and experiencing a wilderness setting. Some youth who have participated in the camps have commented that the camps assisted them with personal growth and life choices including achieving successful careers.

UNBC Partnership and Research

The Muskwa-Kechika Advisory Board and UNBC established a partnership agreement in 1998-1999 based on a \$1million contribution from the M-KAB to establish an endowment fund that included a Muskwa-Kechika chair. The UNBC professor in this chair has done numerous community presentations on research work in the M-KMA.

The partnership has been very beneficial to the Muskwa-Kechika Management Area given that it has enabled additional opportunities for research and collection of baseline scientific data. The information from these studies may be used to inform resource management decisions in the M-KMA. Furthermore, this relationship has enhanced opportunities for graduate students to gain practical field experience. Public awareness comprised another key aspect of the partnership, as graduate students and the M-K research professor traveled to communities near the M-KMA and delivered public presentations about their work, including research methodology and results.

Stewardship

The Muskwa-Kechika Advisory Board recommended that M-K funding be directed to assist with cleanup of waste left in the M-KMA from past activities. The board provided funding for a multi year project that involved locating, stockpiling and removing up to 1500 barrels that contained various fuels and liquids. This project was coordinated by staff from Ministry of Environment and included financial and on-the-ground support from many organizations. Barrels removed from the M-KMA were transported to facilities that could handle the contents. This work is still ongoing.

Reclamation work was also done at the Churchill mine site, with significant financial support from Tech-Cominco.

Local Level Plans

Approximately \$1.2 million was spent on supporting M-KMA planning as outlined in the M-K Management Plan Regulation. Funding was allocated to support the development pre-tenure plans, park plans, wildlife plans and recreation management plans. Some are completed others are still being finalized.

Communication and Outreach

Communication and outreach activities have been a significant priority for the Board with efforts focused on education and awareness about the M-KMA. Ensuring that the BC public, various sectors working in the M-KMA, and especially local area residents understand what the M-KMA is and how it functions was seen as a key component to successfully achieving the vision for the Muskwa-Kechika Management Area.

Examples of key communication projects include:

- Establishment of a M-KMA/M-KAB website
- A communications plan consistent with the Strategic and Business Plan
- An initial public survey on the M-KMA
- A semi annual newsletter mailed to residents in the northern BC communities
- Communication activities conducted by way of the staff in the M-K office such as trade shows and other community events.

One project that plays a key role in communicating about the M-KMA is the M-KMA Website (www.muskwa-kechika.com). Expenditures have been mainly related to establishing the design. This website provides a relatively low-cost method for providing a broad range of information to the public.

Muskwa-Kechika Information Office

The Muskwa-Kechika Information Office provides an excellent venue for local area residents and tourists to seek information. The M-KMA Information Office is located in the Fort St. John Visitor's Centre, which serves as an excellent partner to capture Alaska Highway travelers. From this central base of operations near the M-KMA, staff travels with an M-KMA booth to local area tradeshow, conferences and events throughout the year to increase awareness of the M-KMA.

APPENDIX FIVE

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