

**Muskwa Kechika Management Area**  
**Recreation Management Plan**  
*Approval Process*

Section 5 of the MKMA Act provides for

*(1) The minister or a person or a class of persons designated by the minister may, by order, enact the following:*

...

*(b) a recreation management plan.*

*(2) A local strategic plan must do the following:*

*(a) specify the boundaries of the area within the management area to which the local strategic plan applies;*

*(b) be consistent with the management plan;*

*(c) apply measures to achieve the provisions of the management plan.*

- The MKMA Regulations incorporated the MKMA Management Plan. Section 2.1.1 sets out the functions of the MKAB.
  - Subsection 2.1.1(g) provides for the MKAB's role in the initiation of local plans;
  - Subsection 2.1.1(h) makes the MKAB responsible for ensuring the public consultation for a local strategic plan is adequate;
  - Subsection 3.2(b) sets out the approval, variance or cancellation process for a recreation management plan, and requires the approval of the Minister of Small Business, Tourism and Culture, ELUC, and compliance with section 6 of the MKMA Management Plan;
  - Subsection 3.5 ensures that any local strategic plan are consistent with the MKMA Management Plan;
  - Subsection 5.3.1 sets out the consultation requirements for “a significant requirement” of the management plan, in particular, the need for gazette (ELUC) and newspaper notice, and providing 60 days for making submissions;
  - Subsection 5.3.2 sets out the notification requirements after establishing, varying, or cancelling, and in particular, a gazette notice from ELUC;
  - .
- The Recreation Management Plan includes provisions to guide the plan development or amendment process:
  - The “Planning and Management Guidelines” contain direction for planning processes, including (a) “enactment” by order from the Minister of SRM or delegate, and (b) “plan revision” which must comply with sections 5.3.1 and 5.3.2.

## Key Messages:

The statutory requirements can be grouped into three categories:

1. Initiation
2. Consultation
3. Approval

The key recommended actions to advance the approval of the 2005 Recreation Management Plan are bolded.

The initiation of local strategic plans is the role of the MKAB, which was the case with the Recreation Management Plan.

From the description in the plan, the Working Group conducted extensive engagement on the draft plan. More importantly though, it is the function of the MKAB to ensure that all public consultation on a local strategic plan was adequate, and as such, if the MKAB is satisfied with the level of engagement, then that should be sufficient. **There is the need for First Nations “consultation” on the proposed plan that is outstanding, and this would need to be undertaken prior to plan approval to fulfil the Province’s responsibilities in this regard<sup>1</sup>.**

There is still the need to publish two **Gazette notices**, (1) to advertise the proposed plan and (2) to notify the approved plan. There must also be **60 days for submissions** provided after (1) advertising the proposed plan. Any submissions received will need to be summarized and considered by the MKAB, including any potential plan amendments resulting from submissions.

Prior to the approval of the plan, it is also recommended that **the Province undertake a full technical review by a subject matter expert (District Recreation Officer)<sup>2</sup>**. For transparency, any concerns uncovered through the technical review could be provided to the MKAB through the submission process.

The final plan, with decisions, then needs to be approved in accordance with the relevant statutory and policy provisions. The MKMA Act states the enactment of a local strategic plan is the role of the Minister or delegate. The MKMA Management Plan requires the approval of the Minister of Small Business, Tourism and Culture and ELUC for the approval, variance or cancellation of a recreation management plan. The proposed Recreation Management Plan notes that the enactment of a recreation management plan requires an order from the Minister of Sustainable Resource Management or delegate. The approved Recreation Management Plan was signed by District Managers (Parks, Fort Nelson FD and Fort St. John FD), but how that delegation was established is not readily apparent.

There is a clear intention to delegate the authority to approve ‘local strategic plans’ in both the MKMA Act and the Recreation Management Plan(s). In the absence of a clear delegation set out in the MKMA Act or Regulations, it does not seem inappropriate that a local authority be the best delegate for the Minister in the case of a “local strategic plan”. **However, the Province would need to do further work**

---

<sup>1</sup> This could be done concurrently with the first Gazette Notice and during the 60 days for submissions.

<sup>2</sup> I understand that there was a full review of the plan done by R Backmeyer, which if and when located, could be used as a basis for the current review and would likely expedite that process.

(legal and/or policy advice from Branch, and action that advice) to confirm and establish a legally defensible delegation.