



DEC 17 2008

Reference: 162784

Tom Briggs, Chair  
Muskwa-Kechika Advisory Board  
200-9523-100<sup>th</sup> St  
Fort St. John BC V1J 4N4

Dear Mr. Briggs:

Once again on behalf of the Government of British Columbia, I would like to thank the Muskwa-Kechika Advisory Board (M-KAB) for their report *A Renewed Future: A Strategic Land Use Plan Implementation Framework for the Muskwa-Kechika Management Area and Land Use Planning in Northeastern BC* (SLUPIF).

The Integrated Land Management Bureau (ILMB) has completed our review of the SLUPIF report recommendations and has received comments from First Nations. As a result of the comments from First Nations, further conversations are required between government and First Nations. Attached to this letter is a table that includes ILMB's response to each of the 20 recommendations. While there are a number of recommendations that government is not able to agree to, eg. \$25 million endowment to a trust fund or an independent society, there are many that we support. For example, ILMB is working to take forward an amended and updated MK regulation. There are other recommendations that staff have discussed with you that I ask you implement as quickly as you can, for example, completion of a bi-annual assessment of MK health indicators and trends, and development of a working relationship with local sub-regional manager's committees. One of the key SLUPIF recommendations is an enhanced government to government role for First Nations in governance of the M-KMA. Because of the multi-agency involvement in M-KMA and the significant implications of changing the governance model for the M-KMA, I have asked staff to undertake discussions within government that will support a mandate for G2G discussions and a new governance model.



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I will keep you informed as discussions proceed. I would like to thank you for your ongoing work as Chair of the M-KAB. This is an important and magnificent part of British Columbia and your work and that of the board is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Stanley B. Hagen". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Stanley B. Hagen  
Minister

Attachment

pc: Steve Carr, CEO, ILMB  
Gary Townsend, Assistant Deputy Minister, ILMB  
Eamon O'Donoghue, Regional Executive Director, ILMB  
Karrilyn Vince, Client Services Manager, ILMB  
Jennifer Pollard, A/Inter-Agency Coordination Manager

**ILMB Internal Draft Response to the Muskwa-Kechika Advisory Board  
Strategic Land Use Implementation Framework (SLUPIF)**

<b>Recommendation</b>	<b>ILMB Response</b>	<b>Action/Next Steps</b>
<p>1. MKAB and the Minister reaffirm a mutual agreement on the purpose and vision for the MKMA. Important elements include:</p> <ul style="list-style-type: none"> <li>a) manage MKMA in a regional context</li> <li>b) MKAB operate at strategic and policy level (and not become too hands on)</li> </ul>	<ul style="list-style-type: none"> <li>a) ILMB supports this recommendation in principle.</li> <li>b) ILMB supports the M-KAB remaining at a strategic level, providing advice to ILMB on management of the M-KMA.</li> </ul>	<p>ILMB to reaffirm their commitment to the LRMPs inside and outside of the M-KMA.</p> <p>ILMB to work with the M-KAB to clarify the M-KAB mandate.</p>
<p>2. That as the M-KAB and government work together to deliver on M-KMA responsibilities they will build a reporting framework that:</p> <ul style="list-style-type: none"> <li>a) Reflects the principles of a G2G relationship</li> <li>b) Clarify the mandate of the MKAB in relation to new planning policies</li> <li>c) Improves the communication and working relationships with the associated LRMPs</li> </ul>	<ul style="list-style-type: none"> <li>a) ILMB intends to proceed in managing the M-KMA reflecting the principles of a G2G relationship as per provincial protocols.</li> <li>b) ILMB supports clarifying the M-KAB mandate as providing an advice function to Government.</li> <li>c) ILMB supports working with the M-KAB to improve LRMP communication and working relationship where appropriate and feasible.</li> </ul>	<p>No action required.</p> <p>ILMB and the M-KAB to work together to develop a reporting framework.</p> <p>ILMB to follow up with the M-KAB on specific areas of concern regarding communication between the M-KAB and the associated LRMPs.</p>
<p>3. To honour a G2G relationship with FN it is important that:</p> <ul style="list-style-type: none"> <li>a) TEK receives greater</li> </ul>	<ul style="list-style-type: none"> <li>a) ILMB supports this in principle, however outcomes will depend upon provincial protocols with</li> </ul>	<p>As protocols are developed at a provincial level, ILMB will provide updates to the M-KAB at future</p>

<p>consideration in the implementation and monitoring of the MKMA and associated LUPs</p> <p>b) It must be recognized that sufficient funding is required to support FN capacity to assist with their ability to undertake FN land use planning</p> <p>c) The long term vision is to have one plan for all areas of 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.</p>	<p>First Nations that are still under development</p> <p>b) The recommendation will be taken into consideration. At this time the Province's position on this is that the Province no longer funds First Nations generated or First Nations led planning, unless such plans are also a provincial government priority and have a strong business case.</p> <p>c) This recommendation has room for discussion. ILMB recommends that the M-KAB determine the priority areas within the M-KMA for planning and provide that recommendation to Government. The discussion should also include whether there is a need to amend portions of the LRMP to ensure where necessary a level of consistency across LRMPs.</p>	<p>meetings.</p> <p>No action required.</p> <p>ILMB and the M-KAB will engage in scoping discussions regarding area-based planning in the M-KMA.</p>
<p>4. That government provide the necessary funding to update, implement and monitor the FN, FSJ and Mack LRMPs to enable a consistent approach to land management over the entire land base encompassed by the 3 LRMPs</p>	<p>ILMB is supportive of the recommendation of funds to support the Plan Implementation and Monitoring Committees (PIMCs), but cannot confirm funding. Funding for LRMP committees is dependent upon Government priorities and voted accounts.</p>	<p>ILMB to continue to make a case for funding to support PIMCs.</p>
<p>5. That the management and planning documents for the M-</p>	<p>a) ILMB supports consistency where appropriate and feasible. The New</p>	<p>ILMB to facilitate the Terms of Reference for each of the three</p>

<p>KMA and the five surrounding land use plans be updated and consistent in relation to those lands that directly about the M-KMA legislated boundary. Specifically:</p> <ul style="list-style-type: none"> <li>a) The ToR for each plan implementation committee (PIC) be similar and reference their role vis a vis the M-KMA legislated boundary</li> <li>b) The M-KAB and PIC members, especially from the three northeastern land use plans, formally attend each others meetings as part of their responsibilities to improve communication and info sharing</li> </ul>	<p>Direction for Strategic Land Use Planning in BC approach looks to develop consistent regimes across the province.</p> <ul style="list-style-type: none"> <li>b) ILMB supports this recommendation.</li> </ul>	<p>PIMCs.</p> <p>ILMB recommends that the M-KAB provide strategic advice to ILMB Planning as to how to advance this.</p>
<p>6. The provincial government, in cooperation with FNs and the M-KAB put forward legislated amendments in both the <i>M-KMA Act</i> and <i>Regulation</i> in relation to:</p> <ul style="list-style-type: none"> <li>a) Keeping the original intent of the M-KMA intact</li> <li>b) Retaining the Preamble within the <i>Act</i></li> <li>c) Correcting identified errors</li> <li>d) Ensuring consistency between the <i>Act</i>, <i>Regulation</i> and LRMP direction, as well as</li> </ul>	<ul style="list-style-type: none"> <li>a) ILMB supports this recommendation.</li> <li>b) While ILMB supports this recommendation in principle, Preambles generally are not a part of Acts. ILMB will explore the option of retaining the preamble if amendments to the <i>M-K Act</i> move forward.</li> <li>c) ILMB has completed their review of the <i>M-KMA Regulation</i>, the review has resulted in proposed amendments to the <i>Regulation</i>.</li> </ul>	<p>ILMB will work with the M-KAB on potential amendments to the <i>Act</i>. ILMB is currently seeking amendments to the M-K Regulation. Government is working with small group of the M-KAB to receive their input on the proposed amendments.</p>

<p>various other Acts and Regulations of Government</p> <p>e) Recognizing FN rights and interests</p> <p>f) Bringing in the Mackenzie portion</p> <p>In the meantime, the M-KMA should continue to be operated and managed as if the Mackenzie LRMP were legally included.</p>	<p>d) ILMB supports this recommendation in principle.</p> <p>e) Recognizing First Nations rights and interests will be conducted according to provincial protocols.</p> <p>f) ILMB supports this recommendation and incorporating the Mackenzie portion into the M-KMA Regulation is a proposed amendment.</p>	
<p>7. The MKAB's statutory advisory mandate include a provision for structured review and/or recommendations in relation to selected management activities and major strategic issues occurring within the M-KMA.</p>	<p>ILMB supports the recommendation as per the intent that a more rigorous and specified approach be developed for the M-KAB providing strategic advice to Government and Government responding.</p>	<p>ILMB will work with the M-KAB to draft a framework protocol that the M-KAB could put forth to the Sub Regional Managers Committee, a recommendation for the development of a protocol or Letter of Understanding between the M-KAB and the Sub Regional Managers Committee. The agreement would clarify protocols around the Board's role in providing strategic advice and the Sub Regional Manager's role in responding to advice.</p>
<p>8. 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</p>	<p>ILMB supports this recommendation in principle. Approach must be consistent with the New Direction for Strategic Land Use Planning in BC.</p>	<p>Please refer to Action from Recommendation #3c.</p>

local strategic plans. It is also essential to determine how this planning framework would be applied, monitored and address cumulative impacts.		
9. The provincial government 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.	ILMB supports this recommendation in principle. The approach must be consistent with the New Direction for Strategic Land Use Planning in BC.	ILMB recommends that the M-KAB provide advice to ILMB regarding potential pilot areas. Any projects proposed will depend on available funding. ILMB cannot commit to additional funding for these pilot areas.
10. 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 <i>Land Amendment Act</i> , 2003.	ILMB supports utilizing sections in the <i>Land Amendment Act</i> to legally establish objectives related to the M-KMA.	ILMB recommends that the M-KAB provide advice to the Minister in regards to proclaiming sections of the <i>Land Amendment Act</i> .
11. 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.	ILMB supports the principle of updating the M-KMA scientific strategy. However, Government should continue to be the lead with advice from the M-KAB and other research organizations, such as universities.	ILMB to report back to the M-KAB on cross government initiatives regarding research.  ILMB recommends that the M-KAB work with Government, UNBC and other educational institutions to update M-KMA scientific research strategy.
12. That:	a) ILMB does not support a service	ILMB will continue to work to

<p>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.</p> <p>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.</p> <p>c) The M-KAB meets annually in Victoria to maintain contact with senior government officials.</p>	<p>agreement with the M-KAB, rather ILMB will work to support the work of the M-KAB.</p> <p>b) ILMB supports the M-KAB expanding their relationship with other ministries.</p> <p>c) ILMB supports a meeting in Victoria between the M-KAB and key Assistant Deputy Ministers.</p>	<p>support the M-KAB through voted funds.</p> <p>No action required.</p> <p>ILMB recommends that the M-KAB request a meeting with Minister Hagen and M-KAB Executive Committee members.</p>
<p>13. 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 \$500,000.00 per year for the Board to fulfill its responsibilities.</p>	<p>Government does not support a one-time-only endowment. ILMB committed funding for 2007-2008 fiscal of \$500,000.00 to support the work of the M-KAB and \$250,000.00 for 2008-2009. ILMB is unable to commit funding for additional years.</p>	<p>ILMB staff were unable to secure a three year funding envelope of \$500,000/year for the M-KAB. The M-KAB has been advised to develop a plan for spending the remaining funds in the M-K Trust Account over three years.</p>
<p>14. A mechanism to enable the M-KAB to transfer the funds in the</p>	<p>This recommendation is not feasible and the M-KAB has been advised to provide</p>	<p>The M-KAB has been advised to develop a plan for spending the</p>



<p>existing Trust Account (approximately \$480,000.00) 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.</p>	<p>the Minister with an expenditure plan for each of the next 3 fiscals. The Expenditure Plan for 2008-2009 is in place.</p>	<p>remaining funds in the M-K Trust Account over three years. ILMB has been requested to submit an expenditure plan for 2009-2010 to Minister Hagen by March 2009.</p>
<p>15. 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 <i>M-KMA Act</i> before any final decisions are made.</p>	<p>ILMB supports the current governance model and Board composition remaining.</p>	<p>No action required.</p>
<p>16. 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.</p>	<p>ILMB supports this recommendation in principle.</p>	<p>ILMB to contact Victoria staff and research forms of state of the environment reports and work with the M-KAB to develop their report.</p>
<p>17. 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</p>	<p>ILMB supports an Annual Report that focuses on advice to government for future years based on the year in review.</p>	<p>No action required.</p>

<p>website to improve public communication.</p>		
<p>18. That the proposed Governance model in Figure Three for the Muskwa-Kechika 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.</p>	<p>The governance model in Figure 3 is similar to that of the Coast models and does illustrate that the M-KAB remain outside government-to-government discussions.</p> <p>ILMB supports the current M-KAB governance and funding model remaining as is. The \$250,000.00 currently allocated for 2008-2009 needs to cover all Board work including pilots or technical advisory committees.</p> <p>Government will continue with Government-to-Government discussions.</p>	<p>ILMB will continue to review options.</p>
<p>19. 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:</p> <ul style="list-style-type: none"> <li>a) 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.</li> <li>b) The requirement to fund</li> </ul>	<ul style="list-style-type: none"> <li>a) Government supports the need for a consistent framework for land use plan implementation as per the New Direction.</li> <li>b) ILMB desires the funds for supporting the PIMCs, however ILMB cannot confirm funding. Funding for LRMP committees will be dependent upon Government voted accounts and priorities.</li> <li>c) Government intends to work together with First Nations with respect to land use planning. A</li> </ul>	<p>Refer to Action for Recommendation #4</p> <p>Refer to Action for Recommendation #3a and #3b</p>

<p>plan implementation and monitoring committees to ensure that land use plans are implemented, monitored and updated.</p> <p>c) The necessity for government to work with First Nations on land use planning and to provide sufficient funding for resource management that enable traditional ecological knowledge and the principles of the New Relationship to be incorporated into these plans.</p> <p>d) 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 First Nation land use plans.</p> <p>e) The importance that the Minister undertake the process required to proclaim all relevant sections of the <i>Land Amendment Act</i> so that this report, and other important provincial land use reports can be fully implemented.</p>	<p>protocol is currently under development between the Province and First Nations. The province's position on this is that it no longer funds FN generated or FN led planning, unless such plans are also a provincial government priority and have a strong business case.</p> <p>d) ILMB supports this recommendation in principle.</p> <p>e) ILMB supports utilizing sections of the <i>Land Amendment Act</i> to legally establish objectives related to the M-KMA.</p>	<p>Refer to Action for Recommendation #3c</p> <p>ILMB recommends that the M-KAB provide advice to the Minister in regards to proclaiming sections of the <i>Land Amendment Act</i>.</p>
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<p>20. June 30, 2007 the M-KAB formally presents the Final Report to the Minister Responsible. Upon approval of the project recommendations by the Minister, it will be government's responsibility to provide further consultation on the reports recommendations, in particular the Kaska Dena, Treaty 8 and Tsay Keh Dene First Nations. Final implementation will occur upon completion of these consultations and after a full report on these consultation has been reviewed by the M-KAB for their additional advice.</p>	<p>The report recommendations will be received as advice from the M-KAB.</p> <p>ILMB has undertaken consultation with Kaska Dena, Treaty 8 and Tsay Keh Dene First Nations. Discussions regarding implementation will be ongoing.</p>	
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## 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**

