COMPLIANCE & ENFORCEMENT WITHIN THE MUSKWA-KECHIKA MANAGEMENT AREA (MKMA)



Muskwa-Kechika Area

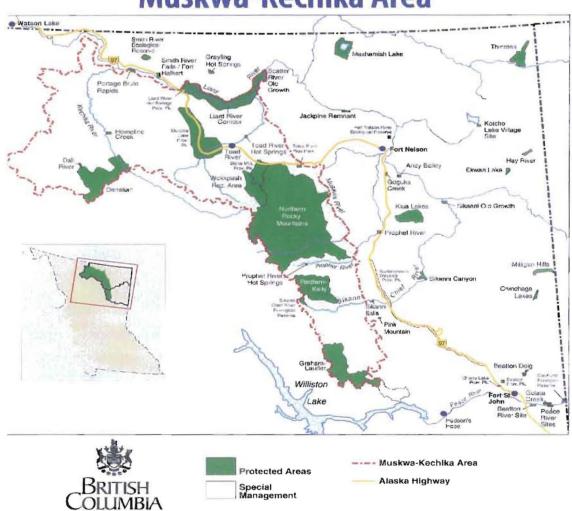


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OVERVIEW

The purpose of this research is the exploration of options to establish an enhanced field presence for compliance, enforcement and interpretation in the MKMA as outlined in the Muskwa Kechika Management Area Funding 1999-2000 Proposal titled: Compliance, Enforcement and Interpretive Enhancement Strategy (the Project).

This project commenced with Jim Swanson and Rodger Wallace formulating a set of objectives to determine compliance, enforcement, and interpretive strategies for the Muskwa-Kechika Management Area. These objectives are shown in Appendix # 1.

We also reviewed current training programs and entrance standards for compliance/enforcement groups such as the Conservation Officers, BC Parks, and Ministry of Forests and R.C.M.Police. We obtained copies of course training standards from the Conservation Branch, BC Parks, Ministry of Forests and the R.C.M.Police.

We examined reports from other similar wilderness projects and although we found considerable data and information about various aspects of those projects, we were not able to obtain data or information about the relevant peacekeeping aspects or approaches.

We developed an interview format based on the objectives shown in index 1 and developed a list of persons to be interviewed. We provided a handout with background information about Jim Swanson and Rodger Wallace, which we used as part of the interview. A copy of this handout is attached as *Appendix 4*.

The persons selected included advisory board members with additional names obtained as a result of information acquired during interviews. The interview list, appendix # 2, outlines the name and occupation of the person interviewed, the date of the interview, the place of the interview and the type of interview, whether in person or by phone.

The individuals interviewed without exception were very co-operative and helpful. BC Parks and the Conservation Officers were exceptional and went out of their way to assist and provide information to us. We sincerely appreciated their efforts. Some persons were not available for face to face interviews. We were in Ft. St. John for 4 days, Ft. Nelson for 2 ½ days and Pr. George for 2 ½ days as well. We were able to accommodate some of the persons by arranging our schedule to visit Ft. St. John and Pr. George twice.

Many of the issues were identified by more than one of the persons interviewed. Many of the suggestions and recommendations were also presented by more than one individual.

While there was widespread support for encouraging local participation, especially 1st Nations, the reality was that many organizations had already tried and were unable to recruit candidates. A myriad of reasons were provided by numerous organizations but the end result was that they had not been able to attract locals, especially 1st Nations, to work in the compliance and enforcement field or as support staff within their organizations. Notwithstanding this information we were able to obtain information on several alternative programs which may provide incentives to encourage local participation, including 1st Nations.

A research paper by Doug GILLETTE, Regional Enforcement Manager, Conservation Services, entitled Enforcement Strategy for the Muskwa-Kechika Area, dated Feb 12, 1998 accurately outlined the issues.

The issues identified during our interviews are outlined in point form, with extra details provided later in the report. In each section we have summarised the information obtained from interviews, and in some cases we have followed-up with additional researched information such as supplying relevant provincial statute sections or background information.

- 1. Access control and violations to access control
- Jurisdiction/authority of compliance/enforcement officers.
- 3. Conservation Officers and BC Park Rangers current level of activities.
- Awareness/communication of MKMA.
- 5. Pro-active and re-active enforcement in the MKMA.
- 6. Inter-agency interaction.
- 7. Forestry officials involvement with compliance/enforcement within the MKMA
- Training
- 9. Packers both riverboat and outfitters
- 10. 1st Nations involvement

1. ACCESS CONTROL

The importance of controlling access routes into the MKMA was consistently mentioned during our interviews. Potential damage to the environment and the MKMA through violations related to access control, either by new accesses or going beyond the access routes with motorised vehicles was considered by many as the most serious problem in the MKMA.

The MKMA has designated access routes. New access routes opened by industrial activity have been controlled by gates and security personnel at the gates. We learned from numerous sources that most violations to the access controls will occur through motorised access.

- Problems reported during our interviews included personnel at the gates not asking for entry permits, and allowing unauthorized personnel entry. This was reported as a two-fold problem: staff were not properly instructed or trained and or did not perform the duties that they were hired to do.
- > ATV's (All Terrain Vehicles) were reported to be the main motorised access problem at all the access points by going outside the authorized areas.
- Suggestions were received that ATV's (wheeled vehicles) should be licenced or registered similar to snowmobiles and display the permit/registration in a similar manner to help control the problems associated with off-road use by ATV's. A review of the All Terrain Vehicle Act section 2, states that they are required to be registered and display the registration the same as snowmobiles; however, checking with enforcement authorities learned that the section was enacted only for snowmobiles.

In the southern parts of the MKMA, some of the ATV access violations were attributed to members of the 1st Nations. A perception that these violations were being ignored needs to be addressed to ensure compliance/enforcement is uniform and fair.

- The use of ATV's within park areas is covered in section 24 of the Park and Recreation Area Regulations, which restricts all vehicles, including all terrain vehicles to park roads or as authorized by signs or a park officer. Unfortunately if the vehicle is not registered and not displaying an identification registration number enforcement is much more difficult.
- Snowmobiles are not deemed to be a problem at this time in the MKMA.

The restricted access routes do not affect riverboats, especially jet boats; but the numbers have risen to the point where congestion at some launch sites is now occurring. The Kledo/Muskwa area in particular has seen over 70 trailers parked at the launch sites at one time. Also many riverboats are now being reported on the Kechika river system as well. Some of the riverboats are for commercial recreation but most are for private use. If serious over-hunting or commercial poaching takes place it will probably require a riverboat to carry the killed animals from the area. Also the potential for riverboats to litter with gasoline barrels, etc. was identified as a concern.

Suggestions were received that riverboats used for commercial recreation could be regulated by permits. Suggestions were also received that riverboats used for private recreation and launched in a congested launch site could have a check-in and checkout system similar to the West Coast Trail near Victoria. A permit system could provide a safety factor as well as helping to reduce the congestion.

Floatplanes are not considered to be a problem at this time, but the potential exists for over-fishing at the small lakes. Pilots interviewed were concerned about additional regulations for flying over this area, with the potential for limiting their access to the area.

2. JURISDICTION/AUTHORITIES OF COMPLIANCE/ENFORCEMENT OFFICERS

Conservation Officers, Park Rangers, Forest Officers, and RCMP have different powers and authorities and jurisdiction. While each agency is tasked with different responsibilities, many similarities exist. With better cross jurisdiction some duplication could be avoided. Also if some resources are shared, the savings could be two-fold.

BC Park Rangers do not have jurisdiction outside of designated parks, nor do they have full authority inside their parks, as they cannot ticket anyone who catches more fish than legally allowed. In discussions with park authorities we learned that park rangers could process the matter by using section 9 of the Park Act, which deals with the protection of natural resources, but this is a very complex process requiring court attendance rather than issuing a ticket with a voluntary penalty. Limits are set by the federal Fisheries Act and to process this violation under section 9 would be time consuming and uncertain. Ideally the park rangers should be authorized to deal with the matter under the federal Fisheries Act.

▶ BC Park Rangers need to have deputy conservation officer status to overcome most of their authority/jurisdiction problem, but that appointment would not resolve the federal Fisheries Act issue. An appointment or change to the federal Fisheries Act is required to provide the necessary authority for park rangers to ticket for this offence. Conservation Officers are somewhat reluctant to provide the designation of Deputy Conservation Officer although many park rangers do in fact have the authority elsewhere in the province. This reluctance appears to be a perceived difference in standards of qualification.

Comparing the basic entrance standards for both agencies we found many similarities and parallels. The Conservation Officer's training is more enforcement oriented with environmental concerns, whereas BC Park Rangers training provides more emphasis on pro-active roles and stewardship issues. Both cover basic law and its administration, including skills in investigation and statement taking.

As numerous BC Park Rangers already have deputy conservation officer status, apparently with no reported problems, this area should not be an exception.

Conservation Officers do not have authority to enforce the Park Act or the Park and Recreation Area Regulations. While they have peace officer status and can enforce other violations within a park, such as wildlife act, they cannot enforce Park Act violations or violations to the Park and Recreation Area Regulations. This means that they cannot evict people from the park under section 9 of the Park and Recreation Area Regulations, nor can they question them about their activities under section 7. Conservation Officers and Park Rangers do not have authority within or outside the park for offences under the Small Vessel Regulations or Canada Shipping Act. This means that they cannot ticket someone in a boat with children without life jackets, or without oars, etc. Because they are not designated under section 45 of the Small Vessel Regulations they have no authority to enforce that entire statute. For the entire Muskwa Kechika area they would have to rely on the RCMP to deal with enforcement of the Canada Shipping Act and the Small Vessel Regulations.

We have spoken to the both the Conservation Branch and BC Parks Branch about these problems and both have confirmed that they are a problem. While they have identified these issues and have had discussion with federal authorities about the necessary designations under the Small Vessel Regulations, the bureaucracy and red tape has been insurmountable. The result is that the designations have not been made.

These problems are not unique to the Muskwa Kechika Management Area. The lack of authority to deal with openly visible violations such as no life jackets for small children in a boat, or the careless operation of a small vessel has to undermine the credibility of the enforcement officers. In many cases the Park Ranger or Conservation Officer would be the only enforcement officer in the area and the inability to deal with the situation could cause some concern.

The lack of authority for Conservation Officers within a park is a provincial issue and could be resolved by including Conservation Officers within the definition of a Park Ranger, in addition to the RCMP and West Vancouver Municipal Police Force. This is found within Section 6 of the Park and Recreation Area Regulations.

3. CONSERVATION OFFICERS & BC PARK RANGERS CURRENT LEVEL OF ACTIVITIES.

The staff shortages have such a negative impact on the MKMA that even though the staffing issue is basically outside of our review area the problems were reported so often that we felt compelled to document the concerns.

BC Park Rangers at Ft. Nelson have been short staffed by one ranger in that office. The serving ranger is a part-time ranger working 10 months of the year. 2 summer rangers were being provided for this year for the MKMA, which is an increase of one more summer ranger.

Conservation Officers have no secretarial staff in their Ft. St. John office and only part time administrative staff in the Ft. Nelson office. Many of the persons interviewed stated that the shortage of CO's was a serious concern and obvious to all the users of the MKMA. Their concern was for both pro-active and re-active enforcement. Since these interviews were done we have learned that one of the Conservation Officers in Ft. Nelson has taken a leave of absence and has gone to work for BC Parks, which leaves only one Conservation Officer in Ft. Nelson.

Pro-active duties such as education, and public relations' programs for both park rangers and conservation officers were seriously affected by staff shortages. Programs geared to long-term benefits such as school and band council visits and community education programs were all cut back or eliminated. Some of the persons interviewed felt very strongly about the need to re-instate these pro-active assignments. Consistently we heard about long term vs short term for the MKMA and the requirement for pro-active assignments to reflect the long term needs.

If fully trained conservation officers or park rangers are not available for these proactive duties, such as lecturing or making presentations, consideration should be given to part-time or supplemental staff taking on some of those responsibilities.

Re-active duties where immediate response to complaints or follow-up investigations were reported to be seriously affected and this was well known to persons interviewed. They reported serious delays in agencies responding to complaints or the inability of staff from those agencies to respond to some complaints entirely.

We received mixed feedback from persons interviewed about the current level of activities within the MKMA but most agencies reported that the current levels were approximately the same as previously. The conservation officer in the Ft. Nelson area reports about 200 cases a year for the entire area, including MKMA.

We obtained statistics from the MKMA dealing with infractions and warnings under the Wildlife Act for the past four years. The MKMA is so large that it includes the following game management areas: 7-36, 7-42, 7-43, 7-50, 7-51, 7-52, 7-54, 7-57. The statistics for MKMA were as follows:

MKMA						
WILDLIFE ACT Year	Charges	Warnings				
1996 1997 1998 1999	31 21 28 15	20 24 57 20				

Checking with conservation officials for the area learned that the significant increase in 1998 for warnings was due to new legislation introduced that year. A *Nil Return* by unsuccessful hunters was required for the first time and violations for failure to comply with that requirement were phased in with numerous warnings.

These statistics, which should only be considered as base information, do not reveal any alarming trends within the MKMA, based on a comparison of the four years' data. Comparing the data from this area with other areas is like comparing apples and oranges, as the size of the area and the necessary travel time are considerably different.

No compliance/enforcement problems related to industrial activity in the MKMA were identified, and it was mentioned that the agencies had a vested interest in protecting the area and complying with regulations for their activities. The oil and gas industry had their own compliance unit and were self regulated in most aspects. Trapping was also reported to be a non-issue at present. 1st Nations hunting outside of their traditional lands was not reported to be an issue currently.

A BC branch of Hells Angels had a hunting camp within the MKMA and their presence was found by some to be intimidating. We learned that they had not been as active in the past year and we also learned that their camp had been damaged by fire.

BC Parks use auxiliary park rangers during peak summer periods. This practice is efficient and effective. Considerable research has been done concerning the safety of two-person patrol vs a one-person patrol in different situations, including potential

confrontations and violence, as well as isolated lengthy patrols where natural hazards and personal injuries are a factor. The use of auxiliaries allows a two-person patrol during peak periods when the most activity occurs. Conservation Officers do not use auxiliaries or deputy conservation officers in the same manner. The Conservation Service policies allow them to use auxiliaries similar to BC Parks, but in practice they do not. Training and standards are strong issues for conservation officers, which is admirable in terms of quality control, but not insurmountable when it comes to getting auxiliary staff to help during peak times.

> RCMP Detachments at Ft. Nelson and Ft. St. John report a very low level of calls for service from within their MKMA boundaries. Detachment personnel indicate a willingness to participate in joint patrols.

4. AWARENESS/COMMUNICATION

To get compliance that is not coupled to enforcement requires education, awareness, and communication geared to long-term benefits. While ignorance of the law is not an excuse, in some courts today defences of due diligence, and officially induced error have been accepted. To overcome these defences, and to prevent unlawful behaviour, awareness of the goals and regulations for the MKMA need to be known by users and potential users in advance.

Many of persons contacted in the Ft. Nelson, Ft. St. John and Pr. George areas were unaware of the purpose for the Muskwa-Kechika Management Area. MK users had mixed feelings about having improved communication/awareness packages about the area. They liked the idea of having a package that advised people of the need to keep the area as natural as possible, but they were reluctant to advertise the area hoping to keep the status quo.

- Members of the advisory board felt that they should have a professionally prepared presentation package (audio/visual) to assist board members in making presentations. Two advantages were outlined to support this proposal: I) To help the members with a polished and easy to use presentation 2) The contents of the package would be known to and approved by board members which would ensure some uniformity and standardisation with the presentations. One board member advised that audio-visual presentations had been prepared about the MacDonald Valley and this might be useful to include in the approved package. Similarly the youth camp in the MKMA last summer had audio-visual coverage and that footage may also be available for consideration.
- ➤ The planned symposium about the MKMA to be held in Ft. St. John and Ft. Nelson next year will provide global awareness of the MKMA and residents in both areas have mixed feelings about this at this time. Some residents felt that the isolation and high cost of travel to the area acted as a barrier to encouraging tourists to visit the area in a "non-consumptive" fashion, i.e., taking photos but not hunting. All agreed that hunters were not deterred by the high costs and would continue to pay large amounts to hunt in the area.
- The feelings of ownership of the area by local residents appeared to have positive and negative sides to it. While they identified with the territory and had a willingness to defend it and keep it as it was, they also did not want any changes to the ways that they had always used the area nor did they want an influx of outsiders coming to the area. Changes are inevitable because of the symposium providing global coverage, the positive exposure of this area on the Internet and through other media exposure.

5. PRO-ACTIVE AND RE-ACTIVE ENFORCEMENT

Pro-active enforcement is prevention or acting in a preventive manner before any incident occurs. Re-active enforcement is responding to incidents, reported or discovered or follow-up investigation.

Suggestions for pro-active patrols included horseback patrols throughout the MKMA and these were deemed to be desirable by all parties interviewed. The patrols were considered to be a good deterrent and pro-active form of enforcement and compliance. The horseback patrols were not considered to be a good re-active response method.

- ➤ A fifty-day horseback patrol by Conservation Officers is planned for the MKMA this year. The trip is to be broken into five 10 days segments with 2 Conservation Officers, a wrangler and guide and a total of 10 horses for each segment. The trip will traverse the MKMA from south to north. The response to this proposal from all parties was very favourable. Both the RCMP and BC Parks have indicated a willingness to send members to participate in one or more segments, if invited.
- > Some pro-active programs such as school and band council visits were on going but on a very limited basis, and these should be re-examined for long-term benefits.
- > A wilderness watch program has been authorized for this year with volunteers/auxiliaries acting to provide a crime prevention type of watch for the MKMA.
- Some pilots in both the Ft. St. John and Ft. Nelson areas expressed an interest in forming a pilot's watch for the MKMA. They would accept funding in the form of fuel for their planes, but also are prepared to volunteer their efforts if a co-ordinator could channel their reports to proper authorities.
- Some signs posted near launch areas for riverboats advising of the need to keep the area clean and to keep the rivers and riverbanks free of litter were reported to have been very successful. While these signs were reported to be effective, numerous reports were received advising that all signs including both regulatory and interpretive should be kept to a minimum. This is consistent with other findings in crime prevention through environmental design programs that found where signs are involved, a compromise is most effective. Too many is as bad as too few.
- The North East Aboriginal Trappers association volunteered to act as part of a wilderness watch for this area. The trappers volunteering would include those who had traplines adjacent to the MKMA, but they would like to be involved as part of the wilderness watch for the MKMA. This offer needs to have a co-ordinator to channel the information.

- Education and awareness programs, including presentations by advisory board members on the benefits of the MKMA are important for long-term benefits. Inviting local participation especially local volunteer groups helps to obtain an ownership commitment to the MKMA.
- ➤ Re-active responses require faster travel such as helicopter or floatplane and their use in that manner was more readily accepted than their use for pro-active patrols. Jetboats and ATV's were also found to be effective for re-active responses for dealing with complaints such as illegal hunting activities and pro-active patrols where a deterrent presence was accomplished.
- > Current provincial funding levels for CO's do not provide for the type of pro-active and re-active responses deemed appropriate by the MK stakeholders.
- > Conservation Service managers are adamant that they are not in a position to increase activities without additional funding.

6. INTER-AGENCY INTERACTIONS

The relationship between the four main agencies involved in compliance/enforcement within the MKMA, (Conservation Services, BC Park Rangers, Ministry of Forests, RCMP) was examined during the interviews, especially the sharing of resources.

Co-operation between the different agencies involved in enforcement/compliance strategies within the MKMA was positive in some areas but less than desirable in other ways.

Resources such as flights into the MKMA were often shared between groups such as the RCMP and CO's or the Forestry and Parks. Similarly riverboat patrols sometimes included two different agencies.

Policy for Conservation Officers dealing with high-risk situations requires a second Conservation Officer to be present for a two-person patrol. This policy is considered applicable to travel within MKMA and the safety issues were covered earlier in item # 2. The CO's did not include park rangers as a primary officer in their proposed horseback patrol because the patrol was considered high risk and needed a second CO, not a park ranger in lieu of a conservation officer because of qualification standards.

BC Park Rangers travel considerable distances within the MKMA without authority to act in a compliance/enforcement manner.

Checkpoints or roadblocks set up to check for violations under different statutes were seldom staffed by more than one agency in spite of the obvious benefits to all agencies involved. Historically, combined units at checkpoints have provided positive deterrents to violations while improving safety conditions for the members. For example, an RCMP member working with a Conservation Officer can check a vehicle and its occupants for possible infractions under the Wildlife Act, Motor Vehicle Act, All Terrain Vehicle Act, Criminal Code, etc. Pro-actively the expertise available at the checkpoint can provide information and awareness in areas normally not available with a single agency checkpoint.

All agencies reported limited funding and agreed with the need to cooperate and pool or share resources for the management of the MKMA.

7. FORESTRY INVOLVEMENT WITH COMPLIANCE/ENFORCEMENT IN THE MKMA

Forestry Officers reportedly have a lesser involvement with compliance/enforcement in the MKMA. Grazing issues with MKMA users with horses can be a concern and forestry officials are involved in that operation. No forestry campsites are located within the MKMA, as the ones that were in the MKMA have been closed. The recreation plan has not been approved yet and the perception is that this plan is overdue. That plan may bring some additional concerns for forestry officials at a later date.

Some problems have occurred in the MKMA with permanent structures (log dwellings) and the forest officers have taken action. Those issues seem to be resolved at present. Another concern is the *temporary sites* where MKMA users will set up a camp to reserve what they believe to be prime territory. Even though they are not using the campsite they have staked their claim in advance. The length of stay for a temporary site is an issue but not a serious one.

Forestry officials indicated a willingness to participate in joint patrols, specifically the horseback patrols, but not to the extent currently planned with the fifty-day patrol.

8. TRAINING

We have reviewed the basic training of the 4 main agencies in the MKMA, the Conservation Services, BC Park Rangers, Forest Officers, and the RCMP. While the basic training standards for all four have a common denominator of law and its administration, each group has its uniqueness and special needs. They also have different authorities and jurisdictions.

The RCMP have the greatest amount of authority and jurisdiction as federal and provincial peace officers. Their appointment carries with it many ex-officio appointments extending their authority into provincial and federal statutes. Their jurisdiction is Canada-wide.

The Conservation Officers have authority and jurisdiction as provincial peace officers and have ex-officio appointment under the Federal Fisheries Act. Their jurisdiction is province-wide and under the Wildlife Act for example they have the authority to arrest anyone found committing any offence under that act.

BC Park Rangers have authority and jurisdiction as enforcement officers and for some statutes the authority is extended to that of peace officers, but only within the boundaries of the provincial parks. Some park rangers who have been designated as a deputy conservation officer will have their jurisdiction and authority extended by virtue of that designation.

Forest Officers are given authority and jurisdiction under the Forest Act as enforcement officers and their jurisdiction is province wide. They also have extended authority under the Forest Act to assess or apply administrative penalties or orders onsite, and to evict under the Forest Recreation Regulations.

- ➤ The RCMP training has emphasis on the Criminal Code and keeping the peace in the role of peace officers.
- ➤ The CO's service training has emphasis on enforcement and compliance, especially in the environmental field in the role of enforcement and peace officers.
- > The Park Rangers training emphasizes stewardship and compliance within the parks in a pro-active manner in the role of enforcement and peace officers.
- > The Forest Officers training has emphasis on the administrative law in a compliance manner in a role as enforcement officers.

Distance Education courses for BC Park Ranger's admission are available through BCIT. These courses (Parks Courses 3110 and 3120) are available to the general

public; and have been used by applicants throughout the province, including 1st Nations, to qualify as auxiliary park rangers.

Community colleges such as Malaspina and Lethbridge have specialised programs dealing with environmental officer's roles to qualify candidates for enforcement officer's positions. These colleges are prepared to work with local agencies to ensure that their program meets all the necessary standards. A Coop program would suit some of these activities very well because of the seasonal activities.

Auxiliary police for the RCMP and municipal police forces have a 60-hour training program to qualify them for their roles as a constable/peace officer. Considerations should be given to a similar type program in the future if a tiered training or understudy program could be phased in to encourage 1st Nation's involvement in the MKMA in a compliance/enforcement capacity. Some of the volunteer watch programs may also wish to review these auxiliary training standards for implementation as is or in a modified version.

In anticipation of shared patrols, the Conservation Branch's Course Training Standards, which outline the training to be provided and the level or standard of the training, could be met by their training officer providing localized training or coordinating the training with other agencies as long as the standard has been met. Some flexibility in interpreting the course training standards may be necessary.

A suggestion was received that the Advisory Board could fund and advertise a bursary program for local candidates to receive education to qualify for careers within the MKMA.

9. PACKERS - BOTH RIVERBOAT AND OUTFITTERS

Packers provide different services for resident hunters for fees that match the services, which can include transportation by boat or horse. Those services do not include a guiding service, *per se*.

Packers using riverboats and horses were reported to be a concern by many of the persons interviewed; however, we were also informed that attempts were being made to address those concerns. The legality or illegality of packers was in some cases a grey area, but the potential for conflict with licenced guides was certainly documented.

- Packers using horses sometimes came into conflict with the Forestry officials who dealt with the grazing issues. Also where they extended their roles into a guide service, they came into conflict with guides and outfitters who were licenced for a designated area where the packers where located.
- Packers using riverboats were identified with the same concerns, legality vs illegality of their operation depending on the services provided. The use of riverboats for commercial purposes also was a grey area, dependant upon the remuneration and services provided.
- ➤ Envisaged remedies seem to involve a legislated change to define the term guide/outfitter that will result in licensing some packers. Legislated remedies will require a compliance/enforcement presence to identify and deal with infractions such as grazing violations for horses and conflicts with other users of the MKMA. In some cases violations are not reported because of the reluctance of MK users to be seen as informants and the potential for retaliation by offenders.

10. 1" NATIONS INVOLVEMENT.

The importance of having local participation, including 1st Nation's, has been included in objectives of this project throughout.

We learned from the 1st Nations' Centre at the UNBC that they were attempting to get more involvement of 1st Nations in training/education programs in the north. The centre was prepared to offer Co-operative Education programs and through affiliate offices in Ft. St. John provide off-site training programs.

Special or unique education courses as offered by UNBC and its affiliates provides opportunities for locals, especially 1st Nations to obtain basic admission qualifications for enforcement careers, and for advanced education courses as well.

Ft. St. John's Northern Lights' 1st Nation Centre had just completed a testing program for 1st Nations at the Prophet River and Ft. Nelson Bands and they were working to qualify candidates on an individual basis to meet admission standards for various occupations.

When we questioned the possibility of getting 1st Nations involved in compliance/enforcement program, we were advised that considerable efforts had already been made. The CO's service had already selected and trained an aboriginal officer who had started a promising career only to have it stopped suddenly when he quit to return to his own reserve in the Yukon. Since our interview we have subsequently learned that the CO's service has another aboriginal officer on the short list to replace the officer who quit.

The RCMP and the CO's have tried to recruit 1st Nations not only for field positions but also as support staff, but also with very limited success. The RCMP at Ft. Nelson had a Ft. Nelson band member as a summer student last year and while it was deemed to be a positive experience the student did not wish to continue in that field. The potential exists to hire support staff for Ft. St. John and Ft. Nelson Park Branch and Conservation Branch offices.

We learned of a watchmen type program in the Queen Charlottes, which was reported to be successful in having 1st Nation's involvement. The Gwaii Hanas has 1st Nation's involvement in a pro-active compliance/enforcement program, but the differences in geographical locations and the objectives are such that this program does not appear to be suitable for the MKMA at this time. While the sizes of the two areas and distances involved are very different, some parallels, especially the ownership and commitment are worthy of note. Details of the Gwaii Hanas Watchmen program are shown in Appendix 3.

Another pro-active program involving 1st Nations was the Kaska-Dena Youth Camp held in the MKMA last year. This information/awareness camp dealing with interpretive issues for young people was reported to be successful.

BC Parks training programs have been completed by 1st Nations to qualify for admission as auxiliary park rangers. Several 1st Nation's people have qualified elsewhere in the province, and they continue to be involved in the distance education training programs to qualify as park rangers. No reasons exist why this shouldn't apply to the MKMA as well.

If horseback patrols planned by the CO's service continue, an opportunity may be available to offer wrangler and guide positions to locals including 1st Nations. Contracting with the bands to provide horses may be a realistic way to get their early participation. If this is ongoing it may present itself as an opportunity to develop enforcement officer training and promote interest in the enforcement field. This would be especially true if it could be worked into an understudy program or tiered training program, starting with wrangler/guide and moving into auxiliary/enforcement officer status and on to a full peace officer position.

INTER AGENCY MODEL FOR

COMPLIANCE/ENFORCEMENT & INTERPRETIVE ACTIVITY IN THE MUSKWA KECHIKA

OVERVIEW

- 1. There is no evidence of current use causing widespread irreparable damage to the environment or wildlife populations.
- 2. Current indications predict increased activities within the M/K area.
- 3. Stakeholders commonly share the view that 'access' related problems are the primary focus of current concern.
- 4. Areas likely to be most problematic are those with motorized access.
- 5. Those persons who are anticipated to create the most problems are likely to be the least regulated. (Hunters, fishermen, recreation users etc.)
- 6. Those being regulated should be monitored.
- 7. Pro-Active activities will alleviate re-active calls for service.
- 8. The biggest deterrent to unlawful behaviour is a reasonable likelihood of being detected and apprehended.

APPROACH

All of the Agencies involved with enforcement/compliance/interpretive activities report budget constraints as the primary impediment to increasing their presence in the M/K. There is, however, a general agreement that they could work together towards common goals. A blending of resources with a sharing of costs appears to be a sensible approach. In reality this is providing more with less and is more efficient and effective.

The following model or a modified version is suggested as a means to get people on the ground, in the area, within a reasonable time frame meeting the short-term goal of an enforcement presence in the M/KMA

The model provides an operational task force to take over some of the responsibilities and workload generated by the creation of the MKMA but **not to replace** the personnel responsible already present.

Working on the premise that there is a 4-5 month period where most activity takes place, the model has operational direction/supervision coming from Ft. St. John regional offices of the Conservation Officer Service with consultation and input from B.C. Parks and the M/K Board Program Manager. Forestry or other agencies could also form part of the advisory group but the main players are those stated.

Model Requirements:

- A Co-ordinator
- 4 part time employees (Auxiliaries) 2 Park Rangers & 2 Conservation Officers
- Individualized training
- A sharing of equipment, resources and accommodation
- Increased funding

The Co-ordinator

Must be experienced in the enforcement field with outdoor interests and good interpersonal skills. Our suggestions are that the likely candidates for this role should be either serving or retired police officers or conservation officers. A key factor in the success of this model depends on the person selected for this position.

We encountered suitable people in both branches who would be interested in such a position and who can be acquired by:

- Seconding them from their present duties
- Hiring them on a 2 –3 year contract

The Auxiliaries

Both Malasapina and Lethbridge Colleges produce suitable candidates with good qualifications for the auxiliary positions. Advertising would surface candidates with the majority of the necessary skills.

Individualized Training

British Columbia Parks have been hiring summer rangers for a number of years. The Conservation Service has not been employing part time or auxiliary personnel but have indicated a willingness to participate in this type of program providing the employees meet their standards. They now have a full time training officer who can evaluate the qualifications of Conservation Officer applicants as well as the Park Ranger employees. He can work with the coordinator to ensure everyone is sufficiently qualified. The Conservation Service appointment of Deputy Conservation Officer should be the target for all employees but in the event that the Parks employees do not fully qualify, they can be teamed up with an Auxiliary Conservation Officer that does.

Individualized training programs are presently available within the province. Areas such as riverboat and ATV handling can be addressed on the job while firearms, first aid and other training may require other applications. Other sources for training include the RCMP, the Justice Institute and private companies.

PROJECTED BENEFITS FROM THIS MODEL:

- The model ensures a dedicated full time position to help develop and implement a compliance/enforcement and interpretive strategy within the MKMA boundaries.
- Use of auxiliaries provides 4 positions for the peak period instead of a reduced number of full time positions that remain year round.
- The model uses equipment already available through the contributing agencies such as ATV's and riverboats.
- The model provides ongoing liaison and contact with Guides/Outfitters and other stakeholders in the M/KMA.
- Pro-Active and Re-Active projects can be developed with the principal agencies involvement, resulting in a co-operative team policing approach, increasing an enforcement presence and avoiding a duplication of services while minimizing expenditures.

METHODOLOGY

The coordinator will provide supervision to the four auxiliaries and, in turn be supervised by the Senior Conservation Officer, Ft. St. John.

Routine reporting on incidents, intelligence and violations can be routed through the office with jurisdiction for the event in the normal format. Unusual or high profile cases will normally be referred back to the agency with jurisdiction.

The current approach has been to use MKMA funding to hire a First Nation's person to do interpretive and pro-active work. Getting local applicants with the necessary qualifications willing to commit to what appears to be temporary employment is a challenge.

Under this model, the benefits are in getting a presence into the MKMA <u>and</u> the proactive interpretive input.

Seconding an RCMP Member Co-ordinator

The principle involved is for the user unit to pay salary and expenses for the personnel they are borrowing, allowing the positions to be back filled.

Serving members have basic authority to enforce all Federal and most Provincial Statutes. Seconding is common within the R.C.M.P. The majority of RCMP members are provincial employees that can be released to other Provincial Departments providing their salary is paid by the user unit. In this case they are a bargain because they come at 70 cent dollars. (Provincial RCMP positions receive a 30% subsidy from the Federal Government).

Seconding a Conservation Officer Co-ordinator

Again, this is a feasible method to select a suitable candidate for the co-ordinator position and ensure a fully qualified person with all the necessary authority to enforce the various statutes. We are advised that a secondment from the Conservation Officer Service is possible under some circumstances but it is normally difficult to back fill the position.

Persons being seconded continue to accumulate service for retirement and maintain their rank and job benefits.

In both instances, the ideal candidate is someone near the end of their service who is likely to be looking for alternate employment in the next couple of years. Our inquiries indicate there are suitable senior, qualified personnel interested in such a position who would be willing to take on this role. If a program evaluation at the end of a 2-3 year trial is favorable, it may be reasonable to contract the position on permanent basis. That would require a special appointment to the Deputy Conservation Officer status but could be done on the recommendation of the Regional Conservation Officer to the Manager of Enforcement and Compliance in Victoria.

Contracting a Co-ordinator

The qualifications remain the same but will likely require a contract with sufficient incentive to attract suitable applicants. Special appointments would have to be obtained on recommendation by the Senior Regional Conservation Officer.

Co-ordinators Role

The are two basic components to this role:

- Re-Active (Examples)
 - Plan, implement and supervise enforcement /compliance activity within the MKMA.
 - Respond to reports of unlawful conduct.
 - Liaise with other agencies.
 - Co-ordinate volunteers and watch activity and intelligence.
 - Provide a significant presence in the MKMA to act as a strong deterrent to unlawful behaviour

Again it is stressed, the model does not replace those responsible for policing in the MKMA but supplements resources already in place.

Pro-Active (Examples)

- Organize and co-ordinate 'watch' activities by area users such as the snowmobilers, riverboat owners, pilots' association, trappers and the local rod and gun clubs.
- Select and approve candidates as volunteers.
- Identify training standards.
- Provide, arrange and schedule training.
- Record activities, channeling communications and act as liaison between volunteer groups with the appropriate enforcement agency.
- Deliver presentations to user groups.
- Liaise with First Nation's bands /encourage involvement in compliance activities.
- Work with MKMA stakeholders on relevant environmental issues.
- Solicit special project funding through private industry.
- Promote ownership in the MKMA through awareness initiatives and media contact.
- Encourage employment of First Nations people in the compliance/enforcement field by researching employment incentives, training opportunities and Educational Courses with a suitable Cooperative (on the job training) component.
- Contract horses and equipment for extended patrols emphasizing local employment.

There was considerable comment that horse patrols were viable and preferred. If this position were to supervise a contract to supply horses and trail equipment, the potential for providing local employment is realistic and may also be a means to encourage participation in a career with parks, forestry, or the conservation service.

Funding for hiring the horses and the costs related to horse patrols may be available through private industry providing they are credited publicly with their participation. Under the current arrangement, if funding is donated through the MKMA Fund, it is matched by the Provincial Government, producing a 'two for one' dollar. The coordinator may be able to act as the agent for the board in that regard in the off season.

In addition to the model provided, an interest has been expressed by the Federal Government, Provincial Initiatives, and some private industry for financial assistance in training and hiring First Nation's people. The Conservation Service has no administrative support in Fort St. John and only a part time employee in Ft. Nelson. B.C. Parks have no clerical staff in Ft. Nelson and could share a full or part time employee with the Conservation Service who are in the same building. It seems reasonable to explore what assistance is available to hire local First Nation's people to

provide this clerical assistance. Again, through contact, over time, career interests may be encouraged.

The suggestion to monitor/authorize riverboat activity also opens the door to additional employment opportunity and perhaps another project suitable for a coordinator's attention.

FUNDING

Cost sharing is an important part of the proposed model. Each agency participating should benefit from the plan. The funding agreements will have to be worked out with those participating but should include.

SALARIES

Co-ordinator based on a secondment should be approximately \$70-75000 per year.

Auxiliaries - Quoted costs from the B.C. Parks suggest that a summer student Park Ranger cost is approximately \$20,000, but this does not include operating expenses.

EQUIPMENT

A requirement exists for vehicles, office space, equipment, stationary, uniforms, guns, camping gear etc. The model would suggest using what is available but obviously a needs list will require additional purchases.

A CONTINGENCY FUND for operational and out of pocket expenses.

OPERATIONAL EXPENSES

Normal day to day running expenses... Gasoline, Air Travel, horse rental, cell phones etc.

The Muskwa Kechika Act with the dedicated funding would appear to be a vehicle to initiate the necessary incentives to implement this model. The act is clear that the Board fund should not be used to replace or substitute for service normally expected. Without MKMA Board funding, the level of service in this area will be far below that desired by stakeholders.

Our suggestion is that the Board fund the expenses directly attributable to the hiring of a co-ordinator, start up expenses for training, accommodation, new equipment and extraordinary operational expenses.

The Province should fund the auxiliary members: two from the Parks Branch, and two from the Conservation Service.

An Organizational Chart outlining the MKMA Coordinator's role is attached as *Appendix 5*.

RECOMMENDATIONS:

- The proposed Inter-Agency Model should be adopted by the MKMA as a research project, with funding for the project to be provided for at least two years. The model in its proposed form is subject to modification when and if necessary. The coordinator should report to the Advisory Board semi-annually providing information about pro-active and re-active duties provided by the Inter-Agency Model.
- 2(a) Legislation should be enacted to designate wheeled ATV's under section 6 of the All Terrain Vehicles Act requiring them to be registered, similar to snowmobiles, and to display the prescribed identification. Once the legislation is enacted, agencies involved with compliance/enforcement within the MKMA should implement a compliance/enforcement program to check ATV's to ensure that the vehicles are registered and the prescribed identification is displayed on the vehicle. Warnings and check-up slips could be the initial phase of the program, but a uniform approach by all the agencies involved would help resolve this problem.

This problem goes well beyond the borders of the MKMA, but is probably highlighted in this area. The number of wheeled ATV's in the MKMA and throughout the Province is increasing dramatically. These vehicles have the potential to cause considerable damage to the environment, and although other sections of the All Terrain Vehicle Act regulate and control their activities to a degree without proper identification the other sections are almost impossible to enforce.

- b) Representation should be made to have the necessary legislative changes to provide Park Rangers with the authority to deal with persons who catch more than their limit of fish in the MKMA. This will require an amendment or an appointment under the federal Fisheries Act.
- c) Representation should be made to have the necessary legislative changes to provide Park Rangers and Conservation Officers with the essential authority to enforce the Small Vessel Regulations by including them in section 45 of the Small Vessel Regulations.
- d) Representation should be made to have the necessary legislative changes to provide Conservation Officers with the required authority to enforce the Park Act and the Park and Recreation Area Regulations, by including them in section 6 of the Park and Recreation Area Regulations.
- e) BC Park Rangers require additional authorities/jurisdiction to allow them to better assist with the compliance/enforcement strategies in the MKMA. The easiest way to achieve this is to have them individually appointed to deputy

conservation officer status with caveats as determined by the conservation branch on an individual basis.

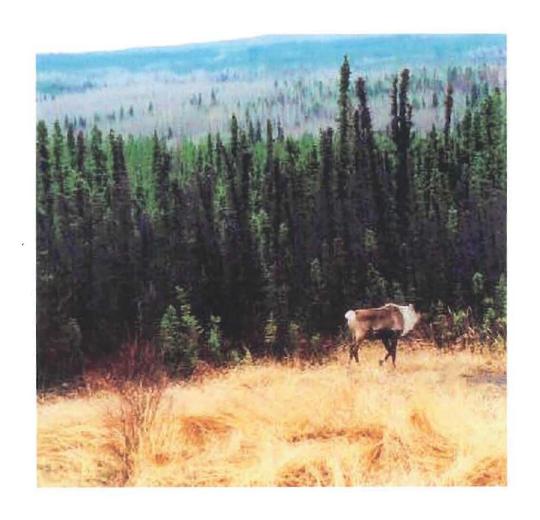
- 3(a) A professional presentation package should be developed for the MKMA Advisory Board members use. The package should be approved for board members' use and paid for by the board. The audio/visual presentation package would provide uniformity in the board's presentation and would assist board members with a presentation kit that would make presentations easier and more attractive.
 - b) Pro-active compliance and enforcement strategies for the MKMA require additional presentations, especially school and band council visits by different enforcement groups responsible for the MKMA
- 4. The program manager for the MKMA should oversee the central co-ordination of volunteer groups such as the Wilderness Watch, the Pilots Watch, the NEAT volunteers, and all other volunteer groups by accepting the responsibility personally or by selecting a co-ordinator for the role. The volunteer groups should be endorsed or not endorsed by the board (co-ordinator) and where it would be beneficial for long term gains, provide funding, especially start-up funding to assist the group with aids such as portable navigation systems, (GPS) radios, etc.

G.R. WALLACE

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J.A. SWANSON

APPENDICES - MKMA



This area presently has multi-users with the potential for conduct and use that is inconsistent with land-use plans and statutes applicable to this area.

Project Objectives

- 1. Client identification
- 2. Determine client's perception of problems, issues, and enforcement needs.
- 3. Determine current level of enforcement activities.
- Recommend viable options for compliance/enforcement where necessary.
- 5. Reviewing existing training material to evaluate potential application to area needs.
- 6. Determine which existing training modules have the potential to be incorporated in future training course for this area.
- 7. Identify and recommend special or unique training requirements for this area.
- 8. Determine the level of local participation with compliance/enforcement activities in this area.
- 9. Conduct interviews to determine what incentives/concessions may encourage local participation in resource related career opportunities.
- 10. To identify the potential of 1st Nation involvement with compliance/enforcement careers, especially for this area.
- 11. To identify training that can be implemented to accommodate special needs of local candidates to achieve standards necessary to qualify for participation in compliance/enforcement careers.
- 12. To identify training methodology to qualify local participants in the compliance/enforcement field.
- 13. To recommend options for inter-agency involvement and to identify lines of responsibility for supervising training and career development in the compliance/enforcement field for this area.
- 14. To determine the viability for volunteers and auxiliaries to participate with compliance/enforcement activities and the level of training necessary to qualify their participation.
- 15. To prepare and deliver a report with findings and recommendations for presentation within 90 days of seed funding approval.

INTERVIEWS

NAME	OCCUPATION	DATE	PLACE	TYPE
ACKERMAN, Andy	Manager Fish & Wildlife	May 04	Ft. St. John	In-Person
BEHN, George	Ex-Chief Ft. Nelson Band	May 05 & 08	Ft. Nelson	In-Person
BEHN, Richard	Pres. NEAT(North East Aboriginal Trappers)	May 08	Ft. St. John	In-Person
BLOUW, Max	Professor, UNBC	May 19	Pr. George	In-Person
CUNNINGHAM, R.	Aboriginal Centre Northern Lights	May 08	Ft. St. John	In-Person
CHURCHILL, Brian	Biologist, Secretary MKMA	May 07	Ft. St. John	In-Person
EAMER, Wally	Reg. Director Conservation Br.	May 02	Pr. George	In-Person
EGLINSKI, Jim	S/Sgt. I/c Ft. St. John Det. RCMP	May 03	Ft. St. John	In-Person
FOY, Malcolm	Senior Environmental Scientist	May 27	Sidney	Phone
GILLETT, Doug	Reg. Supervisor Conservation Br.	May 19	Pr. George	In-Person
	Chair Regional District Board	May 03	Ft. St. John	In-Person
HANSEN, AI	Senior Park Ranger	May 05	Ft. Nelson	In-Person
HARRIS, Ron	Safety & Security Officer, BC Parks	Apr 28	Victoria	In-Person
HART, Jim	Conservation Officer	May 05	Ft. Nelson	In-Person
HEARN, Terry	Legal Advisor Conservation Branch		Victoria	Phone
HOLLAND, Barry	BC Wildlife Federation	May 07	Ft. St. John	In-Person
HONEYMAN, Rob	North Peace Supervisor BC Parks	May 08	Ft. St. John	In-Person
HUNTER, Jerry	Enforcement Officer Forestry	Apr 28	Victoria	Phone
LITTLE, Barbara	Aboriginal Centre Coord NLC	May 08	Ft. St. John	In-Person
LITTLE, James	A/Senior Land Use Specialist	May 0 9	Ft. St. John	In-Person
LOGAN, Liz	Chief Ft. Nelson Band	Jun 13	Ft. Nelson/Vio	
MacDONALD, S	UNBC 1 st Nations Programs	May 02	Pr. George	In-Person
MEAD, David	Statistician Conservation Br.	May 26	Victoria	Phone
MITCHELL-BANKS B	Reg. Director Conservation Br	May 03 & 04	Ft. St. John	In-Person
MITCHELL-BANKS P	Program Manager MKMA	May08	Ft. St. John	In-Person
PORTER, Dave	Chief Negotiator Kaska-Dena	May 29	Vanc/Victoria	
PECK, Ross	Vice-Chair MKMA	May 08	Ft. St. John	In-Person
READ, Bob	Supervisor Forestry	May 05	Ft. Nelson	In-Person
ROBERTS, Don	Supervisor BC Parks	May 08	Ft. St. John	In-Person
SAM, Anne Marie	Coordinator 1 st Nations UNBC	May 02	Pr. George	In-Person
	Past Pres. Environmental Society	May 02	Chetwynd	In-Person
SCOTT, Guy	Head BC Packers Association	Jun 07	Victoria	In-Person
SMITH, George	Conservation Director	Jun 09	Gibsons/Vict	Phone
SNOW, Paul	Cpl. RCMP Ft. Nelson Det	May 04	Ft. Nelson	In-Person
SWAN, Bob	OIC Contract Policing RCMP	May 30	Victoria	Phone
VISZLAI-BEALE, M	Planning Officer Forestry	May 05	Ft. Nelson	In-Person

ARTICLE REPRODUCED FROM WEBSITE http://www.civilization.ca/members/fph/haida/haaat08e.html

Artists – Rebirth

The Next Generation

Recent developments hold great potential for reinforcing the cultural revival of the Haida. The first is the declaration of the island of the South Moresby group of the Queen Charlotte Island (Haida Gwaii) as a National Historic Site focussed on the three ancient villages of Skedans, Tanu and Skungwai (Ninstints). Skungwai has in fact been recognized as a place of premier importance to the history of humankind by the World Heritage Site Committee of UNESCO, although this declaration was never implemented because of its implications for Haida land claims. A group of young Haida who are concerned with their heritage as well as land claims began to control access to and protect the old village sites through an organization called *Haida Gwaii Watchmen*, whose headquarters are in Skidegate near the Queen Charlotte Islands Museum. Under the watchful eye of Gujao (Gary Edenshaw), this committee issues permits to people who wish to visit Skungwai (Ninstints) and other abandoned Haida village sites.

In 1991, the National historic Sites and Monuments Board of Canada recognized the southern part c' Queen Charlotte Islands as Gwaii Hanas National Park. This zone includes the villages of Skedans, Tanu and Skungwai (Ninstints) as part of a Haida cultural landscape that should be protected from further clearcut logging activities. Parks Canada has worked out a joint agreement with the Haida Nation to develop the park's vast area.

In the central area of Haida Gwaii, the village of Haina also has been declared a National Historic Site, and on the north coast, all of the villages including Kiusta, Yaku, Dadens and Yan are sites of National Historic importance. Hectare for hectare, there are more aboriginal sites of National Historic Importance on Haida Gwaii than anywhere else in Canada. In Alaska, many of the Kaigani Haida village sites are protected within American national parks as forest reserves.

The future of the Haida art and culture appears to be in good hands with the current generation of talented artists, who are passing their skills on to yet another generation, contributing to the continuation of another art form that is as significant to the arts of humankind as those of ancient Egypt and China.



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ENFORCEMENT/COMPLIANCE/INTERPRETIVE STRATEGIES IN THE MUSKWA-KECHIKA MANAGEMENT AREA PROJECT

This correspondence is to provide background information about Jim Swanson and myself and our involvement in this project.

Both Jim and I are retired RCMP members and we have been stationed at RCMP Detachments in areas encompassing the Muskwa-Kechika. I was stationed at Dawson Creek and Fort Nelson Detachments. Jim was a supervisor at Prince George Sub/Division in the 1990's and his areas included Fort St. John, Dawson Creek, and Fort Nelson.

I had 35 years service in the RCMP, mostly in general policing duties and training. Jim Swanson had over 34 years service, mostly in general policing and special investigative duties, as well as being a law instructor at our training depot in Regina.

Since retirement Jim and I have collaborated on several training projects dealing with the law and its administration. We have developed or delivered training programs to agencies such as the Ministry of Forests; Ministry of Environment & Lands; Ministry of Skills, Training and Labour, as well as the Greater Victoria Water District Board, the British Columbia Institute of Technology, and the Ministry of the Attorney General.

For this project we have developed a list of 15 objectives which are shown in Appendix 1

The main agencies involved in compliance, enforcement and interpretive activities within this area are RCMP, Conservation Branch, BC Parks, and the Ministry of Forests. While other agencies are involved as well, officers from these groups are perceived to be the principal or key intermediaries.

We have reviewed the basic training for these agencies and have obtained copies of their field training materials. We have also collected and started to review provincial statutes applicable to the Muskwa-Kechika Management Area.

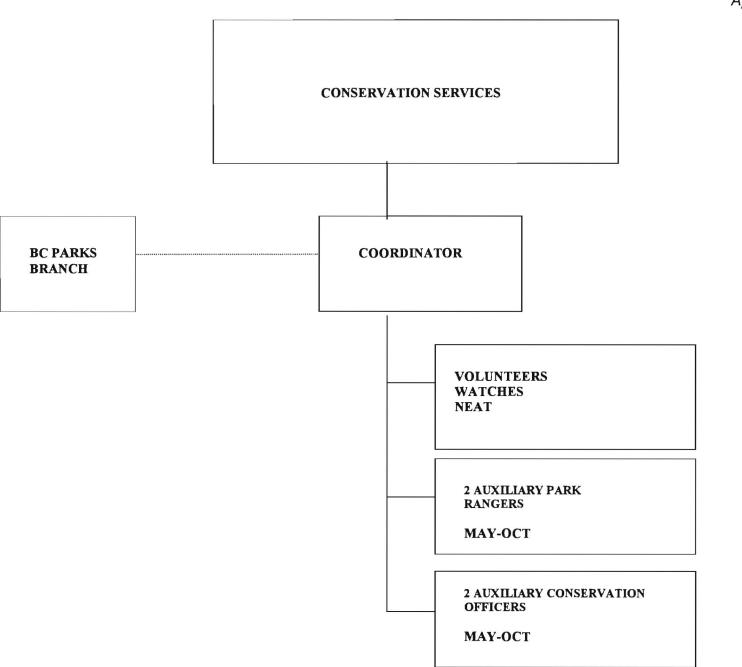
In the preliminary research done to date, we have reviewed information from other wilderness projects reported in Arizona, Colorado, Connecticut, Georgia, Louisiana, Maryland, Minnesota, Ohio, and South Dakota. These projects were reported under 10 different objectives or headings, which were:

- 1. Location & Scope
- Vision
- Working goals
- 4. Health & Sustainability
- 5. Economic and Community Development
- 6. Priorities and Conflict Resolution
- 7. Co-ordination
- 8. Monitoring
- 9. Adaptive Management
- 10. Technology Transfer.

Noticeably absent is coverage of compliance, enforcement and interpretive strategies. Some mediators' reports were provided under the priorities and conflict resolution, but no specific information was provided about the roles of peacekeepers for these areas, or if they were even involved. This is the area of focus for our interview with stakeholders in the Muskwa-Kechika, and we look forward to your input.

Yours Truly,

G.R. WALLACE







MKMA Patrols - 1959