From: Muter, David FLNR:EX

To: s.22

Subject: BL Recommendations Analysis Date: November 4, 2019 6:56:00 AM BL Recommendations Analysis.docx image001.png Attachments:

Lorne,

s.13; s.16

Let me know if you have any questions

Thanks



David Muter
Executive Director, Species at Risk Recovery
Resource Stewardship Division
Forests, Lands, Natural Resource Operations and Rural Development
(250) 217-5385

Lekstrom Recommendations

	Recommendation	Considerations	Recommended Approach
1	Government must not move the Partnership Agreement	s.13; s.16	

- Government must not move the Partnership Agreement forward until full and proper engagement has occurred with Local Governments in the Peace Region, the District of Mackenzie, Industry, and Back Country user groups. Engagement must be done in a manner that is inclusive, transparent and be given the time to achieve public support;
- Ensure proper consultation with and possible inclusion of both McLeod Lake Indian Band and Lheidli-T'enneh First Nation in the rebalanced Partnership Agreement
- 3 A comprehensive Socio-Economic Impact Analysis must be completed in cooperation with the impacted areas of the Partnership Agreement prior to the agreement being finalized.
- A Recognizing that it will take time to rebalance the Partnership Agreement and ensure the document can be more fully accepted and supported by the region, impose a temporary moratorium on Zones A2 and B3 until a comprehensive engagement process is complete and all possible options are considered
- The province needs to work with the Forest Industry to identify ways to mitigate any negative impact on volume from the deferral zones. Through discussion this may then ensure AAC is made available from adjacent units
- Moving forward remove zones B2 (Klinse-za park expansion) and B5 (proposed West Moberly First Nations Woodland license) from the Partnership Agreement as both of these issues were agreed to prior to the development of the PA. If the province moves forward with a Woodlands license for West Moberly First Nations the requirement to harvest that timber must be actioned or the license should not proceed

- 7 Ensure that moving forward that the rebalanced Partnership agreement include but not be limited to the following;
 - a) A clause that states it is not the intention of the agreement to impact negatively the industry which operates in the region and such a clause should reflect the view that supports the continued viability of industry. This clause can be discussed and developed by the parties engaged at the consultation table;
 - Ensure enhanced, fair and equitable representation on both the Caribou Recovery Committee (section 8) and the Technical Working Group;
 - c) Develop the Central Group Caribou Motor-Vehicle Closure Plan in cooperation with user groups prior to the finalization of the Partnership Agreement and include it in the document (section 38)
 - d) Define the Indigenous Guardian Program and include it in the final Agreement (section 40 and 41)
 15
 - e) Revisit the Dispute Resolution Process with a view to make it much clearer (sections 61 and 62)
 - f) Ensure the Mitigation and Offset program is developed and defined and included in the Agreement (section 35)
 - g) Ensure the development of the Managing Predation (section 39) is inclusive of those referred to in recommendations 1 and 2
 - h) Ensure each clause contained in the agreement is written in a clear and concise manner that can be easily understood
- 8 Government continue to provide funding for the caribou maternal penning program which is seeing positive results in the growth of the number of caribou,
- **9** Government continue with funding provided for the caribou feeding program which is seeing positive results in the growth of the number of caribou

s.13; s.16

- Continue with the Wolf cull program in the Peace Region which is leading to a positive result in the number of caribou
- Pursue the possibility of implementing a captive breeding program for caribou
- Moving forward work with the Peace River Regional District and the District of Mackenzie to determine a possible overarching group that could be used as the lead table in discussions as they relate to these issues, as well as any future issues that may impact the region. This group should include all of those referenced in recommendation 1 as well as First Nations if they would agree to participate. This may be an option that government wishes to pursue in other regions as well, which could help alleviate ending up in a similar position to what we find ourselves in with regard to the Caribou agreements
- the Federal Government must accept responsibility for the costs associated with any mitigation measures which may be needed to offset any negative impacts the final agreements may have on communities, industry, back country user groups and individual workers who may be negatively impacted. This recommendation reflects the fact that it is the Federal Governments Species at Risk Act which has led to the development of both the Section 11 Bilateral Agreement and the Draft Partnership Agreement.
- Although not within the jurisdiction of the provincial government, I would recommend that the Federal government incorporate the need for a full and comprehensive Socio-economic Impact Analysis be part of all at risk species deliberations under the act and such a section be included in an amended Federal Species at Risk legislation.



From: Muter, David FLNR:EX

To: <u>Jasmyn PREM:EX Singh (Jasmyn.Singh@gov.bc.ca)</u>

Subject: Final participant list

Date:November 28, 2019 1:39:00 PMAttachments:Final participant list.docx

Recovery of the Southern Mountain Caribou Central Group Leaders' Table - Participant List

- 1. Ken Cameron Chief, Saulteau First Nations
- 2. Roland Willson Chief, West Moberly First Nation
- 3. Keith Bertrand Mayor, Tumbler Ridge
- 4. Allen Courtoreille Mayor, Chetwyn
- 5. Dale Bumstead Mayor, Dawson Creek
- 6. Lori Ackerman Mayor, Fort Saint John (by conference call)
- 7. Raye McMeeken Deputy Mayor, Mackenzie
- 8. Dan Rose, Director, Peace River Regional District
- 9. Don Kayne Chief Executive Officer- Canfor
- 10. Raymond Ferris Chief Executive Officer West Fraser
- 11. Andrew McLellan Chief Forester Conifex
- 12. Louisiana Pacific (by conference call Mike Blosser Senior VP/ Mark Fonda Forest Manager)
- 13. John Schadan President Conuma Coal
- 14. Darren Mawhinney Mining Manager Anglo American
- 15. Bil Clapperton, Vice President, Canadian Natural Resources Ltd (by conference call)
- 16. Ravi Khalon Parliamentary Secretary, Forest, Lands, Natural Resource Operations and Rural Development
- 17. Geoff Meggs, Chief of Staff to the Premier
- 18. John Allan Deputy Minister Forest, Lands, Natural Resource Operations and Rural Development
- 19. Mark Zacharias Deputy Minister, Ministry of Environment
- 20. Dave Nikolojsin Deputy Minister Energy, Mines and Petroleum Resources
- 21. Christine Kennedy, Associate Deputy Minister, Premier's Office
- 22. Christine Hogan, Deputy Minister, Environment and Climate Change Canada
- 23. Sue Milburn- Hopwood Assistant Deputy Minister, Environment and Climate Change Canada
- 24. Blair Lekstrom Premier's Liaison Local Government
- 25. Patrick Kelly Facilitator Government of British Columbia
- 26. Lorne Brownsey Facilitator Government of British Columbia
- 27. David Mutter FLNRORD
- 28. James Hickling legal counsel, Saulteau First Nations
- 29. Tim Thielmann legal counsel, West Moberly First Nations
- 30. Mark Feldinger Senior VP, Canfor

 From:
 Muter, David FLNR:EX

 To:
 Ethier, Tom FLNR:EX

Cc: Sandra FLNR:EX Jupp (Sandra.Jupp@gov.bc.ca); Brenda FLNR:EX Larkin (Brenda.Larkin@gov.bc.ca)

Subject: Leaders Table summary notes

Date: December 1, 2019 9:10:00 PM

Attachments: Leaders Table summary notes.docx
Leaders table NR nov 30.docx

Tom,

My summary notes from Friday's meeting. And the draft news release that Lorne developed. This news release is with Eric now.

s.13; s.16

Let me know if you want to discuss.

Thanks

D

Leaders Table – Summary Notes

November 29, 2019

Attendees

Prov + Fed Government	Local Government	First Nations	Industry
Ravi Khalon - Parliamentary Secretary, FNRORD	Keith Bertrand - Mayor, Tumbler Ridge	Ken Cameron	Don Kayne - Chief Executive Officer- Canfor
Geoff Meggs, Chief of Staff to the Premier	Allen Courtoreille - Mayor, Chetwynd	Roland Wilson	Raymond Ferris - Chief Executive Officer - West Fraser
John Allan Deputy Minister - FLNRORD	Dale Bumstead - Mayor, Dawson Creek	Moe Sihota (Saultaeu)	Louisiana Pacific - (by conference call - Mike Blosser Senior VP/ Mark Fonda Forest Manager)
Mark Zacharias - Deputy Minister, ENV	Lori Ackerman - Mayor, Fort Saint John (by conference call)		John Schadan - President Conuma Coal
Dave Nikolojsin - Deputy Minister - EMPR	Raye McMeeken - Deputy Mayor, Mackenzie		Darren Mawhinney - Mining Manager Anglo American
Christine Kennedy, Associate Deputy Minister, Premier's Office	Dan Rose, Director, Peace River Regional District		Bill Clapperton, Vice President, Canadian Natural Resources Ltd (by conference call)
Christine Hogan, Deputy Minister, Environment and Climate Change Canada	Blair Lekstrom - Premier's Liaison Local Government		Mark Feldinger - Senior VP, Canfor
Sue Milburn- Hopwood - Assistant Deputy Minister, Environment and Climate Change Canada			

Advisors

David Muter Executive Director Species At Risk Recovery FLNRORD
Blair Hammond Director General Environment and Climate Change Canada
Jody Shimkus – Conuma Coal
Tim Thielman – legal counsel West Moberly First Nations
Roger Harris – Saulteau First Nation

Facilitators

Patrick Kelly - Facilitator - Government of British Columbia Lorne Brownsey - Facilitator - Government of British Columbia

Summary of Issues

s.13; s.16

Page 12 of 40 to/à Page 14 of 40 $\,$

Withheld pursuant to/removed as

s.13; s.16

From: Willms, Lori FLNR:EX

To: s.22

Cc: Horgan.MLA, John LASS:EX; Donaldson, Doug FLNR:EX; Heyman, George ENV:EX;

<u>Jonathan.Wilkinson@parl.gc.ca;</u> <u>Nikolejsin, Dave EMPR:EX;</u> <u>Zacharias, Mark ENV:EX;</u> <u>L BROWNSEY;</u>

s.22 Mungall, Michelle EMPR:EX; christyne.tremblay@canada.ca; christine.hogan@canada.ca

Subject: Follow up to Leaders Meeting
Date: January 15, 2020 6:44:33 PM

Attachments: 253144_LG Side Letter Jan 14 2020 BLekstrom.pdf

Please find attached a signed letter from Deputy Minister John Allan. Hard copy will not follow.

Thank you,

Lori Willms || Senior Executive Assistant || Deputy Minister's Office Ministry of Forests, Lands, Natural Resource Operations and Rural Development Phone: (250) 952-6500 Cell: (250) 893-7019



Reference: 253144

January 15, 2020 Blair Lekstrom Premier's Community Liaison Via email:\$.22

Dear Mr. Lekstrom:

Thank you for participating in the recent Leaders Table meeting and for your ongoing support for caribou recovery in British Columbia. B.C. and Canada appreciate the unique value that local governments play in supporting socio-economic development, reconciliation and species at risk recovery. The Leaders Table discussed many issues that will require the involvement of local governments including:

- Socio-economic impacts arising from recovery initiatives,
- Development of land use objectives,
- Management of back country access, and
- Involvement in the Caribou Recovery Committee (CRC).

B.C. is committed to working with local governments on the technical work associated with these key issues. This letter sets out a proposed approach to working together on these key issues.

Socio-Economic Impacts

We agree that it is important that all levels of government are able to understand and be in a position to manage and where possible mitigate the socio-economic impacts of the Partnership Agreement. For this reason, we commissioned an independent economic analysis to assess the direct and indirect economic, labour market and community impacts and sought a commitment of funds from Canada to support tenure holders, businesses and workers that may be impacted. A high-level draft analysis was completed based on economic trends and multipliers, but this requires further review and input from local government and industry.

Going forward, we intend to form a Socio-Economic Advisory Committee along with representatives from local government and industry to review the work done by Big River Analytics and provide recommendations on further analysis, mitigation strategies, and supports for impacted communities and workers.

Caribou Recovery Related Land Use Objectives

At the Leaders Table meeting, some leaders expressed concern for the impacts of the Caribou Recovery Related Land Use Objectives. The Partnership Agreement specifies that industry and local governments will be directly involved in the development of these Objectives. To

implement this process, B.C. will form a Land Use Objective Stakeholder Committee to ensure local governments, industry and stakeholders are fully involved in the process of developing Caribou Recovery Related Land Use Objectives.

Back Country Access

B.C. and our colleagues in the Government of Canada understand the deep value that community members place on being able to access the back country for recreational activities. We propose forming a Snowmobile Advisory Committee that would include local governments, the B.C. Snowmobile Federation and local snowmobile clubs to ensure that snowmobile management plans are informed through proper engagement and local input. The Snowmobile Advisory Committee will support the engagement plan and will review options and provide recommendations to government before management plans are finalized.

Caribou Recovery Committee

The work of the CRC will focus on reviewing applications for resource development activities on Crown Land providing recommendations for consideration by the relevant Provincial Statutory Decision Makers. While this authority is outside of the scope of local governments, there will be instances where some issues may impact communities and require the input of local governments. This is enabled in the terms of reference for the CRC set out in the Partnership Agreement which states that "technical or other advisory groups may be invited to CRC meetings".

To ensure transparency and keep local government apprised of the work of the CRC, B.C. will provide regular updates and advise local government of upcoming agendas. B.C. commits to ensuring that there is regular engagement with local governments on the work of the CRC and inviting local governments to CRC meetings for input on recommendations on activities that will potentially affect local government interests and responsibilities. We would like to explore this process with you in greater detail to ensure you can have the highest confidence in the functioning of the CRC.

The approach outlined in this letter provides an opportunity for local government to engage in the work necessary to inform and implement the Partnership Agreement in a manner that supports caribou recovery and regional socio-economic stability.

B.C.'s goal is to work effectively with Local Governments and other parties on these issues. Thank you again for your participation and support, and we look forward to seeing you or your representatives at the scheduled meetings on January 23rd and January 24th.

Sincerely,

John Allan

Deputy Minister

pc: Honourable John Horgan, Premier

Honourable Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations and Rural Development

Honourable George Heyman, Minister of Environment and Climate Change Strategy Honourable Johnathan Wilkinson, Minister of Environment and Climate Change Canada

Honourable Michelle Mungall, Minister of Energy, Mines and Petroleum Resources Christine Hogan, Deputy Minister of Environment and Climate Change Canada Christyne Tremblay, Deputy Minister of Natural Resources Canada David Nikolejsin, Deputy Minister of Energy, Mines and Petroleum Resources Mark Zacharias, Deputy Minister of Environment and Climate Change Lorne Brownsey

Cassie Doyle, Federal Liaison

From: Muter, David FLNR:EX

To: acourtoreille@gochetwynd.com

Cc: s.22 "cnewsom@gochetwynd.com"

Subject: FW: Partnership Agreement Working Groups

Date: January 16, 2020 10:56:00 AM

Attachments: image001.png

Mayor Courtoreille,

From our conversation I understand that you will not be participating. I will keep you informed and copied on all information.

Please let me know if you have any questions

Best regards

D



David Muter
Executive Director, Species at Risk Recovery
Resource Stewardship Division
Forests, Lands, Natural Resource Operations and Rural Development
(250) 217-5385

From: Muter, David FLNR:EX Sent: January 16, 2020 10:54 AM

To: \$.22 'Director Dan Rose'

<dan.rose@prrd.bc.ca>; 'Joan Atkinson' <joan@districtofmackenzie.ca>; 'Mayor Bumstead'
<mayorbumstead@dawsoncreek.ca>; 'Keith Bertrand' <kbertrand@dtr.ca>; 'Lori Ackerman'
<lackerman@fortstjohn.ca>; 'acourtoreille@gochetwynd.com' <acourtoreille@gochetwynd.com>

Cc: Peel, Darcy E FLNR:EX <Darcy.Peel@gov.bc.ca>; Laroche, Russ FLNR:EX

<Russ.Laroche@gov.bc.ca>; Hughes, Janet FLNR:EX <Janet.Hughes@gov.bc.ca>; Ethier, Tom FLNR:EX <Tom.Ethier@gov.bc.ca>; Gwen FLNR:EX Leahy (Gwen.Leahy@gov.bc.ca) <Gwen.Leahy@gov.bc.ca>

Subject: RE: Partnership Agreement Working Groups

We have secured locations for the Working Group meetings next week. Our meeting times and locations will be as follows:

- Snowmobile Advisory Committee Jan 23rd 7pm 8:30pm in Dawson Creek at the Super 8, 1440 Alaska Avenue
- Caribou Recovery Related Land Use Objectives Jan 24th 9:00am 10:30am in Chetwynd at the Chetwynd & District Recreation Complex, 4552 North Access Road
- Socio Economic Committee Jan 24th 10:45-12:30pm in Chetwynd at the Chetwynd & District Recreation Complex, 4552 North Access Road.

As I discussed with each of you, these are the kick off meetings and so the agenda will be to discuss the following:

- 1. Background and context
- 2. Discuss and confirm the purpose of each committee
- 3. Discuss the approach that the committee will take in completing its work
- 4. Timeline and key milestones

Representatives from the local snowmobile clubs will be participating in the Snowmobile Advisory Committee. Representatives from industry will be participating in the Caribou Recovery Related Land Use Objectives and Socio Economic Committees and representatives from Canada will be joining all three committees.

We will have coffee and snacks for each meeting as well as a working lunch at noon on Jan 24th. We will also have a call in option for anyone who cannot join in person. For those that are traveling we will reimburse your travel costs. Details on travel cost reimbursement will come in a subsequent email.

Thank you all. Please let me know if you have any questions. I look forward to seeing you next week.

Best regards

D



David Muter
Executive Director, Species at Risk Recovery
Resource Stewardship Division
Forests, Lands, Natural Resource Operations and Rural Development
(250) 217-5385





January 16, 2020

Mr. Brad Sperling, Chair Mr. Dan Rose, Vice-Chair Peace River Regional District PO Box 810 1981 Alaska Avenue Dawson Creek, BC V1G 4H8

Dear Chair Sperling and Vice-Chair Rose,

Thank you for your letter of December 13, 2019, regarding the Caribou Leaders' Table. I was glad to learn of your participation on that occasion. As you are aware, I have been concerned to ensure the voices of local elected officials are heard in this process and this was a key reason why I asked Blair Lekstrom to make recommendations on next steps.

I understand that John Allan, Deputy Minister of Forests, Lands, Natural Resource Operations and Rural Development, has already been in touch with you regarding the concerns you raised in your letter.

As he indicated, we agree that it is important that all levels of government are able to understand and be in a position to manage and, where possible, mitigate the socio-economic impacts of the Partnership Agreement. For this reason, FLNRORD commissioned an independent economic analysis to assess the direct and indirect economic, labour market and community impacts of the Partnership Agreement, and sought a commitment of funds from Canada to support tenure holders, businesses and workers that may be impacted. A high-level draft analysis has been completed based on economic trends and multipliers, but this will require further review and input from local government and industry.

Going forward, we intend to form a Socio-Economic Advisory Committee including representatives from local governments and industry to review the work done by Big River Analytics and provide recommendations on further analysis needed, mitigation strategies and supports for impacted communities and workers.

I am also aware of your concerns about land use. As Mr. Allan stated, the Partnership Agreement specifies that industry and local governments will be directly involved in the development of these objectives. To implement this process, B.C. will form a Land Use Objective Stakeholder Committee to ensure local governments, industry and stakeholders are fully involved in the process. Likewise, the agreement commits B.C. to conducting a public engagement with snowmobilers in order to identify and discuss winter recreational motor vehicle closures and other options for managing snowmobiling access that support caribou recovery. We propose forming a Snowmobile Advisory Committee that would include local governments, the B.C. Snowmobile Federation and local snowmobile clubs to ensure that snowmobile management plans are informed through proper engagement and local input. The Snowmobile Advisory Committee will support the snowmobile engagement plan and will review snowmobile management options and provide recommendations to government before snowmobile management plans are finalized.

As Mr. Allan indicated at the Leaders' meeting, the Caribou Recovery Committee will focus on providing recommendations on applications for resource development activities on Crown Land for consideration by the relevant Provincial Statutory Decision Maker. While this authority is outside of the scope of local governments, there will be instances where some issues may impact communities and where input from local government is needed. This is enabled in the terms of reference for the CRC as set out in the Partnership Agreement, which specifies that "technical or other advisory groups may be invited to CRC meetings."

To ensure transparency and keep local governments apprised of the work of the CRC, B.C. will provide regular updates and advise local governments of upcoming agendas. B.C. commits to ensuring that there is regular engagement with local governments on the work of the CRC and inviting local governments to CRC meetings for input on recommendations on activities that will potentially affect local government interests and responsibilities. We would like to explore this process with you in greater detail to ensure you can have the highest confidence in the functioning of the CRC.

As the processes noted above can be accommodated within the current text of the Partnership Agreement, British Columbia is not proposing text amendments to the current draft to our partners Canada, the Saulteau First Nations or the West Moberly First Nation on these matters.

Throughout this process, I have been determined to achieve two objectives I feel are critically important: the recovery of the caribou and the development of a broad consensus, rather than division, on the path forward for the Peace River herds. Despite the encouraging recent reports of increased numbers of caribou, an enormous amount of work lies ahead. I agree with your goal to see a process "based on facts, science and inclusion."

More than two years have elapsed since the federal government ordered the creation of a caribou recovery plan. In a recent meeting with the Honourable Jonathan Wilkinson, federal Minister of Environment and Climate Change, I heard directly from the Minister about the urgency and importance he places on this file.

I continue to encourage all parties to consider a much stronger role for municipal government in the caribou recovery process. It will make a huge difference to these efforts if local governments affirm their determination to use the options already in place.

I look forward to meeting with a number of Peace River Mayors at the upcoming Resource Forum in Prince George. I understand this discussion will come a week after the first meetings of the technical working groups. I hope we can confirm at that time that local elected officials will be bringing their communities' concerns and viewpoints to the table as this process moves forward.

Sincerely,

John Horgan Premier

cc: Honourable Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations and Rural Development

John Allan, Deputy Minister, Ministry of Forests, Lands, Natural Resource Operations and Rural Development

Honourable Jonathan Wilkinson, Minister of Environment and Climate Change

Mayor Allen Courtoreille, District of Chetwynd

Mayor Dale Bumstead, City of Dawson Creek

Mayor Lori Ackerman, City of Fort St. John

Mayor Dave Heiberg, District of Hudson's Hope

Mayor Lorraine Michetti, Village of Pouce Coupe

Mayor Rob Fraser, District of Taylor

J. Horgan

Mayor Keith Bertrand, District of Tumbler Ridge

Chief Marvin Yahey Sr., Blueberry River First Nations

Chief Trevor Makadahay, Doig River First Nation

Chief Darlene Hunter, Halfway River First Nation

Chief Donny Van Somer, Kwadacha First Nation

Chief Ken Cameron, Saulteau First Nations

Chief Johnny Pierre, Tsay Keh Dene Band

Chief Roland Willson, West Moberly First Nations

Blair Lekstrom, Community Liaison for the Premier

The Path Forward to Recover The Caribou Plan in Northern British Columbia



Introduction

On April 15th, 2019 Premier John Horgan announced the appointment of Blair Lekstrom as Community Liaison tasked with engaging residents of the Peace Region on the draft partnership agreement on caribou recovery and provide a report. The intent was to report back to him directly on how to try and resolve the considerable concerns being expressed primarily about the Draft Partnership Agreement between British Columbia, Canada, West Moberly First Nations and Saulteau First Nations.

This Agreement came about as a result of the Federal Minister of Environment and Climate Change, Minister McKenna in May 2018, declaring that southern mountain caribou were facing an imminent threat based on scientific assessment. Although land management is a provincial responsibility, the federal government has a legal obligation under the Act, to ensure appropriate measures are taken to protect at-risk species. The Minister is obligated under SARA to recommend to Cabinet an emergency protection order to respond to the imminent threat finding. If the province of British Columbia does not take adequate measures to protect southern mountain caribou, the federal government could issue an emergency order under SARA. This was a significant concern to the province as an order by the federal Minister has the potential to sterilize a significant portion of the land base in northern BC in areas where the southern mountain caribou are. As a result of this concern the decision was made to move forward with the federal government, the provincial government and both West Moberly and Saulteau First Nations to develop the Partnership Agreement.

Unfortunately, under SARA the Minister is not required to take into account the need for a full and complete Socio-Economic impact analysis of what the imminent threat designation may mean to the impacted communities, industry and user groups of the impacted region. I see this as a glaring omission of something that must be part of any solution moving forward. It may mean the need for an amendment to the Species at Risk Act to include such a section. Prior to any of the public meetings held in the region to discuss the Section 11 agreement and the Partnership Agreement there had been no Socio-Economic Impact Analysis shared with the region and therefore significant concerns with regard to the possibility of restricted access to areas of the back country, the possibility of Job losses and possible industry shutdowns became real issues for people. This reinforces the need to ensure a full and complete Socio- Economic impacts analysis is completed prior to moving forward with any such agreement.

There is no question in my mind that all four participants in the Partnership Agreement, the Federal and Provincial governments, West Moberly First Nations and Saulteau First

Nations felt they were moving this important issue forward in a manner that was positive but unfortunately that was not the reality. By excluding the vast majority of those who live, work and recreate in the region, the process was headed for failure. I give full credit to Premier Horgan for recognizing the need to take a step back and try and find a path forward that would see greater involvement from the region and hopefully greater support for a rebalanced document that moves the recovery of this iconic species forward.

There has been a feeling of broken trust and I hope to be able to present a path forward that helps rebuild that trust. The Premier announced that his government was extending the engagement period by one month to May 31st, 2019 in order to give time to work with Local leaders in the region and hopefully find resolution to this difficult situation. This announcement was welcomed by the local governments in the impacted region, West Moberly First Nations, Saulteau First Nations, industry, user groups and the general public. The main issue was how could a draft agreement on such an important issue have been developed over the previous 18 months, behind closed doors, at the exclusion of the 97% of residents who reside in the region but are not members of either West Moberly or Saulteau First Nations. I will note that the 97% being referred to includes all peoples of different ethnicities including First Nations people who are not a member of either West Moberly or Saulteau First Nations. As the draft agreement was agreed to by all four parties to it, the question that is valid is that at some point during the closed-door negotiations it appears not one of the parties thought it would be beneficial to reach out and be more inclusive of the regions remaining population. I accept that this was not done intentionally but this very omission is what has led us to where we find ourselves at with regard to these agreements. This in itself has led to a distrust of the agreements and in turn led to a region that has requested to be included moving forward in the redevelopment and rebalancing of the Partnership Agreement.

The entire agreement and the process that led to its development has harmed our relationship with our First Nations neighbours in the region. Unfortunately, there have been racist comments that have emerged as a result of this agreement which have been directed at the First Nations and this is not acceptable by any standard. We must all work together to rebuild the trust and relationships that our region has such a proud history of.

It is important to state that all of the people I was able to engage with on this important issue shared a common interest in recovering the caribou and looking after and restoring the habitat in which they live. Not a single presentation to myself by local governments, industry, user groups or individuals expressed an opposing view. Having said that I will also state that moving forward people felt that this worthy goal must be achieved with a proper balance with regard to people's livelihoods while at the same time ensuring the land base is looked after for this incredible species. I am confident that through a more thorough and inclusive engagement process aimed at rebalancing this draft partnership agreement we

can achieve the goal of caribou recovery and maintain a strong and vibrant region for those that choose to call this beautiful area home.

Objective

The objective of my engagement was to listen to the concerns of the regions local governments, West Moberly and Saulteau First Nations, industry groups, user groups and individuals who took the time to engage with me and present their thoughts and ideas on how to move this issue forward in a more productive manner. During the development of this report both McLeod Lake Indian Band and Lheidli-T'enneh First Nation also provided me with their thoughts on both the Section 11 agreement and the Draft Partnership agreement. An important step forward in trying to resolve the concerns of the region as they relate to the agreements was the coordination of a meeting between the Peace River Regional District board of directors, Chief Willson and Chief Cameron. This idea was first discussed at the April 15th, 2019 announcement made by Premier Horgan at the PRRD board office in Dawson Creek. The board members along with Chief Willson and Chief Cameron thought that it was a good idea and would provide an opportunity for the parties to discuss their concerns as well as work on a solution as to how to move this important issue forward in a more collaborative manner. Although numerous attempts were made by the Peace River Regional District staff on behalf of the board and myself, they were unable to secure a date for the meeting from either West Moberly or Saulteau First Nations. There was never during my engagement a moment that I thought that we could not achieve a more positive outcome for the conservation of caribou in the region and ensuring that a rebalanced partnership agreement could move forward in a manner that was more reflective of the entire regions' thoughts. Our First Nations have a strong and proud history and a wealth of traditional knowledge that can contribute to ensuring the recovery of caribou in our region but so too do the many residents of this region who are not members of either West Moberly or Saulteau First Nations. Our province and our country are built on the basis that we are all equal and as such we must not continue down a path that appears to develop a society of us and them. Canadians understand our constitutional obligations under section 35. (1) of our constitution but governments and our judiciary must never interpret this as a tool that allows them to inadvertently create division between First

Nations and Non-First Nations citizens in our great country. We are blessed with a Country that is the envy of the world and together as Canadians we can and will ensure a strong Canada for future generations.

Engagement

Since my appointment on April 15th, 2019 I was able to meet with numerous local government representatives in the region including the Peace River Regional District Board of Directors, Mayor and council members of the District of Mackenzie as well as the Mayors and council members of Chetwynd, Tumbler Ridge, Pouce Coupe, Taylor, Hudson's Hope, Dawson Creek and Fort St John. I also had the opportunty to discuss the issue with locally elected officials from outside our region which included a discussion with North Central Local Government Association members and a discussion with the Union of British Columbia Municipalities. The local governments were extremely concerned that they were not part of the engagement process subject to the Partnership Agreement. An agreement of this magnitude and with the possible negative impacts to the region that may flow from such an agreement only serves to reinforce the need for it to be developed in cooperation with Local Governments at the table, including a wide range of other stakeholders as well as industry. Local governments from the beginning asked to be part of the discussions and bring forward their ideas and the ideas of the people they represent to help build a strong agreement. The Union of British Columbia Municipalities, which is the provincial organization which represents all local governments in BC also felt left out of the development even though they have an MOU with the provincial government that speaks to being engaged on such issues. Along with local government representatives I was able to engage with the Members of the Legislative Assembly of British Columbia for the constituencies of Peace River South and Peace River North as well as our local Member of Parliament for our constituency of Prince George-Peace River-Northern Rockies. A group of individuals in from the Peace Region formed The Concerned Citizens for Caribou Recovery and they engaged with numerous people on this subject. Part of the work they undertook was a petition calling for the immediate halt to the Partnership Agreement and requested government move forward with a more inclusive engagement process. The

petition, which was signed by more than 30,000 (thirty thousand) people was then presented to the Legislative Aseembly on April 10,2019.

I was able to meet with representatives from the McLeod Lake Indian Band and also received a document from the Lheidli-T'enneh First Nation. Both presented me with their thoughts on the Section 11 agreement and the partnership agreement. It was said by both that although a portion of their traditional territory is covered by the agreement, they were not engaged in its development which is of significant concern to them. McLeod Lake Indian Band and Lheidli-T'enneh expressed concern that these agreements would likely result in widespread adverse impacts on their treaty rights if the agreements were not ammended following meaningful engagement and consultation. They expressed concerns about a wide range of clauses in the agreements and felt that they lacked significant detail on critical matters and felt their was generally an offensive tone. Concern was also expressed about the failure to consider adverse socio-economic impacts which will result from these agreements. Many of the concerns expressed by both McLeod Lake Indian Band and Lheidli-T'enneh First Nation are similar in nature to what I have heard throughout my engagement on this issue.

I was able to coordinate a meeting between the PRRD board and provincial government representatives at which meeting there was an in depth discussion on the Partnership Agreement. I was also able to meet with Federal Government representatives including Parliamentary Secretary to the Minister of Environment and Climate Change, Mr. Sean Fraser and Sue Milburn Hopwood, Assistant Deputy Minister, Canadian Wildlife Service. I also met with Stephen Lucas, Deputy Minister of Environment and Climate Change Canada and was able to engage in a discussion relative to how we try and reach a resolve to the issue presently before us. In addition to those mentioned above I also met or corresponded with many industry groups, community groups and numerous individuals interested in the subject.

Industry Groups

<u>Forestry</u>- Canfor, West Fraser, Conifex, Louisiana Pacific (LP), Tolko Industries, Dunkley Lumber and the Council of Forest Industries

<u>Mining-</u> The Miining Association of British Columbia, Association for Mineral Exploration, Fertoz International Organic Inc.

<u>Oil and Gas</u>- The Canadian Association of Petroleum Producers, Canadian Energy Pipeline Association

Agriculture- The BC Cattlemans Association

Guide Outfitters Association of British Columbia

Geoscience BC

British Columbia Snowmobile Federation

Community Groups and Organizations

Concerned Citizens for Carribou Recovery

North East Stakeholders Group

Union of British Columbia Municipalities

British Columbia Chamber of Commerce

First Nations

McLeod Lake Indian Band

Lheidli-T'enneh First Nation

<u>Unfortunately a meeting with West Moberly First Nations and Saulteau First Nations was</u> not able to be secured

Along with the wide range of groups I was able to meet and speak with many individuals who were able to offer their insights into the issue of caribou recovery and the draft Partnership Agreement. It was very beneficial to have had the opportunity to engage with such a wide range of individuals and hear their thoughts on how to move this important issue forward.

<u>Findings</u>

Throughout the entire engagement process the one common theme that arose during every discussion was that everyone supported the goal of recovering the caribou in our region and ensuring we look after caribou habitat and continue to restore impacted habitat where possible. With this as a common thread throughout the discussions it became evident that the issue faced in the region was not one of should we work towards caribou recovery but rather the issue was the local governments in the region, the people of the region, the industry who operate in the region and the user groups in the region all felt passionately about the fact that they were excluded in the development of a plan to move this issue forward. Both the Section 11 Bilateral Agreement and the Partnership Agreement were presented by both the provincial and federal governments as part of the goal of reconcilliation with First nations. Most people felt that this important issue is about all of us together working towards the goal of caribou recovery and therefore did not believe that this should be tied to reconcilliation. The goal of reconcilliation must continue but should ensure that the discussion moving forward is clearly tied to the issues around this important goal.

The provincial and Federal governments held four engagement meetings in the Peace region and one in Mackenzie to try and explain the agreements to those who attended, but the meetings did little to alay any fears or bring a better understanding of the agreements to the people. At each of the five meetings held in Chetwynd- April 1st,2019, Forth St John-April 2nd,2019, Tumbler Ridge-April 3rd,2019, Dawson Creek- April 5th,2019 and Mackenzie on April 10th,2019 there were hundreds of people who showed up at each meeting to hear from the presenters. Unfortunately, the method chosen to engage with the public was not the proper forum which would allow for thorough discussion about the agreements. The meetings were more of an information session where the attendees heard from the presenters what they believed the agreements contained, but there were many questions that were unfortunately left unanswered to the satisfaction of the attendees to the meetings. The primary focus appeared to be with the Partnership Agreement which is written in such a manner that a great deal of more work is still required in order to explain what many sections actually mean. The common theme from many people was that the Draft Agreement was in many ways an agreement to make an agreement.

During my discussions with both Federal and Provincial representatives on this file I asked how the idea of a Partnership Agreement came about. Provincial representatives indicated that the representatives of the Federal government mandated that if British Columbia and Canada were going to enter into a Bilatteral conservation agreement pursuant to Section 11 under the Species at Risk legislation they required British Columbia, along with the Federal government to enter into a Partnership Agreement with both West Moberly First Nations and Saulteau First Nations. I then went through the Species At Risk legislation and could find no references to a Partnership Agreement which then raised an additional question with regard to this requirement. That question being, is it the intent of the Federal Government to require a Partnership Agreement be entered into prior to moving forward with all impacted areas of our province or country as it relates to the Federal Species at Risk legislation. I could not get a definitive answer to this question. I have attached to this report both Section 11 and Section 80 of the Species at Risk Act.

Section 11 of the Species at Risk Act

Stewardship

- 11 (1) A competent minister may, after consultation with every other competent minister, and with the Canadian Endangered Species Conservation Council or any of its members if he or she considers it appropriate to do so, enter into a conservation agreement with any government in Canada, organization or person to benefit a species at risk or enhance its survival in the wild.
- (2) The agreement must provide for the taking of conservation measures and any other measures consistent with the purposes of this Act, and may include measures with respect to
- o (a) monitoring the status of the species;
- o (b) developing and implementing education and public awareness programs;
- o (c) developing and implementing recovery strategies, action plans and management plans;
- o (d) protecting the species' habitat, including its critical habitat; or
- o (e) undertaking research projects in support of recovery efforts for the species.

Section 80 of the Species at Risk Act

Emergency Orders

- **80** (1) The Governor in Council may, on the recommendation of the competent minister, make an emergency order to provide for the protection of a listed wildlife species.
- (2) The competent minister must make the recommendation if he or she is of the opinion that the species faces imminent threats to its survival or recovery.
- (3) Before making a recommendation, the competent minister must consult every other competent minister.
- (4) The emergency order may
- o (a) in the case of an aquatic species,
 - (i) identify habitat that is necessary for the survival or recovery of the species in the area to which the emergency order relates, and
 - (ii) include provisions requiring the doing of things that protect the species and that habitat and provisions prohibiting activities that may adversely affect the species and that habitat;
- o **(b)** in the case of a species that is a species of migratory birds protected by the <u>Migratory</u> <u>Birds Convention Act</u>, 1994,
 - (i) on federal land or in the exclusive economic zone of Canada.
 - (A) identify habitat that is necessary for the survival or recovery of the species in the area to which the emergency order relates, and
 - **(B)** include provisions requiring the doing of things that protect the species and that habitat and provisions prohibiting activities that may adversely affect the species and that habitat, and
 - (ii) on land other than land referred to in subparagraph (i),
 - (A) identify habitat that is necessary for the survival or recovery of the species in the area to which the emergency order relates, and
 - **(B)** include provisions requiring the doing of things that protect the species and provisions prohibiting activities that may adversely affect the species and that habitat; and
- o (c) with respect to any other species,
 - (i) on federal land, in the exclusive economic zone of Canada or on the continental shelf of Canada.

- (A) identify habitat that is necessary for the survival or recovery of the species in the area to which the emergency order relates, and
- **(B)** include provisions requiring the doing of things that protect the species and that habitat and provisions prohibiting activities that may adversely affect the species and that habitat, and
- (ii) on land other than land referred to in subparagraph (i),
 - (A) identify habitat that is necessary for the survival or recovery of the species in the area to which the emergency order relates, and
 - **(B)** include provisions prohibiting activities that may adversely affect the species and that habitat.

(5) An emergency order is exempt from the application of section 3 of the <u>Statutory Instruments</u> *Act*.

As a result of a press release put out by West Moberly First Nations and Saulteau First Nations on April 16th,2019 it became apparent that there was a communication breakdown somewhere within the parties to the Partnership Agreement. The following quotes come from the press release.

"There is no evidence that the agreements will cost jobs or close mills" said Chief Cameron

"We can't control what Canfor or West Fraser do with their mills. But if they drop a shift or close the doors, it won't be because of the caribou. It won't be because of these agreements. The grandstanding has to stop. It's not factual and it's not productive. The people of the Peace deserve better" said Chief Willson.

I accept that both Chiefs felt they were correct in their statements based on the information they had but that is not what I was hearing from either industry, the provincial government or the Federal Government. All have indicated that there will be job losses occur as a result of these agreements.

I heard from the forest industry that there was a real possibility that these agreements could have a negative impact on jobs at their operations up to and including a potential mill closure. These comments come as a result of 287,000 cubic meters of harvestable timber being impacted from within the defined Zones of A2 and B3 of the Partnership Agreement. The forest industry also indicated that their number for actual negatively impacted timber harvesting from within the Partnership Agreement was closer to 530,000 cubic meters. This number reflects the impacts of Zones B2, the Klinse-za park expansion and B5, the proposed West Moberly First Nations Woodland license as well as a concern about Zones A1, B1, and B4 and what impact there will be to available timber in those areas. I checked with the government of British Columbia

representatives and asked the direct question; will the partnership agreement result in job losses and their answer was yes. I also asked the same direct question to Federal Government representatives and they acknowledged job losses were real as well. Having heard this I felt a sense of urgency to bring all of the parties together to gain a better understanding of what the real potential impacts of this agreement may be. I attended three meetings with forest industry representatives from West Fraser, Canfor, LP, Conifex as well as Dunkley Lumber who attended one of the meetings. These meetings also had both provincial and federal government representatives attending. At these meetings one important factor we tried to reach agreement on was what the actual number on the impact of harvestable timber would be, but no agreement was reached. I continued with the help of the staff at the Peace River Regional District to try and coordinate a meeting between the local governments in the region and both West Moberly and Saulteau First Nations but we could not get a confirmed date to meet from either West Moberly or Saulteau. This meeting was important to try and get an understanding from both First Nations as to the comments made in their press release about no evidence of job losses. I felt there must be some disconnect somewhere in the information being shared.

Although the issue I have highlighted speaks to jobs in the forest industry, there was also significant concern expressed to me by both the mining industry and the oil and gas industry. The mining industry concern comes as a result of the uncertainty contained within the Partnership Agreement, which leaves companies uncertain of what their future holds for development in the region. The Mining Association of British Columbia would like to see a resolution to the agreements reached very quickly in order to help alleviate the concern that investors presently have. The members of the Canadian Association of Petroleum Producers are concerned about possible impacts due to the uncertain time frames for project approvals that may result from yet another lens being applied to applications that fall within the Partnership Agreement area. The Canadian Energy Pipeline Association expressed concern about the possible impact the Partnership Agreement will have on statutory decision makers ability to adjudicate applications, particularly with respect to existing and permitted projects. Both CAPP and CEPA felt there is a real lack of clarity in how sections of the agreement are written and this concern is also shared by other industry groups. A combined concern expressed by many is the drive towards co management of the land base and what that actually means. All industry made it clear that they support the goal of caribou recovery and habitat protection and restoration but they want to be at the table and be part of the discussions to reach the solution. It is extremely important to point out that the forest industry, the mining industry and the oil and gas industry have all contributed millions of dollars towards caribou recovery over many years and remain committed to continuing to do their part to keep the recovery of caribou moving forward.

Path Forward

It is clear that in order to move forward and find resolution to this issue, we must come together and agree to be more inclusive and transparent in the development of the solution. We must work collaboratively for the benefit of not only the caribou but also, we must ensure in doing so we don't negatively impact the First Nations and Non-First Nations communities of the region, the industry of the region, the user groups of the region and the people who call this region home. As worthy as the goal of caribou recovery is to all of us, the method used that has led us to this point was simply put, a mistake. This is not to say that all of the parties involved intended for this to occur but rather they were all so focused on trying to achieve a workable document they overlooked the fact that a far broader engagement process was and is necessary. The omission of this broader engagement is what has led to the concerns about the Partnership Agreement and to a much lesser degree, the Section 11 agreement. All of this combined has led to a distrust of the parties to the agreement. Although this report deals with the Partnership Agreement area, many concerns have now been raised throughout the province wondering if this is a template that government intends to pursue in all areas of the province. It is my hope that the recommendations contained below will help not only resolve this issue that impacts both the Peace Region and the District of Mackenzie but can lead to a better process overall to be utilized throughout British Columbia.

Recommendations

I have included a number of recommendations which I hope will help shape the moving forward of this issue and the rebalancing of the Partnership Agreement. I have attempted to consolidate what I have heard and present common issues that were raised by the many I was able to engage with. By no means does the list below include every suggestion presented but rather they represent common themes that I heard. There are numerous other thoughts, ideas and recommendations that are worthy of discussion and it is my hope that moving ahead, these ideas can and will be brought forward through the much-needed broader engagement table which is referenced in my first recommendation below.

- Government must not move the Partnership Agreement forward until full and proper engagement has occurred with Local Governments in the Peace Region, the District of Mackenzie, Industry, and Back Country user groups. Engagement must be done in a manner that is inclusive, transparent and be given the time to achieve public support;
- 2) Ensure proper consultation with and possible inclusion of both McLeod Lake Indian Band and Lheidli-T'enneh First Nation in the rebalanced Partnership Agreement
- A comprehensive Socio-Economic Impact Analysis must be completed in cooperation with the impacted areas of the Partnership Agreement prior to the agreement being finalized.
- 4) Recognizing that it will take time to rebalance the Partnership Agreement and ensure the document can be more fully accepted and supported by the region, impose a temporary moratorium on Zones A2 and B3 until a comprehensive engagement process is complete and all possible options are considered
- 5) The province needs to work with the Forest Industry to identify ways to mitigate any negative impact on volume from the deferral zones. Through discussion this may then ensure AAC is made available from adjacent units
- 6) Moving forward remove zones B2 (Klinze-sa park expansion) and B5 (proposed West Moberly First Nations Woodland license) from the Partnership Agreement as both of these issues were agreed to prior to the development of the PA. If the province moves forward with a Woodlands license for West Moberly First Nations the requirement to harvest that timber must be actioned or the license should not proceed.
- 7) Ensure that moving forward that the rebalanced Partnership agreement include but not be limited to the following;
 - a) A clause that states it is not the intention of the agreement to impact negatively the industry which operates in the region and such a clause should reflect the view that supports the continued viability of industry. This clause can be discussed and developed by the parties engaged at the consultation table;
 - b) Ensure enhanced, fair and equitable representation on both the Caribou Recovery Committee (section 8) and the Technical Working Group;
 - c) Develop the Central Group Caribou Motor-Vehicle Closure Plan in cooperation with user groups prior to the finalization of the Partnership Agreement and include it in the document (section 38)
 - d) Define the Indigenous Guardian Program and include it in the final Agreement (section 40 and 41)

- e) Revisit the Dispute Resolution Process with a view to make it much clearer (sections 61 and 62)
- f) Ensure the Mitigation and Offset program is developed and defined and included in the Agreement (section 35)
- g) Ensure the development of the Managing Predation (section 39) is inclusive of those referred to in recommendations 1 and 2
- h) Ensure each clause contained in the agreement is written in a clear and concise manner that can be easily understood
- 8) Government continue to provide funding for the caribou maternal penning program which is seeing positive results in the growth of the number of caribou,
- 9) Government continue with funding provided for the caribou feeding program which is seeing positive results in the growth of the number of caribou
- 10) Continue with the Wolf cull program in the Peace Region which is leading to a positive result in the number of caribou
- 11) Pursue the possibility of implementing a captive breeding program for caribou
- 12) Moving forward work with the Peace River Regional District and the District of Mackenzie to determine a possible overarching group that could be used as the lead table in discussions as they relate to these issues, as well as any future issues that may impact the region. This group should include all of those referenced in recommendation 1 as well as First Nations if they would agree to participate. This may be an option that government wishes to pursue in other regions as well, which could help alleviate ending up in a similar position to what we find ourselves in with regard to the Caribou agreements
- 13) The Federal Government must accept responsibility for the costs associated with any mitigation measures which may be needed to offset any negative impacts the final agreements may have on communities, industry, back country user groups and individual workers who may be negatively impacted. This recommendation reflects the fact that it is the Federal Governments Species at Risk Act which has led to the development of both the Section 11 Bilateral Agreement and the Draft Partnership Agreement.
- 14) Although not within the jurisdiction of the provincial government, I would recommend that the Federal government incorporate the need for a full and comprehensive Socio-Economic Impact Analysis be part of all at risk species deliberations under the act and such a section be included in an amended Federal Species at Risk legislation.

Conclusion

As a result of the positive trend we presently see in the recovery of caribou which the Federal Minister of Environment and Climate Change, Catherine McKenna deemed were facing an imminent threat, I believe recommendations 4,8,9 and 10 contained above provide the continued help necessary for the species while additional time is taken to rebalance the Partnership Agreement with the intent to gain broader support for this important initiative. It is far more important to take the necessary time needed to get the agreement right than it is to push forward an agreement which in its present form is not supported by the vast majority of the region. I recognize that some may feel that enough time has already been provided and I could agree with that sentiment had there been greater inclusion in the development of the document from the beginning. Unfortunately, that did not happen but I am confident there is a path to move forward together which not only ensures the recovery of this iconic species but also gains the regions support for the agreement as well as begins the rebuilding of trust and relationships in our region. I would like to thank all who took the time to meet with me, write to me, call me and speak with me on the street and present to me with your thoughts on this subject. I will again take this opportunity to thank Premier Horgan for recognizing additional work was required in order to find a path forward on this important issue. I have been engaged in our community, region and province through elected positions I have had the honour of holding since 1993 and I cannot remember an issue over that time that has brought forward such a passionate response from all. It is my hope that I have captured in this report the intent of what all presenters have put forward to me and most importantly I hope this report presents a path forward that can be accepted and acted upon.

Respectfully submitted,

Blair Lekstrom