

BRIEFING NOTE FOR INFORMATION

DATE: Oct. 4, 2023
PREPARED FOR: Minister Bruce Ralston
ISSUE: Update on Wildlife Management and the North Area Wildlife Strategy

BACKGROUND:

- Government is committed to working towards wildlife co-management guided by the *Together for Wildlife Strategy*.
- Government has made committed to Indigenous Nations across the North Area to advance co-management and shared decision making.
- In support of these commitments, and to establish clear and concise approaches going forward, the North Area Wildlife Strategy (NAWS) was created in the winter of 2022/23.
- NAWS is a FOR/WLRS collaboration that aims to establish strategic direction and consistency in wildlife decision making and First Nations engagement across the three northern regions (Skeena, Omineca and Peace).
- Initial lessons learned and guidance for NAWS in the development phase was provided in January 2023 as it explored regulatory certainty in the north (see Appendix 1: CLIFF 273587).

DISCUSSION

The 2022 northeast hunting regulation change process (as a result of the Supreme Court Decision on *Yahey*) provided valuable learnings regarding Indigenous and public engagement design and the importance of strong decision rationales.

The resulting regulatory decision reduced both moose hunting and hunter density by 50%, eliminated caribou hunting, and included a ministerial commitment to re-visit the decision for the 2024 season. In addition, the 2022 decision creates concerns from stakeholders and First Nations with respect to shifting hunter effort, as well as expectations at other government-to-government tables, and a cross-northern approach is necessary to help align these processes.

Since January, regional and branch staff from both WLRS and FOR have been collaborating through NAWS on applying a principles-based approach leading up to the 2024 hunting regulatory cycle (see Appendix 2 for additional context). This work included intensive co-development through Spring/Summer 2023. In support of this work, a North Area Wildlife Strategy Director position has been created to help coordinate this work across ministries and regions, along with dedicated staff commitments to support both research and outreach.

This work is coordinating regulatory engagement across existing First Nations engagements in the North Area, including the Treaty 8 Wildlife Working Group (T8WWG) table in the Peace, and the 3N-BC Collaborative Stewardship Forum (CSF) in the Skeena.

As part of this process, specific approaches have been taken, including:

- Invitations to First Nations to co-develop regulatory proposals at the regional level.
- Focus on cultural/high use areas for specific action, with an effort to provide a greater degree of management and reduced hunter density (through proposals for targeted closures or Limited Entry Hunt zones), while differentiating them from less used, back country areas to remain on General Open Season.

- Maintaining regulatory window to match with the 2024 regulation cycle, ensuring full consultation can occur with affected stakeholders unless an emergency management concern is identified.

Additional NAWS work includes undertaking baseline reporting for the 3 northern regions, identify gaps, weaving together commitments into our everyday work, setting work priorities and expanding our communications with First Nations and Stakeholders in a more transparent manner.

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In addition to the specific challenges flowing from the northeast decision, Indigenous engagement around the Province (including outside of the north) has demonstrated the need for principles-based engagement. Concepts being applied for NAWS have potential to be exported (with some adjustments) to the central, south and coastal parts of the province.

FINANCIAL CONSIDERATIONS:

A commitment of 10 FTEs has been made, of which four are currently filled (Band 4, 50% of a Band 3 and two Bio 27s). Two more are underway. These positions are currently embedded in region.

NEXT STEPS:

- Underway: A pan-northern regulatory package has been shared with First Nations and key regional stakeholders in late August.
- Fall 2023: Regulatory proposals will receive review by Fish and Wildlife Branch against existing policy. High profile or complex proposals will be provided to Minister Ralston as part of an early information note, and a briefing opportunity will be available.
- December/January 2023/24: Following Branch review, supported proposals will go forward as part of the full Provincial regulatory package for public review.
- Spring 2024: Regulatory package to Minister Ralston for final review and possible approval.
- Summer/Fall 2025: Broader discussions begin leading to 2026 regulatory approaches, building in lessons-learned, and leveraging momentum from any 2024 successes to an enduring and principles-driven wildlife management regime.

APPENDIX:

- Appendix 1: CLIFF: 273587
- Appendix 2: Regulatory cycle primer
- Appendix 3: Power Point Presentation

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NATURAL RESOURCE SECTOR – JOINT MINISTRY INFORMATION NOTE

Date: Jan 24, 2023

CLIFF: 273587

PREPARED FOR: Matt Austin, Assistant Deputy Minister, Ministry of Forests, Mike Hykaway Assistant Deputy Minister, Ministry of Forests, and David Muter, Assistant Deputy Minister, Ministry of Water, Land and Resource Stewardship

ISSUE: Guidance for the 2024 North Area Hunting Regulation Change Process

BACKGROUND:

- The 2022 northeast hunting regulation change process was driven by government-to-government negotiations associated with the court declared infringement of Blueberry River First Nation (BRFN) treaty rights.
- Government is committed to working towards wildlife co-management guided by the *Together for Wildlife Strategy*.
- Government has made specific commitments to Indigenous Nations across the North Area for advancing co-management and shared decision making.
- The North Area is in the initial stages of adapting by creating a North Area Wildlife Co-Management Strategy to develop the knowledge, skills, and abilities for successful implementation of wildlife co-management and shared decision making.
- This note affirms interim direction for the North Area Directors, Resource Management for guiding the 2024 hunting regulation change process.

DISCUSSION:

The 2022 northeast hunting regulation change process provided valuable learnings regarding Indigenous and public engagement design and the value of strong decision rationales. Recreating or expanding the approaches employed there without careful consideration of inter-regional negotiation tables and stakeholder impacts would be problematic.

The 2022 northeast hunting regulatory decision (hereinafter referred to as ‘the 2022 Decision’) to reduce both moose hunting and hunter density by 50% and eliminate caribou hunting must be revisited for the 2024 season as per ministerial commitment. It is plausible that hunting opportunity for BC licenced moose hunting in the northeast will be the same or less for the 2024 hunting season. [s. 16](#)

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The pressure to make further regulatory changes will grow and are also influenced by the BRFN Agreement, the Treaty 8 Agreement, and the Tahltan Wildlife Accord - each committing the Province to work towards wildlife co-management and shared decision making. A coordinated approach is required to avoid unintended outcomes related to shifting hunting effort to open seasons, or expectations at government-to-government tables regarding both the scope and time frame of proposed

regulatory change. The following lessons from the 2022 Decision inform the subsequent proposed guidelines to enable coordination across regions.

Lesson 1: Way of Life Analysis

Despite the *Yahey* decision not being expressly critical of hunting management, there is a transferable lesson found in the ‘way of life’ concept underpinning the Treaty 8 right to hunt, fish and trap. The way of life concept can help evolve hunting management to holistically assess the impact of Provincial hunting authorizations on Indigenous Nations. Hunting management strategies considering the biophysical (wildlife populations, habitat), geospatial (significance of certain areas to FNs), and socio/cultural/experiential (knowledge relevant and applicable etc.) aspects of Indigenous Nations rights are likely in line with the Court’s characterization of ‘way of life’ in *Yahey*” (MAG, 2022). The way of life analysis has the potential to guide the transition to a provincial co-management system.

Lesson 2: Engagement

There were three problematic aspects of the engagement process in support of the 2022 Decision. First, the process commenced after the rest of the provincial engagement on hunting regulation change proposals occurred, which surprised many stakeholders and precluded opportunity for mitigating shifting effort issues. Second, ramifications from outlying regions were not captured, despite intense and inclusive engagement at the regional level. Third, the process and timelines were very challenging for refining the proposal and demonstrating responsiveness to feedback from stakeholders.

Lesson 3: Rationale

The legitimacy of hunting management is contingent upon many things, but one of the most important is transparent decision rationales. The gravity of the Treaty infringement was not lost on stakeholders, but the scope of the decision was not seen as proportionate to the cause or the geographic scope of the Treaty infringement. In addition, although hunting was not specifically identified as a cause of declining wildlife populations, hunting does contribute to complex land use conflict resulting in the interference of Treaty rights. Moreover, the decision was publicly framed as a short-term decision until better information could be gathered, including Indigenous Knowledge. There is a public expectation, through the Together for Wildlife Strategy and through correspondence to stakeholders, that wildlife related decisions are evidence-based decisions. Evidence based decisions support strong decision rationales, which in turn maintains the legitimacy of the hunting management system as it transitions towards co-management.

CONCLUSION:

Proposed Guidelines for North Area 2024 Hunting Regulation Change Coordination

- 1) Director responsible for North Area Wildlife Strategy is responsible for coordinating proposals across the North Area and the various co-management forums.
- 2) Regulation change proposals that are potentially more restrictive than may be required for meeting established conservation guidance, must include a measure of success and a monitoring plan, so they can be tied to clear objectives.
- 3) All proposals must go through a regional and a provincial engagement and approval process.
- 4) Proposals must include applicable operational requirements including resourcing and timing.
- 5) Regional engagement processes must be inclusive, meaningful, and end by October 2023.

- 6) Regional Manager cannot forward a proposal to the Director of Fish and Wildlife without a rationale.

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REGULATORY PRIMER – WILDLIFE MANAGEMENT

Accommodating Indigenous Rights

- Prior to the allocation of hunting opportunities, conservation priorities and Indigenous hunting rights are considered.
- Every 5 years (or more frequently when need arises) staff engage Indigenous Nations on hunting harvest objectives based on the following:
 - population status (population estimate and demographics)
 - species conservation needs (natural recruitment and mortality)
 - human caused non-hunting mortality (road, rail, poaching)
 - Indigenous harvest estimate
- Recommendations for hunting opportunities for both resident and non-resident (guided hunts) are then developed.
- This culminates into a recommended regulation package every two years, that are designed to meet species conservation objectives and indigenous interests.

Table 1: Post – Indigenous Harvest: Wildlife Allocation means the distribution of sustainable hunting opportunity in BC to licenced hunters.

Allocated Hunts – Limited Entry Hunts (LEH)	Unallocated Hunts - General Open Season (GOS) Hunts
<ul style="list-style-type: none"> Are developed where demand for hunting outstrips the supply of sustainable hunting opportunity, 5-year harvest objectives are set (number of animals that can be harvested) and determine the allocation of hunting opportunity. Hunting authorizations then awarded via a lottery system (Limited entry hunts). 	<ul style="list-style-type: none"> Supply of sustainable hunting opportunity outstrips demand for hunting opportunity, No 5-year harvest objectives. Hunting authorizations are not limited, instead hunting success is managed for conservation by season lengths, bag limits, animal sex and age and antler restrictions.

Table 2: Overview of Hunting Management

	Purpose	Frequency
Monitoring and Assessment		
Species Inventory	Updates species population and demographic trends and estimates.	Every 5 years (risk managed)
Hunter surveys & reports	Updates estimates on hunting effort, success, and compliance.	Annually
Adaptive Decision Making		
Allocation Decision	Sets predictable supply of hunting opportunity for all hunters.	Every 5 years
BC Licencing Decisions	Authorizes hunting to meet harvest objectives set by Allocation Decision.	Annually
BC Regulatory Decisions	Varies hunts to meet allocation objectives or species conservation concern.	Biennially (unless exigent circumstance)

Table 3: Primary Status Quo Hunting Management Decisions

Decision	Decision Type	Decision Maker	Material Effect of Decision
Allocation Decision	<ul style="list-style-type: none"> Policy Decision guided by Allocation Policy. 	Director of Wildlife	<ul style="list-style-type: none"> Sets sustainable hunting level for a 5 year period for resident and non-resident hunters.
Limited Entry Hunting	<ul style="list-style-type: none"> Statutory Decision guided by LEH Regulation, Allocation Policy and Indigenous Knowledge 	Director of Wildlife	<ul style="list-style-type: none"> Sets the annual limit on hunting authorizations by resident hunters.
Guide Outfitter Licence and Quota	<ul style="list-style-type: none"> Statutory Decision guided by Wildlife Act, Allocation Policy and Indigenous Knowledge 	Director of Wildlife	<ul style="list-style-type: none"> Authorizes commercial guiding and limits non-resident hunting.
Biennial Hunting Regulation Changes	<ul style="list-style-type: none"> Regulatory Decision for limiting hunting in relation to management or conservation concerns 	Minister/Cabinet (delegated to Minister)	<ul style="list-style-type: none"> Season lengths/types Bag limits Range of LEH authorizations Antler restrictions

Wildlife Hunting Management

FOR Wildlife Allocation and Reconciliation

Intended outcome

- Update of 2022 NE wildlife decisions and implications

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- Discussion on the North Area Wildlife Strategy
- Discussion on proposed principles to address current wildlife pressures and policy issues

Background on 2022 NE wildlife decisions

- In 2022, within the negotiations with Blueberry River First Nation (BRFN) and Treaty 8 (T8) Nations post Yahey decision, an agreement to reduce the number of hunters and moose harvested by 50% was supported
- This outcome was based on hunter effort, not data or inventory
- To effect this result, the open seasons for Moose and Caribou were closed over the majority of the BRFN and T8 territories
- Stakeholders and staff have been challenged by these decisions due to the lack of population or harvest evidence for reaching them

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Next steps/Solutions

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- FOR and WLRS have convened and resourced a wildlife strategy (North Area Wildlife Strategy or “NAWS”)
- This strategy proposes an approach and principles informed by BRFN/T8 negotiation outcomes
- This approach involves supporting an engagement with Nations to co-design the system of how we inform hunting regulatory decisions, but to do so on a principled and evidence basis

North Area Wildlife Strategy

- **Purpose:**

- to develop an integrated *Together for Wildlife* implementation plan.

- **Goal:**

- to guide evolution of the hunting management regime to address the pressures arising from Indigenous case law/expectations and the BRFN/T8 outcomes.

- **What:**

- Guidance to support staff in their work with Nations and stakeholders
- Establishment of defensible principles for the system and decisions

Early examples

1. Fontas (Peace): Proposed cultural closure
2. Tahltan and Kaska Moose (Skeena): LEH for high use areas
3. Takla Moose (Omineca): Divided LEH zones across the rut
4. Atlin Moose: LEH for high use areas [s. 16](#)