



*RECOMMENDED ACTIONS RELATIVE TO THE
MUSKWA-KECHIKA ADVISORY BOARD'S
DRAFT NATURAL RESOURCE FRAMEWORK
DOCUMENT*

PREPARED FOR THE MINISTRY OF FORESTS, LANDS, NATURAL RESOURCE OPERATIONS AND RURAL
DEVELOPMENT

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THE CONTENTS OF THIS DOCUMENT ARE BASED ON THE WORK OF THE AUTHOR AND SHOULD NOT BE
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BOARD.

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INTRODUCTION

In response to a request from government, the Muskwa-Kechika Management Area Advisory Board (the board) has been working for some time to prepare a comprehensive document containing recommendations for management practices that will help achieve the board's vision, and the intent of the *Muskwa-Kechika Management Area Act* (the Act). That work is presently contained in a rough-draft document named the Muskwa-Kechika Management Area Natural Resource Management Framework (the draft framework). The Ministry of Forests, Lands, Natural Resource Operations and Rural Development¹ (FLNRORD or the ministry) wishes to determine how the board's on-going work can be effectively incorporated into processes and decisions of the government.

The purpose of this project is: ***In collaboration with the board, to review their draft framework and develop an action plan that will move it from concept to a recommended approach.***

The ministry's key requirements of the action plan recommendations are that they:

- a) be scalable so that they can be achieved over time with the limited resources available;
- b) provide a process and series of components that will move the framework from concept into a recommended approach that will work within the government system; and
- c) where applicable, address linkages or interdependencies with other resource management initiatives affecting the area.

Both the board and the ministries have limited resources (staff, time, and money) to undertake implementation action. It should not be assumed that they will be able to act on all the recommendations or achieve the suggested time-frames. However, there is already work underway on an engagement strategy, and even taking the first steps recommended will add value to management of the M-KMA and provide an avenue to reinvigorate the working relationship between the board and government.

¹ FLNRORD is the lead ministry on behalf of the provincial natural resource management agencies.

SUMMARY

This paper describes how the advice contained in a (currently rough-draft) document under development by the Muskwa-Kechika Management Area Advisory Board (the board) can best be used within the provincial government's current management systems to inform plans and decisions. It does not examine the specific recommendations proposed by the board nor suggested whether or not they should be adopted. In other words, it is about the government-board interface.

A brief background section is followed by an overview of some key parts of the statutory framework and the board's draft, and a synopsis of several related or potentially overlapping initiatives. The action plan has recommendations for both the government and the board and is organized into four suggested time-frames. Since both parties' resources are limited, the recommendations are intended to provide options that can be pursued as-and-when feasible.

Immediate.

1. FLNRORD, on behalf of the Northeast and Omineca Regions' Inter-agency Management Committees (IAMCs), or equivalent bodies, publicly affirm the M-KMA Advisory Board as a strategic advisor and partner in management of the M-KMA.

Short-term (preferably within one year).

2. As soon as practicable, and preferably by May 31, 2019, the board and government (lead by FLNRORD) finalize an engagement strategy (currently in draft) to ensure the reaffirmation of the board's role is supported operationally.
3. The board and government address a long-standing commitment to seek a "shared and common understanding" of the management vision for the M-KMA and a definition of wilderness.
4. The board complete its framework document in a timely manner, with input from others as it deems appropriate, and with consideration to the points and clarifications included in the discussion.
5. Prior to undertaking initiatives to modernize land-use planning in the region, the government consider treating the M-KMA as a separate and unique planning area and decide accordingly.

Medium-term (within approximately two years).

Subject to several response options, it is recommended:

6. Upon the board formally providing its advisory document, the government review its contents for consistency with the management plan regulation and existing local strategic plans.
7. The government provide guidance to SDMs and development proponents on how to use the advice received from the board.
8. The government provide information and guidance to any planning initiatives that could impact the M-KMA on how to consider the advice received from the board.
9. The government incorporate the board's advice into its engagement with indigenous communities at all appropriate levels.

Longer-term.

10. Whereas actions in the previous time-frames are primarily about working with the existing organizational and statutory framework, it is recommended that a longer-term approach include reviewing and amending the *Act* and management plan regulation, in conjunction with any new working arrangements made between the government and First Nations.

The final section provides a rough estimate of the resources required to implement the initial recommendations (1-9).

BACKGROUND

The Muskwa-Kechika Management Area (M-KMA) was established by the provincial government through an order-in-council in 1997. It was created in response to recommendations from the Fort Nelson and Fort St. John Land and Resource Management Plan (LRMP) processes, with portions of the Mackenzie LRMP added² later. These plans were part of a province-wide, decade-long initiative to implement a protected-areas strategy and bring greater certainty to land use. In 1998 the legislature passed the *Muskwa-Kechika Management Area Act*, which was followed by a regulation setting out the management plan. It is noteworthy that most indigenous communities chose not to participate directly in the planning processes.

As expressed in the preamble to the *Act* the management intent is “...to maintain in perpetuity the wilderness quality, and the diversity and abundance of wildlife and the ecosystems on which it depends while allowing resource development and use in parts of (M-KMA) designated for those purposes...” The *Act* and the management plan regulation describe a unique management and planning structure, create a trust fund, and an advisory board to provide public oversight and advice to government managers and legislators. Membership on the premier-appointed advisory board is to represent a broad range of interests including First Nations, with Kaska Dena participants appointed according to a letter of understanding with the province.

Although relatively undisturbed at the time it was established, there was a general expectation of increasing pressure for industrial development. The oil and gas, mineral, and forest industries were active in adjacent areas and expected to expand into the M-KMA. For the most part, that pressure has not yet occurred. Over time the original government-funded trust has not been replenished, the government’s operational management organization and the activities of the board have changed. This has led to a much less active “partnership” between local communities (as represented by the board) and the provincial government. The evolution or adaptive approach to management envisioned by the legislature in 1998 has not fully materialized. However, with government’s support, the advisory board has continued to function, developing a partnership with the University of Northern British Columbia (UNBC) to collect information and carry out research, and giving advice to government as needed. For

² See discussion later in this document specific to the Mackenzie addition.

example, the board formally provided its views regarding wind resource use (wind farming) in January 2018.

Recent and emerging circumstances have signaled a need to look at the potential implications for the M-KMA. For example:

- Legal precedent, government's commitment to reconciliation, and to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is changing the level of participation and role of First Nations in resource management at all levels. This has led to a number of individual initiatives, such as the Regional Strategic Environmental Assessment³ (RSEA) that could influence the M-KMA.
- A mandate to modernize land-use planning is expected to use new approaches to update LRMPS and other similar plans, some of which have gone 20 years without the review and adjustment expected by the original participants.
- Numerous projects to address concerns about key species (e.g., moose), and the general direction to modernize the roles and approaches to managing wildlife.
- Planning, agreements, and programs aimed at recovery of endangered caribou herds.
- Potential pressure on the timber supply as the industry looks for new opportunities, or to replace declines elsewhere due to insects and wildfire.
- New and emerging technologies, potentially generating feasible opportunities for new mineral, hydrocarbon, or wind projects.
- The potential impacts of climate change on ecosystems and their major change-agents such as fire, insects, temperature, and drought.

Recognizing this, the advisory board is undertaking development of a comprehensive document containing advice about practices and approaches it considers necessary to protect wilderness and other key values, enable appropriate development, and achieve the purpose for which the M-KMA was established. The board intends to make its work publicly available and update it periodically so it can be used proactively by government(s) and industry. The document is also intended to guide the board when called upon to provide advice on a specific area or proposal. In anticipation the government, led by FLNRORD wishes to determine how this work can most effectively be incorporated into its systems and inform its decisions, and how it may be linked to other high priority initiatives underway. The ministry is already working with the board to establish an engagement strategy. Its completion and that of the board's document will be informed by this paper.

³ The RESA project is a collaborative approach between seven Treaty 8 First Nations and the Province to assess the cumulative effects of natural resource development activities on Treaty 8 rights and to develop joint management recommendations.

THE MUSKWA-KECHIKA MANAGEMENT AREA ACT

Statutory decision makers (SDMs) operate under the authority of statutes (laws) made by the Legislature. Typically, a decision is made under the authority of one *Act* and must be consistent with (not violate) other *Acts*. In addition to providing authority, a statute may specify the considerations and limit the discretion of an SDM. In this case, role of the Muskwa-Kechika Advisory Board also comes from the statute. When considering how the government should use the board's "framework" to inform its decisions, it is important to start with a clear understanding of the current legal foundation.

This section provides an overview of the parts of the *Muskwa-Kechika Management Area Act* and the *Muskwa-Kechika Management Plan Regulation* (the regulation) most relevant to the advisory relationship between the board and the government. It includes some analysis and commentary about how the *Act* and regulation apply.

The *Act* and regulation took effect in 1998 and covered approximately 4.45 million hectares of the Fort St. John and Fort Nelson Land and Resource Plans (LRMPs). In 2001 the *Act* was amended to include an additional 1.9 million hectares of the Mackenzie LRMP area. Specific direction for resource management zones in the added area were not put in regulation, however the general management intent would apply. Significant amendments were proposed for the regulation in 2008 but did not proceed.

Preamble

The *Act* includes a brief preamble that explains why the legislature has created it.

Major Components

As described in the legislature at the time it was debated, the *Act* has four major components:

1. Establishment of the management area and plan;
2. Requirement for local level strategic plans or objectives as a prerequisite to development;
3. Establishment of the advisory board; and
4. Establishment of a trust fund.

Key Content of the Act

A statute should be taken in its entirety to be properly interpreted, however the following sections are particularly relevant to understanding legal environment in which the board's "framework" exists.

Section 2 (1) "With respect to the management area, a minister or other agent of government must not exercise a power under any enactment except in accordance with this *Act*, the regulations, and local strategic plans." The exception is an order made under the *Environment and Land Use Act*. Where the government (LGC) has made an order under that *Act*, a minister, ministry, or agent of the Crown specified in the order "must not exercise a power under any other *Act* or regulation except in accordance with the order".

Section 4 (1) "The planning and management of Crown land and natural resources in the management area must be conducted in accordance with the management plan." (enacted through the *Muskwa-Kechika Management Plan Regulation*).

Section 4(2) requires the Lieutenant Governor in Council (the government) to “consult with the advisory board” when making regulations respecting “environment, resource use, or land use management in the area”.

Section 5 requires that local strategic plans be “consistent with” and “apply measures to achieve” the management plan (aka the regulation), and a landscape unit objective “must be consistent with the management plan”.

Section 7 requires that SDM’s authorizations must be “consistent with” a local strategic plan or landscape unit objective, and where one does not exist, “consistent with” the management plan. Section 7(3) and (4) go on to say that an authorization “must incorporate” conditions to make it “consistent with” a local strategic plan or landscape unit objective, and where one does not exist, then “must incorporate” conditions to make the operation “consistent with the plan”.

Section 7(5) says that if a person making an authorization “does not otherwise have the power to incorporate these conditions” then they “have the power for the purposes of this Act”.

Section 8(5) waives the prerequisite for a local strategic plan or landscape unit objective when an operational authorization is made “in respect of wildfire or a pest or disease infection to forests or wildlife”.

Section 15 (1) says the Board may identify suitable projects and proposals consistent with the purposes of the trust (which are set out in Section 12).

Section 17 provides the power to make regulations for a variety of purposes relative to implementation of the Act including “defining a word or phrase used but not defined” in the Act. The only regulation made to date is the Muskwa-Kechika Management Plan Regulation which is discussed below.

Key Content of the Regulation

The “management plan” referred to in the Act is embodied in the regulation and adds important detail to relative roles of the board and the government and what advice is given to whom.

Section 2.1.1 of says the board will “advise government” to ensure activities “are consistent with the objectives” of the management plan. The plan uses the term “objectives” in reference to landscape unit objectives; and in Sections 8 through 10 in reference to area-specific objectives and strategies. This section goes on to set out the responsibilities of the board in regard to reviewing operational activities, supporting planning and public involvement, and promoting the area.

Section 2.1.1(c) specifies the board’s responsibility to provide advice on “corporate priorities for and coordination of local strategic planning” and to support initiation and ensure public consultation in the preparation and approval of plans and “any other significant policy issue”, and under 2.2.2 (i) provide recommendations on any proposed amendments to the management plan.

Section 2.1.1(i) makes the board responsible to provide “recommendations to the Environment and Land Use Committee on any proposed amendments to the plan.

Section 2.1.2 sets out the responsibilities of the Inter-Agency management Committee (IAMC), including working “in partnership” with the board on public consultation and “consult” the board on inter-agency implementation of the Management Plan.

Section 5.1 requires the Board, in partnership with the IAMC, to prepare an annual monitoring report which is to “assess the degree to which the objectives outlined in the management plan are being met...” The report “will include all proposed updates and amendments” to the plan, and “any other recommendations” made by the Board.

Section 5.2 provides for interim amendments to the Management Plan by the Environment and Land Use Committee (ELUC) on the advice of the IAMC and the Board. It also calls for a “major plan review” in November 2005.

Section 7 provides general management direction for the entire M-KMA, with specific reference to the management intent in the Fort St. John and Fort Nelson LRMPs.

Section 8 sets out specific management direction and objectives for resource management zones in the Fort St. John and Fort Nelson LRMPs.

Analysis and Commentary

The *Act* and regulation are relatively clear about establishing a unique management framework. Where uncertainty does exist, an examination of the intent can provide guidance to both the government and the board.

The very existence of a statute aimed at management of a specific area, and its inclusion of the advisory board is a signal that the legislature intended that planning and operational decision-making within the M-KMA would be different than elsewhere. By passing the *Act* in 1998, and adding the Mackenzie portion in 2001, the government brought locally developed land-use plans into law and established a framework for planning and practices to evolve⁴.

The preamble expresses the intent to maintain the wilderness quality and diversity of wildlife and ecosystems of the area while allowing resource development in designated parts. This tells us, in broad terms the management priority, or “what” is being managed for. That intent is confirmed in the words of Premier Clark at the time the bill was introduced to the legislature: “...provide special protection for this area of the Northern Rockies, one of North America’s last and largest true wilderness areas.” It is clearly different than legislation creating a park, however, as can be read in the preamble, and in the Premier’s further comments: “It provides a unique opportunity for both protection of internationally significant wilderness values and sustainable development of oil and gas and other resources.” It is noteworthy, however, that “wilderness” is not specifically defined in the *Act* (the board has proposed a definition in its document).

⁴ Recognizing the anomaly created by not amending the regulation to establish direction specific to resource management zones within the Mackenzie LRMP.

The *Act* is also unique in prescribing “how” (or by whom) the area is to be managed, by creating the advisory board. In debate, Minister Cashore said: “The bill essentially lays out a partnership between government agencies in the north and the board and is mutually supportive.” How this partnership is intended to work is described by Minister Cashore’s statement that “The area will be managed on a day-to-day basis by the statutory decision makers but very much on the basis of the advice of the board”.

The government’s intent is reinforced in the words of Minister McGregor at second reading: “All management activities in the Muskwa-Kechika, for both development and protection, must be consistent with (this) locally developed management plan” and “The new act also provides for public review and amendment to the management plan, to ensure that it keeps pace with the social objectives and improved information as it becomes available”.

In order to make the intended partnership real, the *Act* and *regulation* provide direction to both the Board and government decision makers.

The Board

Although the regulation leaves discretion on how it fulfills its role, it is clear that the Legislature intends the Board to deliver four important functions.

1. Oversight – acting as the eyes-and-ears of local communities, and reporting accordingly, including feedback to government on whether activities are consistent with the Management Plan;
2. Facilitation – and support for adequate public consultation;
3. Advocacy – promoting awareness of the values and support for management of the area; and
4. Advice – to government on various matters related to the M-KMA, including to the:
 - Interagency Management Committee (IAMC) on priorities and coordination of local strategic planning;
 - Trustee (Minister) on expenditures from the trust fund; and
 - Environment and Land Use Committee (ELUC) on any proposed amendments to the Management Plan.

In regard to advice, the legislature’s intent appears to be that the Board play a strategic and policy level role, and that the results would guide operational planning and decision-making. The regulation does not anticipate the Board’s advice on specific land-use objectives or practices at the operational (e.g., project) level, or in local strategic plans, however it also does not prevent the Board from offering such advice.

The Board can be proactive in its advisory role or respond to specific requests. Its oversight role is clearly intended to be proactive.

The Government

In regard to interaction with the Board, direction to ministers and agents of government in the *Act* generally gives little discretion, using language like “must” or “must not”. For example:

- The Premier must appoint an advisory board.
- The minister must consult the board chair on expenditures from the trust fund.
- The government is required to consult the Board before enacting or amending the regulation(s).
- Planning and management must be conducted in accordance with the management plan.

- The government must not exercise a power under any enactment except in accordance with the *Act*.
- A decision must be consistent with the management plan.

The *regulation* presumes the existence of the IAMC and makes it “responsible” to consult and work with the Board on a number of procedural and reporting activities.

It appears that the Legislature intended the Board’s advisory role, relative to amending land use designations and resource practise requirements (as the “framework” proposes) to take the form of recommendations to the ELUC. As previously noted, that does not necessarily preclude the Board from offering advice to the IAMC or a specific ministry on such matters. It also seems reasonable that in the case of any proposed action under Section 8(5) of the *Act* the board’s advice would be sought.

It is clear that the Legislature has given decision makers both the power and obligation to make decisions in the M-KMA “consistent with” the *Act* and objectives set out in the Management Plan and local strategic plans, despite potential inconsistencies with requirements that might apply outside the area.

THE ADVISORY BOARD’S “FRAMEWORK” DOCUMENT

In response to a request from the ministry, over the past two years, a working group of the Board has drafted the Muskwa-Kechika Management Area Natural Resource Framework⁵. It is important to note that the document is still a work-in-progress, and its completion, expected in early 2020, will be informed in part by this review. Following completion, the board expects to periodically update the document to incorporate new information and adapt to changing circumstances. This section provides a very brief overview of the framework document as it stands in March 2019 and includes some observations that may be helpful to the working group and others. It does not assess the technical content, which reflects the Board’s own opinions and advice.

Framework Overview

The Board’s stated intent is that the framework will inform its advice to government. It is also intended to “assist and guide proponents and government with achieving the management vision embodied in the *Act*’s preamble.” It is a proactive assemblage of information and advice, being developed with the understanding that it will evolve as new information becomes available.

The document draws attention to the preamble of the *Act* and sets out the Board’s Vision, which it describes as its interpretation of the legislative framework and “as a foundation for the context of the Board’s framework.” It also includes a “fundamental principle” to “...recognize, respect and consider First Nations rights, title, values, and traditional knowledge...” and draws attention to the uniqueness of

⁵ This title should not be confused with the “management framework” referred to in Section 1.2 of the *Muskwa-Kechika Management Plan Regulation* which provides the government’s legally established management direction, objectives, and strategies.

the management construct and mix of values in the area (in particular, the concept that wilderness values and well-implemented resource development activities can share the same landbase).

The document suggests that the content of Pre-Tenure Plans (required as a prerequisite for oil and gas development) be made applicable to all industrial activity. It describes a comprehensive approach to planning based on values, valued components, indicators, and thresholds. The draft offers the Board's advice on management approaches it believes to be consistent with, and best suited to achieving the intent of the *Act*, such as a stratified zoning approach with area-specific measures and recommendations, based on the degree of human activity evident and possibility of industrial access. It also introduces the concept of "indicator quality" as a qualitative tool for tracking indicators for certain values that are particularly challenging to measure objectively, (such as wilderness, for which it offers a definition).

The framework provides "general measures and recommendations" intended to apply throughout the M-KMA, presently grouped as: environmental stewardship; socio-economic; and management of access roads and motorized trails. It then suggests "additional area-specific measures and recommendations" grouped under the zones mentioned above. The advice applies to areas where industrial activity is permitted under the *Act* as well parks and protected areas. In preparing its framework document, the working group incorporated what it has learned through a research partnership with the University of Northern BC.

Analysis and Commentary

It is important that the Board's framework be taken for what it is presently intended – as advice. The advice includes management approaches (e.g., indicator quality and zoning) as well as practice recommendations intended to protect and conserve key values. It is also an attempt to move from the past practise of responding to specific issues on a more-or-less ad-hoc basis, to providing up-front proactive input to government and others who must make operational decisions in the M-KMA.

There is some uncertainty about how the advice can be effectively used by government (or others). At least part of the concern may be attributed to a need to clarify or communicate more specifically the board's intentions and expectations for the framework's use. That issue can be rectified fairly easily.

A more challenging, but not insurmountable challenge is the incongruity of the board's approach with what the *Act* and regulation prescribe in their current form. At the time they were enacted, it was anticipated that the type of advice contained in the board's framework document would be delivered through either:

1. The Board's annual report to the premier and public on the results of its semi-annual reviews (per Section 2.1.1 (a) and (b) of the regulation). In this case the advice would likely be aimed at how operations can better be consistent with the current management plan; or
2. The annual monitoring report (per Section 5.1 of the regulation) and would be the product of a partnership or collaboration between the Board and IAMC. The recommendations would be forwarded to the ELUC for consideration and could lead to amendments to the Muskwa-Kechika Management Plan (the regulation).

Although it was likely assumed that most recommended amendments would pertain to general or zone-specific management direction and objectives, they could also apply to other parts of the plan (e.g., management structure or reporting). Once amended by the ELUC, government decision-makers would be empowered and required to ensure all operational activities are consistent with the amended plan. The ongoing collaborative development of practices and processes was intended to inform management through the unique board/government partnership described in the regulation.

While the legal management framework has not changed in 20 years, circumstances have. With a few exceptions, there has been relatively little pressure for new industrial development in the M-KMA since it was established. The resulting lack of urgency may have led to government paying less attention to the area than it did during the 1990's when local planning processes were very active, forestry activities were expanding in the surrounding areas, and oil-and-gas development was beginning to move into the mountains.

Over the last 15 years or more the formal process for giving and receiving advice has largely fallen into disuse. For several years the board has not routinely assessed and reported on the consistency of operational activities with the management plan through the originally expected semi-annual reviews and annual reports. At the same time, successive government reorganizations resulted in the M-KMA falling into two resource regions whereas it was originally in one, and in significant realignments of ministry responsibilities and priorities. Although both regions have cross-ministry committees, it is not presently clear that there is an IAMC with which to partner in providing advice to the ELUC, as was envisioned by the Legislature.

RELATED OR OVERLAPPING INITIATIVES

As mentioned in the Background section of this document, the government is involved in numerous initiatives that affect natural resource management in Northeastern BC, and potentially the M-KMA. How the board's advice can be incorporated into the government's management systems relative to these initiatives depends somewhat upon their specific nature, and whether they involve spatially-specific or more generally applicable practices, processes, or decisions. In many cases, these initiatives are complementary to the board's work, and often involve a significant level of collaboration with First Nations, bringing additional information and perspectives. At a minimum, the parties involved in these initiatives should be made aware that the board is developing a comprehensive advisory document that may be relevant, and of its content when complete. Similarly, as the board completes its document, it will benefit by being aware of these other related initiatives. If and when any of these initiatives lead to potential on-ground activities within the M-KMA they will need to be consistent with the management plan regulation and should recognize the board's advice.

Current and Potential Government-to-Government (G2G) Agreements with First Nations

As the government proceeds with its commitments to reconciliation, the United Nations Declaration on Rights of Indigenous Peoples (UNDRIP) and direction from the courts, a complex process of engagement and agreement-making is underway. The engagement and agreements may be broad, spatially (e.g.,

territory) specific, or focused on a particular activity (e.g., consultation) or value (e.g., moose). It may also involve very strategic and policy-related matters, or site-level rights and interests, or include benefits provisions.

The board's draft framework document states that a fundamental principle of the Board is that all activities in the M-KMA should "recognize, respect and consider First Nation's rights, title, values, and traditional knowledge" and be consistent with UNDRIP. As the board completes its document, it may wish to describe how that principle is applied. A practical approach may be to ensure the work is informed by any relevant First Nations land-use plans, agreements, or engagement activities, and is transparent and available for consideration in those processes.

Northeast Regional Strategic Environmental Assessment (RSEA)

This is an example of a strategic G2G activity. It involves a collaborative approach between seven Treaty 8 First Nations and the Province to assess the cumulative effects of natural resource development activities on Treaty 8 rights and to develop joint management recommendations. To a very large extent, the management practices advice contained in the board's draft framework appears synergistic to the concepts of cumulative effects management and protection of treaty rights. The greater risk may be lost opportunity or duplication of effort if information is not exchanged between the two initiatives. To mitigate the risk, it is important that the RSEA table be aware of the board's work, and that relevant aspects of the RSEA inform completion of the draft framework document. Ideally this would involve some direct collaboration between initiatives, but practicality suggests sharing information through documents and government liaison staff.

Treaty Entitlement Lands Process

First Nations who did not receive all the land they were entitled to under treaties can file a Treaty Land Entitlement (TLE) claim with the Government of Canada⁶. As of December 2018, five Treaty 8 First Nations in BC have active TLE claims underway. As part of settlement, the province will transfer land to the federal government on behalf of the First Nation, to be added to reserve land. Presently, some land parcels of interest to the Halfway First Nation under this process are near the east boundary, but do not appear to overlap the M-KMA.

Although potential TEL claims, if they were to include part of the M-KMA will likely be relatively small when compared to the overall landmass, they could impact management depending on their location and intended use. Negotiators should be made aware of the M-KMA and the board's work. Should claim proposals that overlap the M-KMA be brought forward, the board should be informed and consulted, and its advice used to inform negotiations.

Proposed Modernized Land-Use Planning Program

The government has committed to modernizing the provincial land-use planning program. This includes reviewing and possibly refreshing Land and Resource Management Plans (LRMPs) and is closely tied to objectives for reconciliation and recognition of First Nations' rights and interests. As previously noted, the M-KMA was created as a result of three separate LRMPs, following the administrative boundaries of

⁶ Not to be confused with Tripartite Land Agreements (TLAs) which arise from the impact of BC Hydro's Site C project on treaty rights to hunt, fish, and trap.

the three forest districts and their matching timber supply areas. However now that it is defined as a unique management area both in law and practise, there is a strong argument to treating it as a separate and discreet planning unit.

Decisions have not been finalized on the timing and process for LRMP reviews. If, in the future, the M-KMA is treated as a separate and unique planning unit, (as recommended later in this document) then for planning in the adjacent units (e.g., Fort St. John), the board's framework document is relevant primarily in regard to coordination in areas bordering the M-KMA. When the time comes to refresh planning inside the M-KMA, the document will provide a key part of the board's recommendations to government⁷. Should the decision be made to maintain the existing LRMP boundaries, then a process to incorporate the board's work will be needed as each review and update occurs.

Timber Supply Review

The Fort Nelson, Fort St. John, and Mackenzie Timber Supply Areas (TSAs) each cover portions of the M-KMA. For each TSA in the province, the Chief Forester is required to periodically review and analyze the timber supply and determine a new Allowable Annual Cut (AAC). Since a portion of each AAC is attributable to land inside the M-KMA, it is assumed that timber will be harvested from those areas at some time. The Chief Forester uses physical and economic operability factors to determine broadly what portion of the total TSA will be considered the Timber Harvesting Land Base (THLB) and therefore contribute to the AAC. The constraints contained in LRMPs, the M-KMA management plan regulation, and other objectives set by government still apply within the THLB.

An AAC for the Mackenzie TSA was determined in November 2014, with a partition added in February 2019 to reduce the risk of concentrating harvest in the south. The AAC for the Fort St. John TSA was set in May 2018 and did not change from the previous period. The Chief Forester noted that to date no landscape unit objectives have been approved in the M-KMA, and there are no efforts underway to do so, therefore no harvesting has occurred. The AAC for the Fort Nelson TSA was last set in November 2006 and is presently nearing a new determination. If historical patterns are followed, relatively little if any of the M-KMA will be included in the THLB.

As a matter of practise, the board should be consulted during any timber supply review process that overlaps the M-KMA. The board's advice should become part of the information package and considered in any decision. If the board's draft recommendations are incorporated into the management plan regulation or landscape unit objectives, they will automatically be considered in future reviews of the timber supply.

Sustainable Forest Management Plan

The Fort St. John TSA falls within the boundaries of the Fort St. John Pilot Project Regulation. The regulation was established under the *Forest Practices Code Act of BC* in 2001. It provides for a

⁷ The role of the board creates a unique circumstance. Since Several First Nations' territories (treaty and non-treaty) overlap the M-KMA, it will be necessary to determine through dialogue and agreement, how to incorporate or modify the framework established by the management plan regulation with new government-to-government approaches to planning and management.

Sustainable Forest Management Plan (SFMP) which must include landscape-level strategies for timber harvesting, road access management, and related forestry practices. The SFMP incorporates direction from all the formally established plans covering the TSA, including the LRMP and the M-KMA management plan regulation.

If harvesting in the M-KMA is contemplated, it will be necessary to first establish landscape unit objectives⁸, in consultation with the board. These would then be incorporated into the SFMP. The board's draft framework provides valuable input to the establishment of such objectives.

Peace-Liard Moose Management Plan

The government and First Nations are collaborating, with input from stakeholders, on a plan for managing moose in the Peace-Liard Region. The plan is consistent with the provincial framework and includes measures such as: population objectives; habitat management; health assessment; caribou and predator interaction; inventory; and predator management.

The geographic scope of the Peace-Liard Moose Management Plan (P-LMMP) is regional, and therefore assumed to include portions of the M-KMA. The issuance of any authorization needed to implement the moose plan in the M-KMA is required to be consistent with the management plan regulation or any (local strategic) wildlife management plan. The P-LMMP is unlikely to be in conflict with the board's draft advisory document, however mutual awareness can ensure this.

Boreal Caribou

Boreal Caribou have been listed as "threatened" under the federal *Species at Risk Act* since 2003 and are considered "imperiled" by British Columbia's Conservation Data Centre. In 2011 the province approved a plan for ongoing management of boreal caribou. The plan is presently being updated in collaboration with First Nations and is expected to refine the previous habitat protection measures.

Although Boreal Caribou require large areas of contiguous habitat, their ranges are primarily outside (east) of the M-KMA. Should the current plan propose measures that impact the M-KMA it will need to demonstrate consistency with the current management plan regulation or lead to a plan amendment. Although a conflict is unlikely, the planning table should be made aware of the board's draft work, including the appendix containing specific advice relating to wind resource development (January 2018) so it is fully informed.

⁸ Note that the *Act* allows an exception to the requirement for a landscape unit objective in the case of a permit to deal with wildfire or a pest or disease infestation.

ACTION PLAN RECOMMENDATIONS

The ministry's key requirements of the action plan recommendations are that they:

- a) be scalable so that they can be achieved over time with the limited resources available;
- b) provide a process and series of components that will move the framework⁹ from concept into a recommended approach that will work within the government system; and
- c) where applicable, address linkages or interdependencies with other resource management initiatives affecting the area.

Recommendations are organized according to four suggested time-frames and indicate who would have lead responsibility (government or the board). To the extent possible, they also describe individual tasks that can be undertaken independent of each other, allowing the response to be commensurate with the parties' capacity.

Both the board and the ministries have limited resources (staff, time, and money) to undertake implementation action. It should not be assumed that they will be able to act on all the recommendations or achieve the suggested time-frames. However, even taking the first steps will add value to management of the M-KMA.

Immediate

Recommendation 1

The Ministry of Forests, Lands, Natural Resource Operations, and Rural Development (FLNRORD), on behalf of the Northeast and Omineca Regions' Inter-agency Management Committees (IAMCs), or equivalent bodies, publicly affirm the M-KMA Advisory Board as a strategic advisor and partner in management of the M-KMA.

Discussion

Circumstances are significantly different than when the board was established. Government staff, stakeholder groups, management priorities and issues have changed. As discussed above, numerous initiatives are underway provincially and regionally that may impact the M-KMA, and vice-versa.

A written statement by the ministry executive would reaffirm the unique and important role of the board, while also putting it in the current context: new and emerging relationships with First Nations; current initiatives; and constrained resources. Combined with acknowledgement of the work currently underway by the board, such a statement could go a long way to preventing conflict with other activities, and perhaps identifying opportunities or synergies.

The statement should be distributed to the board, government staff, participants in the various initiatives mentioned, and stakeholders.

⁹ Draft **M-KMA Natural Resource Management Framework** prepared by a working group of the M-KMA Advisory Board.

Period 1 – Short-term (preferably within one year).

Recommendation 2

As soon as practicable, and preferably by May 31, 2019, the board and government (lead by FLNRORD) finalize an engagement strategy to ensure the reaffirmation of the board's role is supported operationally.

Discussion

The Muskwa-Kechika Management Area (M-KMA) management plan clearly anticipates a working partnership between the board and the government ministries responsible for natural resource management. Substantial erosion of the roles and responsibilities as they are set out in the management plan regulation, combined with the relatively low demand for advice has resulted in a largely ad-hoc approach. Whereas a single multi-agency body, the Interagency Management Committee (IAMC) was the primary point of contact described in the management plan regulation, the government has since reorganized and management responsibility spans two administrative regions, each with a different model for multi-agency coordination. A key aspect of the originally constituted "partnership" was to provide feedback and collaborate on a unique and evolving management approach. In addition to facilitating an effective advisory process, re-establishing this forum would enable a dialogue on key topics of mutual interest such as potential amendments or updates to the management plan regulation, planning priorities and research.

An engagement strategy would re-establish a formal and consistent liaison between the board and government and confirm communications protocols. It could also include establishing a small working group to collaborate on implementation of this action plan and any related matters. It will take some time and new resources to either re-establish the intended level of collaborative management, or to develop a new model. In the meantime, to address issues and opportunities arising from current government initiatives and any immediately foreseeable development pressures, an informal (locally sanctioned) collaborative forum would be advantageous.

The working group would likely consist of a core group of individuals representing the board and government. The government participants should be able to bring the perspectives and interests of both the Northeast and Omineca regions, and of the relevant ministries. This does not mean every ministry needs to be at the table, but that they are aware of and connected to the process through existing cross-agency forums.

The working group could be co-chaired by the board and government, sharing responsibility for organizing meetings and tracking progress. Its terms-of-reference would be developed at its first meeting and would include collaborating on the initial tasks identified in the action plan.

Although the framework document is the board's work-product, its completion may benefit from the expertise and perspectives of government staff. The government may want to be

cautious, and not influence the actual recommendations of the board, but as the eventual recipient it could provide information to help ensure the advice is readily useable. This may include topics such as clarity, process, and linkages to other on-going initiatives.

Recommendation 3

The board and government address a long-standing commitment to seek a “shared and common understanding” of the management vision for the M-KMA and a definition of wilderness.

Discussion

In its draft framework document, the board has expressed an overall vision for management in the M-KMA, which it considers to be foundational for the remainder of its advice. It also provides a definition of “wilderness”. The board points to a commitment by the government 3 or 4 years ago to find common ground on a management vision and wilderness definition.

Although the dialogue is likely to enhance mutual understanding, it may not be possible to reach a concise formal agreement. More likely, it will be possible to agree to manage in a way that is consistent with the spirit and intent of the board’s advice. Ultimately, realization of the board’s perspectives will occur when its area-specific advice is incorporated into new or revised plans (local strategic plans, land use objectives, or the management plan).

By virtue of its statutory role, the board’s advice carries significant weight. However, the government will also be required to engage with First Nations on these matters, in addition to its obligation to consult with them in advance of authorization decisions. That may constrain its ability to enter a formal bilateral understanding with the board.

This dialogue could be initiated through the engagement mechanisms discussed under recommendation 2.

Recommendation 4

The board complete its framework document in a timely manner, with input from others as it deems appropriate, and with consideration to the points and clarifications included in the discussion below.

Discussion

The advisory and oversight role of the board as set out in the *Act* and management plan regulation utilize a different approach than what is being taken with the framework document. Also, as time has passed and there has been relatively little development pressure on the M-KMA, many government staff and project proponents may have a limited understanding of the unique management approach intended. The board can help mitigate any potential confusion by:

- In the introduction, or through a covering letter, clarifying the board’s intent for the document and acknowledging that it does not adhere strictly to the approach set out in the regulation. It is currently understood that the document is intended to serve an

internal function, guiding the board's response to specific requests, as well as proactively communicating its advice to government and development proponents.

- Changing the name of the document to remove potential confusion with the legal "framework" that section 1.2 of the regulation refers to as being sections 7.0 to 10.0.
- Clarifying whether, in its own opinion, the procedures and practices recommended in the document are "consistent with" the existing management plan regulation, or if they would require an amendment.
- Clarifying whether the procedures and practices recommended in the document are to be considered as input to local strategic plans (new or updated), as general advice, or both.
- Drawing attention to any portions of the document that are uniquely relevant or important to areas in the M-KMA where development pressure or authorizations are expected in the near-term. This could be communicated separately and is consistent with the board's role to provide advice to government on the priorities for local strategic planning.

The board should consider informally communicating its intentions, and the content of its work to the relevant First Nations and indigenous communities. Although there is no legal obligation on the board to consult, sharing information about its work is consistent with society's aims for a more collaborative working environment. It also creates an opportunity to clarify any uncertainty about the board's intentions and may generate useful feedback.

Recommendation 5

Prior to undertaking initiatives to modernize land-use planning in the region, the government consider treating the M-KMA as a separate and unique planning area and decide accordingly.

Discussion

Although the M-KMA was created as a result of the Fort Nelson, Fort St. John, and later the Mackenzie LRMPs, it is now legally a distinct geographic entity with a unique management structure and plan. Treating the M-KMA as a distinct and separate plan (e.g., LRMP) would likely simplify modernization work on the adjacent planning areas, and enable the government, board, indigenous communities, and stakeholders to focus on the unique attributes and expectations for the M-KMA when the time comes to update its plan. In the meantime, the board's work would not confuse or conflict with planning initiatives outside the area.

Period 2 – Medium-term (within approximately two years)

Upon receipt of the final advice document from the board, the government has a number of options for how it responds (not necessarily mutually exclusive):

- a) Acknowledge receipt and accept the document as advance notice of the type of advice the board plans to provide regarding specific requests or development proposals.
- b) Accept the document as standing input that is not specific to a particular authorization, but to be considered in any upcoming decision or initiative where it could be relevant. The

responsibility would be on the individual decision-makers to review and consider the advice in the manner they consider appropriate.

- c) Accept the document as input to applicable Land and Resource Management Plan (LRMP) updates, local strategic land-use plans, landscape objectives, or similar prerequisite planning pertinent to the area. Once (if) the advice is incorporated and the plans legally sanctioned, then future decisions must be consistent with it.
- d) Receive the document, review it to determine consistency of the advice with the management plan regulation and applicable local strategic plans, and provide guidance to operational decision-makers accordingly.

Depending on the option(s) chosen and resources available to it, the government should consider recommendations 6 through 9.

Recommendation 6

Upon the board formally providing its advisory document, the government review its contents for consistency with the management plan regulation and existing local strategic plans.

Discussion

Although this matter may have been largely addressed through implementation of the earlier recommendations, statutory decision makers (SDMs) will need to be confident in this when making operational authorizations. Although SDMs may ultimately need to make their own determination on consistency, a pro-active review by staff with experience and/or legal expertise could streamline decision-making and help manage expectations. It would also flag issues needing consideration in any future amendments to the board's document, local strategic plans and objectives, or the management plan regulation.

Recommendation 7

The government provide guidance to SDMs and development proponents on how to use the advice received from the board.

Discussion

The infrequent need to issue operational authorizations, staff turn-over in government, the unique requirements for the M-KMA, and the fact that the board's document does not conform strictly to the process set out in the management plan regulation, all indicate a need to provide guidance to potential users of the advice it contains. The types of potential development and the authorizations they operate under are governed by different statutes that prescribe different conditions and allow decision makers varying degrees of discretion. The M-KMA Act requires authorizations to contain conditions consistent with a local strategic plan or legal objective, or in the absence, then consistent with the management plan regulation, and it gives the SDM power to incorporate these conditions.

In order to establish clear and common expectations, the resource ministries should consider providing a joint statement to guide the work of decision makers, proponents, and supporting professionals.

The guidance would likely include:

- An overview of the unique management framework for the M-KMA and its intent.
- The results of implementing recommendation 6 (consistency).
- Any statute-specific advice (where necessary) on how advice in the board's document can (or cannot) be used by a decision-maker. This may be required because there are variations in the approach taken by different statutes. For example:
 - The sale of land or issuance of a lease or other authorization done under the *Land Act* provides wide discretion, requiring the disposition to be "as the minister considers advisable and in the public interest".
 - The *Oil and Gas Activities Act* says, "the commission may issue a permit to the person if the person meets the requirements prescribed for the purpose of this section".
 - The *Coal Act* says, "on receipt of an application that complies with subsection (2), the minister may issue a licence to the applicant containing terms and conditions required by the minister".
 - The *Forest and Range Practices Act* says, "the minister must approve a forest stewardship plan or an amendment to a forest stewardship plan if it conforms to section 5".

The provision of this guidance could be prioritized, focusing first on any imminent development proposals.

Recommendation 8

The government provide information and guidance to any planning initiatives that could impact the M-KMA on how to consider the advice received from the board.

Discussion

As discussed under the section on related initiatives, there are numerous area-based and activity-specific planning initiatives underway or contemplated in the region that could overlap or impact the M-KMA. For example, the government has a mandate to modernize land-use plans, is working on plans to protect endangered caribou herds, conducts timber supply reviews, and is developing moose management plans. There may also be areas not yet covered by the prerequisite planning required for authorizing a particular activity.

By making the various planning teams aware of the advice and explaining its context, participants would have the opportunity to benefit from the board's perspective while developing plans that will, no doubt, incorporate other perspectives as well. As previously suggested, there are circumstances where it may be advisable to make participants aware of the board's work before it is completed.

Where any of these initiatives are within or overlap the M-KMA the planning /initiative team may wish consult directly with the board.

Recommendation 9

The government incorporate the board's advice into its engagement with First Nations and indigenous communities at all appropriate levels.

Discussion

The government has and continues to develop processes and protocols for engagement with First Nations and indigenous communities on matters of policy, planning, and project-specific interests. Through relevant initiatives (e.g., RSEA) as well as directly, First Nations and indigenous communities should be made aware of and have the opportunity to comment on and consider the board's advice.

When entering into collaborative plans or agreements that directly involve the M-KMA, the government should bring the board's advice to the table for consideration.

Period 3 – Longer-term

Recommendation 10

The **government** should prepare a briefing and seek direction from ELUC on whether to initiate the work needed to support changes to the *Act* and management plan regulation.

Discussion

The previous recommendations provide a set of potential interim measures, essentially allowing the board and government agencies a way to work around the outdated statutory framework. If the pressure for more industrial development eventually increases, failure to have an effective legal framework could cause difficulties.

Legislators should be made fully aware of the incongruity between the intent and letter of the existing statutory framework and the current realities. The legal framework was adopted with the expectation that it would be adaptive, but over the past 20 years it has not significantly evolved. In fact, the opposite has seems to have occurred.

The ELUC should be provided with options to address the situation. It is recognized that the direction government chooses to take may depend greatly on its ongoing engagement with first nations, and whether the M-KMA is to be treated as a separate and discreet unit in the process of modernizing lad-use plans.

If the government decides to amend the statutory framework the board should be consulted and involved in the process.

APPENDIX

ACTION PLAN IMPLEMENTATION DETAIL

The content of this section is provided in order to provide the parties with an estimate of the effort required to implement each recommendation. A further analysis and more detailed estimates are warranted before any final decisions.

Recommendation #1	The Ministry of Forests, Lands, Natural Resource Operations, and Rural Development (FLNRORD), on behalf of the Northeast and Omineca Regions' Inter-agency Management Committees (IAMCs), or equivalent bodies, publicly affirm the M-KMA Advisory Board as a strategic advisor and partner in management of the M-KMA.	
Timeline	Immediate (April-May 2019)	
Responsibilities	FLNRORD – Regional Executive Director (RED) Northeast on behalf of IAMC(s)	
Implementation Tasks	Resourcing Assumptions	Cost
<ul style="list-style-type: none"> • Internal discussion with Omineca Region and other agencies. • Draft letter. • Discussion with M-KMA. • Internal briefings. • Finalize and distribute. • External briefings as required. 	<ul style="list-style-type: none"> • Primarily RED with staff support. • Review and input by senior managers “IAMC” • Teleconference discussions before and after completion. 	<p>FLNRORD: 5 person-days Minimal direct \$</p> <p>Other agencies and M-KMA Board: < 1 person-day each.</p>

Recommendation #2	As soon as practicable, and preferably before May 31, 2019, the board and government (lead by FLNRORD) finalize an engagement strategy to ensure the reaffirmation of the board's role is supported operationally. (Possibly including a small working group).	
Timeline	In place by May 31, 2019	
Responsibilities	Lead: FLNRORD (NE) on behalf of resource agencies. M-KMA Board	
Implementation Tasks	Resourcing Assumptions	Cost
<ul style="list-style-type: none"> • Complete draft engagement strategy and ratify. <hr/> <p>Operations, (if working group established):</p>	<ul style="list-style-type: none"> • FLNRORD staff and M-KMA contracted coordinator. <hr/> <ul style="list-style-type: none"> • FLNRORD staff: initial establishment supported by 	<p>FLNRORD 3-4 person-days M-KMA Board 1-2 person-days</p> <hr/> <p>2019- 2020 fiscal</p> <hr/> <p>FLNRORD:</p>

<ul style="list-style-type: none"> • FLNRORD consult with other agencies and between regions to assign members. • M-KMA Board assign members. • Select chair / co-chairs. • Draft terms of reference. • Develop work plan. • Periodic telecom/videocam meetings. • Off-line work to support process and implement decisions made at meetings. 	<p>REDs, discussion through existing multi-agency committees. 2-3 committee members.</p> <ul style="list-style-type: none"> • M-KMA Board: initial establishment supported by Chair and secretariat, 2-3 committee members. • 4 2-hour meetings plus preparation and follow-up time (one in-person meeting). • Possible independent facilitator. 	<p>8-10 person-days Minimal direct \$ (possibly some travel)</p> <p>M-KMA: 8-10 person-days plus some travel.</p> <p>Facilitator (if required) \$10,000</p>
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Recommendation #3	The board and government address a long-standing commitment to seek a “shared and common understanding” of the management vision for the M-KMA and a definition of wilderness.	
Timeline	Conclude by March 31, 2020	
Responsibilities	Address through the engagement strategy, and presumably through the suggested working group (if established).	
Implementation Tasks	Resourcing Assumptions	Cost
<ul style="list-style-type: none"> • Dialogue (possibly facilitated) through the engagement strategy / working group. 	<ul style="list-style-type: none"> • Incremental time and cost to recommendation #2. 	May be covered by recommendation #2 depending on the tasks undertaken.

Recommendation #4	The board complete its framework document in a timely manner, with input from others as it deems appropriate, and with consideration to the points and clarifications included in the discussion below.	
Timeline	Ongoing with completion target March 31, 2020	
Responsibilities	Lead: M-KMA Board Working Group Feedback (as requested): government members on joint task group identified in recommendation #1.	
Implementation Tasks	Resourcing Assumptions	Cost
<p>M-KMA</p> <ul style="list-style-type: none"> • Meetings, drafting by secretariat, review by WG members. • Consider / incorporate suggestions listed in the 	<p>M-KMA</p> <ul style="list-style-type: none"> • Facilitation and writing by secretariat. • Participation by board working group. • 6 meetings 	<p>2019-2020 fiscal</p> <p>M-KMA: \$30,000</p>

<p>discussion section of recommendation.</p> <ul style="list-style-type: none"> Approval by the full board. Possible initial dialogue on shared vision (see recommendation #3). <p>FLNRORD</p> <ul style="list-style-type: none"> FLNRORD background work / review to provide feedback as described in recommendation #1. 	<p>FLNRORD</p> <ul style="list-style-type: none"> Periodic document review and comment by email or phone by task group members or through them other agency specialists or managers. 	<p>FLNRORD (+): Depends on whether this is a primary activity under recommendation #2.</p>
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Recommendation #5	Prior to undertaking initiatives to modernize land-use planning in the region, the government consider treating the M-KMA as a separate and unique planning area and decide accordingly.	
Timeline	By March 31, 2020	
Responsibilities	Lead: FLNRORD (NE) Participate: FLNRORD (Omineca) Other resource agencies and MIRR M-KMA Board	
Implementation Tasks	Resourcing Assumptions	Cost
<ul style="list-style-type: none"> Internal dialogue as part of the initiative to modernize land-use planning. Consult with M-KMA Board 	<ul style="list-style-type: none"> Internal planning staff and executives Analysis of pros and cons Briefing material Engagement activities by staff. 	<p>FLNRORD (+) 10-15 person-days.</p> <p>M-KMA Board: 2 person-days</p>

Recommendation #6	Upon the board formally providing its advisory document, the government review its contents for consistency with the management plan regulation and existing local strategic plans.	
Timeline	September 30, 2020	
Responsibilities	FLNRORD (NE) with possible input from Omineca and/or legal services.	
Implementation Tasks	Resourcing Assumptions	Cost
<ul style="list-style-type: none"> Review the content of the document and compare to the management plan, and local 	<ul style="list-style-type: none"> Options are to assign an experienced statutory decision maker to carry out the work 	FLNRORD

<p>strategic plans, and render an opinion(non-binding).</p> <ul style="list-style-type: none"> • Communicate the opinion to all relevant decision-makers and the M-KMA Board. 	<p>and provide a written opinion, or to retain legal counsel (government or independent).</p>	<p>(assumes SDM approach): 15-20 person-days.</p>
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Recommendation #7	The government provide guidance to SDMs and development proponents on how to use the advice received from the board.	
Timeline	By March 2021	
Responsibilities	FLNRORD (NE) – Lead Omineca and other resource agencies provide input. Joint approval (IAMC or equivalent)	
Implementation Tasks	Resourcing Assumptions	Cost
<ul style="list-style-type: none"> • Based on the results of recommendation #6 (if adopted) draft a document providing all government decision-makers on how to use the board’s advice document. • Make the guidance available to all interested parties. 	<ul style="list-style-type: none"> • Consistency review completed under recommendation #6. • Senior / experienced decision-maker prepares the guidance for review and approval of agency executives. • Possible review by in-house legal counsel. 	<p>FLNRORD 5-10 person-days to draft, review and approve.</p>

Recommendation #8	The government provide guidance to any planning initiatives that could impact the M-KMA on how to consider the advice received from the board.	
Timeline	Initial information / awareness by September 2020. Results of recommendations #6 and #7 by March 2021.	
Responsibilities	FLNRORD (NE) – Lead Omineca, other resource agencies and MIRR provide input.	
Implementation Tasks	Resourcing Assumptions	Cost
<ul style="list-style-type: none"> • Assess relevance to various initiatives. • Prepare guidance document and/or information (document or presentation). 	<ul style="list-style-type: none"> • Senior / experienced FLNRORD staff member in consultation with initiative leads. • Incorporates work done under recommendations #6 and #7. • May include briefings to planning tables or written material. 	<p>FLNRORD: Prepare basic material – 4-5 person-days.</p> <p>Delivery (depending on method) – 2-10 person-days.</p>

Recommendation #9	The government incorporate the board’s advice into its engagement with indigenous communities at all appropriate levels.	
Timeline	Initial information / awareness – September 2020. Inclusive of government analysis (recommendations #6 and #7) – March 2021	
Responsibilities	FLNRORD (NE) – Lead Full participation / support from MIRR	
Implementation Tasks	Resourcing Assumptions	Cost
<ul style="list-style-type: none"> Assess relevance to various engagement / consultation activities, agreements, and processes. Share through appropriate / on-going engagement. 	<ul style="list-style-type: none"> Review by FLNRORD and MIRR staff for applicability and appropriate venue. Incorporation into existing / on-going processes. Some overlap with recommendation #8. 	FLNRORD & MIRR: 4-6 person-days.

Recommendation #10	The government should prepare a briefing and seek direction from ELUC on whether to initiate the work needed to support changes to the <i>Act</i> and management plan regulation.	
Timeline	2021+	
Responsibilities	FLNRORD-Lead All other resource agencies and MIRR contribute.	
Implementation Tasks	Resourcing Assumptions	Cost
To be determined.	To be determined.	To be determined.