

STRATEGIC ENGAGEMENT AGREEMENT

Between the Province of British Columbia and the Kaska Dena Council

Annual Implementation Report

April 1, 2016 – March 31, 2017

Version 1.4 May 5, 2017



Section 1 - Purpose:

The Strategic Engagement Agreement (SEA) between the Province and Kaska is intended to foster and build upon a positive and respectful government-to-government relationship. The SEA allows for creative and collaborative work between the parties on natural resources issues in the Kaska Traditional Territory, and offers a shared process to consider information about natural resources projects including Kaska's traditional knowledge.

This Annual Implementation Report describes the achievements and staffing changes over the 2016-2017 year, and sets priorities for the next. This report was drafted by both Kaska and the Province of BC.

Section 2 - SEA Committees:

Responsible Officials

The Responsible Officials provide executive guidance for the Natural Resource Council (NRC). The Kaska Dena Council and the Province of British Columbia each appoint an individual to this position. The roles and responsibilities of the Responsible Officials are described in Section 6.1 of the Strategic Engagement Agreement (SEA). The previous year's Responsible Officials remained for the 2016-2017 implementation year:

Kaska:

George Miller, Chairperson
Kaska Dena Council

BC:

Bruce Low, Regional Manager
Aboriginal Relations and Reconciliation

While not regular attendees of the NRC, the Responsible Officials were present for two of the NRC meetings this year. Chairperson George Miller addressed the NRC in June 2016 and MARR Regional Manager Bruce Low did likewise in February 2017. At each of these meetings, they spoke to their impressions of the SEA as being a positive agreement that is doing good things for the huge Kaska territory and the people and animals living there. Chairperson Miller, in particular, spoke about the need to protect the natural resources of the Kaska territory for the future of their children.

Chief Ruby Johnny of Dease River First Nation and Chief Walter Carlick of Lower Post First Nation were invited as special guests to the June 2016 NRC meeting that was held in Kaska territory at Lower Post and Hot Lakes. They addressed the NRC, expressing some of the fears about the sustainability of the resources used in Kaska territory, particularly in the face of competition from non-Kaska.

Natural Resources Council (NRC)

The NRC is the main government-to-government body of the SEA. The NRC is co-chaired by an official from the Kaska Dena Council and from the Government of BC's Ministry of Aboriginal Relations and Reconciliation. The rest of the NRC is made up of representatives from the three Kaska communities and the three BC regional districts that make up the Kaska's territory. The roles and responsibilities of the Co-Chairs and the official NRC representatives are described in Section 6.2 and 6.3 of the SEA. In 2016-2017, these roles were filled by:

Kaska:

- Co-Chair:
 - Steven Jakesta (April to Nov 2016)
 - Bill Lux (Nov 2016 to March 2017)
- Daylu Dena Council: Tanya Ball
- Dease River First Nation: Roy Carlick
- Kwadacha Nation: Angela Hocken

BC:

- Co-Chair: Brandin Schultz
- Skeena: Howard Davies
- Omineca: Dave Francis
- Northeast:
 - Steve Lindsey (until Feb 2017)
 - Lisa Thompson (Feb to March 2017)

Katy Dillon was the NRC's Implementation Lead.

Although only official representatives of the NRC (those above or their designated alternates) can vote on NRC decisions, individuals from Kaska or the Province may attend NRC meetings to speak on issues and express their views. Of particular note, the Lands and Resources Officers from each community were present at both the June 2016 and Feb 2017 meetings.

The NRC met 4 times from April 1, 2016 to March 31, 2017: June (Lower Post and Hot Lakes culture camp), October and December 2016 by phone, and February 2017 (Prince George). A Record of Discussion was taken at each meeting, which was distributed by email to the participants.

Fish and Wildlife

The Fish and Wildlife Collaborative Management Framework (found in Appendix E of the SEA) provides a process and principles to guide the Fish and Wildlife Working Group's collaboration on issues related to fish, wildlife and ecological systems within the Kaska Territory. The Fish and Wildlife Working Group is a permanent working group made up of representatives assigned by the NRC.

Parks and Protected Areas

The Conservancies, Parks and Protected Areas Collaborative Management Framework (found in Appendix F of the SEA) provides a process and principles to guide the parties on issues related to the development and implementation of Management Plans and Joint Operational Activities within Conservancies, Parks and Protected Areas within Kaska Territory.

Mineral Working Group

A Mineral Working Group was created at the request of the NRC, and is now in its second year. The working group operates according to a Terms of Reference document that was approved by the NRC (this document is available upon request).

Section 3 - Funding:

Implementation Funding

Section 14.0 of the SEA describes the method and requirements for the annual provision of implementation funding. The Kaska Dena Council received \$350,000 to fund the implementation of the agreement for 2016-2017.

Special Project Funding

The SEA allows for up to \$100,000 to be put towards special projects over the three-year agreement. Members of the NRC or the working groups can write proposals for a portion of these funds, which must be endorsed by the NRC before they are submitted to the Province for approval.

While they are described more fully elsewhere in this report, the following proposals were endorsed and funded in 2016-2017:

1. *NRC meeting in Kaska Territory.* In June 2016, the full NRC and several key Provincial and Kaska staff met for a three-day NRC meeting in Lower Post, Good Hope Lake and Hot Lakes culture camp. The funding covered some meeting costs and the travel costs of Kaska's staff members.
2. *Wildlife monitoring.* The Fish and Wildlife Working Group proposed using special projects funding to cover the salary of six Dene Nan Yada Monitors to undertake wildlife monitoring during the fall 2016 hunting season.
3. *Ne'ah Conservancy Management Plan.* Kaska requested assistance in order to develop (with BC Parks) a conservation management plan for the Ne'ah Conservancy. The proposal included meetings with Kaska leadership, and community meetings in Lower Post and Good Hope Lake.
4. *SEA review and negotiations preparation session.* In February 2017, the full NRC and key Provincial and Kaska staff met for a three-day NRC meeting in Prince George. The purpose of this session was to review the existing SEA and discuss implementation issues that could be addressed when the parties negotiate the subsequent agreement. The funding covered meeting costs and the travel costs of Kaska's staff members.
5. *Mines inspections training for Monitors.* This course of training and equipment upgrades will allow the Dene Nan Yada Monitors to expand their role into accompanying the staff of the Ministry of Energy and Mines (MEM) while they inspect mining operations in the 2017 field season. This is considered the first phase of this project, with the second phase to happen in the 2017-2018 implementation year.

Section 4 - 2016-2017 Highlights and Achievements:

Fish and Wildlife Working Group

The Fish and Wildlife Working Group (FWWG) formalized their meeting practices and created a work plan, which they will start to use in 2017-2018.

Primary topics for the FWWG this year were discussions around options to deal with conflict between Kaska and other users at high cultural use areas, better alignment and improved communications between other First Nations and FLNRO initiatives on Kaska territory (e.g. the Skeena Stikine Wholistic Working Group - also known as the three nations' initiative and the Peace Liard Moose Management Plan), and working to integrate Kaska's traditional and other information into the harvest allocation strategy.

The Dene Nan Yada Community Environmental and Wildlife Monitoring Program is an independent program run by the Kaska Dena Council, but there are increasing linkages between the Monitoring Program and the FWWG. One of these is the significant resources provided to the Program under the SEA (described elsewhere in this report). The Program coordinator, Tanya Ball, regularly reports on their activities at both the FWWG and the NRC.

The Monitors hired under this Program carried out monitoring activities in the fall 2016 hunting season, when they reported higher numbers of hunters than in previous years. The Monitors participated in a number of training initiatives (many through the three nations' initiative), and operated a community freezer program that stored hides and meat donated by hunters.

This year, the FWWG discussed on-going problems with the morel mushroom picking industry. In the season before, Lower Post members volunteered to go to mushroom 'hot spots' to pick up and dispose of trash left in the woods. In order to be more proactive in the upcoming season, Tanya Ball was successful in advocating the use of special projects funding in 2017-2018 to allow the Monitors to be more visibly present, attempting to discourage negative behaviours, and to observe and report to the FWWG the activities that go on during the picking season.

Forestry

The Kaska Forestry Task Force co-chairs were communicating regularly in the 2016-2017 implementation year, and achieved the following:

- A two-year 100,000m³/year bridging non-replaceable forest license (Kwadacha) in Mackenzie, and a mandate for a First Nation Woodland License that should be issued next year.
- In the Cassiar area, Kaska is to submit a detailed business plan to support decisions around future tenures in the area.

- In the Fort Nelson timber supply area, Kaska are also expected to submit a detailed business plan for tenures in this area. Kaska will be participating in the timber supply review.

The Task Force is anticipated to continue discussions and potential meetings for the 2017-2018 year.

Following discussions between the Province and the Kaska Dena Council, the Skeena office of the Ministry of Forests Lands and Natural Resources initiated a draft Salvage Wood Plan for the Dease-Liard Area. This work will continue in the following year.

Land Management

A number of land management issues have been raised in the vicinity of Kwadacha that were raised at the NRC during this year. As they were specific to Kwadacha, these discussions have occurred directly between representatives of Kwadacha and the Mackenzie District office of the Ministry of Forests Lands and Natural Resource Operations (FLNRO). The topics under discussion include: the Mackenzie Stewardship Initiative, the adequacy of the current designation of the Obo Resource Management Zone, and the condition of the land around the Finbow Airstrip. The NRC has received regular updates from the participants of these discussions.

The Mackenzie Stewardship Initiative is a planning project that is being led by the Mackenzie and Stuart FLNRO office with the participation of a Kaska team, led by Shawna Case of Kwadacha. The initiative attempts to provide a vision for the future while making a more efficient use of the timber harvesting land base. It will also give tactical direction on how to execute various plans. It is anticipated to produce results in the long term linking as many values and aspects of all natural resource users as possible.

The designation of the Obo Resource Management Zone was raised as an issue at the December 2015 NRC meeting. Kwadacha has suggested that the current designation as Special is inadequate as it does/does not sufficiently protect the bands interests in the area. The FLNRO Mackenzie office is discussing options with Kwadacha.

At the request of Kwadacha, the Province has investigated the conditions of the camp permit adjacent to the Finbow Airstrip. The Province has engaged with the permit holder, who has placed the clean-up of the site on their work plan for 2017.

Mineral Working Group

The Mineral Working Group (MWG) has been in operation for two years. The purpose of the group is to deal with issues that are not normally dealt with in a specific Mine Review Committee.

The most significant activity for the year was the MWG meeting to discuss placer permits near the Poorman Lake, French Creek, and Hot Lakes area. The MWG ultimately recommend to the NRC that the Province apply for a “No Registration Reserve” (a type of land protection measure that will prevent future application for mineral activities) which was unanimously approved by the NRC, and ultimately granted by the Province.

The MWG has discussed possible solutions for improving the relationships between Kaska and the placer mining industry. This work is on-going. This year, the MWG has been working to implement the Placer Mining Best Management Practices document that was approved the previous year. That document is due to be posted on the Kaska website.

The NRC has endorsed the MWG as a successful and useful working group, and has recommended making the MWG a permanent working group under the next SEA.

Parks and Protected Areas

After the departure of the previous BC Park Engagement Coordinator, the Province had no one to fill this role for the bulk of the implementation year. Staff members were identified late in the year to take on this role starting in the spring of 2017.

Despite the vacancy, the Kaska Parks Engagement Coordinator, Corrine Porter, worked with the Province to submit a joint proposal to the NRC that has been in the works for some time, asking them to endorse an application to recognize the original name of Boya Lake Park. The proposal is to use the name ‘Tā ch’ilā (a.k.a Boya Lake Park)’. The name Tā ch’ilā (pronounced ta chilla) refers to how the lake, with its many islands, looks like a blanket filled with holes when seen from the hills above. The proposal would also update the metes and bounds of the park, including a small portion near highway 37, and extend up to the middle thread of the Dease River (meaning it would abut the Ne’ah Conservancy). The parties anticipate hearing the results of this proposal in the next implementation year.

Also in the next year, the Park Engagement Coordinators will be working on management plans for the Ne’ah Conservancy. The NRC endorsed a proposal by the Kaska Parks Engagement Coordinator to use funding from the special projects allowance to cover the costs of community meetings and to allow for Kaska specialists and leadership to meet and discuss information and components to go into the draft management plan.

SEA Negotiation (2015-2018)

In February 2017, the parties to the agreement came together at the Otway Nordic Ski Club in Prince George to discuss the existing SEA. The NRC looked at roles and responsibilities, how the NRC functioned, discussed existing and new ideas for working groups, and considered improvements for implementation. The following decisions/observations were made:

- There needs to be more defined training materials for people new to the agreement, such as an implementation guide for engagement staff or an introduction booklet for NRC members.
- The NRC members felt it would be useful to have annual work plans, particularly for planning for the special projects funding.
- Confirmation that the Mineral Working Group should be included in the SEA as a permanent working group.
- Creation of a new pilot working group, to focus on economic development.
- A ‘dropbox’ or other electronic document sharing mechanism to allow NRC members to share and access documents.
- The NRC does not have easy access to the communities for communication needs. Some suggestions included: a newsletter or website; pamphlets, posters or other visual displays; TED talks on various subject matters.
- There needs to be a more direct link from leadership into agenda planning, through the NRC members.

At the same time that the NRC was meeting, the engagement and implementation staff met to discuss the engagement process. To facilitate this discussion, three individuals from the Provincial government were asked to use a performance review system called “lean”. The following recommendations/observations were made:

- Proposed amendments to the “Shared Engagement Record”.
- Proposed a solution for a process flaw that was identified in the engagement process.
- Reviewed the process to add new information into the “Spatial Reference Layer”, and confirmed that this has not been updated since 2014.
- Recommended that the NRC be seen as a place where Kaska could provide input into discussions on proposed legislative changes.
- Confirmation that compliance and enforcement has become a very high priority for Kaska with regards to permit holders in their territory.
- Recommendation for an enhanced role of the concept of Stewardship.

This feedback from the February 2017 staff meeting will be discussed further by a working group set up to plan for the next SEA. The membership of this working group includes the two

co-chairs, Bill Lux and Brandin Schultz, and the implementation lead, Katy Dillon. The work will begin April 1, 2017.

Section 5 – 2016-2017 Engagement Overview:

Overview

A total of 107 referrals were sent to Kaska under the Strategic Engagement Agreement this year. Table 1 shows the breakdown of the last four implementation years, by engagement level:

Table 1.

Levels	2013-2014	2014-2015	2015-2016	2016-2017
1 (information upon request or notification)	25	14	16	25
2 (20 business day referral)	50	48	90	73
3 (20 business day referral, optional extension)	33	9	28	18
4 (40 business day referral, optional extension)	0	0	3	0
Strategic Shared Decision (workplan dependent)	1	1	1	3
TOTAL	109	72	138	119

Table 2 shows the referrals sent to Kaska under the Strategic Engagement Agreement over the past four implementation years, according to sector type:

Table 2.

Sector	2013-2014	2014-2015	2015-2016	2016-2017
Forestry	4	2	0	9
Range	8	10	20	8
Water	4	2	1	0
Lands (includes archeology)	14	12	15	42
Fish and Wildlife	14	4	16	17
Mines	47	32	80	22
Parks	18	6	3	3
Petroleum and Natural Gas	0	0	0	3
Other (includes public works)	0	4	3	12

Strategic or Coordinated Engagement

One of the three Strategic Shared Decision Working Group's was initiated the previous year to review several neighbouring placer mining permits that were in an area near to the previously discussed French Creek (2013). This working group proposed a joint application be made for a 'No Registration Reserve' to the NRC in March 2016. The proposal was unanimously endorsed by the NRC, and the creation of the reserve was announced at the June 2016 NRC meeting. The remaining two Strategic Shared Decisions Working this year were the Timber Supply Reviews for the Cassiar and Fort Nelson Timber Supply Areas.

Section 6 - Priorities for 2017-2018:

- Renegotiation of the SEA due to the expiry of the existing SEA on March 31, 2018.

As described above, the existing SEA is due to expire, and the NRC has recommended the Co-Chairs write to the Responsible Officials asking for a mandate to negotiate a subsequent agreement.

- Enhancing the NRC.

Careful planning of the NRC operations by the creation of tools such as introductory materials, implementation plans, and work plans (including planning for special projects funding).


- Monitoring / Compliance and Enforcement.

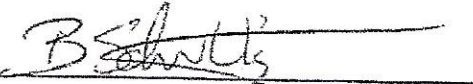
Building on top of three years of success with the Dene Nan Yada Community Environmental and Wildlife Monitoring Program, continue to enhance the capabilities and responsibilities of the Monitors. Enhance the cooperation between Kaska and the Ministries responsible for compliance and enforcement in Kaska Territory.

- Economic Development

In the 'Purpose' section of the SEA is a statement that the SEA and the various bodies and processes within it will aim to "facilitate economic development" (see sub-section 2.1 (b) vi). Since the original agreement was signed in 2012, the parties to the SEA have yet to put concerted effort towards this stated purpose. This will be a goal of the implementation in 2017-2018.

This Annual Implementation Report was prepared for the Responsible Officials.


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