

STRATEGIC ENGAGEMENT AGREEMENT
Between the Province of British Columbia and Kaska Dena Council

Annual Implementation Report
April 1st, 2018 – March 31st, 2019

Version 1 May 27th, 2019



Section 1 – Purpose:

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

This Annual Implementation Report describes the achievements and staffing changes over the 2018/19 year and sets priorities for the next. This report was drafted by Gillian Staveley.

Section 2 – SEA Committees:

Responsible Officials:

The Responsible Officials provide executive guidance for the Natural Resource Council (NRC). The Kaska Dena Council (KDC) 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 SEA. The previous year’s Responsible Officials remained the same for the majority of the 2018-2019 implementation year:

Kaska: Danny Case, KDC Chair BC: Geoff Recknell, Regional Manager MIRR

On July 3rd, 2018, Danny Case took over the role as the Kaska SEA Responsible Official.

While not regular attendees of the NRC, the KDC Responsible Official was present for one of the NRC meetings this year. Chair of Kaska Dena Council, Danny Case addressed the NRC in July 2018

Chief Ruby Johnny of the Dease River First Nation was invited as a special guest to the April 2018 NRC meeting that was held in Prince George. Chief Ruby addressed the NRC about Lands Act application in their region and provided comments on mining related files.

In the July 2018 NRC meeting, BC had present their Kaska Treaty Team Leads for the conversations around the new negotiations of the SEA as well as to hear firsthand the discussions had at the Natural Resource Council sessions.

Natural Resource Council:

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 Indigenous Relations and Reconciliation (MIRR). The rest of the NRC is made up of representatives from the three Kaska Dena communities and the three BC regional administrative units that make up the Kaska Dena’s Traditional Territory (Skeena, Omineca, and the Peace Regions). 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 2018-19, these roles were filled by:

Kaska Dena:

- Co-Chair –Gillian Staveley
- Daylu Dena Council – Tanya Ball
- Dease River First Nation – Roy Carlick
- Kwadacha First Nation –Amy McCook

BC:

- Co-Chair – Bruce Low
- Skeena – Howard Davies
- Omineca – Yvonne Parkinson
- Northeast – Lisa Thompson

SEA Implementation Leads:

- BC – Gretchen Prystawik (March-August); Camille Wilder (September – Ongoing)
- Kaska – Gillian Staveley

Although only official representatives of the NRC (those above or their designated alternates) can vote on NRC decisions, individuals from Kaska Dena or the Province may attend NRC meetings to speak on issues and express their views. Of particular note, the following individuals were present at meetings throughout the 2018/19 year:

- Shawna Case – Kwadacha First Nation Lands and Resource Officer
- Bill Lux – Fish and Wildlife Working Group
- Dave Crampton – Forestry Task Force
- Myles Manygreghorses – Dease River First Nation Lands and Resource Officer
- Ruby Johnny – Chief of the Dease River First Nation
- Miles Hogan – Omineca Representative
- Ray Pillipow – Fish and Wildlife Working Group
- Torbjorn Rive – Mineral Working Group
- Katelyn White – Fish and Wildlife Working Group
- Jeanine Hudson – Peace Representative
- Shannon McFayden – Parks Working Group
- Jennifer Pollard – Omineca Representative
- Ralph Barkhouse – Skeena Representative
- Anna McIndoe – Parks Working Group
- Susan Miller – Omineca – Mackenzie District Representative
- Kristy Wade – Fish and Wildlife Working Group
- Jason Pope – Skeena Representative
- Stephen Connolly – BC Treaty Team
- Ian Hollingshead – BC Treaty Team

- Shelley Marshall – Parks Working Group
- Justin Schroff – Mineral Working Group
- Danica Crystal – Skeena Representative
- Brian Hearnden – Skeena Representative

The NRC met four times from April 1st, 2018 to March 31st, 2019:

1. April 12th, 2018
2. July 26th, 2018
3. December 11th, 2018
4. March 13th, 2019

NRC meetings are typically held by teleconference with one in-person meeting per year. Due to the wildfires in the Kaska Traditional Territory the fall session was postponed, and a face-to-face meeting was not achievable. The NRC is planning to host a multi-day in-person meeting for June 2019 for the next implementation year.

A Record of Discussion was taken at each meeting, which was distributed by email to the participants and Responsible Officials.

Section 3 – Funding:

The Kaska Dena received \$350,000 to fund the implementation of the agreement for 2018-19.

Special Project Funding: The SEA allows for up to \$100,000 to be put towards special projects over the three-year agreement. Since this renewal is a bridging agreement \$50,000 was allotted for the 2 years. Members of the NRC and working groups can write proposals for a portion of these funds, which are endorsed by the NRC prior to submitting them to the Province for approval.

The following project was proposed and endorsed for the 2018-19 year – to be funded in the 2019/20 Fiscal.

1. Non-Timber Forest Resource Monitoring Program

As part of wildfire recovery efforts following the 2018 Lutz Creek wildfire, the BC Kaska First Nations governments are focusing on the protection and restoration of burnt areas as well as monitoring Non-Timber Forest Resources including the upcoming spring's morel mushroom harvest. With an anticipated influx of individual mushroom harvesters and commercial buyers, the Kaska are pre-emptively preparing for the 2019 harvest in the region and taking efforts to make sure it is done responsibly. For the larger management plan in the Lutz Creek area, the Kaska as guardians to the land are working towards developing policies that encourage responsible, safe and low-impact mushroom harvesting. Due to the fact that harvesting of forest resources beyond trees is largely unregulated, there is in turn limited monitoring capacity to ensure compliance to those regulations that do apply.

Based on the previous experience by the Kaska communities in BC with mushroom pickers (e.g. Barney Lake, McKenna Lake, One Ace Road, and Horseranch burns) the impacts caused from the harvesting season have resulted in excessive trail cutting, human waste and garbage issues, and the destruction of the forest due to camps and equipment being abandoned. Kaska is looking for the British Columbia government's support of our community's stewardship role in the Lutz Creek area as well as their on-going commitment to implement the United Nations Declaration on the Rights of Indigenous Peoples.

To monitor and regulate the Lutz Creek area for morel mushroom picking a commitment and supporting working group body is needed to develop a harvesting program in the BC Kaska Traditional Territory. The proposal for the NRC was to review a multi-stage, multi-year program that includes a moral harvesting licencing program. The program would support the on-going management of the understanding in Kaska Traditional Territory which would include ongoing forestry management as a whole. Through the development of a Non-Timber Forest Resource licensing program focused on morel mushrooms, the Kaska Dena would effectively assert, and build upon, their inherent rights and title. The licensing program would assist the Kaska Dena to control the impacts of morel harvesting within their territory, and to conserve the food and other values of their forests. The program would serve as an accelerator toward Kaska Dena management of the full range of resources within their territory, where the moral mushrooms harvesting would just be one component of the post-fire recovery discussions that need to be had around salvage guidelines, range recovery and sustainability practices.

The lead community for this program will be the Daylu Dena Council with contributions being made to each of the communities on-going land guardian monitoring programs as they connect with non-forest timber resources. It is our hope that by pioneering the development and implementation of a licensing program the Kaska Dena can in-turn work towards communities' policies for managing our others forest understory resources.

The Natural Resource Council approved this proposal on March 14th, 2019.

Section 4 – 2018/19 Highlights and Achievements:

Fish and Wildlife Working Group

The Fish and Wildlife Working Group (FWWG) as part of their work plan create a priority set of initiatives and topics for the year, where discussions are held monthly to deal with wildlife issues between Kaska Dena and the Province.

As part of the initiatives for the 2018/19 year, there was a continued relationship between the Dane Nan Yé Dāh (DNY) Kaska Land Guardian Program and the FWWG. The issues focused were the following:

- Peace Region Prescribed Fire Strategy – Wildlife Habitat Management

- Kaska Involvement on Provincial Wildlife Initiatives including Caribou Recovery and Habitat Conservation, Species at Risk legislation
- Continual Regulation reviews and identification of critical ranges/habitats for fish and wildlife, in addition to assessing population stability for specific regional areas – the working group set goals for species management around the Peace Moose Action Plan.
- Priorities for the FWWG included establishing a communication policy for engagement on Fish and Wildlife and on-going training with the Land Guardians through the 3 Nations – Collaborative Stewardship Forum as well as Kaska specific projects focusing on late winter moose country, Cassiar Sheep Project and Moose/Caribou Community Management Planning

Forestry

The Kaska Forestry Task Force worked on a variety of initiatives during the 2018/19 year and achieved the following:

- Forest Management Plan for the Dease Liard Supply Block, Forest Tenure Agreements for the North Liard Plan areas and a Forest Stewardship Plan for Kwadacha.
- Discussions around a Peace District Salvage Management Plan and larger silviculture strategies surround the regional prescribed fire strategy
- Review of the Fort Nelson Timber Supply Review 4 -Sensitivity Analysis for the Annual Allowable Cut
- Review of the Conifex Forest Stewardship Plan in Omineca Region
- Implementation and monitoring of the Highway 37 Wildlife – Salvage and Rehabilitation Management Plan

Land Management

There were a variety of land use planning and management initiatives that took place for the Kaska Dena in the 2018/19 year.

- In this implementation year the ongoing land management issue around the Finbow Airstrip and Camp Clean-up was addressed and remediated through on-going discussions between Kwadacha and the District Managers in Omineca.
- Kaska worked with the Archaeology Branch to develop policies and procedures around engagement through their revitalization initiatives. Review was done on cultural heritage policies in BC – including the Ancestral Remains Policy Review.
- Took part in a high-level engagement for a proposed recreational site at Skooks Landing.
- Ongoing dispute resolution and consultation surrounding recreational lease properties in the Kaska Traditional Territory including undesignated tenured cabins in the Lang Lake Valley.
- Coordination on Kaska Land Use plans within the Strategic Land Use Plan Agreement’s designations through BC

- Due to the Lutz Creek Fire of Note near the community of Lower Post, BC the Kaska have determined that the upcoming Morel Mushroom Harvesting will be an important strategic initiative which has been supported through the NRC.

Conservancies, Parks, Ecological Reserves and Protected Areas

The purpose of this framework within the SEA is to have government to government discussions on the development and implementation of management plans and joint operational activities within conservancies, parks, ecological reserves, and protected areas (CPERPA's) within the Kaska Dena Traditional Territory. The scope of work for the CPERPA for the 2018-19 implementation year was as follows:

Ongoing engagement for Kaska Dena signage and interpretive information for the Tā ch'ilā Park, continual development of the Ne'ah Conservancy Management Plan, review of access issues to the Liard Hot Springs Provincial Park for Kaska members, and review of management plans like the Northern Rockies Park and Protected Area.

The most significant development for the Kaska at it relates to CPERPA's has been the Kaska Led proposal for the Kaska Indigenous Protected and Conserved Area (KIPCA). Managed by the Dena Keyeh Institute, the Kaska have developed a proposal for the Target 1 Canadian Biodiversity Strategy through the Challenge Fund. This fund supports projects that commit to conserving at least 17 percent of Canada's terrestrial and inland water, and 10 percent of Canada's marine and coastal areas through networks of protected areas and other effective area-based conservation measures, by 2020.

The KIPCA focuses on protecting and conserving ecosystems through indigenous laws, governance and knowledge systems, and Indigenous communities in these areas take on the responsibility of and conserving ecosystems to elevate Indigenous rights and responsibilities, by affirming the validity of Indigenous legal traditions, customary and cultural practices as well as their abilities to help conserve biodiversity in Canada.

The proposed KIPCA of 3.4 million hectares is a contribution to the conservation economy of BC that will provide a refugia to the animals and plants that will be affected through climate change, as well as provide a large carbon sink to sequester carbon as our gift to offset the warming climate of the planet.

Mineral Working Group

The Mineral Working Group has been officially implemented into the renewed SEA for 2018/19 to formalize the processes that have been in operation informally over the past two years. The mandate of this working group is to facilitate the engagement on government to government discussions with respect to the mining sector and mining activities in the Kaska Dena Traditional Territory.

The initiatives of focus for this implementation year are as follows:

- Mining Review Committee and Level 4 Working Group for the Silvertip Mining Rate Amendment Application
- Ongoing discussions around the Jade-Boulder Road Working Group in coordination with identifying the larger cumulative effective framework in review this regional area for the Kaska.
- Continual engagement between the DNY Land Guardians and Skeena Permitting Inspectors with Training Opportunities
- A Seed bank Project supported by the Ministry of Mines for supporting business case development of a Kaska Dena managed seed bank business for reclamation and mine site restoration in Kaska territory. The funds also intend to support increased collaboration between Kaska and BC on projects related to sustainable mineral development in the NW.
- Oversight to the Proposed Kaska Notice of Work – Consent Based Decision Making Pilot Project

CSF – Collaborative Stewardship Framework

The 3 Nations Society – British Columbia Collaborative Stewardship Forum (the “3NBC-CSF”) is an initiative by which the Kaska, Tahltan, and Tlingit Nations (collectively, the “Three Nations”) have agreed with the Province of British Columbia (“BC”) on the co-design and the building of shared capacity with the goal of shared management of land and resource values across the traditional territories of the Three Nations in British Columbia (the “Collective Territories”).

The 3NBC-CSF is a 3-year program funded through the Indigenous Funding Envelope and being managed by the Skeena Region- Ministry of Forests, Lands, Natural Resources, and Rural Development. An enabling agreement is currently being finalized, which incorporates the work plan for fiscal year 2018-19. Funding may be renewed each fiscal year, with program delivery carried out through an updated work plan for each fiscal year through to 2021.

Funding for this initiative is \$1 Million per fiscal year with funding percentages of 25% for Operations, 50 % for Guardian Programs, and 25% Specific Projects.

SEA Renegotiation (2018/2020)

With the current bridging agreement, signed on April 1st, 2018 and set to expire on March 2020, the Kaska and BC negotiation team proactively started working on the work plan for these new government to government negotiations in the summer of 2018.

Although a mandate by BC is still being developed, Kaska and BC negotiators met seven times over the 2018/19 implementation year to discuss the future vision of the GTG Agreement. During this time discussions focused on the commitments of BC to assume an active role in adopting and implementing United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), including the standard of Free, Prior and Informed consent as it applies to all legislation, administrative and decision-making applicable to First Nations.

The focus to develop processes that secure consent for the Kaska Dena in their traditional territory was highlighted at this negotiation table as a priority initiative to test through these negotiations. Through this concept a pilot project was tabled to test Kaska Dena decision-making and jurisdiction in specific areas.

This process would utilize the current consultation and engagement model of the existing SEA and its renewing agreements to build up a new government to government agreement that focuses on reconciliation efforts by both parties.

Section 5 – 2018/19 Engagement Overview:

A total of 128 referrals to date were sent to the Kaska Dena under the Strategic Engagement Agreement for 2018-19.

Table 1 shows the breakdown by Engagement Level compared to each year.

Table 1.

Levels	2018 - 2019	2017- 2018	2016- 2017	2015- 2016	2014- 2015	2013- 2014
1 (Notification Post Decision)	25	22	25	16	14	25
2 (Review and Comment)	83	69	73	90	48	50
3 (Shared Decision Working Group)	17	12	18	28	9	33
4 (Natural Resource Council)	3	6	0	3	0	0
Strategic Shared Decisions	0	0	3	1	1	1
Total	128	109	119	138	72	109

Table 2 shows the breakdown by sector type compared to each year.

Table 2.

Sector	2018- 2019	2017- 2018	2016- 2017	2015- 2016	2014- 2015	2013- 2014
Forestry and Range	20	14	17	20	12	12
Utilities (Water, Wind, Hydro)	5	6	0	1	2	4
Lands and Archaeology	30	31	42	15	12	14
Fish and Wildlife	25	16	17	16	4	14
Mineral	40	28	22	80	32	47
Parks	8	14	3	3	6	18
Petroleum and Natural Gas	0	0	3	0	0	0
Other (public works)	0	0	12	3	4	0

Coordinated Engagement

For the 2018/19 year the highest level of shared decision making was at the Natural Resource Council level (Level 4).

The referrals of note for this fiscal year are as follows:

1. REC258593 FLNRORD/Peace Country River Rats – Skooks Landing
2. DMK A1534 FSP – NRFL A89522 – Canadian Forest Products
3. M-242 Silvertip Mining Rate Amendment – Coeur Mining

Each of these files constitute their associated review process – one in which is still currently within a Mining Review Committee. All three of these referrals are still be consulted on into the 2019 fiscal year and determinations on their coordinated engagement will be made in the 2019/20 Annual Implementation Plan.

Level 3 Working Group referrals included commercial recreation applications in high cultural use areas, surface water licence for an exploration drilling project, annual allowable cut determinations in Forestry, licences of occupation associated with mining camps, range use plans in Kaska management areas, mineral exploration applications, and a placer lease renewal in high-use areas.

Section 6 – Priorities for 2019/20

Beginning in 2019 and continuing through the term of this agreement, BC and Kaska Dena will explore options for a potentially new form of government to government agreement in the endeavour to establish a clear vision of reconciliation for the parties. During this time, the commitment to working collaboratively and respectfully will remain a high priority for the NRC.

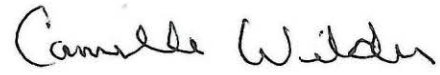
As part of the review process of the SEA – a review of the main body (the NRC) will be performed. The NRC is an important component of the GTG relationship for the Kaska SEA – therefore the operational guidelines and recommendation platforms will need to be updated to improve collaboration, effectiveness and efficiency. As part of this review, priority tasks and capacity shortfalls will be identified as necessary components of the council’s shared decision-making abilities.

In addition to the review of the existing GTG structures within the Kaska SEA, through the GTG table, Kaska and BC are also assessing components such as the CSF and its governance components. CSF has ability to be a long-term foundation reconciliation program and strategy is needed to make determinations on its connection to our SEA – GTG processes.

This Annual Implementation Report was prepared for the Responsible Officials.



Gillian Staveley
Co-Chair of the NRC
for the Kaska Dena Council



Camille Wilder
Co-Chair of the NRC for the
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