



Northern Rockies Regional Municipality INFORMATION BULLETIN

February 23, 2017

Northern Rockies Regional Municipality on the BC Boreal Caribou Implementation Plan

FORT NELSON – The Boreal Caribou Implementation Plan (BCIP) has been a key focus for the NRRM's efforts on the Forestry Rejuvenation Project (FRP) given its potential impact on the re-establishment of a forest industry in the Regional Municipality. The BCIP in both its February 2016 form, and as it currently exists, would alienate a significant volume of high-quality, commercially desirable timber from harvesting, and render an industry restart very difficult.

To this end, while acknowledging the legal obligation of senior government to protect Boreal Caribou under the federal Species at Risk Act (SARA), NRRM effort has been expended to encourage a solution that strikes a balance between environmental and socio-economic values. The NRRM has experienced some difficulty in doing so as a result of a seeming lack of commitment to a fair engagement process by those in charge of the project.

Given the environmental and biological technically complex nature of the BCIP, the NRRM also needed to recruit professional assistance. A number of prominent authorities disqualified themselves from the exercise citing a perceived conflict of interest related to their ongoing sponsored involvement on a number of related projects. The NRRM was eventually fortunate to secure the services of Michael Preston, representing Stantec Ltd.

The following timeline has been prepared as an update on the status of the Province's Boreal Caribou Implementation Plan (BCIP) as it relates to the Northern Rockies.

1. Notice of the Province's intent to move forward with a revision to the 2011 Boreal Caribou Plan – Feb. 24, 2016. :

- Responsibility for the project was to be shared by The Ministry of Environment (MoE) and the Ministry of Forests, Lands and Natural Resource Operations (MFLNRO) with Mr. Howard Madill (Executive Director - Conservation Planning, MoE) designated as project lead.
- In a message accompanying the proposed "Revision" (Draft 1) the Province invited "engagement" but indicated an intended completion date for the process as March 31, 2016, allowing little time to digest Draft 1, and respond.
- It was immediately obvious to those involved that the plan as presented had serious negative implications, and made a reply a priority.

2. NRRM Initial Reply to Draft 1 – Mar. 31, 2016:

- The NRRM submitted a response to Draft 1 by the March 31st deadline.
- The reply, among other things indicated the NRRM's discomfort with the timelines and the absence of full information and key data on which to found a response.
- The reply contained 10 recommendations, only 1 of which has been directly addressed to this point (11 months later-that being in the form of a single face-to-face meeting with provincial staff).

- The lack of proper process was an issue highlighted in the response, something which has worsened throughout the exercise.
 - The response also questioned a number of technical and socio-economic assertions and conclusions, the failure to take adequate account of the potential impacts on the Northern Rockies.
 - Receipt of this response was not acknowledged, nor was there any communication regarding specific points raised.
- 3. “Informal” meeting with project lead – May 12, 2016:**
- The project lead sent email indicating that he would be in Fort Nelson on May 16-18.
 - Was willing to meet “informally” and briefly (May 17).
 - NRRM representatives at the meeting highlighted the potential and unacknowledged impact on the Regional Municipality.
 - The project lead indicated that the cooperation of the NRRM was important to the success of the project.
 - It was agreed that further engagement would be provided for with a view to revisions being made to accommodate NRRM concerns.
- 4. Absence of communication by Province - May 17 – Sept. 23, 2016:**
- After a number of requests by the NRRM for updates on the status of the BCIP document and process (without a reply being received) the project lead made contact by phone, offering no substantive explanation for the absence of communication in the interim.
 - It was indicated that a new draft (Draft 2) had not been forwarded in the absence of a suitable member of MFLNRO staff to present and interpret the document for the NRRM.
 - Although the document was again requested pending such a presentation, it was not forthcoming.
- 5. Visit to Fort Nelson by Minister Thomson – August 29, 2016:**
- During his visit to Fort Nelson, Minister Thomson met with Regional Council and was given a general briefing on the FRP.
 - Discussing the BCIP draft, the Minister was apprised of the reasons for the NRRM's serious concerns over the potential socio-economic impact on the Northern Rockies and made aware that it was the Regional Municipality's position that this was not been given adequate consideration in the process.
- 6. Follow-up Letter to Minister Thomson regarding the FRP:**
- Subsequent to the Minister's visit, the NRRM advanced a letter reinforcing concerns of key importance to the NRRM.
 - Specific to the BCIP, the letter stated:
“...we have serious concerns that socio-economic considerations are not being given appropriate weight in the formulation of the plan. Should the Province proceed with the implementation of the provisions included in the most recent Draft, significant critically valuable timber resources would become unavailable for harvest and the viability of a sustainable forest industry in the NRRM would come into question.”

7. Briefing Notes for MFLNRO Deputy Minister Tim Sheldan – Sept. 27, 2016:

- An updated set of briefing notes was prepared on the FRP presentation to the Deputy Minister at the UBCM meetings.
- Among other issues raised in the notes was the NRRM's concern over a poor consultation process and the potential consequences thereof:

“To date, communication with the NRRM by the Project Lead has been sporadic, incomplete and generally inadequate. The NRRM strongly opposes the submission of the Draft Proposal without additional and full consultation.”

8. Appeal to MFLNRO Assistant Deputy Minister (ADM) and Associate Deputy Minister (the Minister's designated liaison) for copy of BCIP Draft 2 – Oct. 3, 2016:

- After an additional, unacknowledged request for Draft 2, protocol was set aside and communicated directly with the ADM and Assoc. DM asserting the NRRM's frustration at repeatedly having communication which was directed through channels go unacknowledged, and at not having received essential information despite what had been described as “tight” timelines on the BCIP.
- The ADM assured the NRRM and Assoc. DM that he would intervene.

9. Receipt of Draft 2 of BCIP – Oct. 4, 2016:

- Draft 2 was transmitted to the NRRM.
- Commenting on Draft 2, the project lead wrote: ***“I do not believe the current draft reflects a complete reconciliation of Caribou conservation objectives with forest development objectives.”***

10. NRRM meeting with MFLNRO ADM, Regional Executive Director (RED) and local District Manager (Fort Nelson) – Oct. 6, 2016:

- The meeting dealt with the full range of issues related to the FRP.
- With regard to Draft 2 of the BCIP the NRRM raised concerns around:
 - The general process and exceedingly poor communication;
 - The Province's establishment of arbitrary deadlines for responses to drafts of the BCIP which were not made available in a timely fashion so as to allow proper time to formulate a comprehensive response;
 - The unavailability of the Scientific Update cited in Draft 2 but not available for scrutiny.
- Despite the preceding discussion, the ADM indicated a deadline for submission of comments on Draft 2 as Oct. 31.
- The Province acknowledged poor process, but was non-committal on a resolution to this and other issues raised.

11. NRRM Response to Draft 2 – Oct. 28:

- The NRRM submitted a detailed critique of BCIP Draft 2 with the assistance of Michael Preston (Stantec) as an expert on caribou management.
- The response reiterated issues around process and consultation.
- The NRRM again challenged the lack of consideration of and false assumptions regarding the potential socio-economic impact of Draft 2.
- A number of serious technical flaws, significant missing data, and the absence of supported rationales for recommendations and conclusions were identified and questioned.

12. Provincial response to NRRM Submission on BCIP Draft 2, Nov. 16, 17, 2016:

- The Province acknowledged receipt of the NRRM's submission and agreed to the proposal for a face-to-face meeting to discuss issues raised with the BCIP team and the NRRM's project team to take part.
- NRRM's concerns regarding poor process and communications were also acknowledged.
- The "cc" list of recipients included ministers, deputy ministers, and other senior staff in both the MFLNRO and MoE, indicating that upper level decision-makers were aware of the NRRM's previous communications.

13. Meeting of BCIP team/NRRM (assisted by Michael Preston-Stantec)/MFLNRO (local)/Canfor (by phone) – Dec. 8,9, 2016:

- The BCIP team and the project lead arrived anticipating the possible completion of discussions after a day's time. (Given the depth, breadth and detail of the NRRM's concerns however, the meeting continued well into the following day).
- The Province indicated a wish to repair the relationship with the NRRM.
- Detailed discussion included those items raised in the NRRM's Response to Draft 2 including:
 - Socio-economic impacts and assumptions underlying the plan;
 - Technical matters related to the key assumptions fundamental to the plan as to levels of human disturbance in areas under consideration, habitat regeneration, and key assumptions in defining core and range areas;
 - Potential for flexibility and mitigation around timber harvesting.
- Discussion revealed a number of flaws and missing data underlying the formulation of the plan.
- The BCIP team conceded that there needed to be further consideration of the definition of the core and range areas and the potential for compromise on permissible activities within these areas.
- The Province committed to clarify assumptions, fill information gaps and provide access to documents not yet ready for release, but cited in rationales for the BCIP Draft 2.
- The Province further committed to provide for a 30-day public comment period.
- Notwithstanding the shortcomings revealed in the meetings, and challenges from the NRRM that adequate time needed to be taken to resolve issues raised, the Province expressed a determination that the final draft of the BCIP would be completed by the end of January for submission to Cabinet before the election break.
- The BCIP Team response to the NRRM's insistence that additional consultation and revision was called for before the BCIP would be palatable to the Northern Rockies was that an additional meeting should be held the following week so as to remain within the intended timeframe.

14. Follow-up meeting of BCIP team/NRRM/MFLNRO (local) – Dec. 14, 2016:

- Following the Dec. 8th BCIP meeting, a second meeting was planned for Dec. 14, 2016.
- On reflection, given the absence of necessary additional information and adequate opportunity for clarification, the project lead was contacted indicating that the Northern Rockies were not prepared to discuss substantive matters further at this point.
- It was agreed that a meeting would go forward planned, but it would deal with "next steps" only.
- That meeting took place, initially without the participation of the project lead who subsequent to the start of the meeting was contacted by phone and brought into the discussion.

- The meeting specifically identified data and information gaps that needed to be filled, and items for further discussion, including the definition of range and core areas with a view to minimizing the socio-economic impact of the plan.
- A future meeting date for the group was set for January 19th, with the NRRM indicating that the early meeting date did not imply that the Northern Rockies believed that the overall consultation and revision process could be completed by the end of January.

15. Joint meeting involving MFLNRO (Regional and Local)/NRRM re: Community Forest Agreement (Fort Nelson) – Jan. 12, 2017:

- During discussions, MFLNRO acknowledged the relationship between the BCIP and the viability of a Community Forest and agreed that the BCIP would recognize the forest industry and its socio-economic importance in the region.
- MFLNRO regional staff gave assurances that the plan to complete consultation and revision of the BCIP by the end of January had been set aside, and that it would not be presented to Cabinet before the election break.

16. Deferral of planned meeting of BCIP team/NRRM/MFLNRO (local) – Jan. 13, 2017:

- NRRM was contacted by the MFLNRO and asked whether the Northern Rockies would agree to defer the planned BCIP meeting scheduled for January 19th.
- Given the NRRM's preference to have adequate time to explore positive outcomes for the BCIP, and to allow more time for other elements of the FRP and other initiatives, the NRRM agreed.
- In agreeing to the request, the NRRM responded, in part, as follows:

“It is our hope that by allowing more time we will have the opportunity to discuss such items as potential alterations to core/range boundaries, disturbance ratios, opportunities for mitigation [socio-economic, operational] related to the BCIP, and other facets of what has been considered to date. We also feel that the willingness to defer completion of the plan signifies that what the NRRM has put forward has been listened to... It has always been the Northern Rockies' preference to be a cooperating partner in the formulation and implementation of the BCIP.”

- MFLNRO confirmed that this was a shared understanding.

17. NRRM communication to MFLNRO regarding resumption of the BCIP consultation process – Jan. 27, 2017:

- The NRRM has initiated a discussion with the MFLNRO as to the orderly resumption of discussions around the BCIP.
- At this time acknowledgment of this communication has been acknowledged and a substantive response is pending.

18. NRRM meeting with MFLNRO(local)/BC Timber Sales (local/regional)/Canfor (regional by phone) regarding possible amendments to Core Areas as proposed in BCIP Draft 2 – Feb. 8, 2017:

- The meeting was convened to follow up on the commitment made by the Province that amendments to the proposed core areas were subject to reconsideration and had a focus on locally generated concerns.
- Discussion was held around the seeming absence of the use of complete information by the Province in the drafting of the core and range areas in Draft 2. It was generally

agreed that this situation needed to be corrected, and that it made the definition of the core areas suspect.

- Consensus was achieved that a number of amendments to the proposed core areas were possible, and a number of proposed changes were agreed upon which, if agreed to by the Province, would result in a significant expansion of the volume of desirable timber accessible for harvest, while respecting the conservation objectives of the BCIP.
- The NRRM expressed concern over the uncertainty of the ongoing timetable for development and refinement of the BCIP and were informed that the most current information confirmed that the BCIP would not be presented to Cabinet before the election break and that time was available to work toward a final document.
- MFLNRO committed to do technical work on mapping and the implications of the amendments proposed by the meeting as a basis for a rationale to be presented to support the changes proposed as a result of the meeting.
- The NRRM asserted that there was an onus on the BCIP's authors to provide similar evidence and rationale to support their positions so that decisions were being made on a "balanced and level playing field". Meeting participants concurred.
- Participants characterised the meeting as having been positive and productive.

The Regional Municipality recognizes that the necessity of the integration of BCIP considerations into the development of a Community Forest Agreement needs to be kept in the foreground. The two projects are inextricably linked, and their mutual success is interdependent. The NRRM maintains that the potential for socio-economic impact, both positive and negative, exists as a result of the recommendations of the BCIP and must be taken into considerations. Mitigating the reduction of boreal caribou populations through a range of solutions must be considered while recognizing the significance to the re-establishment of a sustainable forest industry within the Northern Rockies.

For more information on the Northern Rockies' role in providing input on BC's Boreal Caribou Implementation Plan, contact Community Development Officer Mike Gilbert at 250-774-2541.