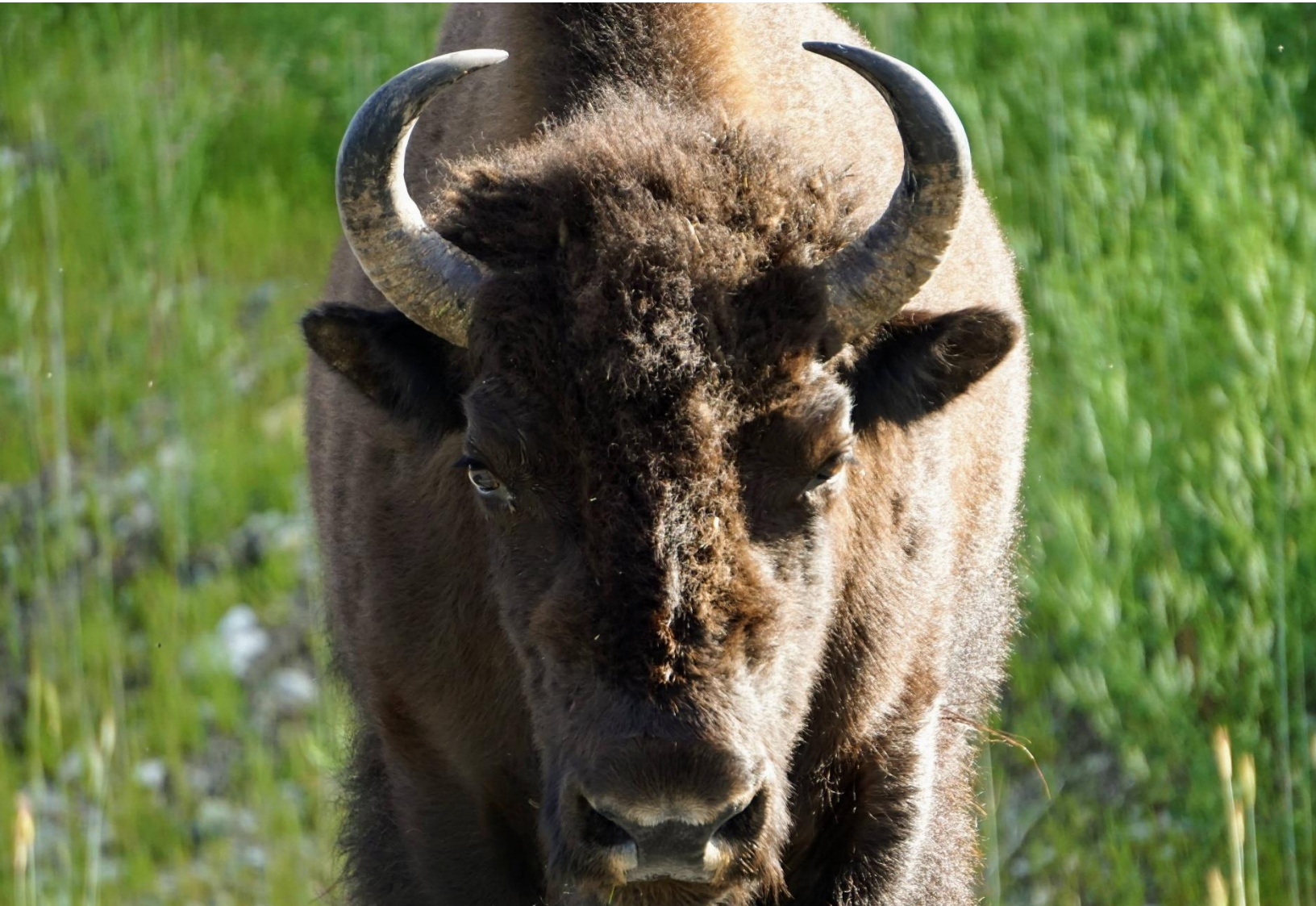


**PROVINCE OF BRITISH COLUMBIA  
BUNDLED WILDLIFE INITIATIVE  
ABORIGINAL ENGAGEMENT PROCESS  
"WHAT WE HEARD"**



**Produced by Indigenuity Consulting Group Inc.  
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## Executive Summary

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The Government of British Columbia is developing four key initiatives related to wildlife management and habitat conservation in the Province. These initiatives are (i) wildlife management and habitat conservation improvements; (ii) species at risk legislation; (iii) provincial caribou recovery; and (iv) professional reliance review.

As part of its process to develop these initiatives – and consistent with its commitment to the United Nations Declaration on the Rights of Indigenous People (UNDRIP), the Truth and Reconciliation Commission’s 94 Calls to Action (TRC), and the Draft Principles that Guide BC’s Relationship with Indigenous People – the Province met with Indigenous communities and organizations across BC to discuss the initiatives. Twenty-three sessions were held from June to August 2018, and approximately 122 Indigenous communities and organizations participated.

This report is a summary of what was heard at those sessions<sup>1</sup>.

### **The Bundled Initiatives:**

The Province has bundled the four wildlife and habitat initiatives together for a number of reasons:

- \* It makes sense from a time-management perspective.
- \* It reflects a holistic approach to wildlife and habitat management and is an acknowledgement of previous input from Indigenous people that all of these issues are intricately related and can’t be addressed separately.
- \* It encourages coordination and cooperation within government, particularly among the agencies responsible for the initiatives – namely the Ministry of Forests, Lands, Natural Resource Operations & Rural Development, and the Ministry of Environment and Climate Change Strategy.

### **Over-arching Themes:**

Indigenous communities and organizations were generally pleased to have an opportunity to review the four initiatives together and commented that the holistic approach was a good first step towards improved coordination and efficiencies on the ground. This positive feedback was tempered by an overarching sense of distrust towards government, and a continued assertion that Indigenous title and rights must be fully recognized and accommodated before real progress can be made.

Participants were clear that shared decision-making and co-management on wildlife and habitat conservation is the ultimate goal, and said that traditional knowledge needs to be integrated more fully into government policy and law. The need for adequate capacity to meaningfully participate was also a common theme throughout the sessions.

The issue of data was discussed at length in the sessions from many different angles. Participants talked about the lack of accurate data on wildlife and habitat, particularly the disconnect that seems to sometimes exist between government data and community data, and said that government must start incorporating more traditional knowledge and

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<sup>1</sup> Cover photo of Wood Bison, Kaska - Treaty 8 Territory, taken by Brock Edean, Indigenuity Consulting Group Inc.

community information into its database and focus more on ground-truthing facts. Participants also stressed that data-sharing needs to be improved and safeguards need to be put in place to protect traditional information that is provided.

The vast diversity of BC in terms of wildlife and habitat was a common point of discussion at all of the sessions. Most participants agreed that any changes to wildlife legislation, practices, and policies needs to incorporate this diversity and possibly look at regional rather than province-wide solutions.

### **Specific Comments:**

In addition to the overarching themes that emerged during the sessions, a number of comments, concerns, questions, recommendations, and proposed next steps were raised during the sessions on each of the proposed initiatives.

In total, 65 proposed action items recommended by participants were captured (Appendix 1).

During discussions on the wildlife management and habitat conservation initiative, participants talked about their priorities around co-management, incorporating and validating traditional and community knowledge into government decisions, and increasing the monitoring of wildlife and potential impacts to wildlife and habitat from industrial activity.

Species at Risk discussions highlighted the vast diversity of wildlife and habitat in the Province and resulted in some fairly substantive recommendations around provincial Species at Risk legislation including the need to harmonize policies with the federal government, the need to recognize regional differences, and the need to incorporate Indigenous participation in the identification, monitoring, and enforcement of Species at Risk policies and programs.

The Caribou Recovery Program was a topic of a high degree of interest in those areas where it was discussed. Participants voiced some concerns about the federal-provincial Conservation Agreement that has been enacted pursuant to the federal *Species at Risk Act* – specifically, there were questions about the role of Indigenous communities and organizations in that agreement, and questions about whether the Province will be able to make enough progress on caribou recovery before the federal government is forced to issue an emergency order.

The discussion regarding the Professional Reliance Review initiative was robust. Generally, participants said that the model of relying on Qualified Professionals to undertake key items of work has inherent problems because it effectively delegates Crown obligations to Indigenous people to groups and associations that have very little knowledge about Indigenous rights and title. Participants expressed frustration about the lack of Indigenous knowledge in reports, and questioned the ability of associations to adequately monitor Qualified Professionals, particularly in conflict of interest situations.

### **Conclusion:**

The insights, knowledge, and considerable expertise offered by participants during the engagement sessions were invaluable, and the level of participation in the process and number of proposed action items reflect how important the issues are to Indigenous communities and organizations. Continued, meaningful, and thoughtful engagement is key, and will lead to the successful implementation of the four initiatives.

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## Introduction:

In mid-2018, the Government of British Columbia met with Indigenous communities and organizations to discuss the development of four provincial initiatives: wildlife management and habitat conservation, species at risk, caribou recovery, and professional reliance.

Twenty-three sessions were held in various locations across BC to discuss the initiatives. Invitations were sent to every Chief and Council in the province, the Métis Nation of BC, and to organizations with a Government-to-Government agreement with BC. In total, approximately 122 communities/organizations were represented at the sessions.

Each session was organized so that participants could review all four initiatives in one day (with the exception of the Caribou Recovery Program, which was only discussed in locations where caribou herds exist). The meetings were managed and facilitated by an independent third-party consultant, Indigenuity Consulting Group Inc., and government officials from the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRO) and the Ministry of Environment and Climate Change Strategy (ENV) attended and presented information at each session.

### This Report:

This report provides a summary of what was heard during the 23 engagement sessions, and is organized as follows:

- Section 1 provides a high-level overview of each initiative.
- Section 2 summarizes over-arching themes that were heard during the sessions that are applicable to all initiatives.
- Sections 3-6 provide an overview of the specific comments that were heard for each initiative, broken down into broad categories that emerged during the engagement sessions.
- Section 7 offers some conclusions and recommended next steps.

A draft version of this report was previously distributed to Indigenous and government representatives who attended the engagement sessions, and the comments that Indigenous participants provided on the draft report are incorporated in this document. The draft report contained raw material that has been synthesized and summarized in this document for ease of review. The original comments and notes from the sessions and participant comments on the draft report will remain part of the engagement record.

The Province of British Columbia and Indigenuity Consulting Group offer sincere thanks to all participants of the engagement process, each of whom generously offered their time and input into the process.

## Section 1 – The Initiatives

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The following is a summary of the four initiatives being proposed by the Province.

1. **Wildlife Management and Habitat Conservation Improvements:** The Province is reviewing current practices, regulations, and legislation related to wildlife in order to enhance protection and improve sustainability of wildlife populations and their habitat. This may mean making changes to the *Wildlife Act*, improving sources and management of data, increasing coordination within government, and/or updating land use plans.
2. **Species at Risk Legislation:** BC has more species at risk than any other province in Canada (231 under the federal *Species at Risk Act*, more than 800 endangered or threatened). Species at Risk are currently protected through a patchwork of inconsistent rules and regulations – federal legislation protects species at risk on federal land, and provincial legislation (e.g. the *Wildlife Act*, *Forest and Range Practices Act*, *Land Act*) provides protection relative to certain resource activities. A comprehensive provincial Species at Risk Act will harmonize existing legislation and provide more certainty for how and when species at risk will be protected.
3. **Caribou Recovery Program:** Caribou are in decline in BC – over the last century, population of the province’s 54 herds has dwindled from 40,000 to less than 19,000, and the caribou population continues to face challenges (climate change, increased access, habitat changes). The federal government has initiated conservation efforts under its *Species at Risk Act* to address the issue, and the Caribou Recovery Program will develop long-term, comprehensive, science-based solutions to the recovery of caribou.
4. **Professional Reliance Review:** The Province relies on qualified professionals (biologists, engineers, foresters, etc.) to implement objectives related to natural resource management. The professional reliance review will ensure that this approach is working and creating the highest professional, technical, and ethical standards possible.



## Section 2 – Overarching Themes

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*"Paternal attitudes of government and politicians needs to change. A paradigm shift is needed."*

*"We do not feel equal right now, sitting through these presentations and having these conversations. It is hard to answer and listen to some of these questions when the relationship and path hasn't been clarified."*

*"When it comes to Indigenous rights, stakeholders have no business in the room. We are not interested parties or stakeholders, we are rights holders."*

*"The only way to work on big issues like bio-diversity, ecosystems and habitat management is with First Nations in the room."*

*"We are not doing enough. Our resources are stretched too thin to address many urgent matters."*

A number of common themes emerged during the engagement sessions that are applicable to all four initiatives proposed by the Province. These themes have been grouped into seven main categories:

### **Recognition of Title and Rights:**

Participants said clearly that government needs to make a fundamental shift in its approach towards Indigenous people. Recognizing UNDRIP and TRC Calls to Action were viewed as positive first steps, but participants said that more must be done to protect Indigenous rights.

### **Co-Management:**

Participants stressed that Indigenous people need to be involved as equal partners in wildlife management and habitat conservation. This includes a role in developing legislation.

### **Data:**

The issue of inadequate and/or inaccurate data came up regularly during discussions. Participants said that information from Indigenous communities needs to be utilized more, and traditional knowledge information should be treated the same as scientific data. Participants also said that access to data needs to be improved.

### **Lack of Capacity:**

Participants said that capacity is a struggle for Indigenous communities and organizations. A number of participants voiced concerns about engagement overload and the disjointed efforts of the Province.

Participants said that consistent, multi-year funding is required as well as realistic timeframes for engagement. Some participants suggested that the carbon tax could be a source of capacity funding.

*"The need for change is now. We really know what it means to speak for those who cannot speak for themselves."*

*"A cookie cutter model will not work for us."*

*"We always have to keep "connectedness" in mind. Having resilience means we need to adapt. We need to manage things as watersheds, not as country/jurisdiction lines."*

**Distrust:**

Despite positive feedback about the Province's adoption of UNDRIP and the TRC Calls to Action, participants routinely spoke about an underlying sense of distrust with government, exacerbated by constant turnover of government staff.

**Diversity:**

The need to protect and enhance the level of diversity in the province's wildlife was raised by participants at all sessions. The fact that BC has more species at risk than any other province in Canada, for example, was cited as one of the reasons that any initiative related to wildlife and habitat conservation needs to be "made in BC". This could mean that many solutions are developed on a regional basis – for example, species at risk could be identified regionally instead of on a province-wide basis.

**Interconnectedness:**

Participants stressed the fact that wildlife issues cannot be dealt with individually, but instead need to be looked at from an ecosystem perspective where everything is taken into account. Many participants said that elders, in particular, have a difficult time trying to consider the health of an animal without also looking at its habitat, other animals, subspecies, plants, etc. Non-Indigenous governments often try to break things down into small pieces, and this doesn't present a complete picture of any situation.



## Section 3 – Specific Comments: Wildlife Management and Habitat Conservation Improvements

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### 3.1 Introduction:

This section provides a summary of comments – in addition to the themes outlined in section 2 – that were received during the discussion on wildlife and habitat conservation improvements.

*"Wildlife is in a critical situation and BC is just carrying on business as usual."*

Participant comments regarding this initiative have been grouped into five categories:

- \* Relationships & Collaborative Management
- \* Habitat Protection
- \* Data
- \* Government Policy
- \* Monitoring, Enforcement and Protection

*"Though forced assimilation has stopped in the last 10 years, there are many policies that keep forcing the assimilation. No access to traditional foods forces assimilation into western diets".*

Twenty-four proposed action items emerged during discussion of the wildlife management and habitat conservation initiative – these action items are summarized at the end of this section, and are divided into the five broad category headings.

It should be noted that these categories were developed after a review of comments received, and were created for ease of review only. Not all comments or action items fall neatly under one category heading, so there is likely some overlap between categories. Further, comments are not ranked, prioritized, or ordered, nor are they attributed to specific individuals or organizations.

### 3.2 Relationships & Collaborative Management – Comments:

Participants emphasized that Indigenous communities and organizations should take a lead role in initiating collaboration between organizations such as Conservation Officers, NGO's and the RCMP.

Some examples of existing processes were used as examples of collaborative approaches currently working – these include:

- \* A regional Wildlife Committee made up of government, industry, Indigenous communities and stakeholder groups.
- \* Government to government (G2G) agreements – these were viewed as having enabled communities to share

*"It is inspiring to hear new language about UNDRIP and Reconciliation and frustrating to have to repeat these same things all the time."*

*"We need to build trust and knowledge on both sides. There have been walls for decades. How do we build trust to move forward on these goals for the betterment of wildlife species and everyone?"*

input into management decisions.

- \* Agreements with forest companies – many of these agreements have allowed Indigenous communities to have meaningful input into planning, protection, and mitigation plans. Some communities have worked with licensees to carry out strategic cutting to preserve habitat.

Despite some of these successes, participants said that relationships between Indigenous communities, government, and resource users could be improved. They said that Indigenous people may have more trust if decisions were more reflective of Indigenous values and input.

### 3.3 Habitat Protection – Comments:

Participants had a number of comments about habitat protection.

Size of protected habitat was one issue that was raised consistently – specifically, how larger areas for wildlife could be protected in legislation, especially for wildlife not covered under species at risk legislation. Many participants said that habitat reserves are not big enough and that there needs to be an ability to scale the size of habitat depending on needs – efforts must be made to move beyond the re-planting process.

*"Indigenous communities shouldn't have to compete with government for Habitat Conservation Trust Fund Grants."*

Participants stressed that impacts of invasive species on habitat and wildlife needs to be taken seriously, especially impacts on food security for wildlife and changing population distribution. Disturbances like rail and road were cited as causing a loss of traditional plants and bringing in invasive species.

Several participants suggested that the word 'management' is more congruent with economic values, and said that a better term would be 'wildlife protection' or 'traditional sustainability'. Several commented that names such as Timber Supply Area just reflect the fact that economic values trump wildlife values.

*"Language matters. We need to be careful what language is used in legislation. Words can be misleading if it is not clear what is meant."*

Several participants said that fish need to be included in the discussion around wildlife management and habitat conservation.

Participants were asked to share some success stories that their communities or organizations have been involved in around habitat conservation. Some examples shared:

- \* Working on habitat restoration to reduce the negative impacts on wildlife from seismic lines.
- \* Developing a beaver management policy to better guide management of this species, including removal permits.
- \* Constructing bear dens, riparian restoration projects along river beds, and creating snags for birds.
- \* Working with the Province on caribou action plan and moose state of knowledge.
- \* Winter range management and white-tail management.

### 3.4 Data – Comments:

*"I am shocked how little oversight there is by conservation officers and what details I need to provide. If I get a license from my Nation, I have to report where I shot it, its size, what else I saw, etc. and for BC it is just "region x". One of the major reasons why, is that the regional folks are under resourced, so even if I wanted to share that information they do not have the capacity to take it and use it."*

The issue of data was a major area of discussion during the sessions.

How data is measured was discussed at length. Participants said that measurement needs to be much more effective, and science and community information needs to be merged more clearly. Participants consistently stressed that communities need to be more involved in data gathering.

Participants noted a significant issue around baseline data for major species, and said that community data and government data often vary widely. For example, several communities have put a mandatory closure on harvesting moose populations, while wildlife biologists issue licenses for hunting.

Another issue raised was lack of clarity on where data is stored – some participants said they have gathered valuable data but have no one to share it with, or that they shared it but it doesn't get distributed within government.

*"It took us two years to develop a Land Use Plan based on watersheds. All the information is there, but who do we give it to?"*

Generally, there was criticism about the focus on desk-top data versus on-the-ground data collection and ground-truthing and perceptions that the current model of data collection focuses too much on seasons and allocations, and not enough on conservation concerns.

*"We get referrals one by one and nobody seems to be looking at the big picture. This needs to change."*

Participants clearly said that government has, in their opinion, done a very poor job of capturing data and input from Indigenous communities. Traditional knowledge is simply not being reflected in data, and information is not presented in a holistic way. Participants stressed that communities need to work with government to interpret traditional knowledge – it can't just be passed over without any explanation.

Finally, participants stressed that there needs to be assurances that the data collected and shared by communities will be kept confidential.

### 3.5 Government Policy – Comments:

Generally, participants said that government policies need to be more informed by what is working on the ground. A number of specific policies were raised as needing review: forest practices, environmental assessment, guide outfitter tenures and approach to Métis people.

Forest practices were mentioned specifically in relation to managing habitat. The main issues cited were:

*"We cannot manage for things we do not know. The lack of information about wildlife in the territory is a major challenge."*

- \* Habitat is managed more for natural resource extraction; instead of focusing on creating wildlife habitat, the focus has been on creating trees for the economy.
- \* There is a lack of accountability around forest practices to ensure the landscape is resilient.
- \* There is very little Indigenous input into forestry plans, and timber objectives don't incorporate wildlife values.
- \* As industry accesses new areas, access to sensitive lakes or rivers/creeks goes up and there is a lack of legislation that addresses this.
- \* The impacts of the Forest and Range Practices Act (FRPA) are unclear – users need to pay for restoration, and there needs to be more management and monitoring of activities. It is not clear what the consequences are for breaking management rules. Forest companies may take more resources than they are supposed to and ignore buffer zones without being held accountable.

*"Ministers and provincial decision makers need to consider habitat and wildlife values with equal vigor as forestry and economic values in the permitting and authorization process."*

Some of the comments that participants raised about the Environmental Assessment process were:

- \* There is a huge conflict of interest with environmental consultants working for proponents. The "best available science" in reports is often wrong, and consultants should be hired to work for the EA office, not proponents.
- \* The current EA process allows for small impacts, but those impacts add up. The philosophy should be shifted to "how will you improve things?"

Métis: Métis representatives at the sessions said that the *Wildlife Act* is very discriminatory towards them and does not reflect recent case law. Participants also said there is significant inconsistency with how the Métis are treated across province, especially by Conservation Officers who need cultural education.

### **3.6 Monitoring, Inspection, and Enforcement – Comments:**

The issue of monitoring, enforcement and inspection can be broken into two subcategories: (i) monitoring, enforcement, and inspection around industrial resource activities; and (ii) monitoring of wildlife populations.

- (i) A common theme in all sessions was the need for increased monitoring of resource activities to ensure that impacts to habitat and wildlife are minimized. Many participants voiced frustration at the lack of Indigenous monitors and said more needs to be done to involve communities and to tap into their presence in the field. Participants specifically mentioned forest activities and wetlands as two areas requiring attention – in the case of forestry, a number of participants said that not enough was being done to clean up logging sites, and in the case of wetlands,

several participants mentioned the overlap between federal and provincial jurisdiction as causing problems and leading to gaps in enforcement.

- (ii) Participants said that Indigenous people should be utilized more in monitoring of wildlife because they are already on the ground and have specialized knowledge of their territory.

*"There should be some kind of agreement between Government and First Nations to do the monitoring and "counting" of the wildlife species in their respective territories."*

When asked what was working in the area of monitoring and enforcement, some participants said they have had success receiving funding to train members in environmental monitoring.

### **3.7 Summary of Proposed Action Items:**

This section summarizes the action items that emerged during discussion of the wildlife management and habitat conservation improvement initiative.

#### Relationships and Collaborative Management – Proposed Action Items:

1. Increase number of G2G agreements to improve trust with government, to provide stable capacity funding and to establish Nation-to-Nation strategy sessions
2. Establish an Indigenous Working Group with the Province on wildlife and habitat management. Have regions and species represented; additional criteria for selecting members could be level of community involvement in habitat/wildlife management.
3. Clarify relationship between the federal and provincial government. Address "areas of multiple jurisdiction" (regions where wildlife and habitat are covered concurrently by provincial, federal, and Indigenous jurisdiction).
4. Establish collaborative processes on Indigenous Protected Areas, recruitment and training strategies, and forest management.
5. Formally consult with Indigenous people on the Limited Entry Hunt.

*"It is a constant battle between BC and the federal government on managing the process on wildlife, and the government does not listen to recommendations from First Nations."*

#### Habitat Protection – Proposed Action Items:

6. Study effects on habitat from events such as wildfires and major slides – this would provide information on what has been lost or gained. Clarify whether areas destroyed by habitat will be re-designated for protection or whether a new space will be designated.
7. Designate conservation areas as ecological reserves that require permits to visit.
8. Ensure legislation protects habitat in all sectors, not just forestry.
9. Clarify whether protected areas will affect traditional use activities.

10. Distinguish domestic from wild sheep management. Domestic animals could displace wild animals important to Indigenous people.
11. Include invasive species in policy around habitat protection.
12. Define “habitat protection” – when habitat is protected, it is unclear how far down that protection is intended to cover (e.g. bacteria level?).

Data – Proposed Action Items:

13. Undertake a review of land use planning policies so that it can include provisions for improved access to quality data.
14. Create a database of information and provide Indigenous communities and organizations with access to the data. Ensure there is clarity on where information is stored.
15. Develop a mechanism where data collected by communities can be shared more readily.
16. Undertake more frequent and extensive population assessments.
17. Increase public awareness about section 35 rights so that there are less conflicts on the ground and water. Indigenous communities do not have the resources to manage conflicts.

*“An accessible database of studies, reports, and information that has been used in various engagements and environmental assessments could be used by communities to make informed decisions. Need more information bridging.”*

Government Policy – Proposed Action Items:

18. Include climate change impacts in legislation and policy.
19. Re-vamp silviculture prescriptions for reforestation to ensure that plants – which provide traditional medicines and foods – are included. This must be based on local Indigenous traditional knowledge.
20. Use adaptive management only if there is a matching commitment to measure it constantly.

Monitoring, Inspection, and Enforcement – Proposed Action Items:

21. Utilize Indigenous community members as monitors – both for enforcement and wildlife monitoring.
22. Provide resources to support training for monitoring and enforcement.
23. Establish hunting management areas in collaboration with Indigenous communities.
24. Clarify whether there is any known information about impacts to wildlife from contamination.

## **Section 4 – Specific Comments: Species at Risk**

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### **4.1 Introduction:**

This section summarizes participant comments on the Species at Risk initiative.

Comments have been grouped into four broad categories: (1) Indigenous Participation and Capacity, (2) Legislation, (3) Data, and (4) Other Issues.

There were 18 proposed action items that emerged during discussion of the Species at Risk initiative– these action items are summarized at the end of this section, and are divided into the four broad category headings.

It should be noted that these categories were developed after a review of comments received, and were created for ease of review only. Not all comments or action items fall neatly under one category heading, so there is likely some overlap between categories.

### **4.2 Indigenous Participation & Capacity – Comments:**

Participants in almost all sessions stressed that Indigenous people need to be engaged prior to any resource activity taking place on their territory – this includes activities such as early staking of mineral claims. This will allow for early information-sharing around potential impacts on species at risk.

Participants were also clear that the Province needs to acknowledge Indigenous people as stewards of the land and not always focus on having them prove their rights. True reconciliation will occur if government follows UNDRIP and TRC principles.

Some participants expressed frustration with how Indigenous people were engaged in previous processes, such as the *Water Sustainability Act*, and said that it is important that Indigenous people are engaged first, before industry.

Participants also consistently raised lack of capacity as an obstacle to meaningful participation. They stated that many government bodies – such as the Committee on the Status of Endangered Wildlife in Canada (COSEWC) – try to solicit feedback on a regular basis but do not offer any support to assist with that work. Participants said that funding needs to be consistent and multi-year.

### **4.3 Legislation – Comments:**

A number of specific points about the proposed Species at Risk legislation were discussed at the engagement sessions.

In general terms, participants said that government has to make sure that policies follow the spirit of intent laid out in legislation. Examples were shared where this hasn't happened (e.g. the *Heritage Conservation Act*). Participants suggested that legal commitments to reconciliation are often disconnected from government policy.

Participants also said that legislation must not hinder any existing research that Indigenous people may be undertaking on species at risk.

Another point that was raised consistently was the diversity of BC and how that diversity needs to be reflected in legislation. BC has the most species at risk and the largest number of Indigenous communities in the country, so any legislation needs to reflect this and be “made in BC”. This may mean that species at risk are identified on a regional basis. It might also make sense to take more of an ecosystem approach to species identification so that things like plants and subpopulations are included in the list. Several participants stressed that Indigenous people – particularly elders – find it difficult to focus on just one species and not the entire ecosystem because habitat cannot be separated from species.

#### **4.4 Data – Comments:**

The issue of data around species at risk was a significant issue that was discussed during the engagement sessions. Many participants noted that existing government databases – such as the Conservation Data Center (CDC) – are out of date and either missing information or containing information that is inaccurate. Several participants said there needs to be a better mechanism in place to upload population data free of political pressures.

Another major issue around data that was raised was the focus on ‘science-based’ information and the seeming disregard for traditional knowledge (TEK) information. Participants uniformly said that community and TEK knowledge needs to be afforded the same respect as mainstream scientific knowledge, and that there needs to be a mechanism in place in the legislation that will allow for integration of community and TEK knowledge. As a related point, several participants said that many Indigenous people – particularly elders – do not feel comfortable sharing information with government because of a general lack of trust.

#### **4.5 Other Issues – Comments:**

Other issues that were raised during the engagement sessions fall into four main areas: climate change, best practices, measurement, and accountability.

Climate change was discussed during the sessions as a cause of species at risk, and many participants emphasized the need to understand impacts of climate change.

A fair bit of discussion took place on best practices generally around species at risk, and some participants said that it might be helpful for the Province to focus on success stories from other jurisdictions (e.g. any examples where a species at risk has been removed from the list of at-risk species because of government action).

Some discussion took place on how baseline data will be established. Several participants said that pre-contact is what should be used as the baseline; other suggested surveying populations prior to any resource development.

Finally, questions were raised regarding accountability and how the management of species at risk will be monitored. Concerns were raised about the ability of government to be effective – past experiences, such as the Mount Polley mine, were noted as examples of poor management, as was the fact that Canada has only stepped in twice regarding BC species.



#### 4.6 Summary of Proposed Action Items:

This section summarizes the action items that emerged during discussion of the Species at Risk initiative.

##### Indigenous Participation & Capacity – Proposed Action Items:

1. Establish a role for Indigenous people in drafting Species at Risk legislation. All Indigenous Nations should be treated equally, regardless of whether they have a G2G agreement in place.
2. Include an enabling clause in the legislation that allows for the participation of Indigenous people in the management and oversight of species at risk initiatives.
3. Establish multi-year funding to enable participation in species at risk discussions. Funding opportunities should be coordinated across government. One source of funding could be the Carbon tax.
4. Consider designing a broad-based forum for Indigenous communities to discuss species at risk. It may make sense to start discussions at a regional level and then broaden out to province-wide so that communities can share information and learn from each other.

##### Legislation – Proposed Action Items:

5. Consider how Province will address species at risk on Reserve land. The federal *Species at Risk Act* has created some constraints when applied on Reserve because there is such limited Reserve land. Off-sets for impacts to Reserve should be considered
6. Consider identifying species at risk on a regional basis. A province-wide scale is too large and won't always make sense (e.g. in some regions moose are declining, but that may not be the case for the entire province).
7. Consider including regional significance qualifiers in the legislation. For example, the burrowing owl may be threatened in the Okanagan but should not take precedence over a species in northern BC if that species has a greater significance/impact on the Province – particularly if there are healthy populations of burrowing owl elsewhere.
8. Consider including plants, subpopulations, and invertebrates in the definition of species at risk. Salmon and other federally managed species should also be potentially included – even if species falls under federal jurisdiction, the habitat may be provincial.
9. Clarify whether there will be two lists for species at risk in the province (one for BC, one for Canada?), or whether there will be just one list. Overlapping jurisdictions will need to be managed in order to work effectively.
10. Articulate how government, resource users, and the public will be held accountable for actions impacting species at risk. Enable Indigenous communities to monitor use.
11. Define what “likely to become extinct” means

Data – Proposed Action Items:

12. Confirm whether Indigenous people have access to databases (e.g. CDC data) and share data more transparently so Indigenous people know the species at risk in their territory.
13. Ensure protections are put in place that will encourage Indigenous people to share their information.
14. Develop procedures that will enable Indigenous and other people to share information about wildlife sightings more readily – an app might be helpful.
15. Include a mechanism in legislation that will enable TEK information to be incorporated in analysis and decision making.

Other Issues – Proposed Action Items:

16. Work with other jurisdictions to understand climate change effects and to leverage funding.
17. Research best practices for species at risk legislation and policy.
18. Train and work with Indigenous people as guardians in their territory.



California Bighorns, Secwepemc Territory  
Photo credit: Brock Endean, Indigenuity Consulting Group Inc.

## Section 5 – Specific Comments: Caribou Recovery Plan

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### 5.1 Introduction:

This section summarizes participant comments on the Caribou Recovery Plan initiative.

Comments have been grouped into two categories: (1) Process & Partnerships, and (2) Causes & Potential Solutions.

There were 12 proposed action items that emerged during discussion the Caribou Recovery Plan – these action items are summarized at the end of this section, and are divided into the two broad category headings.

It should be noted that these categories were developed after a review of comments received, and were created for ease of review only. Not all comments or action items fall neatly under one category heading, so there is likely some overlap between categories.

### 5.2 Process and Partnerships:

A number of comments were made regarding the processes that have been implemented to date to manage caribou in BC.

As an overarching comment, participants said that if it is going to follow its 10 Principles of Engagement with Indigenous People, then the Province should be incorporating and adopting Indigenous perspectives on the issue of caribou management, and not just expect Indigenous people to fit into a government model.

*If this initiative fails, then the precedent will be set that "we already tried this and it didn't work", so we need to ensure we do this right, and make sure there is money there to do it properly."*

Participants stressed that Indigenous communities and organizations should not be grouped together with stakeholders – this just sets up a space for conflict. Indigenous communities and government should engage stakeholders together in a separate forum.

Further to the broad sentiments around processes, participants did have some specific comments about the Conservation Agreement that has been signed between Canada and BC pursuant to Section 11 of the federal *Species at Risk Act*. Participants stressed that there should be a more specific role for Indigenous people in that agreement, and questioned whether the Province would have time to fulfill its goals around caribou recovery before Canada issues an emergency order. There were more detailed questions about the Conservation Agreement, including how the different herds are prioritized (some felt the focus seemed to be on southern and central herds, rather than northern herds). Most participants said that a provincial plan that addressed all herds equally would be preferable.

*"Metis people are concerned about caribou and all wildlife and habitat but have been shut out by the Province."*

### 5.3 Causes & Potential Solutions:

There was a robust discussion during the engagement sessions about the potential causes of the caribou decline in the Province. Potential causes that were discussed were:

- \* Natural occurrences such as wildfires leading to a loss of habitat.

- \* Roads and industrial impacts creating pathways for predators such as wolves to prey on caribou. One participant said that wolves can travel 40km a day and can re-populate areas quickly, and logging road just act as superhighways for them.
- \* Forestry activities, particularly in southern mountain region. Some participants said that logging methods need to be changed, and that there are some areas that should never have been logged.
- \* Poaching and not enough conservation officers to patrol the area.
- \* Lack of respect for wildlife.
- \* Lack of adequate access management.
- \* Cumulative effects of industrial development.
- \* Climate change.

*"Government has grabbed onto the notion that it is necessary to remove moose as a means for reducing predation. The thesis for this came from a study where moose were an invasive species. Here in the north the moose have cohabitated with us for as long as we have been here. The solution is to stop forestry in the southern mountain area. Since you started these discussions with us, we've been trying to tell you that your science is wrong."*

#### **5.4 Summary of Proposed Action Items:**

This section summarizes the action items that emerged during discussion of the Caribou Recover Plan initiative.

##### Process & Partnerships – Proposed Action Items:

1. Indigenous communities and organizations need to be engaged in all processes regarding caribou, including:
  - Setting principles and objectives related to caribou recovery.
  - Working on wolf control (e.g. trapping and hunting wolves versus aerial culling).
  - Representing interests on the Caribou Board.
2. Address issues of climate change in the caribou recovery program.
3. Take a watershed approach to managing caribou.
4. Ensure a Caribou Recovery team member attends the Métis Captain of the hunt meeting in September.
5. Clarify whether there are any sources of funding available for Indigenous communities and organizations within the section 11 Conservation Agreement.

##### Causes & Potential Solutions – Proposed Action Items:

6. Communicate with the public regarding reasons for culling wolves. Address allegation that wolves are culled so more forests can be harvested.
7. Consider applying a caribou recovery levy to mining and forestry activities. Penalize industrial and recreational users who disturb caribou habitat.

8. Confirm status of wolf sterilization program.
9. Develop maps that show number of herds overlaid with logging activities, roads, etc.
10. Examine results of the maternal penning program and work associated with wolves in the northeast – determine whether programs have been successful.
11. Maximize synergies between ESI and caribou recovery and herd planning.
12. Consider establishing a guardianship program for students to work with biologists in area.

## Section 6 – Specific Comments: Professional Reliance Review

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### 6.1 Introduction:

This section summarizes participant comments on the Professional Reliance Review.

Comments have been grouped into three categories: (1) Indigenous Involvement in Professional Reliance Initiative, (2) Indigenous Perspectives on PR, and (3) Issues with PR Professionals.

There were 11 proposed action items that emerged during discussion the Professional Reliance (PR) Review – these action items are summarized at the end of this section, and are divided into the two broad category headings.

It should be noted that these categories were developed after a review of comments received, and were created for ease of review only. Not all comments or action items fall neatly under one category heading, so there is likely some overlap between categories. This section summarizes participant comments on the PR initiative.

### 6.2 Indigenous Involvement in PR Initiative – Comments:

Participants at the engagement sessions were generally critical of how the Province has engaged Indigenous communities and organizations on the PR initiative to date. Participants noted that original communication on the initiative referred in depth to public interest in the issue but was silent on Indigenous people. Participants suggested that the Province submit requests to Chief and Councils as well as environment managers in order to ensure input is received.

There was also some criticism on the draft PR Review that was submitted to government in May 2018 – some participants felt that Indigenous people were categorized as stakeholders in that report.

### 6.3 Indigenous Perspective of PR – Comments:

One of the primary criticisms of PR model was that it effectively shifts responsibility for decisions from government to outside sources who are not obligated to deal with Indigenous people and uphold the honour of the Crown.

Participants also said that they have had issues working with Qualified Professionals (QP's) because there isn't any assistance from government and because QPs often expect communities to review reports and information within very short timeframes. Furthermore, Indigenous communities and organizations often undertake their own studies and monitoring at their own expense, and then have the data largely ignored.

*"In our opinion, professional reliance problems are pervasive and systemic. Given intense resource pressure and competition for fewer resources, industry is driving the decisions and values are being ignored. A lot went awry when Government handed the responsibility over to the fox to guard the hen house."*

- \* Participants also noted that they often see mitigation plans that are templates, with almost no Indigenous information included.
- \* There is very limited Indigenous knowledge in QP associations and likely varying levels of how much Indigenous communities/organizations know about QPs.

*"Our experience with Professional Reliance has been mixed. The relationship with FLNRORD has been strained because there has been undue reliance on the PR model. We have established relationships and solution committees with industry for permits and we have had better success with the companies than with FLNRORD."*

#### **6.4 Issues with PR Professionals – Comments:**

Other issues raised during the PR discussion were:

- \* Measures recommended by QP's in reports need to be clear; vague recommendations allow companies to disregard their responsibilities.
- \* QP's in forest companies are heavily influenced by the economics of the industry.
- \* Each Association has its own way of auditing its members and there is a lot of reliance on self-reporting which can be a problem in oversight.
- \* Downsizing of government and reliance on industry to develop inventory and baseline data is a concern.
- \* Only way to clean-up PR is to make the whole process independent of government/politicians and industry. Prevent potential for interference by politicians.

*"There is a contaminated site in our Nation from a mine that has been closed for 50 years and the First Nations have been trying to get money and resources to investigate this since it was listed in 2010. Requested \$250 to attend a meeting on this issue and was told nothing is available. Then 1,400 pages of technical reports were sent to our Nation and there is now evidence of acid leaking into the river. BC has resources to deal with QP's but ignore First Nations needs to protect the health of their people and territory."*

#### **6.5 Summary of Proposed Action Items:**

This section summarizes the action items that emerged during discussion of the Professional Reliance.

##### Indigenous Perspective on PR – Action Items:

1. Conduct a scan of QP associations to determine which associations allow/encourage Indigenous perspective into their policies for review etc.
2. Consider including Indigenous personnel qualified through the Association for Guardians, Environmental Professional Technician and Forestry Technicians as QP's.
3. Require QP's to incorporate traditional knowledge in findings.

#### Issues with PR Professionals – Action Items:

4. Require QP's to take cultural awareness training that includes an understanding of Indigenous rights and the lawful obligations of the Crown.
6. Separate proponents and consultants, conduct periodic independent checks on how Professional Associations protect their members.
7. Provide funding for Indigenous communities to address concerns related to QP's, particularly the accountability system.
8. Clarify whether legislative changes are part of PR review.
9. Examine how QP's and professional associations might get 'rated'.
10. Ensure EAO has enough funding/capacity to do their own monitoring on the ground so they do not have to take proponent's data without ground truthing.
11. Ensure values around wildlife and habitat are fully incorporated into decisions.



Black Bear, Syilx – Okanagan Territory  
Photo Credit: Brock Endean, Indigenuity Consulting Group Inc.



## Acknowledgements

This draft report is respectfully submitted to all BC First Nations, G2G organizations, session attendees, FLNRORD and to ECCS by Indigenuity Consulting Group, independent consultants to the process. Sincere thanks to all the individuals who participated in this process and shared their thoughts, ideas, concerns and hopes during this process. Much appreciation is extended to the hard working and passionate provincial employees who are working on these important matters. This draft report is an impartial record of the information provided in the session workshops and has not been edited by Indigenous communities or organizations or the Provincial Government.

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## Appendix 1 – Summary of Proposed Action Items

<b>SUMMARY OF PROPOSED ACTION ITEMS</b>	
<b>I. WILDLIFE MANAGEMENT &amp; HABITAT CONSERVATION INITIATIVE</b>	
Relationships and Collaborative Management	
1.	Increase number of G2G agreements to improve trust with government, and establish Nation-to-Nation strategy sessions.
2.	Establish Indigenous Working Group with the Province on wildlife and habitat management. All regions and species should be represented; additional criteria for selecting members could be level of community involvement in habitat/wildlife management.
3.	Clarify relationship between the federal and provincial government. Address “areas of multiple jurisdiction” (regions where wildlife and habitat are covered concurrently by provincial, federal, and Indigenous jurisdiction).
4.	Establish collaborative processes on: Indigenous Protected Areas, recruitment and training strategy, and forest management.
5.	Consult on the Limited Entry Hunt.
Habitat Protection	
6.	Study effects on habitat from events such as wildfires and major slides – this would provide information on what has been lost or gained. Clarify whether areas destroyed by habitat will be re-designated for protection or whether a new space will be designated.
7.	Designate conservation areas as ecological reserves that require permits to visit.
8.	Ensure legislation protects habitat in all sectors, not just forestry.
9.	Clarify whether protected areas will affect traditional use activities.
10.	Distinguish domestic from wild sheep management. Domestic animals could displace wild animals important to Indigenous people.
11.	Include invasive species in policy around habitat protection.
12.	Define “habitat protection” – when habitat is protected, it is unclear how far down that protection is intended to cover (e.g. bacteria level?).
Data	
13.	Undertake a review of land use planning policies so that it can include provisions for better access to data.

<b>SUMMARY OF PROPOSED ACTION ITEMS</b>
14. Create a database of information and provide Indigenous communities and organizations with access to the data. Ensure there is clarity on where information is stored.
15. Develop a mechanism where data collected by communities can be shared more readily.
16. Undertake more frequent and extensive population assessments.
17. Increase public awareness about section 35 rights so that there are less conflicts on the ground and water. Indigenous communities do not have the resources to manage conflicts.
<b>Government Policy</b>
18. Include climate change impacts in legislation and policy.
19. Re-vamp silviculture prescriptions for reforestation to ensure that plants – which provide traditional medicines and foods – are included. This must be based on local Indigenous traditional knowledge.
20. Use adaptive management only if there is a matching commitment to measure it constantly.
<b>Monitoring, Inspection, and Enforcement</b>
21. Utilize Indigenous community members as monitors – both for enforcement and wildlife monitoring.
22. Provide resources to support training for monitoring and enforcement.
23. Establish hunting management areas in collaboration with Indigenous communities.
24. Clarify whether there is any known information about impacts to wildlife from contamination.
<b>II. SPECIES AT RISK INITIATIVE</b>
<b>Indigenous Participation &amp; Capacity</b>
25. Establish a role for Indigenous people in drafting Species at Risk legislation. All Indigenous Nations should be treated equally, regardless of whether they have a G2G agreement in place.
26. Include an enabling clause in the legislation that allows for the participation of Indigenous people in the management and oversight of species at risk initiatives.
27. Establish multi-year funding to enable participation in species at risk discussions. Funding opportunities should be coordinated across government. One source of funding could be the Carbon tax.

## SUMMARY OF PROPOSED ACTION ITEMS

28. Consider designing a broad-based forum for Indigenous communities to discuss species at risk. It may make sense to start discussions at a regional level and then broaden out to province-wide so that communities can share information and learn from each other.

### Legislation

29. Consider how Province to address species at risk on Reserve land. The federal *Species at Risk Act* has created some constraints when applied on Reserve because there is such limited Reserve land. Off-sets for impacts to Reserve should be considered.

30. Clarify how species at risk will be protected on all categories of land (i.e. airport land, provincial Crown land, parks, Indian Reserves, municipal land, etc). Exclusion areas or requirements for special approaches that protect species and habitat should be considered.

31. Consider identifying species at risk on a regional basis. A province-wide scale is too large and won't always make sense (e.g. in some regions moose are declining, but that may not be the case for the entire province).

32. Consider including regional significance qualifiers in the legislation. For example, the burrowing owl may be threatened in the Okanagan but should not take precedence over a species in northern BC if that species has a greater significance/impact on the Province – particularly if there are healthy populations of burrowing owl elsewhere.

33. Consider including plants, subpopulations, and invertebrates in the definition of species at risk. Salmon and other federally managed species should also be potentially included– even if species falls under federal jurisdiction, the habitat may be provincial.

34. Clarify whether there will be two lists for species at risk in the province (one for BC, one for Canada?), or whether there will be just one list. Overlapping jurisdictions will need to be managed in order to work effectively.

35. Articulate how government, resource users, and the public will be held accountable for actions impacting species at risk. Enable Indigenous communities to monitor use.

36. Define what “likely to become extinct” means.

### Data

37. Confirm whether Indigenous people have access to databases (e.g. CDC data) and share data more transparently so Indigenous people know the species at risk in their territory.

38. Ensure protections are put in place that will encourage Indigenous people to share their information.

39. Develop procedures that will enable Indigenous and other people to share information about wildlife sightings more readily – an app might be helpful.

40. Include a mechanism in legislation that will enable TEK information to be incorporated

<b>SUMMARY OF PROPOSED ACTION ITEMS</b>
in analysis and decision making.
Other Issues
41. Work with other jurisdictions to understand climate change effects and to leverage funding.
42. Research best practices for species at risk legislation and policy.
43. Train and work with Indigenous people as guardians in their territory.
<b>III. CARIBOU RECOVERY PLAN INITIATIVE</b>
Process & Partnerships
44. Indigenous communities and organizations need to be engaged in all processes regarding caribou, including: <ul style="list-style-type: none"> <li>- Setting principles and objectives related to caribou recovery.</li> <li>- Stewardship of wolf control (e.g. trapping and hunting wolves versus aerial culling).</li> <li>- Representation on the Caribou Board.</li> </ul>
45. Address issues of climate change in the caribou recovery program.
46. Take a watershed approach to managing caribou.
47. Ensure a Caribou Recovery team member attends the Métis Captain of the hunt meeting in September.
48. Clarify whether there are any sources of funding available for Indigenous communities and organizations within the section 11 Conservation Agreement.
Causes & Potential Solutions
49. Communicate with the public regarding reasons for culling wolves. Address allegation that wolves are culled so more forests can be harvested.
50. Consider applying a caribou recovery levy to mining and forestry activities and penalize industrial and recreational users who disturb caribou habitat.
51. Confirm status of wolf sterilization program.
52. Develop maps that show number of herds overlaid with logging activities, roads, etc.
53. Examine results of the maternal penning program and work associated with wolves in the northeast – determine whether programs have been successful.
54. Maximize synergies between ESI and caribou recovery and herd planning.
55. Consider establishing a guardianship program for students to work with biologists in

<b>SUMMARY OF PROPOSED ACTION ITEMS</b>
area.
<b>IV. PROFESSIONAL RELIANCE (PR) REVIEW</b>
Indigenous Perspective PR
56. Conduct a scan of QP associations to determine which associations allow/encourage Indigenous perspective into their policies for review etc.
57. Consider including Indigenous personnel qualified through the Association for Guardians, Environmental Professional Technician and Forestry Technicians as QP's.
58. Require QP's to incorporate traditional knowledge in findings.
Issues with PR Professionals
59. Require QP's to take cultural awareness training that includes an understanding of Indigenous rights and the lawful obligations of the Crown.
60. Separate proponents and consultants, conduct periodic independent checks on how Professional Associations protect their members.
61. Provide funding for Indigenous communities to address concerns related to QP's, particularly the accountability system.
62. Clarify whether legislative changes are part of PR review.
63. Examine how QP's and professional associations might get 'rated'.
64. Ensure EAO has enough funding/capacity to do their own monitoring on the ground so they do not have to take proponent's data without ground truthing.
65. Ensure values around wildlife and habitat are fully incorporated into decisions.