

# Partnership Agreement Caribou Recovery Committee Guidance to Proponents on Applications

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December 3, 2020 Version 1.2

*This document will be updated as needed to support proponents and the work of the Caribou Recovery Committee. Please refer to the [British Columbia Caribou Recovery Program website](#) for the most recent version.*

## Background

On February 21, 2020, British Columbia, Canada, Saulteau First Nations and West Moberly First Nations (the “Parties”), signed the Intergovernmental Partnership Agreement for the Conservation of the Central Group of the Southern Mountain Caribou (“Partnership Agreement” or “the Agreement”). The Partnership Agreement sets out the Parties’ Shared Recovery Objective of:

*“immediately stabilizing and expeditiously growing the population of the Central Group to levels that are self-sustaining and support traditional aboriginal harvesting activities, consistent with existing Aboriginal and Treaty rights”*

A copy of the Agreement is available at the link provided above.

## Protected Areas and Interim Moratoria on Resource Development

*Partnership Agreement Zones referenced in this section are displayed on Map 1 on page 17 of the Partnership Agreement, reproduced for convenience in the Appendix to this document.*

To support the achievement of the Shared Recovery Objective, the Agreement includes commitments to bring forward regulatory measures for permanent protection of Zones B2 and B3, and to take steps to renew an interim moratorium on resource development activities in Zone A2 until the Parties reach agreement on permanent measures for the Central Group.

British Columbia has enacted a series of regulatory measures that prohibit provincial statutory decision makers from adjudicating resource development applications in Zones A2, B2, and B3, except in specific circumstances identified in the regulatory measures. Unless any of these specific exceptions apply, proponents should not submit applications for provincial authorizations for resource development activities in these Zones and should excise portions of any applications that overlap these Zones.

## Caribou Recovery Committee: Establishment and Structure

On April 1, 2020, the Parties formally established a Caribou Recovery Committee (CRC) as set out in the Agreement. The terms of reference for the CRC are found in Schedule 1 of the Agreement. The CRC reviews certain applications for resource development activities specified in the Agreement and provides consensus-based recommendations regarding those applications.

The CRC is comprised of one representative from each of the Parties. The Provincial Caribou Recovery Program serves as the secretariat for the CRC.

Proponents may contact the CRC Secretariat if there are questions regarding the application information requirements at [CRC@gov.bc.ca](mailto:CRC@gov.bc.ca).

## Scope of Review

The CRC will review all applications for provincial authorizations related to resource development activities within (or overlapping) Zones A1, B1, B4, and B5. The CRC will not review any of the following types of applications:

- a) applications seeking authorization to fell merchantable or non-merchantable timber of less than 10 m<sup>3</sup>;
- b) applications seeking authorization for activities that will cause disturbance of soil less than 3 m<sup>3</sup>;
- c) applications that through their approval would enable additional activities that exceed the thresholds noted above without those activities being reviewed by the CRC;
- d) applications that the CRC agrees do not require a plan to mitigate or offset potential impacts to caribou.

The CRC will also review forestry applications (i.e. cutting permits, road permits, and other operational authorizations) until such time as Caribou Recovery Related Land Use Objectives (currently being developed pursuant to Schedule 3 of the Agreement) are established and amended Forest Stewardship Plans have been approved. Proposed amendments to Forest Stewardship Plans will be reviewed by the CRC and recommendations of the CRC will be provided to the Natural Resource District Manager prior to decision. Once amended Forest Stewardship Plans have been approved, cutting permit, road permit, and other operational forestry applications will no longer be submitted to the CRC. However, the CRC will conduct an annual audit of such forestry applications to assess consistency with the amended and approved Forest Stewardship Plans.

The CRC will periodically consider the types of applications that are reviewable by the CRC in order to best support the Shared Recovery Objective. The CRC may update this guidance accordingly.

## Application Information Requirements

The requirements for information to be included in applications reviewable by the CRC are set out in section 2 of Schedule 1 of the Agreement, reproduced for convenience below and must include:

- a. All relevant information about the proposed activity, including:
  - i. purposes and objectives;
  - ii. proposed methods and timing;
  - iii. an explanation of any connections with existing projects or future projects or activities; and
  - iv. any reports, studies or analyses that may be relevant.
- b. Proposals and options to avoid any potential negative effects on caribou populations and habitat.
- c. A mitigation and offset plan prepared by a qualified wildlife biologist (e.g. RP Bio), incorporating proposals for:
  - i. mitigation measures;
  - ii. offsets;
  - iii. additional measures needed to ensure no harm to caribou populations or a net-benefit effect on caribou habitat; and

- iv. strategies that ensure the project will contribute to achievement of the Shared Recovery Objective.

Any other relevant information that the CRC may reasonably request.

Additional information on mitigation and offsets can be found in the Environmental Mitigation Policy and Procedures for British Columbia<sup>1</sup>.

Based on applications received by the CRC to date, proponents are encouraged to include the following information as part of the information requirements set out above:

- map(s) showing the location and spatial extent of the proposed activity, and digital shapefiles (or .kmz files) if available;
- along with timing, information about the duration of the proposed activity;
- details of how potential short, medium, and long-term negative effects on caribou were identified; which options to avoid those effects were considered; and, if relevant, a description of why certain options were determined not to be feasible.

If the standard application process already includes the above information (e.g. in the context of an environmental assessment process), there is no need to resubmit this information.

Proponents are encouraged to contact the CRC Secretariat regarding application information requirements. Submission of incomplete applications may result in delayed processing times. If applications are received which do not contain all required information (i.e. a) through d) above), the CRC may defer review of such applications until the application information requirements have been met.

## When and How to Submit Your Information

Submissions to the CRC can be made prior or concurrent to the project application to government. If proponents choose to submit their application to the CRC prior to submitting to government, the CRC Secretariat will reconcile the application against the final submitted to government to ensure consistency. Please email application packages to [CRC@gov.bc.ca](mailto:CRC@gov.bc.ca) with an application identifier in the subject line. Where applicable, batched applications (e.g. applications including multiple cutting permits that are adjacent or fall under the same caribou management plans) can also be sent to this address.

Where email applications are not possible, please submit applications in person to:

<b>FrontCounter BC</b>	<b>FrontCounter BC</b>
Fort St. John	Mackenzie
100-10003 110 Avenue	1 Cicada Road
Fort St. John, BC V1J 6M7	Mackenzie, BC V0J 2C0

Clearly mark all submissions: **C/O Caribou Recovery Committee**

## Criteria for CRC's Review of Applications

The basis for the CRC's review of each application will be the criteria set out in section 3 of Schedule 1 to the Partnership Agreement, reproduced here for convenience:

- a. the extent to which options to avoid the impacts to caribou have been considered and pursued;

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<sup>1</sup> [Environmental Mitigation Policy for B.C. - Province of British Columbia \(gov.bc.ca\)](#)

- b. the adequacy of any mitigation measures, offset plans and additional measures submitted by the proponent;
- c. the adequacy of the strategies proposed to contribute to the Shared Recovery Objective;
- d. the ability of the applicant to implement plans, measures, and strategies;
- e. the best available scientific and traditional knowledge regarding caribou;
- f. any caribou recovery plans for the Central Group; and
- g. other relevant criteria on a case-by-case basis.

Proponents should consider whether the information submitted with their application will provide a sufficient basis for the CRC to make a positive recommendation based on the above criteria.

## Consensus Recommendations and Provincial Decision Making

Sections 5 and 6 of Schedule 1 to the Agreement set out the processes used by the CRC to arrive at consensus recommendations on reviewable applications. Once consensus is achieved, the CRC's recommendations are provided to provincial statutory decision makers for consideration prior to decision on the application reviewed by the CRC. If a statutory decision maker intends to make a decision contrary to the consensus recommendation of the CRC, the statutory decision maker must provide a written rationale documenting how the CRC recommendation was considered and the information that formed the basis for the resulting decision.

As confirmed in the Interpretation section of the Partnership Agreement, the decisions of statutory decision makers will continue to be governed by applicable legislation, regulations, and constitutional and administrative law principles.

## Indigenous Nations Consultation

The CRC review process does not replace or offset any obligation that the provincial government, federal government, or a proponent may have to consult or accommodate Indigenous Nations that may be adversely affected by a given resource development application. These consultation processes are to be carried out separately with appropriate Indigenous Nations. For that reason, the CRC is not responsible for assessing the adequacy of consultation and will not allow matters unrelated to caribou recovery to prevent a CRC consensus recommendation.

## Timing of Application Review

The CRC is committed to the timely consideration of all reviewable applications. CRC meetings will be held monthly to consider all reviewable applications that meet the application information requirements and were received prior to the end of the preceding month. Any other reviews required to inform provincial decision making will occur concurrently with review by the CRC. As noted above, proponents can reduce the risk of delay by ensuring applications to the CRC contain all application information requirements.

## Contacts

Any questions on the CRC or your application package can be directed to the CRC Secretariat at [CRC@gov.bc.ca](mailto:CRC@gov.bc.ca).

Appendix – Map 1 from Partnership Agreement

