

Presentation to the Bulkley LRMP Community Resources Board
Monday April 18, 2022

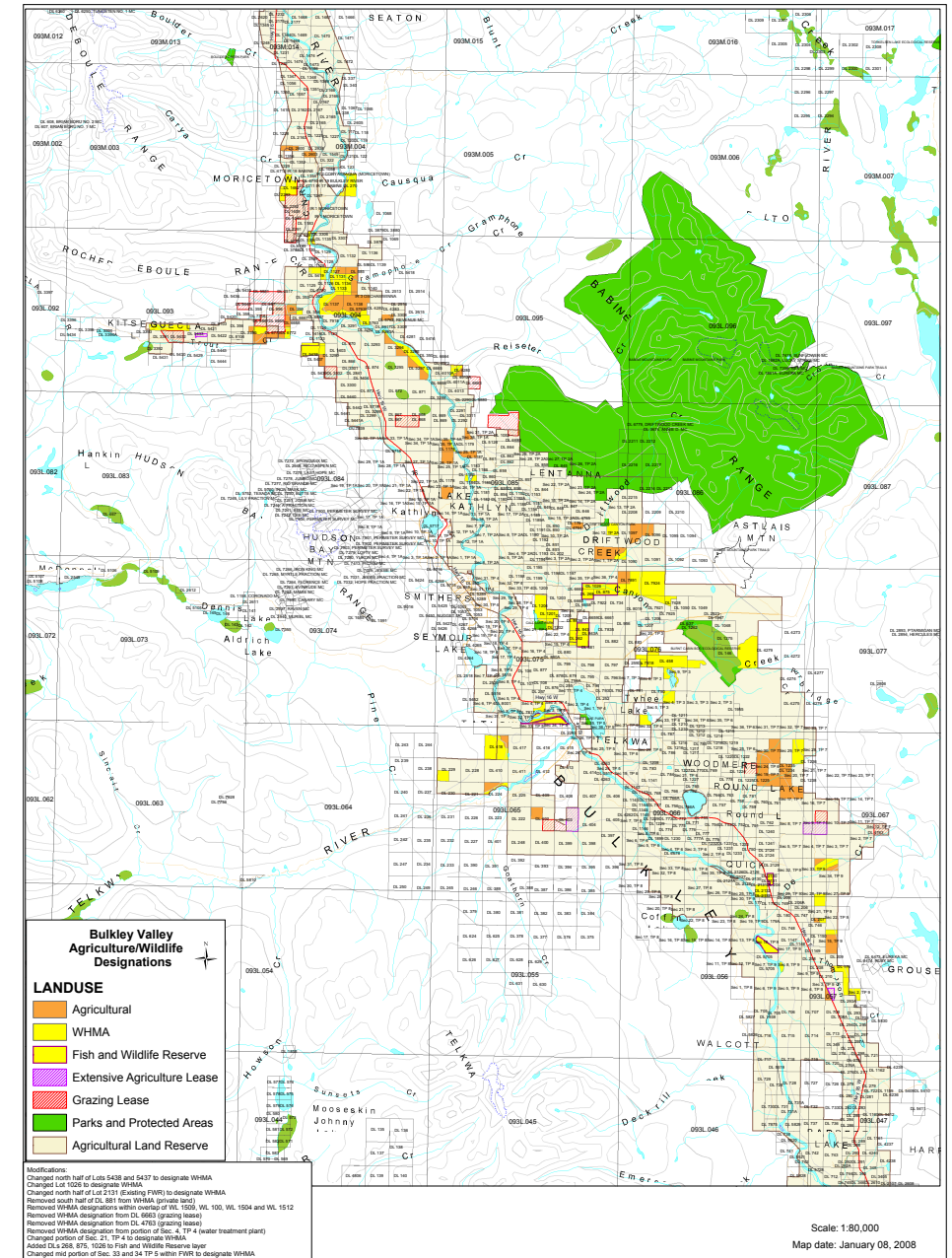
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Administered Conservation Lands include Wildlife Management Areas designated under the Wildlife Act, Crown acquisitions, privately owned land leased to the Province, and Crown transfers of administration (between Ministries)—all for the purpose of wildlife and habitat conservation.

Non-administered Conservation Lands are s. 16 & 17 and sometimes 15 Land Act designations for the purpose of wildlife and habitat conservation. These designations are more vulnerable to cancellations by the Director of Authorizations (Statutory Decision Maker), hence the establishment of the Provincial Land Procedure: Mgt. of Crown Land for Conservation Purpose for better interim protection, and the common transition to have a Transfer of Authority to the Wildlife Act as a Wildlife Management Area (WMA) to secure long-term protection and eligibility of land stewardship funding by the province and Conservation Land partners.

Bulkley LRMP Agriculture-Wildlife Zone

- ❖ LRMP Ag/Wildlife direction was made legal under the Bulkley HLP Order of Dec./2000.
- ❖ WHMAs were designated S.17 status under the Land Act on Mar. 22/2010; Canyon Creek WHMA was later re-designated a S.16 F&W Reserve. An agreed upon guidance document on what activities are permissible and how they should be carried out within WHMAs & F&W Reserves accompanied the legal order.
- ❖ On April 19, 2019, Director of Authorizations (BC Lands – Skeena Region), cancelled the WHMAs & F&W Reserves, without adequate consultation with Conservation staff.
- ❖ Conservation staff's only consultation opportunity was in 2016 being sent a spreadsheet of all regional S16/17 & NOIs (~1600) to submit recommendations to keep/ more info needed/ or agree to delete. Expectation was that recommendations would be followed, and if questions, that there would be discussion on processes and sites before any cancellations.



Expected consultation with Conservation staff is described in the Nov./2015 Provincial Land Procedure: Mgt. of Crown Land for Conservation Purpose: S. 4.3.1 reads, *“Prior to expiry or cancellation of Land Act conservation reserves/withdrawals by Land Authorizations staff, Conservation staff will be provided with an opportunity to provide a rationale or recommendation to either continue the reserve/withdrawal or allow the expiry of the reserve/withdrawal. Those reserves/withdrawals **identified by Conservation staff** as no longer required will be cancelled or allowed to expire.”*

Fact: There were no WHMAs or F&W Reserves in the Bulkley Ag./Wildlife Zone that Conservation staff identified as no longer being required.

Fact: There was only one opportunity for Conservation staff to make comment on rationales for retention very early in the process (2016), and no follow-up consultation/discussion by Authorizations with respect to clarifying rationales for retention or accountability back to Conservation staff. In reality, the 2016 recommendations pertaining to WHMAs and F&W Reserves were not accepted; there were no communications or meetings between 2016 and the 3 regional Cancellation Orders that followed; there was no notice of cancellations; a meeting from Conservation staff to Director of Authorizations was rejected despite a verbal agreement to have such a meeting when Conservation staff started raising the alarm bell internally within MFLNRORD.

Fact: Authorizations and Skeena Regional Mgt. Team (RMT) refused to publicly share the Director of Authorizations' rationale for cancellations, forcing two FOI requests that amounted to \$840.

Fact: Rationale cited by the Director of Authorizations for F&W Reserve cancellations read as, “ *Not sufficient rationale to keep. If it’s critical or habitat worth preserving it should be preserved under legal designation through other legislation (UWR or WHA).*”

Note: UWR & WHA designations under FRPA are very specific and do not cover the suite of F&W Reserve values.

Fact: Rationale cited by the Director of Authorizations for WHMA cancellations read as, “*Wildlife Management Area (should read WHMA), in the Bulkley LRMP will be picked up through the land status process.*”

Note: WHMA & F&W cancellations resulted in removal from Authorizations’ spatial layer known as Tantalus, so any Land Act applications being reviewed by Authorizations’ personnel would not pick up the WHMA or F&W spatial layer. Only when personnel, through a GIS program, reviews the BC Government Warehouse (BCGW) will the WHMAs show up on a spatial layer as a result of the Bulkley SRMP; cancelled F&W Reserves would likely get deleted from BCGW in time.

Fact: Cancellations of the S.17 & 16 conservation lands took place at the same time that a process of engagement by the Office of the Wet’suwet’en (OW) was taking place with Skeena Region (Ecosystems) for Transfer of Authority proposal from Land Act (S. 16 &17) to the Wildlife Act (WMA – Wildlife Management Area). Skeena RMT, which includes the Director of Authorizations, was well aware of this ongoing process. Letters of support for this proposed Transfer of Authority were provided by both provincial Conservation Lands Partners and the Bulkley Community Resources Board. To this day, there is no proof of conversation between Skeena RMT and the OW regarding the conservation lands deletions, despite the fiduciary responsibility of the provincial government to consult when aboriginal right or title of claim may be impacted; obviously Skeena RMT determined that there was no impact to First Nations’ aboriginal right or title of claim; one would think that would be the call of the OW and not that of the province.

Fact: The Regional Executive Director letter to SkeenaWild Conservation Trust, dated April 19, 2021, states, *“Current Land Act policies and procedures do not require public engagement with community groups such as the Kalum Plan Implementation Committee or Bulkley Valley Community Resources Board ... There is no requirement to engage with adjacent land or tenure holder when considering the establishment, amendment, or cancellation of a withdrawal.”*

Note: Is this blatant disregard of the Bulkley LRMP. Is this disrespectful of the Community Resources Board, adjacent land owners and the public in general, especially after lengthy processes such as the LRMP consensus document, and the Bulkley SRMP? Is this responsible governance of public lands when decisions regarding these public lands were made prior though public processes?

Fact: Based on the Skeena Region’s handling of non-administered Conservation land cancellations, Conservation staff, both regional and provincial, were distraught, and this did not go unnoticed by the Auditor General.

<https://www.bcauditor.com/pubs/2021/management-conservation-lands-program>

The Auditor General’s report of May 2021 on the Mgt. of the Conservation Lands Program came up with the following recommendation, “clarify the purpose of non-administered conservation lands and provide direction to the regions regarding how these lands should be secured and maintained.”

Fact: A number of sources have confirmed that the subsequent review processes underway and/or completed in other regions of the province have so far resulted in Lands Branch (Authorizations) decisions that are reasonable and largely in agreement with the recommendations of Conservation Lands staff and Partners. The process in Skeena Region was completely different in this regard.

Recommendations from former Skeena Region Conservation Personnel:

- Open up a consultative public process, inclusive of indigenous groups, to re-evaluate the cancellations of non-administered conservation lands.
- Have a legal interim designation for protection of the WHMAs & associated F&W Reserves that were cancelled prior to and while the public consultative process is underway to ensure sincerity of process. Options include a ELUC Order (Environment & Land Use Act Order), or an Objective Set by Government under the Land Use Objective Regulation (Land Act).
- Re-instate the Conservation Lands capacity funding from Victoria for the Office of the Wet'suwet'en, that was turned down by the Director of Resource Management, who is part of the Skeena RMT. Capacity funding was to identify cultural-heritage and traditional use significance of the non-administered conservation lands, and consultation with respect to the proposed Transfer of Authority of the WHMAs/F&W Reserves to the Wildlife Act as one collective Wildlife Management Area, of which is a standard process in the province for long-term security of such lands.
- Fully implement the Auditor General's recommendations regarding the Management of the Conservation Lands Program.
- Ensure that Authorizations are on the same song sheet as the provincial government's Together for Wildlife strategy commitment, notably Action items 10 & 11: *(i) comprehensive review of land designations under the Land Act...to improve the effectiveness of those designations for wildlife; (ii) make investments to manage existing Conservation Lands and acquire new priority lands for wildlife stewardship.* <https://www2.gov.bc.ca/assets/gov/environment/plants-animals-and-ecosystems/wildlife-wildlife-habitat/together-for-wildlife/together-for-wildlife-strategy.pdf>