

Joint Land Forum Meeting Summary
July 6-8, 2010
Tutshi Lake, British Columbia

Attendees

Sue Carlick	Bryan Evans (notes)	Louise Gordon (part)
Kevin Kriese	Peter Levy	Rose Ellis
Melvin Jack	Brian Jack (part)	Fred Oliemans
Åsa Berg	James Cuell	

OPENING COMMENTS

Melvin Jack gave an opening prayer.

Kevin commented that there has been good progress from the last JLF meeting. The final stakeholder workshop went very well. We now have a substantially advanced draft LUP, with further work to do to refine and confirm the land use zones and complete work on the Government-to-Government Decision Making Agreement (G2GDMA). Kevin presented Sue with a framed montage of pictures from the July 2009 Joint Land Forum meeting at Pike Bay, on Atlin Lake.

Sue thanked everyone for travelling to Tutshi Lake. She expressed some discomfort that the TRTFN are being asked to continue to make concessions on the Tlingit land vision, but remains hopeful we can reach final agreement on the Land Use Plan. The access issue to Tulsequah Valley remains a substantial hurdle; it may take considerable political will to resolve this access issue. She also wanted to be clear in the zoning conversations about which areas we are agreeing to go forward with recommendations for Schedule F conservancy designation so that this is not left ambiguous or unclear for the future.

PRIORITY UPDATES

June 11-12 Stakeholder Workshop, Atlin

James and Bryan provided an update on the seventh and final stakeholder workshop held in Atlin on June 11-12, 2010.

- Final workshop went well. Stakeholders seemed confident that issues being raised were being heard by the TWG
- TWG is tracking all input in a stakeholder input table and making further edits to the LUP draft to address issues being raised.
- most issue relate to protected area zoning proposals rather than general management direction (GMDs) or Resource management zones
- clarification of acceptable uses in protected areas was helpful and addressed many concerns.

- three zoning themes:
 - o missed opportunities to protect areas in the southern third, particularly Sheslay, Nahlin, and Whiting
 - o protected area zones preclude or constrain access to key areas, particularly Trapper Lake, Hoboe-Nelson Lakes, and/or are perceived to impinge on current tenure holders
 - o Atlin River and Monarch Mtn focus of interest in full protection

ZONING DISCUSSIONS

Discussions focused on options to address input from stakeholders on zoning, while attempting to retain the balance of interests between TRTFN and BC. Focus of discussion were:

- | | |
|------------------------------|---------------|
| - Atlin Mtn | - Monarch Mtn |
| - Hoboe Creek – Nelson Lakes | - Hackett |
| - Mt Minto | - Whiting |
| - Upper Gladys River | - Nahlin |
| - Trapper Lake | - Sheslay |
| - Atlin River | - Taku |

From BC’s perspective, access needs to be addressed in the following areas:

- Hoboe Creek with Hoboe-Nelson Lakes PA
- Upper Gladys River PA
- Flanagan Slough (for land-based access to Alaska border) within Taku River PA
- Taku River itself (to allow for the barge option) with Taku River PA
- Water surface of Tagish Lake within Golden Gate PA

Based on his experience in other planning processes, Peter L suggested that the LUP should specify where access is required generally, but the precise definition of the Schedule F access corridor should be left to detailed boundary review and refinement as part of the LUP implementation. In other words, a two-stage process rather than ‘hardwiring’ the Schedule F in the LUP. The PA chapter would specify access requirements where necessary for specific protected areas. The key is to minimize the area that is Schedule F, defining the smallest corridor possible through more precise boundary work during LUP implementation.

Action: TWG to continue refinement of zone boundaries and prepare alternative scenarios for JLF consideration on August 16 conference call.

GOVERNMENT TO GOVERNMENT DECISION MAKING AGREEMENT (G2GDMA)

Peter provided an update on the G2GDMA Task team’s work, following the June 30 G2GDMA Task Team Update memo provided to the JLF:

- have had to take a step back from drafting an agreement
- re-framed work to focus on unresolved issues
- haven't progressed as far as we had hoped but we have a well developed concept and have developed sample agreement text.
- G2GDMA Task Team well positioned to conclude an agreement once we have a confirmed negotiating mandate.
- Three issues remain unresolved: Spatial Reference Layer (SRL); administration of the Joint Research and Monitoring Initiative (JRMI), and drafting text on "save and except" language for tenures within proposed protected areas (a task that was delegated to the G2GDMA team from the last JLF meeting).

Spatial Reference Layer (SRL)

Summary comments from Peter:

- significant work done by TRTFN to develop this layer
- BC committed to consult with agencies and got significant pushback, with issues as noted in the JLF memo. Primarily confusion is with different maps in LUP and G2GDMA. Perception of elevated risk/restrictions to activities. Technical issues with some data driving sensitivity that are not in the LUP (e.g. lakeshore).
- Two options for moving forward: 1) tighter spatial SRL; 2) non-map based criteria

Discussion:

Sue commented that SRL is an important piece for TRTFN: "where" activities are occurring does have significant impact on sensitivity and should affect level of engagement. Open to approaches to close the gap between parties on the SRL.

Kevin acknowledged Sue's comment that a spatial driver for the engagement is important, and agreed that a map is helpful. Sue added that she did not want to put the TRTFN Lands Department in a difficult place of having to fight about the level of engagement.

Peter added that he is keen to find a spatial solution. See the activity table as driving 80% of the determination of engagement level. SRL will address 10-20% of decisions, with options for either party to recommend adjustments to the level of engagement in specific cases.

Peter suggested that the SRL/engagement model can be adjusted over time; the SRL map is not as fixed as the zoning map for example. It is tool for a purpose, and can be adjusted and refined over time. It's a different order of significance than the LUP zoning.

Action: G2GDMA Task Team (Bryan and Tony) to refine SRL map, to attempt to find a mutually acceptable compromise, by July 31, for consideration at the next JLF meeting.

JOINT RESEARCH AND MONITORING INITIATIVE

Peter spoke to the unresolved issue of administration arrangements for the JRMI. The proposal from TRT implies more administrative responsibility and effort by the G2G Forum, than Peter/BC had envisioned. Also some concern that there might be a perceived conflict of interest in terms of the Takhu Atlen Conservancy's mandate and its role as the administrator of the JRMI. BC's preference is to have the G2G Forum have less direct oversight responsibility for administration of the JRMI, but should provide 3 core functions:

- establish and confirm the research and monitoring framework
- establish standards for research
- consider research results in terms of how they may affect LUP implementation and adaptive management by the G2G Forum.

Discussion:

Kevin noted that the specifics of administration of the JRMI could be left out of the LUP G2GDMA agreements themselves, and addressed as part of operational implementation once the agreements are finalized. +Sue agreed that TRTFN and BC could address specifics of administration down the road, when needed.

Kevin suggested the first step should be to develop a strategic document, outlining an approach to research and monitoring and a set of standards. The document would provide guidance and reassurance to all parties on the scope, type and quality of research that will be undertaken through the JRMI. There could be an explicit commitment to establish governance arrangements, but the timelines and specifics could be left unresolved (i.e. let form follow function).

SAVE AND EXCEPT

Sue commented that she needs to review the draft S&E language internally to ensure it is strong enough. Ok in principle. Once it is in legal language, Sue will get legal review.

Decision: The JLF Co-chairs

- support in principle the work completed to date by the G2GDMA task team, subject to formal review.
- approve proceeding with drafting of a G2G Agreement to be submitted to the JLF for review and approval, subject to BC securing a formal mandate to draft an agreement with the TRTFN.
- support further work by the Task Team to reach a mutually supported Spatial Reference Layer, working from the BC's mark-up proposals on the Spatial Reference Layer 15 June draft map.
- agree to the drafting of a side bar agreement between TRTFN and BC for the Takhu Atlen Conservancy to develop a research and monitoring framework and research standards document within 6 months of completion of the G2GDMA, for consideration by the G2G Forum, and pending confirmation of funding for this work.

WEDNESDAY, JULY 7 NOTES

COLLABORATIVE FISH AND WILDLIFE PLANNING

Sue commented that wildlife population management is the third leg of the stool for TRT. Again, feeling vulnerable that we are not delivering on substance of CFWMP. Need at least a path forward from here. Appreciate capacity issues for MOE, but would like to have something in place at the same time as we are completing the LUP and G2GDMA. Concerned also that the ICHMP process was challenging for our staff.

Kevin commented that the concept of the CFWMP in the Framework Agreement is a potentially complex, analytically-driven, planning oriented approach. There are other approaches we should consider that would meet the interests of the parties, but would be less demanding of time and resources and would be significantly less complex. Kevin added that there are 6-12 examples of decision making (rather than planning-based) approaches to collaborative wildlife management in BC. More likely to have MOE capacity to engage if there is a familiar template to work with. Peter added that most 'Fish and Wildlife' committees do not exist within the context of a comprehensive G2GDMA. Taku context is different.

Sue commented that there is a difference of opinion among technicians on the status of populations; some feel we need to do more to recover populations, not just manage to current levels, which are well below historic norms. Will we start to get pressure to harvest grizzly bears in the Lower Taku for example? Believe members are becoming more open to sharing harvest data if they understand how it will benefit populations.

Kevin commented that there is compulsory reporting for all species except moose, so we know what is being harvested from the non-aboriginal side. We could start with a simple structure – a committee where we meet and share information on harvest levels, identify population management issues, and discuss options for management. For caribou and moose, we have made some regulatory changes and we need to monitor results for a few years. He stressed the value in having a structured commitment to jointly participate in reviewing decisions and issues; otherwise, there won't be an exchange of information and ideas given the many things pressing on people's limited time.

As for the GO territory, provincial policy is that there needs to be hunting, but no specific requirement for specific species to be hunted, such as grizzly bear. That creates space to allow the GO operator to exercise discretion on his hunt.

Peter suggested that we continue with discussions on wildlife within the G2GDMA context, then organize a meeting with MOE in a few months to scope out specific info exchange, identification of issues, etc

Asa stressed that there needs to be some opportunity for local community involvement.

Peter stated that the G2GDMA contemplates having local community involvement through representation on the provincial side, following the model of the JLF.

Sue commented that she needed to have more discussion with technicians, but was not convinced that we need a complex planning approach to the fish and wildlife population management. Main outcomes TRT want are to affect decisions that have real consequences on the ground for harvested populations.

Action: TWG to set up call to discuss collaborative wildlife management approach and next steps, consistent with above JLF direction to explore a decision-based rather than planning approach.

SPATIAL REFERENCE LAYER

Peter reviewed the marked-up copy of the SRL map that the BC team had worked on over night. Suggest:

- change wildlife habitat from Cat B to Cat A,
- reduce lakeshore from Cat C to Cat B where there are not clear cultural drivers.

Sue directed TRT TWG to review BC map-based proposals.

Action: TRT TWG to review SRL and refine map, based on input from BC team, by July 23.

WORKPLANNING

The following dates are confirmed:

Aug 12 – TWG distributes updated LUP draft with proposed zone changes.

Aug 16 – JLF conference call on updated LUP

Aug 30 - TWG completes final draft LUP

Sept 1-30: Public review of Final Draft LUP

October 12 (pm) – Oct 13 (day): JLF meeting, Atlin and sign-off on final draft LUP

October 14: Optional JLF field day

End November 2010: Completion of G2GDMA final draft.

Feb-Mar 2011: Ratification of agreements.

CLOSING COMMENTS

Melvin – appreciate the opportunity to meet here on the land, and look forward to concluding the agreements so that we have certainty for how we are going to protect the land.

Rose – thanked everyone for the opportunity to be here and now have better knowledge of the process. Will do her best to move things along in Victoria.

Asa – Thanked Sue for the invitation to be on the land here at Tutshi. Look forward to getting to the point where we have everyone on side, in particular the community.

James – thanked Sue for the opportunity to be here at Tutshi and hope that it becomes a tradition to meet on the land like this. Agree with Bryan, that it is good to be coming out of the detailed technical work, and shifting our energies to concluding the agreements and moving into an approval phase. The path forward is far clearer than it was in the past.

Peter – thanked Sue and Danny for hosting us here at Tutshi Lake. Share the consensus that we moving closer to an agreement. Confident on the G2G side that we can resolve the remaining issues. The LUP and G2GDMA are watershed agreements, but this work is as much or more about the building of relationships, and we can't lose sight of that. Building trust and enduring G2G relationships is fundamentally important.

Fred – Thanked everyone, and very appreciative of the opportunity to be here.

Kevin – Really enjoyed being here. It is very important to be able to spend time together, around a fire, on the land getting to know each other. This has been a long slog and challenging at times, but we are demonstrating now that this is a place where we are reaching agreement. We are now at a stage where the prospect of reaching agreement motivates people to bring good energy to the final push and resolve the remaining issues.

Sue – very glad to have everyone here at Tutshi Lake. As much as we represent two different parties, we are both part of this together. Never lose sight of the fact that the agreements and relationships we are building demonstrate that we can be different with each other; it doesn't have to be a fight. Establishing a basis for trust over the past number of years has been very empowering and meaningful for me, and for the Tlingits. What we have been able to achieve has shown my people that we can have respectful relationships with BC. It is also clear that we have some old positions that are still causing some difficulties. Not sure what the resolution of the access into Tulsequah is going to be, but we do know that resolution of this issue is needed to conclude these agreements.