

## **Briefing Note: S(11) Conservation Agreement for BC Southern Mountain Caribou**

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### **BACKGROUND**

- Canada and BC have been working in confidence to finalize a Species at Risk Act, Section 11: Conservation Agreement to support recovery efforts for Southern Mountain Caribou across the species range in BC. This agreement will serve as a model for future bilateral conservation efforts for caribou and potentially other species at risk across Canada.
- The Conservation Agreement will initially focus on recovery efforts for the Central Group and will also include separate annexes for the Southern and Northern SMC Groups to address regional differences and concerns associated with specific caribou herds.
- At the same time, BC and Canada have engaged in triilateral negotiations (aka Partnership Agreement) with two affected Treaty 8 First Nations, West Moberly and Sauteau, to address ongoing concerns regarding caribou recovery within their traditional lands, as well as advancing reconciliation efforts with these two First Nations more broadly.
- Canada has informed BC that the proposed Partnership Agreement with First Nations must be in place first, before Canada will consent to executing the bilateral Conservation Agreement with BC.
- West Moberly and Sauteau are most concerned with the Pine River Caribou Local Population Unit (LPU) and have proposed 5 Zones be established ranging from absolute protection (no industrial or recreational activities) to a modified harvest (but those details have not been shared) encompassing 440,000 ha. It is further proposed that this be accomplished using what is known as an *Indigenous Protected and Conserved Area (IPCA)*<sup>1</sup> and combined with a Provincial land use order regulation that would prohibit industrial, commercial and recreational activities deemed to threaten caribou recovery, would satisfy Canada's requirement that the protection is 'effective'.
- Most recently we are told that the impacts of these land use designations and management regimes, will result in AAC reductions of approximately 300,000 m<sup>3</sup>. We remain completely unconvinced based on the information we have been provided, that these impacts will be only 300,000 m<sup>3</sup> – our review suggests the AAC impact could easily be twice that amount.
- In addition, West Moberly and Sauteau want to ensure that any land use activity proposed within the 440,000 ha that comprises the Pine River LPU, must follow a consensus based decision-making process between Governments and First Nations. It is suggested that industry will have a role to play but it is not clear what that will be at this point.
- Although Canada won't state this with any certainty, it is believed that by signing this agreement, Federal Minister of Environment and Climate Change Canada (ECCC) Catherine McKenna is seeking a way to avert or at least soften her statutory obligation for recommending

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<sup>1</sup> <https://www.iucn.org/news/protected-areas/201802/indigenous-protected-and-conserved-areas-ipcas-pathway-achieving-target-11-canada-through-reconciliation>

an emergency protection order to federal Cabinet. They have emphasized that time is running out and BC needs to attain an agreement within the next 6-8 weeks.

### **POTENTIAL RISKS**

- This government process has been evolving in the absence of forest industry consultation. BC's actions have set significant precedence and now run the risk of needing to accommodate other FN's requests. We remain highly concerned that this shifts the balance of power in land use and resource-based decisions from the people of BC (represented by BC government), to select First Nations and the Government of Canada.
- BC has not concluded a credible socio-economic impact analysis relative to the communities and forest sector companies that operate within the SMC region. The tenure and volume allocation system are very complex and interconnected. For example, removing area from one tenure holder could essentially be impacting 3 or 4 other companies due to log trades, purchase wood, etc.
- There has been some discussion around compensation to the forest industry based on area removed from the harvesting landbase, but we have flatly dismissed this notion. Compensation from government does not run a mill or in any way support a thriving community.
- The forest industry continues to stress that the Province needs to find balanced solutions that support the livelihoods of workers and growing economies within forest dependent communities.

### **NEXT STEPS**

- Time is of the essence, as Canada has notified BC that ECCC Minister McKenna intends to make a recommendation to Cabinet by early 2019.
- We are told that BC has concluded negotiations with West Moberly and Sauteau and subject to BC Cabinet approval, will sign an agreement.
- BC pledged in early October that it would provide industry a hard copy of the partnership agreement/ proposal that is currently on the table, but we are still awaiting this information.
- COFI will be completing socio-economic analysis and will inform affected municipal leaders and the provincial government of potential impacts.
- The forest products industry strongly encourages local government leadership to continue their advocacy efforts with the provincial and federal governments. Communities should demand a more inclusive engagement process, complete with a robust socio-economic analysis of proposed land use decisions that will impact the livelihoods of those who depend directly or indirectly on the forest products industry of BC.
- The Conservation Agreement established for the Central Group will serve as the template for the two additional annexes for the Southern and Northern Caribou Groups. BC is currently working on these next two sections.
- The Forest Products Association of Canada (FPAC) is informed on recent developments and is advocating for the forest products industry in Ottawa.