



Gitanyow
Hereditary
Chiefs



GITANYOW HUWILP RECOGNITION AND RECONCILIATION AGREEMENT -

BETWEEN

GITANYOW NATION, as represented by the Gitanyow Hereditary Chiefs, and the Gitanyow
Huwilp Society
("Gitanyow")

AND

**HER MAJESTY THE QUEEN IN RIGHT OF
THE PROVINCE OF BRITISH COLUMBIA**
as represented by
the Minister of Aboriginal Relations and Reconciliation and
the Minister of Forests, Lands and Natural Resource Operations ("British Columbia")

(Each a "Party" and collectively the "Parties")

WHEREAS

- A. The Gitanyow peoples comprise eight historic Wilp, which are the social, political and governing units of the Gitanyow, and are collectively known as the Gitanyow Huwilp.
- B. This Reconciliation Agreement is a bridging step towards reconciliation and a constructive step towards creating a positive and enduring relationship between the Gitanyow and British Columbia.
- C. The Parties recognize that the successful implementation of this Reconciliation Agreement, and the building of cooperative working relations, will depend upon their ability and willingness to recognize, explore and resolve differences which arise between them.
- D. This Reconciliation Agreement is in the spirit of the New Relationship and the Transformative Change Accord.
- E. The Parties agree to focus on Shared Decision Making respecting lands and natural resources on Gitanyow Lax'yip and other collaborative arrangements including socio-economic matters.

- F. This Reconciliation Agreement will be implemented by each of the Parties in accordance with their respective laws, policies, customs, traditions and their decision-making processes and authorities.

THE PARTIES AGREE AS FOLLOWS:

Part 1: General

1.0 Definitions

- 1.1. In this Reconciliation Agreement and any Schedule to this Agreement:

“Aboriginal Interests” means aboriginal rights and/or title;

“Aboriginal Rights” means asserted or determined aboriginal rights, including aboriginal title, as recognized and affirmed under section 35 of the *Constitution Act, 1982*;

“Adawaak” record the history of each Wilp, including the origin of Wilp members, crests (Ayuuks), leadership, acquisition and rights and authority over its territories and resources (Gitanyow Lax'yip);

“Ayookxw” is Gitanyow law; among other things the Ayookxw govern the ownership of Gitanyow land and resources, conduct of the Li'ligit (feast), relationships with one another and inheritance; the Ayookxw are founded on knowledge, experience and practice which are thousands of years old and are recounted in the Adawaak and Ayuuks; the Ayookxw are affirmed and confirmed through testimony on the Adawaak and the Li'ligit; new Ayookxw may be adopted in order to meet new and evolving challenges of the contemporary world; the Ayookxw ensure peace and order for the Huwilp and includes the *2009 Gitanyow Constitution*;

“Biodiversity Area” means old growth management areas, wildlife habitat areas, ungulate winter range, water management units, ecosystem networks as set out in Schedules A and B that retain the landscape in a predominately natural condition, while allowing specified resource use consistent with Management Objectives;

“Effective Date” means March 28, 2012, the date upon which the Reconciliation Agreement was first signed by representatives of all eight Gitanyow Wilp and by representatives of British Columbia;

“Engagement Framework” means the processes for sharing information, discussions, and seeking consensus on recommendations respecting specific Land and Resource Decisions as set out in Appendix 1 of Schedule C of this Agreement;

“Gitanyow Lax'yip” means the traditional territory of Gitanyow as shown on Schedule A;

“Gitanyow Lax'yip Land Use Plan” or “GLLUP” means the land use designations, Land Use Zones and Management Objectives as set out in Schedules A and B of this Agreement developed by the Parties through a

collaborative process for the Gitanyow Lax'yip which overlaps with British Columbia's Sustainable Resource Management Plans for the Nass South, Cranberry and, to a limited extent, Kalum and Kispiox planning areas;

"Gitanyow" or "Gitanyow Nation" means the eight Gitanyow Wilp, collectively the Huwilp, being the Gitanyow houses of Gwass Hlaam, Wii'litsxw, Malii, Haizimsque, Gamlaxyeltxw, Gwinuu, Watakhayetsxw and Luuxhon;

"Gitanyow Huwilp Society" means a Society incorporated under the *BC Society Act*, R.S.B.C. 1996, c.422, which is the administrative body for the Gitanyow Hereditary Chiefs;

"Government to Government" means formal opportunities for bilateral discussions between the Parties which seek to resolve land use and resource management issues and includes the bilateral discussions between the Parties held pursuant to this Reconciliation Agreement which seek to foster a cooperative relationship amongst the Parties related to land use and resource policy, planning and management, including implementation of this Reconciliation Agreement;

"Gwelx ye'enst" means the exercise of what Gitanyow holds to be their rights and responsibility to hold, protect and pass on the land in a sustainable manner from generation to generation, including the process of developing the Gitanyow Lax'yip Land Use Plan;

"Ha'nii tokxw" means "our food table" and is the Gitanyow designation that encompasses the land, water, air and all resources associated with Hanna Tintina and the Biodiversity Areas set out in Schedules A and B, which retains the landscape in a predominantly natural condition and, from the Gitanyow perspective, is intended to maintain and enhance the availability of Gitanyow foods, and protect the water that is the lifeblood of the Gitanyow Lax'yip;

"Hanna Tintina" means the protected area as shown on Schedule A and described in Schedule B;

"Joint Resources Council" means the technical body established under the Gitanyow Forestry Agreement, and continued under Schedule C of this Reconciliation Agreement;

"Joint Resources Governance Forum" or "JRGF" means the political body established under Schedule C of this Reconciliation Agreement;

"Land and Resource Decision" means strategic, administrative or operational decisions related to land and resource use, which may impact Gitanyow Aboriginal Rights including plans, approvals or renewals of tenures, certificates, permits, or other authorizations;

"Land Use Zone" means an area of land as shown on Schedule A that has been given strategic land and resource management direction distinct from adjacent areas;

"Management Area" means an identified geographic area with distinct values that require the establishment of distinct objectives to address those values, within a broader Land Use Zone;

"Management Objective" means a clearly articulated description of a measurable standard, desired condition, threshold value, amount of change or trend to be achieved for a specific resource value, feature or attribute; Management Objectives may have general application across the planning area or apply only to specific areas; Management Objectives encompass all text under the headings "objective", "measure/indicator" and "targets" in Schedule B;

"Monitor" refers to the Gitanyow Lax'yip Land Use Monitor established pursuant to section 12.2;

"Reconciliation Agreement" means this Gitanyow Huwilp Reconciliation and Reconciliation Agreement;

"Renewal Date" means the date upon which this Reconciliation Agreement is renewed and approved by the Parties;

"Shared Decision-making" means the collaborative processes set out in this Agreement;

"Simigiyet and Sigidimhanak" are the Gitanyow Hereditary Chiefs (the former are male Chiefs and the latter are female Chiefs and matriarchs) which include the head Chiefs and the wing Chiefs for each Gitanyow Wilp;

"Sustainable Resource Management Plan" ("SRMP") means a strategic land use plan developed and approved by British Columbia in accordance with its laws and policies which identifies land use zones and defines objectives, strategies and/or policies that will provide guidance and direction for the planning, management and use of land and resources within a specific geographic area;

"Wilp" are the social, political and governing units of the Gitanyow, and are collectively known as the "Gitanyow Huwilp"; and

"Wilp Sustainability" means, from the Gitanyow perspective, conditions under which ecosystem function, socio-cultural and economic well-being are maintained, and risk to ecological integrity is low, thus providing the ecological foundation for the long-term socio-cultural and economic well-being of each Wilp for the purposes of this Agreement.

2.0 Purpose

2.1. The purpose of this Reconciliation Agreement is to build upon the relationship between the Parties so as to guide land and natural resource management on the Gitanyow Lax'yip.

2.2. This Reconciliation Agreement is intended to:

- (a) provide a foundation for a respectful Government-to-Government relationship within which the Parties can collaborate in the implementation and monitoring of this Reconciliation Agreement;
 - (b) create increased certainty in regard to land and resource management and economic benefits for both Parties;
 - (c) establish a clear, reliable and efficient framework for Shared Decision-Making, Land and Resource Decisions; and
 - (d) achieve meaningful engagement, a common understanding of each Party's respective interests, including Wilp Sustainability, and the Parties' shared interests, and promote well-informed decision-making.
- 2.3. The negotiation and implementation of this Reconciliation Agreement supports the vision of the Gitanyow Huwilp, which includes:
- (a) reconciliation of interests and co-existence with the Crown;
 - (b) the establishment and implementation of a sustainable land use plan for the whole of the Gitanyow Lax'yip;
 - (c) ensuring Wilp Sustainability;
 - (d) sharing the wealth of the Gitanyow Lax'yip; and
 - (e) Shared Decision-Making between British Columbia and Gitanyow.
- 2.4. The negotiation and implementation of this Reconciliation Agreement addresses interests of British Columbia which include:
- (a) working cooperatively to increase the efficiency and effectiveness of the consultation and accommodation process for the benefit of all Parties;
 - (b) encouraging sustainable economic development;
 - (c) creating land use certainty and a stable environment for investment in the natural resource sector;
 - (d) implementing collaborative approaches to resolving disputes between the Parties; and
 - (e) sharing revenue from land and resource development in support of and consistent with the principles of the New Relationship and the goals of the Transformative Change Accord.

3.0 Further Reconciliation Negotiations

- 3.1. The Parties agree to take an incremental approach to Treaty negotiations as demonstrated by the implementation of this Reconciliation Agreement.

- 3.2. The Parties acknowledge that, in order to maximize their effectiveness, reconciliation negotiations require the participation of Canada and both Parties will work to engage Canada's participation.
- 3.3. Notwithstanding Section 3.2, the Parties will, in the absence of Canada's participation, continue to engage in bilateral discussions to achieve the purposes of this Reconciliation Agreement.

4.0 Scope

- 4.1. This Reconciliation Agreement applies to the Gitanyow Lax'yip.
- 4.2. This Reconciliation Agreement confirms the outcomes of Government to Government discussions to date between the Gitanyow and British Columbia and provides a framework for continued reconciliation to address the following:
 - (a) land use planning on the Gitanyow Lax'yip;
 - (b) Shared Decision Making;
 - (c) atmospheric benefits and resource revenue sharing;
 - (d) forest tenures and other economic opportunities;
 - (e) enhancement of Gitanyow socio-economic well being; and
 - (f) effective and efficient Land and Resource Decisions.

5.0 Socio-Economic Well-being

- 5.1. The Parties share a desire to improve the socio-economic well-being of Gitanyow using an approach that recognizes the interrelationship between environmental and social-cultural well-being and economic development.
- 5.2. As soon as reasonably practicable after the Renewal Date, the Parties will develop a strategy and work plan that identifies priorities and actions for improving the socio-economic well-being of the Gitanyow relying upon the *Gitanyow Wilp-Based Socio-Cultural Needs Assessment* as well as other relevant information sources.

6.0 Recognition

- 6.1. British Columbia acknowledges that Mr. Justice Tysoe and Madam Justice Nielson of the British Columbia Supreme Court have affirmed that Gitanyow has a good to strong *prima facie* claim of aboriginal title and a strong *prima facie* claim of aboriginal rights to at least part of the Gitanyow Lax'yip.
- 6.2. British Columbia acknowledges and enters into this Agreement on the basis that Gitanyow has Aboriginal Rights in the Gitanyow Lax'yip.
- 6.3. British Columbia recognizes that the Gitanyow's Aboriginal Interests are linked to Gitanyow's good *prima facie* claim of aboriginal title and strong *prima facie* claim of aboriginal rights.

- 6.4. British Columbia recognizes that the historic and contemporary use and stewardship of land and resources by Gitanyow are integral to the maintenance of Gitanyow society, governance and economy within the Gitanyow Lax'yip.
- 6.5. British Columbia recognizes that in the absence of a treaty that defines the responsibilities and rights of the Parties, its duty to consult and to seek workable accommodation of Gitanyow's Aboriginal Rights within the Gitanyow Lax'yip is an ongoing duty.
- 6.6. British Columbia acknowledges that it and Canada provides in modern Treaties with British Columbia First Nations that those Treaties do not "affect any rights under Section 35 of the *Constitution Act, 1982* for any Aboriginal people other than" the Nation with whom it has made a Treaty.
- 6.7. Based on Section 23.12 British Columbia acknowledges that the Gitanyow Simgigyet and Sigidimhanak represent the Huwilp.

7.0 Parts of this Reconciliation Agreement

- 7.1. This Reconciliation Agreement includes the following Parts, Schedules and Appendices:

Part 2: Gitanyow Lax'yip Land Use Plan	<ul style="list-style-type: none"> • Schedule A: Gitanyow Wilp Territory Maps showing Land Use Zones and Management Areas • Schedule B: Management Objectives for Land Use Zones and Management Areas
Part 3: Shared Decision-making Framework	<ul style="list-style-type: none"> • Schedule C: Shared Decision Making Framework • Appendix 1: Gitanyow Engagement Framework • Appendix 2: Tools for Setting Engagement Levels
Part 4: Economic Measures and Strategies	<ul style="list-style-type: none"> • Schedule D: Atmospheric Benefits • Schedule E: Forest Tenure and Revenue Sharing Opportunities • Schedule F: Gitanyow Alternative Energy Action Plan • Schedule G: Economic Strategies
Part 5: Other Provisions	<ul style="list-style-type: none"> • Schedule H: Environmental Assessment Framework for the Gitanyow Lax'yip • Schedule I: Resourcing

- 7.2. The schedules and appendices to this Reconciliation Agreement are an integral part of this Reconciliation Agreement, as if set out in length in the body of this Reconciliation Agreement. Defined terms used in the schedules and appendices have the same meaning as that set out in this Reconciliation Agreement.
- 7.3. Gitanyow has provided British Columbia with a copy of the *2009 Gitanyow Constitution* to assist in the understanding Gitanyow Ayookw and the Gitanyow

perspective in relation to the Land Use Plan, and British Columbia agrees to make every reasonable effort to ensure that those representatives of British Columbia responsible for the implementation of this Agreement will be provided with a copy of the *2009 Gitanyow Constitution*.

Part 2: Gitanyow Lax'yip Land Use Plan

8.0 Intention of the Parties

- 8.1. This Part is intended to enable both Parties to support the legal establishment and collaborative implementation of the land use designations, Land Use Zones and Management Objectives set out in Schedules A and B according to the Parties' respective laws, policies customs traditions and decision-making processes.
- 8.2. The Parties intend that this Part will enable them to work jointly on:
 - (a) implementing the results of Government to Government land use discussions in a spirit of collaboration; and
 - (b) addressing strategic and operational land use issues as they arise in the future.
- 8.3. The Parties will work on developing a common vision and measures for Wilp Sustainability, including through the establishment of a Monitor as set out in Section 12, and take steps as may be agreed between them to maintain Wilp Sustainability, including through the implementation of this Agreement.
- 8.4. The Parties intend that Land and Resource Decisions in the Gitanyow Lax'yip will be consistent with:
 - (a) this Reconciliation Agreement, including the land use designations, Land Use Zones and Management Objectives set out in Schedules A and B;
 - (b) the outcomes of Shared Decision-Making by the Parties as set out in Schedule C;
 - (c) any other agreements between the Parties which relate to land use within Gitanyow Lax'yip or Shared Decision Making, and
 - (d) British Columbia's constitutional duties.

9.0 Planning Process

- 9.1. Land Use Zones and Management Objectives and proposed land use designations set out in Schedules A and B are the outcome of collaborative strategic land use planning undertaken to date by the Parties for the Gitanyow Lax'yip, which are overlapped by British Columbia's Nass South, Cranberry and, to a limited extent, Kalum and Kispix planning areas.

- 9.2. Implementation of the land use planning measures set out in Schedules A and B fulfills the commitments made in the Gitanyow Forestry Agreement (2006) Sections 4.1, 4.2, 4.3 and 4.4.
- 9.3. The Parties acknowledge that Gitanyow interests have not been fully addressed in the Kalum and Kispiox planning areas. British Columbia will, as soon as practicable, take steps to seek the necessary approvals to implement conservation standards within those portions of the Kalum and Kispiox planning areas that overlap with the Gitanyow Lax'yip consistent with the land use designations, Land Use Zones and Management Objectives set out in Schedules A and B.
- 9.4. The Land Use Plan represents a step towards reconciliation of:
- (a) Gitanyow traditional knowledge with Western scientific knowledge;
 - (b) the administrative boundaries of British Columbia with Gitanyow Lax'yip boundaries; and
 - (c) British Columbia's Sustainable Resource Management Planning process with Gitanyow's Gwelx ye'enst.

10.0 Land Use Zones and Management Objectives

- 10.1. The Parties agree to the Land Use Zones, including the Hanna Tintina and Biodiversity Areas shown in Schedule A, and set out in Schedule B.
- 10.2. Gitanyow has designated the Hanna Tintina and Biodiversity Areas shown on Schedule A as Ha'nii tokxw.
- 10.3. British Columbia will, as soon as practicable, take steps to implement the following interim protection measures for the Hanna Tintina shown in Schedule A:
- (a) Part 13 designations under the *Forest Act*;
 - (b) "no registration reserves" under the *Mineral Tenure Act*;
 - (c) "no disposition reserves" under the *Coal Act*;
 - (d) notices for "no disposition" under the *Petroleum and Natural Gas Act* and *Geothermal Resources Act*; and
 - (e) "Notations of Interest" for *Land Act* applications.
- 10.4. Following the Effective Date, British Columbia will, as soon as practicable, take steps to ensure that licensee forest stewardship plans and forest harvesting plans are consistent with the management intent for Management Objectives and, take steps to implement appropriate protective measures for the Biodiversity Areas.

- 10.5. Following the Effective Date, British Columbia will, as soon as practicable, take steps to implement legal designations that give effect to the Hanna Tintina and Biodiversity Areas set out in Table A of Schedule B.
- 10.6. The Parties agree to the Management Objectives set out in Schedule B.
- 10.7. Gitanyow will implement the Management Objectives in accordance with their Ayookxw, policies, customs and decision-making processes.

11.0 Implementation Activities

- 11.1. The Parties shall oversee and monitor the implementation of this Reconciliation Agreement through the Joint Resources Governance Forum.
- 11.2. As soon as is practicable after the Effective Date, the Ministers who execute this Reconciliation Agreement will recommend to the Executive Council that legislation be introduced for the purpose of establishing the Hanna Tintina as a conservancy.
- 11.3. As soon as reasonably practicable from the date that the Hanna Tintina is legally established, the Parties will substantially complete collaborative management planning for the Hanna Tintina.
- 11.4. The Parties will develop and implement a work plan for completing collaborative management planning for those portions of existing Provincial parks located within the Gitanyow Lax'yip including designing measures to avoid conflict with respect to the ongoing exercise of Gitanyow's Aboriginal Rights and traditional practices and activities within park boundaries.
- 11.5. Future review, refinement or revision of Management Objectives or land use objectives will be undertaken collaboratively by the Parties according to Schedule C, section 3.5.

12.0 Wilp Sustainability

- 12.1. The Parties acknowledge that further work is required to reconcile their respective perspectives on sustainability:
 - (a) British Columbia's perspective is that implementation of the land use elements of this Reconciliation Agreement and the regulatory framework that guides resource development on Crown lands in British Columbia provides for sustainable management of lands and resources including lands and resources with the Gitanyow Lax'yip; and
 - (b) Gitanyow's perspective on Wilp Sustainability and on the approach to managing ecological risk is set out in the report *Price and Daust, Ecosystem Representation in Gitanyow Territory: Assessment of Current and Future Risk* (July 2010), and the accompanying August 10, 2010 cover letter from the Gitanyow Hereditary Chiefs.

- 12.2. Notwithstanding the different perspectives referred to in Section 12.1 to further their common interest in achieving sustainability, the Parties agree to establish the Gitanyow Lax'yip Land Use Plan Monitor.
- 12.3. As soon as reasonably practicable from the Renewal Date, the JRGF will complete the terms of reference, jointly undertake a selection process and appoint a person under contract to Gitanyow to serve as the Monitor.
- 12.4. The work plan for the Monitor will include:
- (a) development of a framework and benchmarks for assessing the effectiveness of the land use designations, Land Use Zones and Management Objectives as set out in Schedule B in achieving sustainability in the Gitanyow Lax'yip based on best available science and Gitanyow knowledge;
 - (b) a review of the framework and benchmarks with the Parties;
 - (c) an assessment of the conditions anticipated to result from implementation of the land use designations, Land Use Zones and Management Objectives against the framework and benchmarks; and
 - (d) a report, including recommendations, to the JRGF summarizing the results of the assessment.
- 12.5. The report *Price and Daust, Ecosystem Representation in Gitanyow Territory: Assessment of Current and Future Risk* (July 2010), The History, Territories and Laws of the Gitanyow Part 2, Forest Resource Evaluation Reports ["FREPs"] reports, and other relevant analysis, inventories and assessments will be sources of information considered in the work of the Monitor under Section 12.4.
- 12.6. Subject to Section 2.4 and 4 of Schedule I, and within 15 days of the appointment of the Monitor, British Columbia will, subject to requirements of the *Financial Administration Act*, pay \$50,000 to Gitanyow for the purposes of funding the Monitor's contract.
- 12.7. As soon as reasonably practicable after receiving the report set out in 12.4 d) the JRGF will consider the findings of the Monitor and identify to the Parties for their consideration:
- (a) recommended amendments to land use designations, Land Use Zones and Management Objectives set out in Schedule B; and
 - (b) new or amended land use zones or management directions and related legal objectives that may be required to further achieve Wilp Sustainability.

Part 3: Shared Decision Making

13.0 Shared Decision Making

- 13.1. The Parties are committed to working together through the Shared Decision Making Framework consistent with the land use designations, Land Use Zones

and Management Objectives as set out in Schedule B regarding the management of lands and natural resources in the Gitanyow Lax'yip.

13.2. Schedule C of this Reconciliation Agreement:

- (a) sets out the model for Shared Decision Making between the Parties for Land and Resource Decisions within the Gitanyow Lax'yip; and
- (b) attaches the Engagement Framework as Appendix 1 to Schedule C.

13.3. Under this Reconciliation Agreement, the Parties will operate under their respective authorities.

13.4. The Shared Decision Making Framework will include objectives specifying targets and outcomes as agreed by the Parties.

13.5. The Parties will, on a periodic basis, review the results of the Shared Decision Making Framework and, where appropriate, make recommendations for improvement.

13.6. In engaging in Shared Decision Making, the Parties commit to make every reasonable effort to seek consensus.

13.7. The Parties intend that implementation of the Shared Decision Making Framework will constitute a step in the reconciliation process respecting lands and natural resource decision-making on the Gitanyow Lax'yip.

13.8. The Parties will be responsible for the development, implementation, on-going review, and refinements of the Shared Decision Making Framework.

13.9. Amendments to Schedule C may be required from time to time to ensure that the authority, structures and functions for Shared Decision Making meets the objectives of this Agreement as set out in Section 2.0 and 5.1, and such amendments will be made in accordance with Section 23.10.

Part 4: Economic Measures and Strategies

14.0 Resource Revenue and Atmospheric Benefits Sharing

14.1. The Parties agree to share atmospheric benefits as set out in Schedule D.

15.0 Forest Tenure and Revenue Sharing Opportunities

15.1. The Parties will negotiate and attempt to reach agreement regarding those matters set out in Schedule E.

16.0 Alternative Energy Economic Opportunities

16.1. The Parties agree to work together in the development of an Alternative Energy Action Plan as set out in Schedule F.

17.0 Economic Strategies

- 17.1. British Columbia agrees to financially contribute to a Gitanyow Economic Opportunity Study in accordance with Schedules G and I, which may include but not be limited to studies of potential tourism-related and non-timber forest products economic opportunities which may be relied upon by Gitanyow in future negotiations on a Gitanyow Economic Strategy.

18.0 Resource Revenue Sharing

- 18.1. British Columbia acknowledges that Gitanyow seeks to share in resource revenues received by British Columbia from land and resource based economic activity in the Gitanyow Lax'yip.
- 18.2. The Parties acknowledge that the current policy of British Columbia provides resource revenue sharing with First Nations with respect to some resources but not all land and resource based economic activity.
- 18.3. Nothing in this Reconciliation Agreement is intended to exclude Gitanyow from being eligible to participate in any new or revised resource revenue sharing opportunities that may be developed by British Columbia in the future and which would otherwise be applicable to Gitanyow or to the Gitanyow Lax'yip.
- 18.4. If British Columbia develops any new or revised resource revenue sharing opportunities applicable to the Gitanyow or to the Gitanyow Lax'yip, the Parties agree to amend this Agreement if necessary, so that Gitanyow will benefit from such revenue sharing.

Part 5: Other Provisions

19.0 Environmental Assessment Management

- 19.1 The Parties have set out their understanding on engagement on Land and Resources Decisions under the British Columbia *Environmental Assessment Act*, S.B.C. 2002, c. 43 in Schedule H.

20.0 Dispute Resolution

- 20.1. Either Party may notify the other that a dispute has arisen related to the interpretation of this Reconciliation Agreement, and request the commencement of a dispute resolution process.
- 20.2. Upon a request under Section 20.1, the Parties or their duly appointed representatives will meet as soon as practicable and will attempt to resolve the dispute. Prior to the meeting the Parties will exchange in writing a full description of the dispute, together with their respective concerns and the proposed specific actions that could be taken to address the dispute.
- 20.3. If the Parties are unable to resolve the dispute by way of the process set out in Section 20.2, either Party may choose to raise the dispute at the Joint Resources Governance Forum or to a more senior level of British Columbia and Gitanyow, including to the Minister or Deputy Minister of Aboriginal Relations and

Reconciliation and Gitanyow Hereditary Chiefs, as appropriate in the circumstances.

- 20.4. If the dispute cannot be resolved by the Parties directly, the Parties may:
- (a) appoint an independent mutually agreeable mediator to resolve the dispute within 60 days, or other such period as agreed upon; or
 - (b) jointly select another approach to assist in reaching resolution of the dispute.

21.0 Resourcing

- 21.1. The Parties agree that this Reconciliation Agreement is of mutual benefit and the Parties agree to the principle that the cost of implementation should be jointly funded.
- 21.2. The Parties agree to implement the resourcing arrangements as set in Schedule I.

22.0 Term and Termination

- 22.1. This Reconciliation Agreement shall take effect on the Effective Date.
- 22.2. The term of this Reconciliation Agreement will be five (5) years from the Renewal Date.
- 22.3. Notwithstanding Section 22.2, this Reconciliation Agreement may be terminated by either Party on ninety (90) days written notice to the other Party, stating the reasons for termination.
- 22.4. Where written notice to terminate is provided pursuant to Section 22.3 and the reason for the notice is a dispute related to the interpretation of this Reconciliation Agreement, the Parties will discuss during the 90-day period referred to in Section 22.3 the potential to resolve the dispute.
- 22.5. The Parties agree to meet 6 months prior to the end of the term in order to determine whether the term of this Reconciliation Agreement, or any parts thereof, should be extended, and may extend the term of the Reconciliation Agreement, or any parts thereof, for such further period agreed to by the Parties in writing.

23.0 General Provisions

- 23.1. There will be no presumption that any ambiguity in any of the terms of this Reconciliation Agreement should be interpreted in favour of either Party.
- 23.2. Except as the Parties may agree otherwise in writing, this Reconciliation Agreement will not limit the positions that either Party may take in any future negotiations or court actions.

- 23.3. This Reconciliation Agreement does not change or affect the positions either Party has, or may have, regarding its jurisdiction, responsibilities and/or decision-making authority, nor is it to be interpreted in a manner that would affect or unlawfully interfere with that decision-making authority.
- 23.4. Nothing in this Reconciliation Agreement will be interpreted to authorize any infringement that may occur following the termination of this Reconciliation Agreement, even if that infringement is caused by a decision that was made during the term of this Reconciliation Agreement.
- 22.5 Any reference to a statute in this Reconciliation Agreement includes all regulations made under that statute and any amendments or replacements of that statute and its regulations.
- 22.6 This Reconciliation Agreement is legally binding on the Parties.
- 22.7 The Parties agree this Agreement does not:
- (a) constitute a treaty or land claim agreement within the meaning of section 25 and section 35 of the Constitution Act, 1982; or
 - (b) establish, define, limit, amend, abrogate or derogate from any Gitanyow Aboriginal Interests.
- 23.8. The Parties will monitor progress in the "New Relationship" between British Columbia and First Nations and, dependent upon developments in the "New Relationship" at the request of either Party, will discuss whether it is appropriate to amend this Reconciliation Agreement to reflect progress in the New Relationship.
- 23.9 This Reconciliation Agreement may be entered into by each Party signing a separate copy of this Reconciliation Agreement, including a photocopy or faxed copy, and delivering it to the other Party by facsimile. Each facsimile will be deemed to be an original for all purposes and all counterparts taken together will be deemed to constitute one document.
- 23.10 This Agreement may be amended by the Parties in writing as follows:
- (a) any amendment to this Agreement by the agreement of the Minister of Aboriginal Relations and Reconciliation on behalf of the Province, an authorized signatory on behalf of the Gitanyow Hereditary Chiefs and an authorized signatory on behalf of the Gitanyow Huwilp Society; or
 - (b) any amendment to the Engagement Framework, by the agreement of the Provincial and Gitanyow Co-Chairs of the JRGF.
- 23.11 British Columbia represents and warrants that it has the authority to enter into this Reconciliation Agreement and to make the commitments and representations in this Reconciliation Agreement.
- 23.12 Gitanyow Simgigyet and Sigidimhanak represent and warrant that they represent the Gitanyow Huwilp and have the authority to enter into this Reconciliation

Agreement and to make the commitments and representations in this Reconciliation Agreement.

- 23.13 This Agreement may be entered into by each Party signing a separate copy of this Agreement and delivering it to the other Party by facsimile or email transmission.

24.0 Notice

- 24.1. Any notice or other communication that is required to be given or that a Party wishes to give to the other Party with respect to this Reconciliation Agreement will be in writing and will be effective if delivered, sent by registered mail, or transmitted by facsimile to the address of the other Party at the following addresses:

British Columbia

Minister of Aboriginal Relations and Reconciliation
PO Box 9100 STN Prov Govt
Victoria, B.C. V8W 9B1
Telephone: 250-953-4844
Facsimile: 250-953-4856

Gitanyow

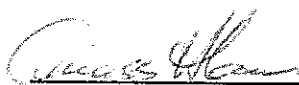
Gitanyow Hereditary Chiefs Office
PO Box 148
Kitwanga, B.C. V0J 2A0
Telephone: (250) 849-5373
Facsimile: (250) 849-5375


- 24.2. Any notice or other communication will be deemed given on the date it is actually received if it is received before 4:00 p.m. If it received after 4:00 p.m., it will be deemed given on the next business day.
- 24.3. The address of either Party may be changed by notice in a manner set out in Section 24.2 of the Reconciliation Agreement.

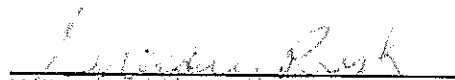
25.0 Signatures

SIGNED ON BEHALF OF THE
GITANYOW NATION by the
Simigiyet'm Gitanyow

Date: _____


Gwass Hlaam (George P. Daniels)


Gamlaxyet'kw (Will Marsden)/
Sindihi (Robert Good)


Wi'litsxw (Gregory D. Rush)


Gwinuu (Solomon Haizimsque)

27 May
Mali (Tony Morgan)

Ken Russell
Haizimsque (Ken Russell)

Watahayetsw
Watahayetsw (Agatha Bright)

Don Russell
Luuxhon (Don Russell)

SIGNED ON BEHALF OF THE
GITANYOW HUWILP SOCIETY by
Glen Williams
Glen Williams
Glen Williams

Date: June 27, 2016
Cheryl White
Witness

SIGNED ON BEHALF OF HER
MAJESTY THE QUEEN IN RIGHT OF
THE PROVINCE OF BRITISH
COLUMBIA by the

Minister of
Aboriginal Relations and Reconciliation
John Rustad
Honourable John Rustad

Date: July 11, 2016

Witness

Minister of
Forest, Lands and Natural Resource
Operations
Steve Thomson
Honourable Steve Thomson

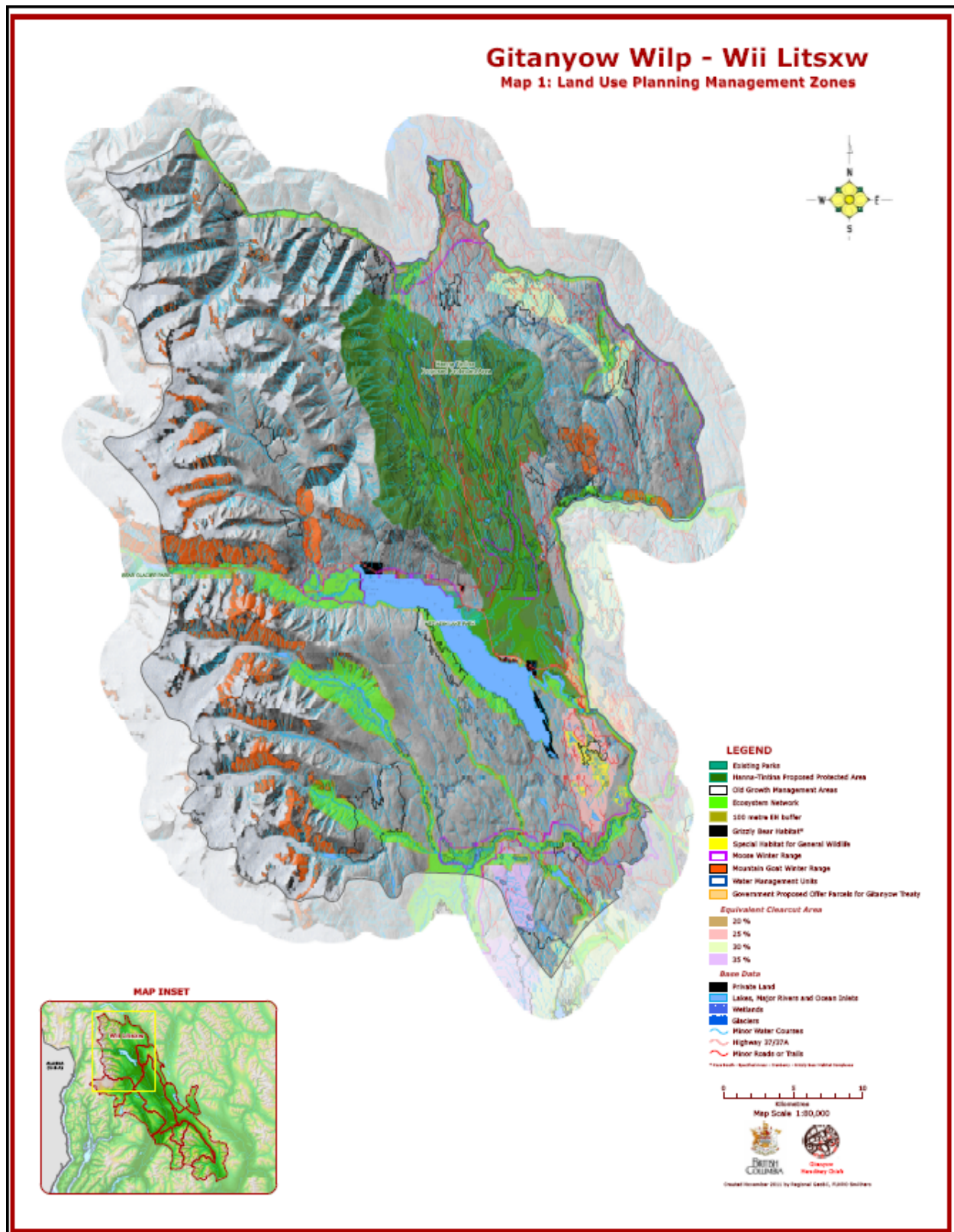
Date: June 30, 2016
[Signature]
Witness

SCHEDULE A
WILP MAPS

Please see 10 attached maps:

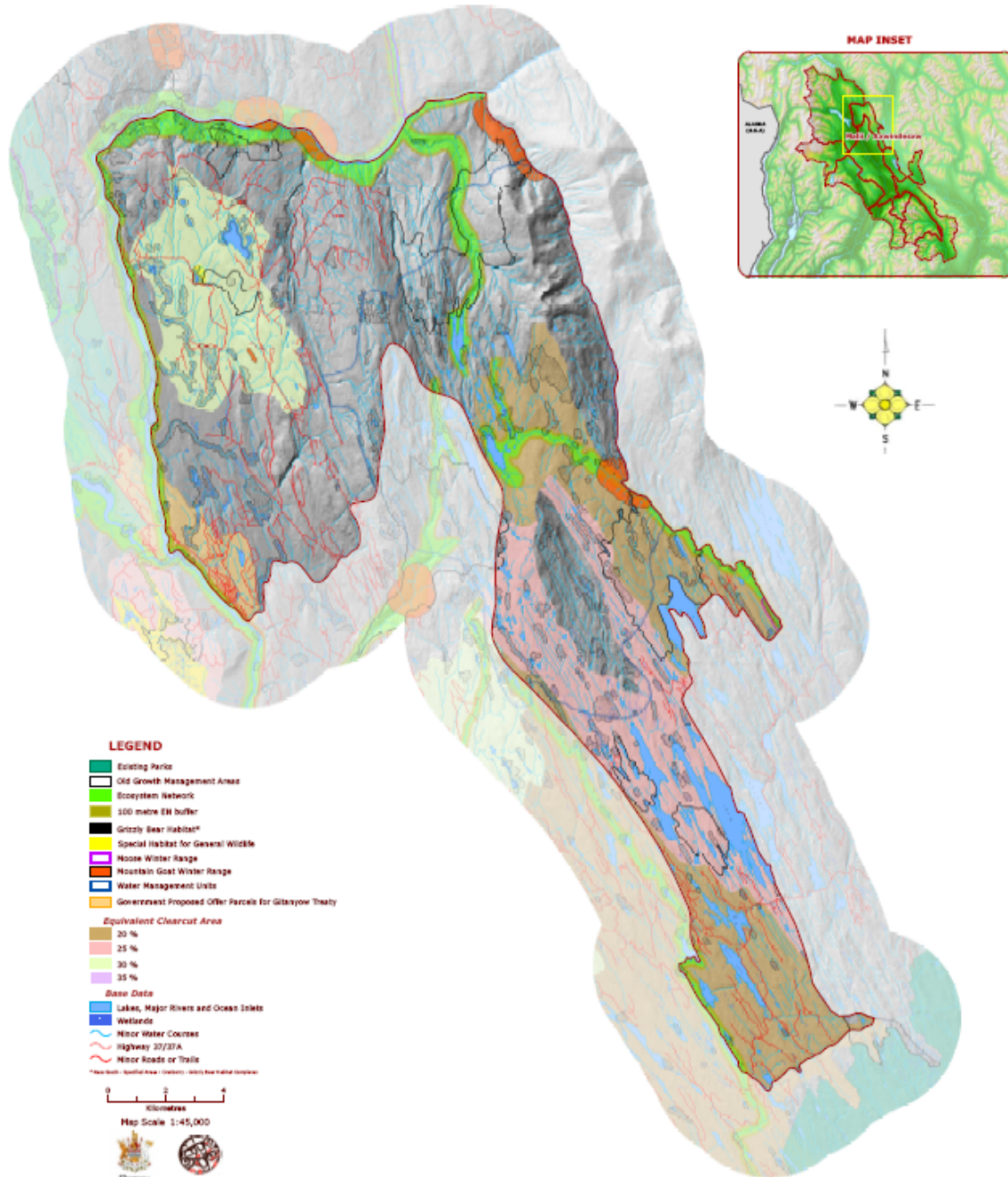
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2. Malii Axwindesxw
3. Gwaas Hlaam Bii Yosxw
4. Luux Hon
5. Gamlakyeltxw
6. Haitimsxw
7. Watakhayetsxw
8. Malii
9. Gwinuu
10. Gwaas Hla'am

SCHEDULE A MAPS

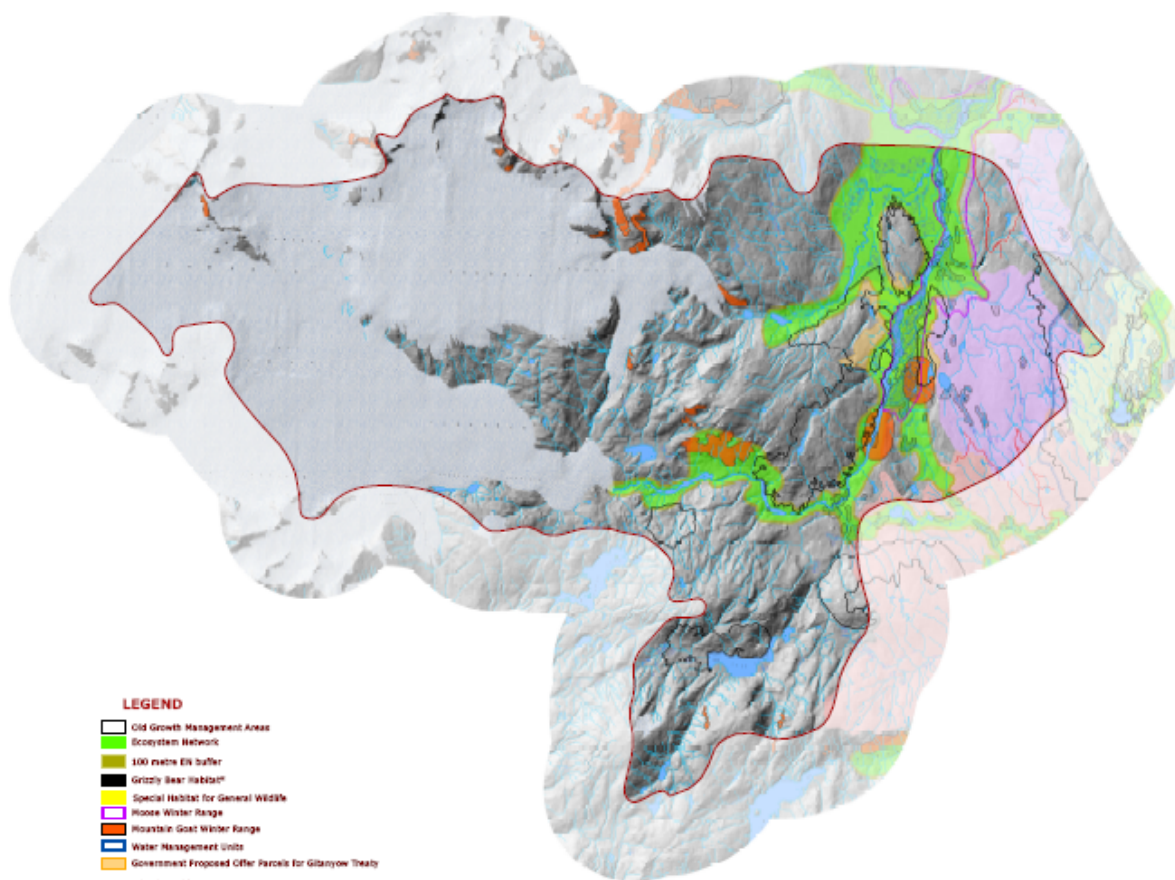
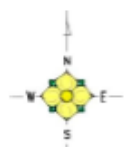


SCHEDULE A MAPS

Gitanyow Wilp - Malii Axwindesxw Map 2: Land Use Planning Management Zones



Map 3: Land Use Planning Management Zones








LEGEND

-  Old Growth Management Areas
-  Ecosystem Network
-  100 metre EN buffer
-  Grizzly Bear Habitat¹
-  Special Habitat for General Wildlife
-  Moose Winter Range
-  Mountain Goat Winter Range
-  Water Management Units
-  Government Proposed Open Parcels for Gitanow Treaty

Equivalent Clearcut Area

- | | |
|---|------|
|  | 20 % |
|  | 25 % |
|  | 30 % |
|  | 35 % |

Date Due

-  Private Land
-  Lakes, Major Rivers and Gowan Inlets
-  Wetlands
- Glaciers
-  Minor Water Courses
-  Highway 37/37A
-  Minor Roads or Trails

*mass tooth / fossilised poop / droppings / droplet / excrement / excretion

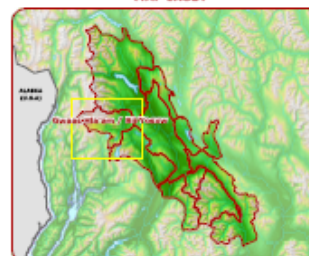


Kilometres
Map Scale 1:55,000

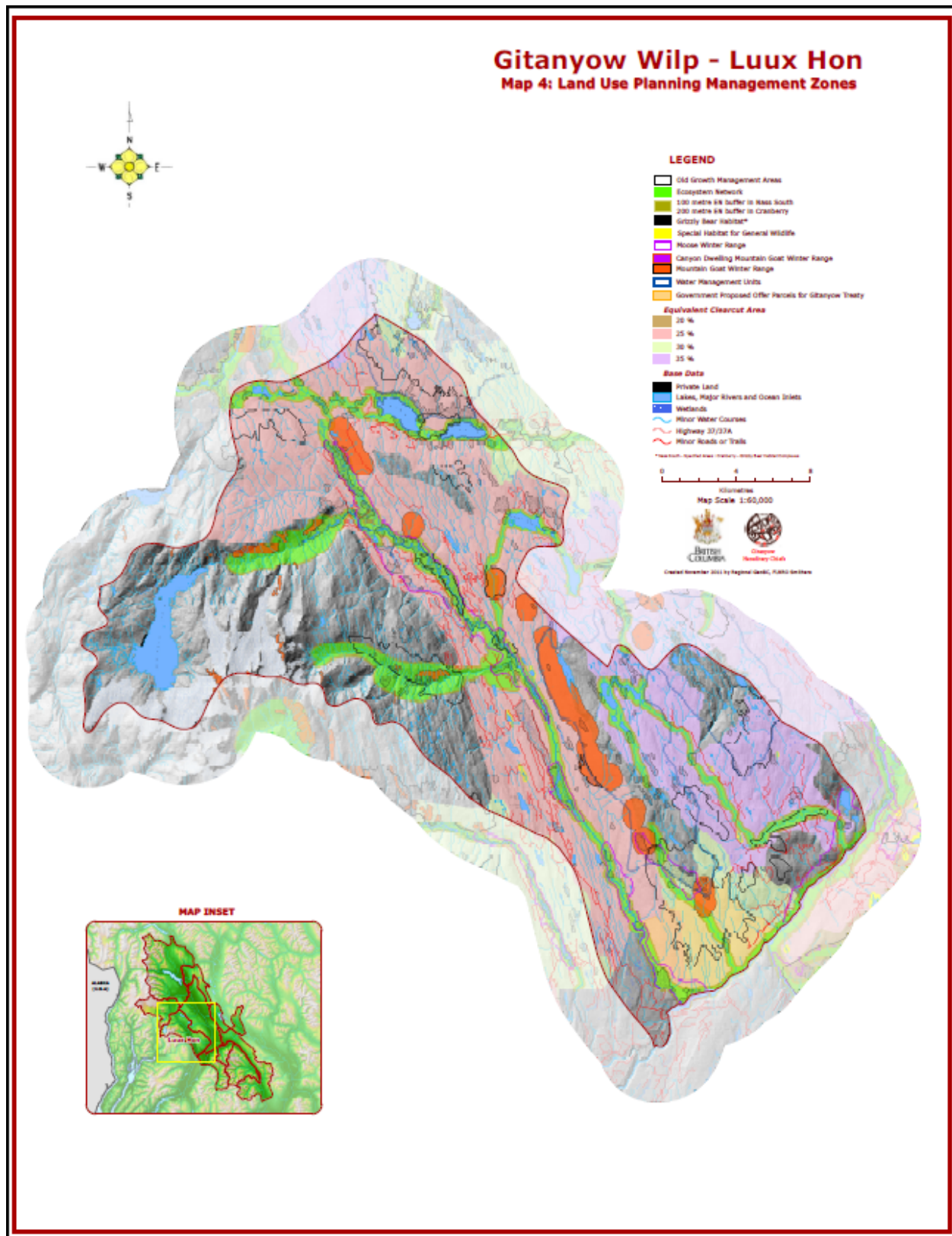


Created November 2011 by Regional GeobC, FLNRD-GeoParks

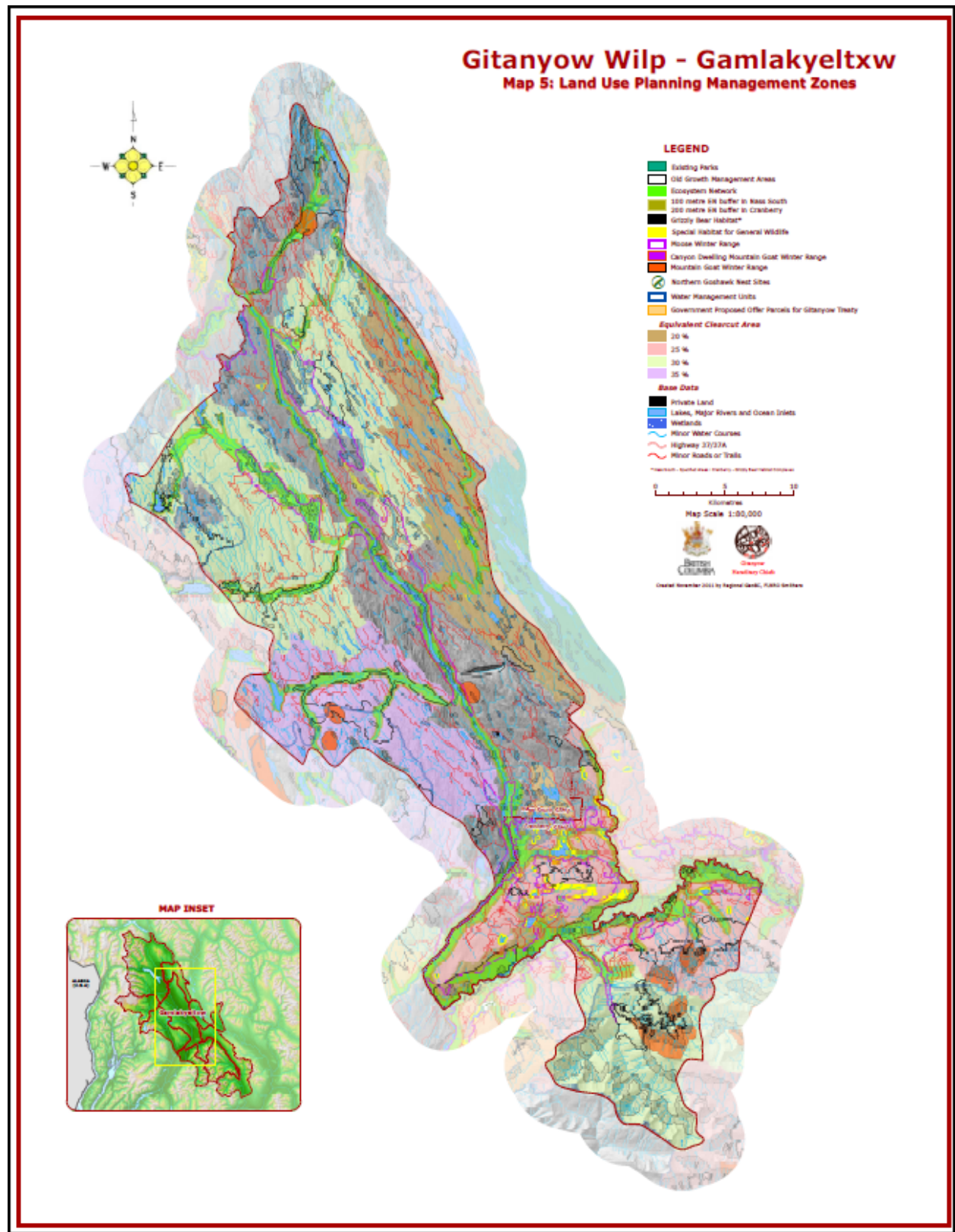
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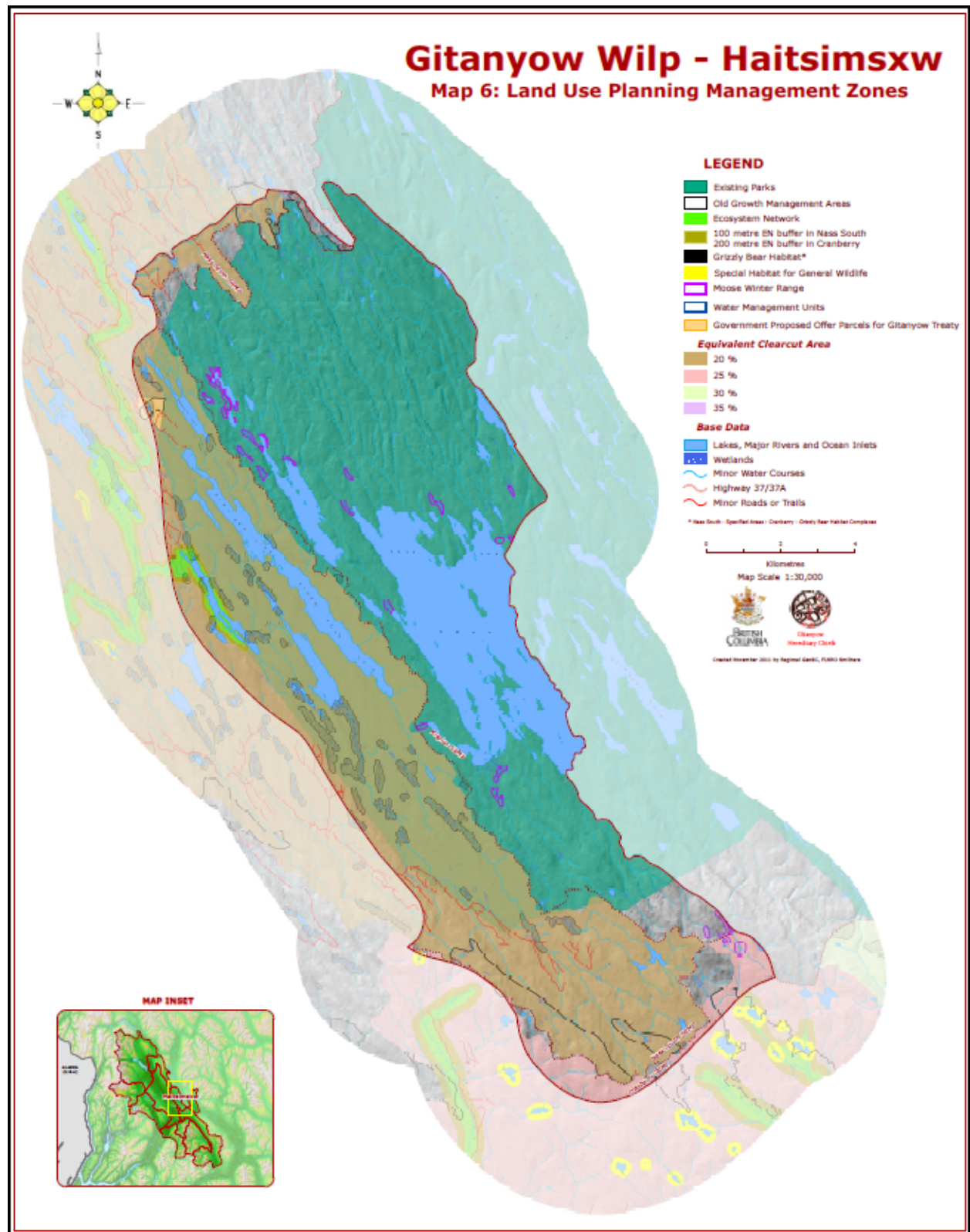
SCHEDULE A MAPS



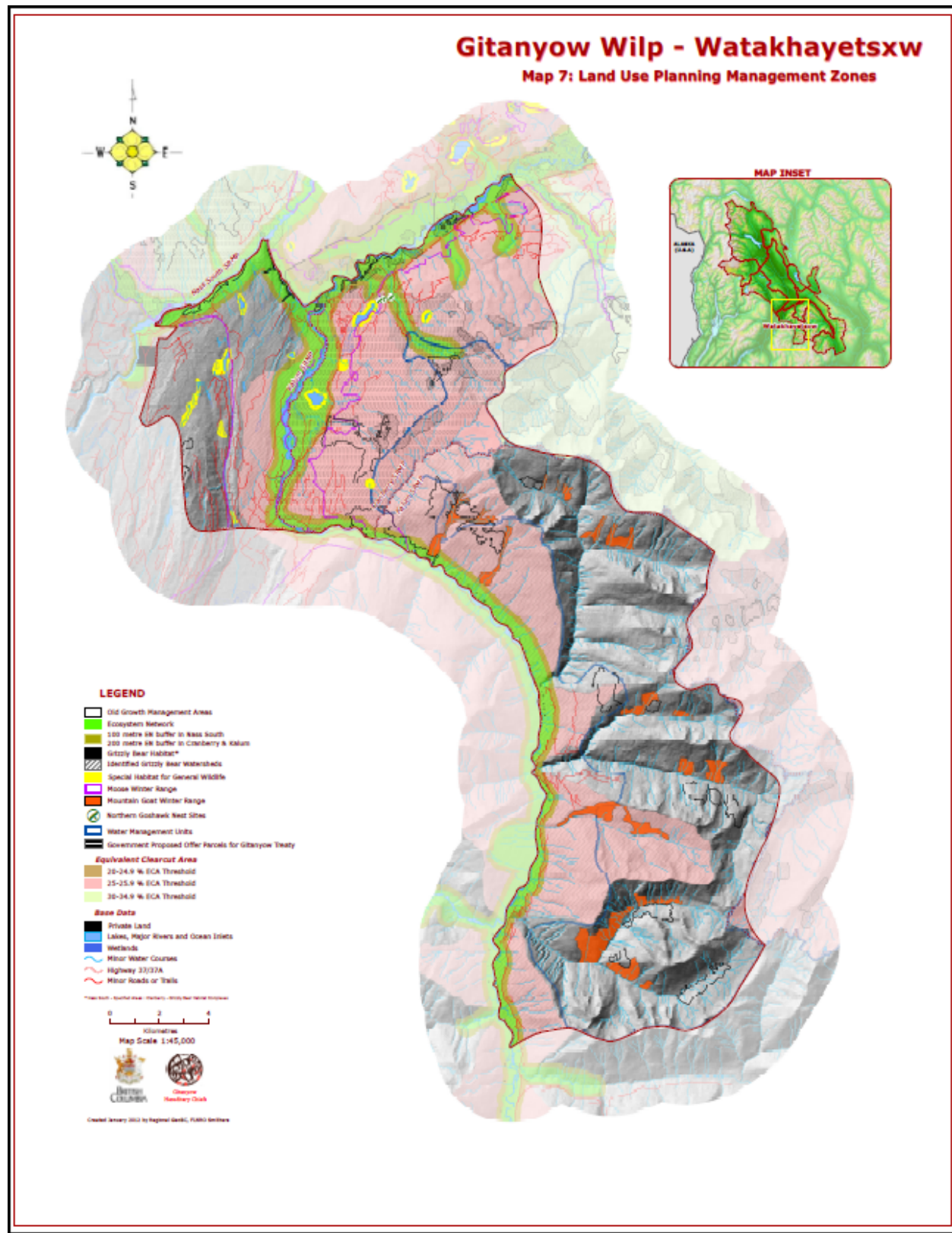
SCHEDULE A MAPS



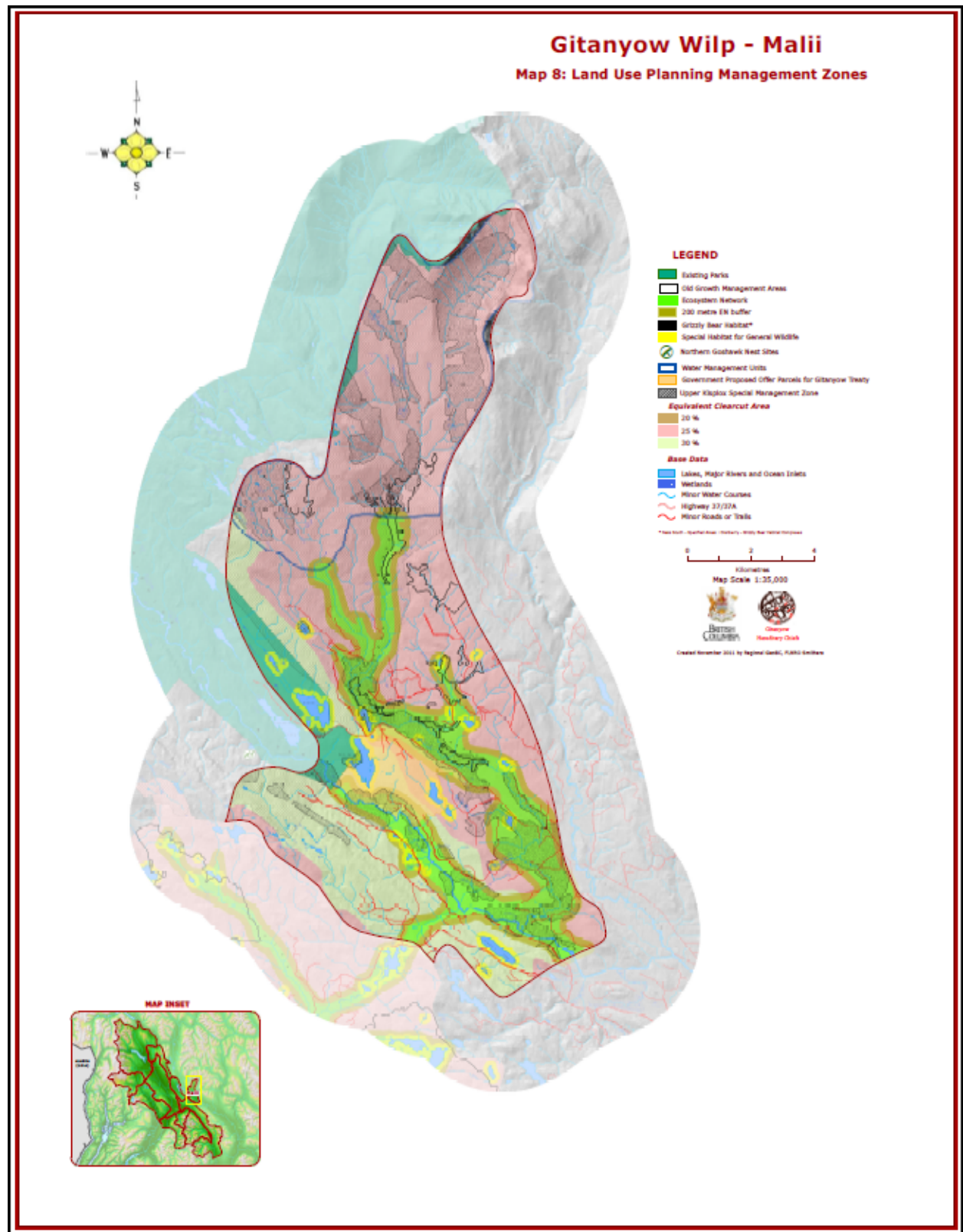
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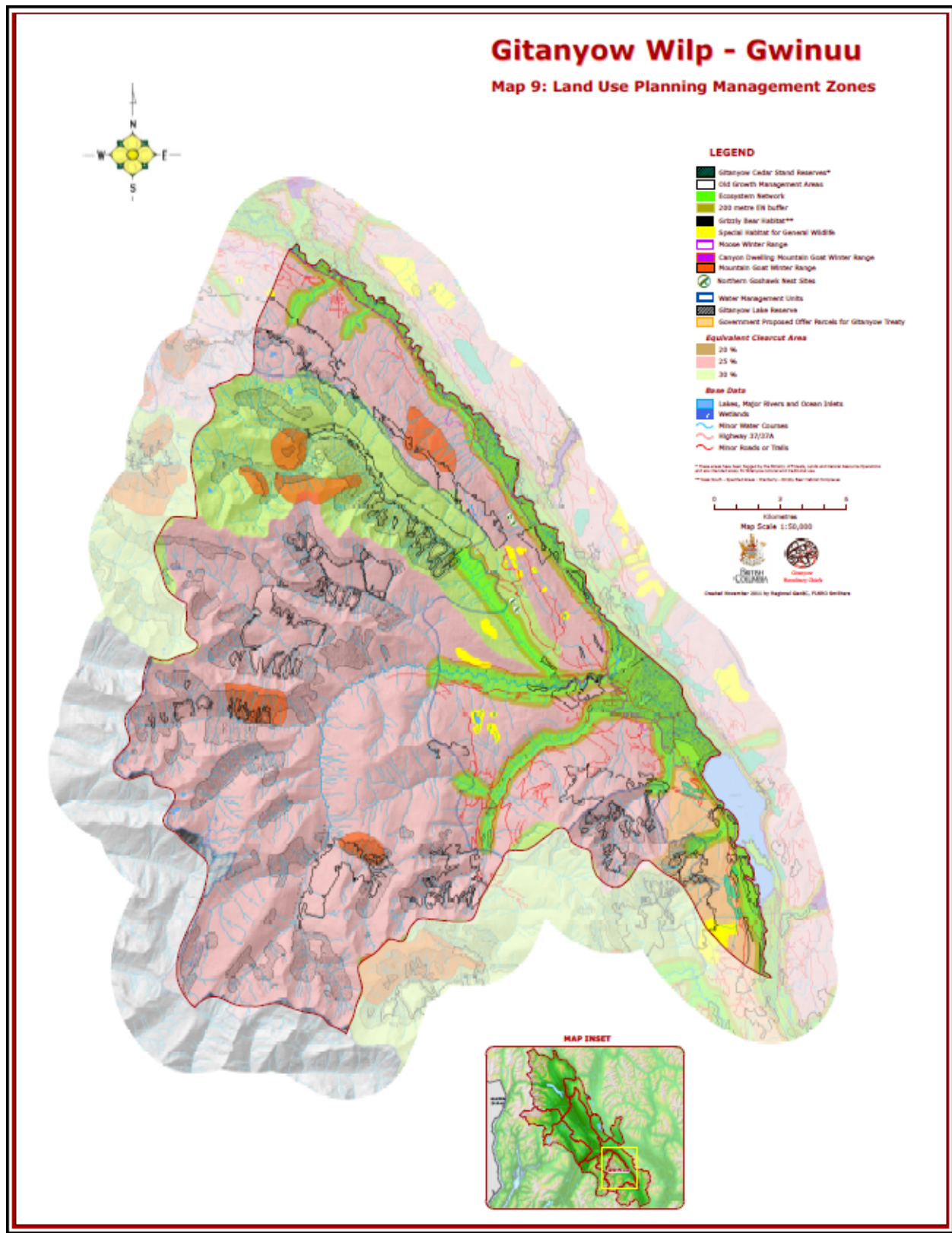
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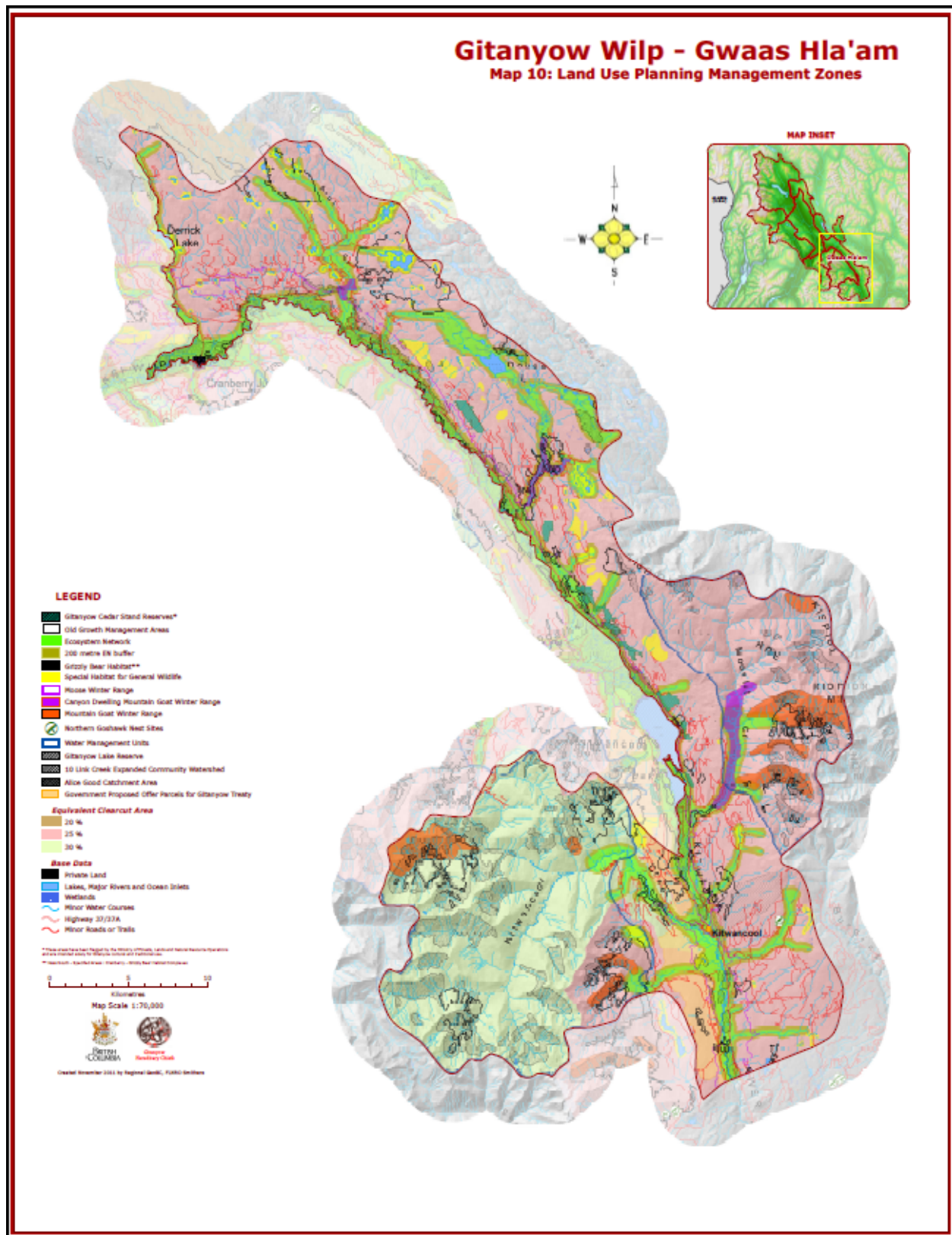
SCHEDULE A MAPS



SCHEDULE A MAPS



SCHEDULE A MAPS



SCHEDULE B
MANAGEMENT OBJECTIVES FOR LAND USE
ZONES AND MANAGEMENT AREAS

The Gitanyow Huwilt Land Use Plan, set out in Schedule A and B, has evolved from work undertaken by the Parties on previous initiatives including:

- (a) the Gitanyow Forestry Agreement (2006);
- (b) the “Nass South Sustainable Resource Management Plan (SRMP) Terms of Reference,” (December 5, 2005) wherein the Parties committed to work together on a Government to Government basis, in a spirit of mutual recognition, respect, and reconciliation, to resolve land use conflicts and develop resource management direction for the southern portion of the Nass Timber Supply Area (Nass TSA); and
- (c) the “Reconciliation through Land Use Planning In Gitanyow Traditional Territory work plan” (October 23, 2008), which committed the Parties to collaboratively complete strategic land use planning for the remainder of the Gitanyow Lax’yip.

Scope

Unless otherwise indicated, management goals, objectives, measures/indicators and targets apply throughout the Gitanyow Lax’yip. Where specified, planning units are referred to as the Cranberry, Kispiox, Nass South, or Kalum planning units and are co-extensive with the provincial Sustainable Resource Management Planning areas with these names.

Definitions

“Effectiveness” in the context of wildlife management, means the continued use of a habitat by the species that historically utilized it.

“Exposed erodible soil” is a fine textured soil (fine sand, silt and clay) or erodible mineral deposit that water can readily wash into the adjacent stream.

“Goshawk forage habitat” means the hunting territory typically used by a pair of goshawks.

“Hydroriparian zone” means the area that extends to the edge of the influence of water on land, or land on water, as defined by plant communities (including high bench or dry floodplain communities) or landforms, plus one and one-half site specific tree heights horizontal distance (Hydroriparian Planning Guide, Coast Information Team, Jan. 30, 2004). Landforms include:

- The stream channel, lake or wetland and adjacent riparian ecosystem, where no floodplain exists.
- The full width of the floodplain for streams
- Adjacent active fluvial units
- Up to the top of the inner gorge or where slopes become less than 50% for reaches of streams that are gullied, or are in a ravine or canyon
- Immediately adjacent unstable slopes (class IV and V terrain) where it is located such that a surcharge of sediment may be delivered to the stream, lake or wetland.

“Hydrologically connected” means any bare, erodible soil that can reasonably be expected to reach the riparian area if exposed to rainfall or stream flows. This includes:

- bare soil on non-vegetated slopes immediately adjacent to the 10 m riparian zone
- bare soil on vegetated slopes of 10% gradient or steeper that are immediately adjacent to the riparian area, up to the first topographic break.
- bare soil past the topographic break if there is a channel showing a clear connection to the first 10 m of the riparian area
- bare soil on active road surfaces within the 10 m riparian area, including the crossing, if there is evidence that fines eroded off the road surface can reach the stream. This includes the road surface, plus all cut-and-fill slopes associated with the road, within the first 10 m of the riparian area
- bare soil on active road surfaces beyond the first 10 m of the riparian area if there is evidence that fines eroding off these road surfaces will reach the stream. Evidence of hydrologic linkage should be conspicuous, such as ruts or eroding tracks down the road to a spot at the crossing where water spills directly off the edge of the road into the stream or a ditch that is clearly connected to the riparian feature.

(FREP *Protocol for Evaluating the Condition of Streams and Riparian Management Areas*, Version 5.0; March 2009, and, FREP *Field Supplement to Evaluating the condition of Streams and Riparian Management Areas*, Version 3.0; March 2009).

“Moisture Regime” describes the relative amount of soil moisture; can be determined from slope position and gradient, soil depth and texture, coarse fragment content, aspect, and sources of seepage. For purposes of terrestrial site description, soil moisture regimes are ranked in the following order from driest to wettest: very xeric (very dry), xeric (dry), subxeric (moderately dry), submesic (slightly dry), mesic (fresh), subhygric (moist), hygric (very moist), subhydryc (wet).

“Planning unit” describes the area of the applicable Sustainable Resource Management Plan that falls within Gitanyow territory.

“Productive pine mushroom sites” means those sites that can best produce pine mushrooms. i.e., sites that currently produce pine mushrooms and those sites undisturbed, previously logged or burned that can produce pine mushrooms. These sites are generally pine or hemlock leading stands below 800 m elevation in the following ecological site series: ICMmc1/01b, ICHmc2/01b, and CWHws2/03. The minimum size of area to be considered is 0.3 ha for homogenous site series and 1 ha for site series complexes.

“Properly functioning” for a stream, river, wetland or lake and its riparian area means:

- the ability to withstand normal peak flood events without experiencing accelerated soil loss, channel movement or bank movement;
- the ability to filter runoff;
- the ability to store and safely release water;
- ability of riparian habitat to maintain an adequate root network or large woody debris supply;
- ability of riparian habitat to provide shade and reduce bank microclimate change; and,
- fish habitat in streams and riparian areas are fully connected so that fish habitat is not lost or isolated as a result of some management activity.

“Regeneration delay” means the period of time between harvesting and the date at which an area is occupied by a specified minimum number of acceptable well-spaced trees.

“Security Cover” means sufficient vegetation cover and/or terrain features that permit a species to feel secure, comfortable and not threatened despite adjacent activities or predator movement that would otherwise displace the animal.

“Thermal Cover” means canopy cover that moderates atmospheric temperature – thermoregulation resulting in cooling during the summer and reduction of wind chill in the winter.

Table A: Land Use Objectives to be put Forward as Legal Objectives

Chapter	Legal Mechanism	Objectives
Water Resources	LUOR*	2.0; 3.0; 4.0
Biodiversity Resources	LUOR	1.0; 2.0; 3.0; 4.0; 5.0; 6.0; 7.0
Pine Mushroom Resources	LUOR	1.0
Goshawk	LUOR	1.0; 2.0
Fur-Bearers	LUOR	1.0
Grizzly Bear	LUOP/GAR**	LUOR (2.0; 3.0; 4.0) – GAR (1.0)
Moose Resources	GAR	All
Mountain Goat Resources	GAR	Legal orders exists for Goat in Nass & Cranberry
General Wildlife Resources	LUOR	1.0
Fisheries Resources	LUOR	1.0
Cultural Heritage Resources	LUOR	1.0; 2.0; 3.0; 4.0; 5.0
Timber Resources	LUOR	2.0 possibly – rest are FRPA default except Gitanyow Treaty Parcels.
Water Management Resources	LUOR	1.0

*Land use objective regulation

**Government Action Regulation

Management Direction for Water

Plan Goals for Water Resources

Protect and maintain surface and groundwater to:

- provide a safe and sufficient drinking water supply that supports healthy communities.
- maintain water quality, quantity, peak and low flows within the range of natural variability in rivers, streams, lakes, and wetlands to protect the hydrological integrity of their watersheds (water quality includes temperature, turbidity and chemistry).

Objectives	Measures/Indicators	Targets
1.0 <i>Limit the potential for soil surface erosion.</i>	<p>1.1 Number of occurrences of exposed erodible soil >50 m² (Nass South) or >5 m² (Cranberry, Kispiox and Kalum), caused by industrial activities:</p> <ul style="list-style-type: none"> • that are within the first 10 metres of the riparian area past the edge of the stream, river, lake, or wetland, or, • that are hydrologically connected to a river, stream, lake or wetland, except: <ul style="list-style-type: none"> ▪ active, seasonally or temporarily de-activated haul roads, or, ▪ where no practicable alternative exists and timely mitigating measures are implemented to prevent siltation of water bodies.ⁱ 	0

Objectives	Measures/Indicators	Targets
	<p>Management Considerations</p> <ul style="list-style-type: none"> • The intent of this measure is that there will be no erodible soil exposure. The maximum area is intended to provide flexibility to licensees for occasional small, dispersed incidental occurrences. • The intent is that construction of new roads and future deactivation of existing roads will be completed to a standard, using Best Management Practices that will result in no roads being hydrologically connected to any stream, river, lake, or wetland. • Best Management Practices (BMP) should be established for minimizing soil surface erosion within the plan area. • BMP's should consider road density, road proximity to water courses and number of stream crossings. • Application of best available information to be applied in managing soil surface erosion prior to the development of BMP's. • Hydrologically connected is not intended to be applied to active, seasonally, and temporarily de-activated roads; these roads will be managed by implementation of Best Management Practices and Measure 1.2. • Monitoring should be done over time to determine if the area is a reasonable figure. This figure may be increased or decreased as appropriate. 	
	<p>1.2 Percent of stream crossings on new roads that have appropriate mitigating measures implemented to prevent soil deposition into the stream in accordance with a professionally-conducted risk assessment.</p>	<p>100%</p>
<p>2.0 <i>Manage human activities to maintain the hydrologic stability of watersheds.</i></p>	<p>2.1 Number of watersheds identified as Watersheds with ECA Thresholds on Schedule A, Maps 1-10 where a hydrologic assessment is completed prior to any harvesting that would cause the thresholds identified in Table 1: Equivalent Clearcut Area (ECA) Thresholds for Watersheds to be exceeded, except for cut blocks that:</p> <ul style="list-style-type: none"> • are approved under section 196(1) of the <i>Forest and Range Practices Act</i>; • are declared areas under section 14(4) of the <i>Forest Planning and Practices Regulation</i>; or • have a cutting permit in place. 	<p>All</p>

Objectives	Measures/Indicators	Targets
	Management Considerations <ul style="list-style-type: none"> The intent is to permit the harvest of existing blocks, but to require hydrologic assessments prior to any further harvesting that would cause the thresholds to be exceeded. Hydrologic assessments should be conducted by a qualified professional who will use the assessment to provide guidance for future operations. The assessment does not necessarily have to be a complete Coastal or Interior Watershed Assessment. 	
3.0 <i>Maintain ecological functioning of streams, rivers, wetland complexes and lakes, including those that do not support populations of fish.</i>	3.1 Number of rivers and streams where industrial activity has caused significant consequences for fish habitat or human water consumption by the following disturbances to channel beds or banks: <ul style="list-style-type: none"> channel bank erosion; channel aggradation, degradation or dewatering; or change in channel morphology. 	0
	3.2 Number of rivers, streams, lakes, and wetlands that maintain riparian reserves and resource management zones around riparian features as outlined in Table 2.	100%
	3.3 Number of rivers, streams, lakes, and wetlands where blow down within the RRZ and/or RMZ is retained as large woody debris.	All
	Management Considerations <ul style="list-style-type: none"> “Significant” relates not to the level of disturbance but to the consequence of disturbance. A small disturbance could have a large consequence and a large disturbance could have a small consequence. Industrial developments include, but are not limited to; timber harvesting, road construction, building of permanent facilities. Operations should consider larger Riparian Reserve Zones (RRZ) than specified under the <i>Forest and Range Practices Act</i> for retention where possible. Where economically and operationally feasible, selectively remove only the high value trees within the Riparian Management Zones (RMZ). Where feasible, concentrate wildlife tree retention areas around riparian ecosystems. Consider preservation of riparian habitat values, water quality, rare ecosystems and windthrow susceptibility when assessing and designing RMZs. Consider retention levels of 70% to 100% basal area on all streams of Riparian Class S4. Monitoring of retention levels to consider:	

Objectives	Measures/Indicators	Targets
	<ul style="list-style-type: none"> - Level of retention; - Incidence of windfall; - Changes in stream temperature and turbidity; - Effectiveness of small scale connectivity habitats through cutblocks. • Apply adaptive management principles in management of riparian features. • Establish water monitoring stations on selected water bodies for long term evaluation of water quality and quantity attributes (water quality includes temperature, turbidity and chemistry). • Terrain stability to be considered in relation to its impact on water quality and quantity before logging. Baseline information should be gathered for watershed sub-basins prior to development. Information to consider: <ul style="list-style-type: none"> - Equivalent Clearcut Area. - Road densities in high elevations. - Road densities for the entire sub-basin. 	
	3.4 Number of rivers and streams in riparian classes S1 to S4 where industrial activity has either: <ul style="list-style-type: none"> • added large woody debris that would not naturally be in the channel; or • removed naturally deposited large woody debris; Except where necessary to satisfy safety considerations.	0
	3.5 Number of new roads and trails that prevent ground water from reaching natural groundwater receiving sites.	0
	Management Considerations <ul style="list-style-type: none"> • Natural groundwater drainage patterns can be maintained with adequate cross drains in roads and trails. 	
4.0 <i>Maintain the functional integrity of floodplains and alluvial fans.</i>	4.1 Proportion of floodplains and alluvial fans where functional integrity is maintained.	100%
	Management Considerations <ul style="list-style-type: none"> • Timber harvesting is generally not recommended on floodplains and alluvial fans. • Road building on fans and floodplains is risky and requires the advice of a qualified professional. • Access across floodplains and alluvial fans is permitted to access timber beyond these features. 	

Objectives	Measures/Indicators	Targets
5.0 <i>Restore the water quality and hydrologic integrity of damaged watersheds throughout the plan area.</i>	5.1 Proportion of watersheds with damaged water quality or hydrological integrity where primary causes of watershed damage have been adequately addressed by: <ul style="list-style-type: none"> • natural processes; or, • operationally and financially feasible activities that do not cause further damage or interfere with natural restoration processes, where funding is available. 	100%
	Management Considerations <ul style="list-style-type: none"> • Intent is to pursue funding to conduct watershed restoration work, but recognize that funding is not guaranteed. • A Watershed Restoration Plan (WRP) should be developed that includes: <ul style="list-style-type: none"> • Identification of damaged or threatened watersheds; • A cost benefit analysis to prioritize watershed restoration opportunities with respect to conserving, restoring and improving fisheries values in the plan area; • Prioritization of WRP projects should be based on vulnerability of fish stocks, social and economic value of fish stocks, level of negative impact, and ecological and economic feasibility; • A risk assessment should be undertaken to prioritize road deactivation work with respect to water quality and fisheries impacts; • Conduction of an assessment of the 26-Mile Road within the flood plain of the Kitwanga River; determine measures required to restore the integrity and function of the flood plain. • Conduction of an assessment of the sockeye beach spawning habitat; determine measures required to restore the spawning habitat associated with Gitanyow Lake. • Conduction of an assessment of the Hanna and Tintina watersheds to determine impacts from encroachment of beavers in relation to past forest development practices, and implementing mitigative measures. 	
6.0 <i>Maintain the watershed of Ten Link Creek as a community watershed to provide domestic water supply to Gitanyow village</i> Cranberry Planning Unit	6.1 Number of industrial developments within the Ten Link Creek watershed	0

Table 1. Equivalent Clearcut Area (ECA) Thresholds for Watersheds

Map ID	Base Watershed (WSD) Unit Code and Order	Unit Name	ECA Threshold %
Cranberry and Kispiox Planning Units Watersheds (ECA Thresholds expert water panel)			
1		Aluk	26.2
2		Borden	21.7
3		Cranberry	27.1
4		Cranberry East	24.8
5		Cranberry West	24.9
6		Derrick	22.5
7		Douse	25.3
8		Extra	26.2
9		Ginmiltkun	28.5
9		Kiteen	27.6
9		Kitwancool	28.5
9		Lower Kitwanga	22.5
10		McKnight	27.3
		Mill	25
11		Moonlit	26.5
12		Nangeese	26.7
		Tsugwinselda	25
13		Upper Kitwanga	26.2
14		Upper Kispiox	28.1
15		Weber	28.3
Kalum Planning Unit Watershed (ECA Thresholds expert water panel)			
16		Kiteen (Kalum District)	27.6
Nass South Planning Unit Watersheds (ECA Thresholds established by Regional Hydrologist)			
1	KINRWSD000020 – 3	Meziadin River tributary(contains Yaakin Lk)	25
2	KINRWSD000025 – 3	White River tributary 1 (west of Femur Lk)	35
3	KINRWSD000030 – 3	White River tributary 2 (west of Scrub Lk)	35
4	KINRWSD000033 – 3	Niska Creek	25

Map ID	Base Watershed (WSD) Unit Code and Order	Unit Name	ECA Threshold %
5	KINRWSD000035 – 4	Kinskuch River	25 (in ICHmc1/in Plan area)
6	KINRWSD000036 – 3	Outlet of Arbor Lake	25
7	KSHRWSD000010 – 3	Bear River tributary (east of Le Sueur Crk)	25 (in CWHwm)
8	KSHRWSD000011 – 3	Le Sueur Creek	25 (in CWHwm)
9	KSHRWSD000012 – 3	grouped(1) Bitter Creek	25 (in CWHwm)
9	KSHRWSD000013 – 4	grouped(1) Bitter Creek	25 (in CWHwm)
9	KSHRWSD000014	grouped(1) Bitter Creek	25 (in CWHwm)
9	KSHRWSD000015	grouped(1) Bitter Creek	25 (in CWHwm)
10	KSHRWSD000016 – 3	Glacier Creek	25 (in CWHwm and MHun seperately)
11	11 LBIRWSD000112 – 3	Bell-Irving River tributary 4 (east flank on Mt. Bell-Irving)	30 (in ICH)
12	LBIRWSD000113 – 3	Bell-Irving River tributary 3 (east flank on Mt. Bell Irving)	30 (in ICH)
13	LBIRWSD000122 – 3	Bell-Irving River tributary 2 (east flank on Mt. Bell-Irving)	30 (in ICH)
14	14 LBIRWSD000125 – 3	Bell-Irving River tributary 1 (east flank on Mt. Bell-Irving)	30 (in ICH)
15	LNARWSD000008 – 4	Tchitin River	30 (in ICHmc1 and CWHws2 seperately/in Plan area)
16	LNARWSD000010 – 8	Nass River tributary 1 (east of Kinskuch confluence)	30 (in ICHmc1/in Plan area)
17	LNARWSD000020 – 3	Kshadin Creek tributary (west of Taylor Lk	25 (in ICHmc1 and CWHws2 collectively/in Plan area)
18	NASRWSD000040 – 5	Kwinageese River	20 (in Plan area)
19	NASRWSD000049 – 3	Nass River tributary 5 (across river from Meziadin Junction)	30
20	NASRWSD000066 – 4	Grouped (2) Bonney Creek (unit also contains Alpha Lk)	25 (in Plan area)
20	NASRWSD000069 – 3	Grouped (2) Bonney Creek (unit also contains Alpha Lk)	25 (in Plan area)
21	NASRWSD000072 – 3	Wolverine Creek	30
22	NASRWSD000073 – 4	Grouped (3) Axnegrelga Creek (unit also contains Hughhan and Jigsaw Lks)	20 (in Plan area)

Map ID	Base Watershed (WSD) Unit Code and Order	Unit Name	ECA Threshold %
22	NASRWSD000074 – 3	Grouped (3) Axnegrelga Creek (unit also contains Hughan and Jigsaw Lks)	20 (in Plan area)
22	NASRWSD000076 – 4	Grouped (3) Axnegrelga Creek (unit also contains Hughan and Jigsaw Lks)	20 (in Plan area)
23	NASRWSD000075 – 3	Kitanweliks Creek	30
24	NASRWSD000077 – 5	Paw Creek	30
25	NASRWSD000078 – 3	Van Dyke Creek	30
26	NASRWSD000079 – 3	Brown Bear Creek	20 (in Plan area)
27	NASRWSD000081 – 4	Little Paw Creek	30
28	NASRWSD000082 – 3	Axnegrelga Creek tributary (west of Brown Bear Lk)	20
29	NASRWSD000083 – 3	Outlet of Noordam Lake	35
30	NASRWSD000084 – 3	Nass River tributary 4 (east of Kinskuch Peak)	35
31	NASRWSD000086 - 4	Nass River tributary 2 (contains Abbi Lk)	35
32	NASRWSD000088 – 3	Nass River tributary 3 (across river from Sideslip Lk)	35

Table 2. RetentionTargets in Riparian Reserve Zones (RRZ) and Riparian Management Zones (RMZ)

Riparian Class	Reserve Zone Width - Minimum (m)	Retention - Minimum (%)	Management Zone Width - Minimum (m)	Retention - Minimum (%)
<u>Streams:</u>				
S1 (large rivers ≥ 100m width)	See Biodiversity Objective 7 (Ecosystem Network) and associated Measures, Targets and Management Considerations for large, ≥ 100 m width rivers such as the Nass River – <u>K’alli Aksim Lisims.</u>			
S1 (specific rivers)	See Biodiversity Objective 7 (Ecosystem Network) and associated Measures, Targets and Management Considerations for specific S1 rivers.			
S1 (except large and specific rivers)	50	100	20	0
S2	30	100	20	0
S3	20	100	20	0
S4	0	n/a	30	0
S5	0	n/a	30	0
S6	0	n/a	20	0
<u>Wetlands:</u>				
W1	10	100	40	0
W2	Not applicable: no W2s in the plan area			
W3	0	n/a	30	0
W4	Not applicable: no W4s in the plan area			
W5	10	100	40	0
<u>Lakes:</u>				
L1	10	100	20	0
L2	Not applicable: no L2s in the plan area			
L3	n/a	n/a	30	0
L4	Not applicable: no L4s in the plan area			
Notes: 1.Reserve and RMZ retention percentage means the percentage of naturally occurring pre-harvest forest basal area and structure of mature and old forest that occupies (or historically occupied) the site. 2.Reserves and management zones around all riparian features may be increased in size and % retention to meet management objectives for other resources.				

Management Direction for Biodiversity

Plan Goals for Biodiversity

- Ensure ecosystem function across the range of ecosystem types, reflective of the historic natural disturbance regime at the landscape and stand level over time.
- Maintain habitat connectivity throughout the landscape.
- Connect old-growth management areas (OGMAs).
- Provide a continuum of relatively undisturbed habitats that possess interior forest conditions for indigenous species that depend on mature and old-growth forests.
- Facilitate movement and dispersal of organisms across the landscape by providing core areas and dispersal corridors that will help a variety of organisms re-colonize their historic range.
- Protect and maintain effectiveness of riparian habitats; all riparian habitats have disproportionately high biodiversity values relative to their proportional occupancy of the landscape.
- Preserve Gitanyow traditional use sites and maintain opportunities for traditional uses of the land.

Objectives	Measures / Indicators	Targets
1.0 <i>Maintain a landscape pattern of patchiness that, over the long term, reflects the natural disturbance pattern.</i>	1.1 Distribution and range of patch sizes by natural disturbance type within the forested area of each landscape unit.	Refer to Table 3. Patch Size Distribution
	Management Considerations <ul style="list-style-type: none"> • Small patch sizes (<40 ha) should include a range of openings, from 0.1 ha to 40 ha. • Large patches should be cut to form the large openings (80 ha to 250 ha). In order to achieve large patches through time, they should also be identified as leave areas, and retained to provide future opportunities for large patches for harvest. • Patch-size analysis will include existing openings greater than 250 ha; no new openings are to exceed 250 ha. • Patch sizes in Table 3 and management considerations should be updated based on best available information (e.g., monitoring data; assessments of the range of historic variability in landscape patterns when these become available). 	
2.0 <i>Maintain or recruit structural attributes of old</i>	2.1 Percent of representative wildlife tree retention within cutblocks.	Refer to Table 4. Wildlife Tree Targets

Objectives	Measures / Indicators	Targets
<i>forests to support stand-level biodiversity.</i>	Management Considerations <ul style="list-style-type: none"> Refer to Appendix A: General Wildlife Tree Management Guidelines. Document the contribution of wildlife tree retention in an appropriate record system. Where practicable, promote partial logging in stands conducive to shade tolerant tree species management. 	
3.0 <i>Preserve red-listed (endangered or threatened) plant communities, as classified by the B.C. Conservation Data Centre</i>	3.1 Hectares of red-listed plant communities ¹ harvested, except: <ul style="list-style-type: none"> where required to access timber that otherwise would be isolated from harvest beyond the core area. where terrain conditions such as slope, gradient, or terrain stability constrain road locations and dictate that sections of road enter and leave red-listed plant communities to access timber that otherwise would be isolated from harvest. where access is required for mineral development. where no practicable alternative exists. 	0 ha
	Management Considerations <ul style="list-style-type: none"> For the most up-to-date list of rare ecosystems, refer to the Conservation Data Centre list of rare and endangered plant communities, located online at www.env.gov.bc.ca/cdc/index.html Red-listed plant communities encountered during field operations are to be preserved from harvesting. Although red-listed plant communities smaller than the stated minimum size are not required to be preserved, it is desirable to preserve them by including them in wildlife tree retention areas or other forms of stand-level retention. 	
	3.2 Percentage of red-listed plant communities having their ecological integrity maintained, except: <ul style="list-style-type: none"> to access timber that otherwise would be isolated from harvest beyond the core area. where terrain conditions such as slope, gradient, or terrain stability constrain road locations and dictate that sections of road enter and leave red-listed plant communities to access timber that otherwise would be isolated from harvest. where access is required for mineral development. where no practicable alternative exists. 	100%

¹ The minimum size of red-listed plant community to be preserved is 0.25 ha. Where the red-listed plant community exists as the dominant component of a complex, the minimum size of complex to be preserved is 1 ha.

Objectives	Measures / Indicators	Targets
	Management Considerations <ul style="list-style-type: none"> Best efforts are to be made to establish wind firm buffers around red-listed plant communities, to preserve their ecological integrity from industrial development. The intent of the buffer is to maintain conditions of soil chemistry, moisture, light, and temperatures that sustain the ecosystem. It is recognized that wind firm buffers are not always practicable. 	
4.0 <i>Conserve blue-listed (at risk) plant communities, as classified by the B.C. Conservation Data Centre.</i>	4.1 Proportion of each blue-listed plant community ² within a cutblock retained, when 100% retention is not practicable.	Minimum of 70% by area or basal area
	Management Considerations <ul style="list-style-type: none"> For the most up-to-date list of at- risk ecosystems, refer to the Conservation Data Centre rare and endangered plant communities list online at http://www.env.gov.bc.ca/cdc/index.html Although blue-listed plant communities smaller than the stated minimum size are not required to be preserved, it is desirable to preserve them by including them in wildlife tree retention areas or other forms of stand level retention. 	
5.0 <i>Maintain a diversity of coniferous and deciduous species that represent the natural species composition at the landscape and stand levels.</i>	5.1 Proportion of cutblocks, at free-growing stage, with a diversity of species ecologically appropriate to the site.	100%
	Management Considerations <ul style="list-style-type: none"> Wherever practicable, site prescriptions should accept and retain, advanced regeneration, poles and saplings, to contribute to the regeneration of the site. Best efforts are to be made, during planting and other post-harvesting operations, to promote western red cedar where ecologically suitable. Incremental silviculture (stand-tending) is to consider maintaining all existing ecologically acceptable (including deciduous) species in the developing stand. On ecologically suitable sites where hemlock, balsam, and cedar are not planted, facilitate natural regeneration by maintaining these species as a component of full-cycle retention trees dispersed throughout cutblocks. 	
	5.2 Net loss of area, other than for infrastructure, of areas greater than one contiguous hectare, having more than 50% deciduous trees by basal area.	0 ha

² The minimum size of blue-listed plant community to be preserved is 0.25 ha. Where the blue-listed plant community exists as the dominant component of a complex, the minimum size of complex to be preserved is 1 ha.

Objectives	Measures / Indicators	Targets
	Management Considerations <ul style="list-style-type: none"> It is recognized that natural loss of deciduous stands occurs. Best efforts are to be made to minimize the loss of deciduous stands resulting from primary forest activities. Periodic disturbance (e.g. harvesting and wildfire) is required to perpetuate deciduous dominated stands. Management of deciduous stands will require stocking standards that allow for deciduous species as preferred and acceptable species. 	
6.0 <i>Maintain a range of forest seral stages by BEC variant, within each landscape unit, that reflects the natural disturbance regime.</i>	6.1 Percentage of early, mature and old seral forest retained in each landscape unit, by BEC variant.	Refer to Table 5. Seral Stage Targets
	6.2 Hectares of forest harvested in Old Growth Management Areas (OGMAs) shown in Schedule A, (Maps 1-10) without an approved amendment.	0 ha
	Management Considerations <ul style="list-style-type: none"> The OGMA amendment process is to follow the current approved policy: Old Growth Management Area Amendment Policy – Skeena Region. Allow natural processes (e.g. fire, insects) to occur within OGMA ecosystems, except where these processes threaten resources outside the OGMA. OGMAs are to provide a percentage of old-growth retention by BEC variant across each landscape unit within the plan area. Primary considerations to determine the location of OGMAs include: <ul style="list-style-type: none"> Old growth forests (greater than 250 years old). Biogeoclimatic Variant and Landscape Unit representation. Areas not contributing to the timber harvesting land base first, followed by constrained areas; strive for overlap with the Ecosystem Network, Grizzly Bear Specified Areas, Moose Winter Range, Mountain Goat Winter Range, Gitanyow Offer Parcels and Cultural Sites, and Visual Quality Objectives. Avoid proposed cutblocks and proposed roads. Spread timber harvesting land base impact evenly amongst all forest licensees. Interior forest conditions within OGMAs (>600 metres length and width). Gitanyow House Territory representation. Follow natural features (streams, ridges, roads, cutblock edges, etc.) and metes and bounds as opposed to forest cover lines. Capture small amounts of non-forest or young forest if completely surrounded by old growth in a larger OGMA. Secondary considerations to determine the location of OGMAs, secondary to the listed primary considerations: <ul style="list-style-type: none"> Connectivity values. Rare or uncommon ecosystems, where known and mapped. 	

Objectives	Measures / Indicators	Targets
	<ul style="list-style-type: none"> Special habitats (e.g. goshawk habitat areas, fur-bearer denning sites). 	
7.0 Maintain structural connectivity in the Ecosystem Network identified in Schedule A, Maps 1-10.	7.1 Proportion of the Ecosystem Network hydriparian zone harvested for reasons other than those listed in Table 6: Rationale for Amending the Ecosystem Network.	0%
	Management Considerations <ul style="list-style-type: none"> The hydriparian zone is a key value of the Ecosystem Network (EN). In general, the EN depicted in Schedule A, (Maps 1-10) is the best approximation of the hydriparian zone utilizing aerial photos, mapped topography and digital elevation models. Linework delineating the upper edge of the EN is intended to mirror the edges of the hydriparian zone. The EN identified in Schedule A, (Maps 1-10) for Nass River-Beverly Creek, Gitanyow Lake, Moonlit, Kitwancool, Tsugwinselda, and Aluk creeks, and Kitwanga, Cranberry, Kispiox, Kiteen, and Nangeese rivers account for the hydriparian zone and Gitanyow interests. The amendment process for the EN will be the same as for spatially identified OGMAs, with the exception of the following circumstance: <ul style="list-style-type: none"> Under item 4 of Table 6, licensees can proceed in the field with minor amendments to the EN, with notification of these amendments to the Gitanyow after the fact, except for the rivers, streams, and lakes listed in item 4, which will require a major amendment. Allow natural processes (e.g. fire, insects) to occur within the EN, except where these processes threaten values or resources adjacent to EN. 	
	7.2 Road length within the EN other than roads constructed: <ul style="list-style-type: none"> To access timber that otherwise would be isolated from harvest beyond the EN. Where terrain conditions such as slope, gradient or terrain stability constrain road locations and dictate that sections of road enter and leave the EN to access timber that otherwise would be isolated from harvest. Where no practicable alternative exists. 	0 km
	7.3 Proportion of the 200 metre width Ecosystem Network buffers identified on Schedule A, Maps 1-10 that meet the forest conditions listed in Table 7 (Cranberry, Kispiox and Kalum Planning Units).	100%

Objectives	Measures / Indicators	Targets
	7.4 Proportion of the 100 metre width Ecosystem Network buffers identified on Schedule A, Maps 1-10 that meet the forest conditions listed in Table 7 (Nass South Planning Unit).	100%
	Management Considerations <ul style="list-style-type: none"> In the Nass South Planning Unit, the 100-metre buffers plus the Ecosystem Network hydroriparian core reserve are intended to achieve, where possible, interior old forest conditions within sections of the EN but not necessarily the full length of the corridor, and to contribute to connectivity and wildlife movement functions, Gitanyow cultural and subsistence use, and representative ecosystem retention. Additional buffer width, where practicable, would further contribute to the effective functions of the ecosystem network. Where the hydroriparian zone (HRZ) reserve and/or the buffers include portions of harvested cutblocks, the interior old forest conditions will be developed over time by re-growth of the harvested forest. In the Cranberry, Kispiox and Kalum Planning Units, the EN (HRZ plus buffers) is intended to provide interior old forest conditions <u>throughout the full length of each EN corridor</u>. 	

Table 3. Recommended Distribution of Patch Sizes (harvest units and leave areas) (*Biodiversity Guidebook 1995*)

Natural Disturbance Type (NDT)	Biogeoclimatic (BEC) Zone Variant	Percentage of Forest Area within Landscape Unit		
		<i>Small patches (<40 ha)</i>	<i>Medium patches (40 to 80 ha)</i>	<i>Large patches (80 to 250 ha)</i>
NDT 1	CWHwm (Nass South)	30 to 40	30 to 40	20 to 40
	ICHvc (Nass South)	30 to 40	30 to 40	20 to 40
	MHun (Nass South)	30 to 40	30 to 40	20 to 40
	MHmm2	30 to 40	30 to 40	20 to 40
	ESSFwv	30 to 40	30 to 40	20 to 40
NDT 2	CWHws2 (Cranberry, Kispiox & Kalum)	30 to 40	30 to 40	20 to 40
	ICHmc2 (Cranberry, Kispiox & Kalum)	30 to 40	30 to 40	20 to 40
	ICHmc1	30 to 40	30 to 40	20 to 40

Table 4. Wildlife Tree Targets

Landscape Unit	Percent area of any individual cutblock to be retained as wildlife trees (not less than)	Percent area of total harvested cutblocks (annual harvest) to be retained as wildlife trees (not less than)
All units (Cranberry, Kispiox and Kalum Planning Units)	3.5	≥12%
All units (Nass South Planning Unit)	3.5	7%

Table 5(a). Seral Stage Targets for the Cranberry and Kispiox Planning Units

Planning Unit	Biodiversity Emphasis option	Biogeoclimatic ecosystem classification variant	Seral Stage	Age (yrs)	Forest Area (%)
Gitanyow Territory in the Cranberry and Kispiox Planning Units (except Upper Kispiox Special Management Zone)	Intermediate	ESSFwv	Early	<40	<22
			Mature + Old	>120	>36
			Old	>250	>19
		MHmm2	Early	<40	<22
			Mature + Old	>120	>36
			Old	>250	>19
		CWHws2	Early	<40	<36
			Mature + Old	>80	>34
			Old	>250	>9
		ICHmc1	Early	<40	<36
			Mature + Old	>100	>31
			Old	>250	>9
		ICHmc2	Early	<40	<36
			Mature + Old	>100	>31
			Old	>250	>9
Gitanyow Territory in the Cranberry and Kispiox Planning Units (only Upper Kispiox Management Zone portion)	High	ESSFwv	Early	<40	<17
			Mature + Old	>120	>54
			Old	>250	>28
		ICHmc1	Early	<40	<27
			Mature + Old	>100	>46
			Old	>250	>13

Table 5(b). Seral Stage Targets for the Nass South Planning Unit

Landscape Unit	Biodiversity Emphasis Option	Biogeoclimatic ecosystem classification variant	Seral Stage	Age (yrs)	Forest Area (%)
Bear	Intermediate	CWHwm	Early	<40	<30
			Mature + Old	>80	>36
			Old	>250	>13
		ESSFwv	Early	<40	<22
			Mature + Old	>120	>36
			Old	>250	>19
		MHmm2	Early	<40	<22
			Mature + Old	>120	>36
			Old	>250	>19
		MHun	Early	<40	<17
			Mature + Old	>120	<22
			Old	>250	>36
Bowser	Low	ESSFwv	Early	<40	n/a
			Mature + Old	>120	>19
			Old	>250	>19
		ICHvc	Early	<40	n/a
			Mature + Old	>100	>17
			Old	>250	>13
Brown Bear	Low	ESSFwv	Early	<40	n/a
			Mature + Old	>120	>19
			Old	>250	>19
		ICHmc1	Early	<40	n/a
			Mature + Old	>100	>15
			Old	>250	>9
Cambria Icefield	Low	ESSFwv	Early	<40	n/a
			Mature + Old	>120	>19
			Old	>250	>19
		MHmm2	Early	<40	n/a
			Mature + Old	>120	>19
			Old	>250	>19
Kinskuch	Intermediate	ESSFwv	Early	<40	<22
			Mature + Old	>120	>36
			Old	>250	>19
		ICHmc1	Early	<40	<36
			Mature + Old	>100	>31
			Old	>250	>9
		ICHvc	Early	<40	<30
			Mature + Old	>100	>34
			Old	>250	>13
Kwinamuck	Low	CWHws2	Early	<40	n/a

Landscape Unit	Biodiversity Emphasis Option	Biogeoclimatic ecosystem classification variant	Seral Stage	Age (yrs)	Forest Area (%)
			Mature + Old	>80	>17
			Old	>250	>9
		ICHmc1	Early	<40	n/a
			Mature + Old	>100	>15
			Old	>250	>9
		MHmm1	Early	<40	n/a
			Mature + Old	>120	>19
			Old	>250	>19
		MHmm2	Early	<40	n/a
			Mature + Old	>120	>19
			Old	>250	>19
Madely	Intermediate	ESSFwv	Early	<40	<22
			Mature + Old	>120	>36
			Old	>250	>19
		ICHmc1	Early	<40	<36
			Mature + Old	>100	>31
			Old	>250	>9
		ICHvc	Early	<40	<30
			Mature + Old	>100	>34
			Old	>250	>13
Tchitin	High	CWHws2	Early	<40	<27
			Mature + Old	>80	>51
			Old	>250	>13
		EssFwv	Early	<40	<17
			Mature + Old	>120	>54
			Old	>250	>28
		ICHmc1	Early	<40	<27
			Mature + Old	>100	>46
			Old	>250	>13
		MHmm2	Early	<40	<17
			Mature + Old	>120	>54
			Old	>250	>28
Tintina	Low	ESSFwv	Early	<40	n/a
			Mature + Old	>120	>19
			Old	>250	>19
		ICHmc1	Early	<40	n/a
			Mature + Old	>100	>15
			Old	>250	>9
		ICHvc	Early	<40	n/a
			Mature + Old	>100	>17
			Old	>250	>13
White	Intermediate	ESSFwv	Early	<40	<22
			Mature + Old	>120	>36

Landscape Unit	Biodiversity Emphasis Option	Biogeoclimatic ecosystem classification variant	Seral Stage	Age (yrs)	Forest Area (%)
		ICHmc1	Old	>250	>19
			Early	<40	<36
			Mature + Old	>100	>31
			Old	>250	>9
		ICHvc	Early	<40	<30
			Mature + Old	>100	>34
			Old	>250	>13
		MHmm2	Early	<40	<22
			Mature + Old	>120	>36
			Old	>250	>19
Wildfire	Intermediate	ESSFwv	Early	<40	<22
			Mature + Old	>120	>36
			Old	>250	>19
		ICHvc	Early	<40	<30
			Mature + Old	>100	>34
			Old	>250	>13

Table 5(c). Seral Stage Targets for the Kalum Planning Unit

Landscape Unit	Biodiversity Emphasis Option	Biogeoclimatic ecosystem classification variant	Seral Stage	Age (yrs)	Forest Area (%)
Nass River (K'alii Aksim Lisims)	High	ICHmc1/mc2	Early	<40	<27
			Mature + Old	>100	>46
			Old	>250	>13
Kiteen (Ksi Gahl't'in)	Intermediate	CWHws2	Early	<40	<36
			Mature + Old	>80	>34
			Old	>250	>9
		ICHmc1/mc2	Early	<40	<36
			Mature + Old	>100	>31
			Old	>250	>9
		ICHmc1	Early	<40	<36
			Mature + Old	>100	>31
			Old	>250	>9

Table 6: Rationale for Amending the Ecosystem Network

Acceptable Rationale for Amendment	Major or Minor Amendment	Allowable Amendment
1. Access issues that were overlooked or unknown during the initial Ecosystem Network delineation, where no practicable alternative exists (refer to Biodiversity Measure 7.2).	Minor	<ul style="list-style-type: none"> To establish an appropriate road width through the Ecosystem Network.
2. To account for cut blocks in place prior to the establishment of the Ecosystem Network, including those: <ul style="list-style-type: none"> approved under section 196(1) of the <i>Forest and Range Practices Act</i>; as declared areas under section 14(4) of the <i>Forest Planning and Practices Regulation</i>; or that have a cutting permit in place 	Minor	<ul style="list-style-type: none"> To the edge of the cut block, temporarily, to allow timber harvest. Return to original location following completion of timber harvest and silvicultural responsibilities.
3. To address a compelling forest health issue (e.g. a forest pest or disease is established in the Ecosystem Network and spreads to the point where it threatens adjacent values and resources outside the Ecosystem	Minor	<ul style="list-style-type: none"> To the extent necessary to eliminate the threat to the land and water adjacent to the Ecosystem Network.

Network).		
<p>4. New data and information such as ground-truthing of the hydriparian zone, new resource inventories, First Nations cultural sites and updated wildlife mapping. Notwithstanding the exceptions detailed under items 1 to 3 above, in no case will the Ecosystem Network be smaller than the hydriparian zone.</p>	<p>Major for the following rivers and creeks:</p> <ul style="list-style-type: none"> • Nass River mainstream/ Beverly Creek • Gitanyow Lake • Moonlit Creek mainstream • Kitwanga River mainstream • Kitwancool Creek mainstream • Cranberry River mainstream • Kiteen River mainstream • Tsugwinselda Creek • Kispiox River mainstream • Nangeese River mainstream • Aluk Creek • Kinskuch River • Nass River • Bell-Irving River • White River • Paw Creek • Axnegrelga Creek • Brown Bear Creek <p>Minor for all other portions of the EN.</p>	<ul style="list-style-type: none"> • To improve the degree to which the Ecosystem Network captures Gitanyow values, provides habitat for wildlife, or generally benefits biodiversity. • To increase the accuracy of the Ecosystem Network in terms of how it maps the hydriparian zone.

Table 7. Forest Conditions within Ecosystem Network Buffers

<ul style="list-style-type: none"> • Continuous forest cover • Small discontinuous canopy gaps • $\geq 70\%$ structure and function³ retained, including large, old trees, snags, and coarse woody debris • Multi-canopy levels, multi-aged forest • In conjunction with the forested core, maintain interior old forested conditions ≥ 200 metres in width (for the Cranberry and Kispiox only) • 0% permanent road access, except where, for ecological or economic reasons, no other alternative is possible.
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Management Direction for Pine Mushrooms

Plan Goal for Pine Mushroom Resources

- Maintain pine mushroom resources and provide opportunities for a sustainable harvest.

Objectives	Measures / Indicators	Targets
1.0 Maintain productive pine mushroom sites across the plan area.	1.1 Percentage of productive pine mushroom sites ⁴ maintained in an age range from 80 to 200 years. ⁵	not less than 50%
	Management Considerations <ul style="list-style-type: none"> • Pine mushrooms usually grow in forests with an age of 80 to 200 years. The intent is to have at least 50 percent of the productive area in an age range that can grow mushrooms, recognizing that mushrooms may not grow every year in a particular location. The entire age range does not have to be represented to achieve this target. • Best efforts are to be made to map all highly productive pine mushroom sites in the plan area. 	

³ Any harvest unit within the buffer portions of the EN will, within the buffer, retain $\geq 70\%$ of the naturally occurring mature and old forest structure (live trees, range of diameter classes, snags, coarse woody debris, tree species etc.) of the harvest unit measured either as basal area (M^2) or forest area (hectares). No further harvesting may occur within the harvest unit (within the EN buffer area) until such time as the harvested portion has returned to a mature or older condition (ie. ICH 100 years, ESSF 120 years).

⁴ "Productive pine mushroom" sites means those sites that can best produce pine mushrooms. i.e., sites that currently produce pine mushrooms and those sites undisturbed, previously logged or burned that can produce pine mushrooms. These sites are generally pine or hemlock leading stands below 800 m elevation in the following ecological site series: ICMmc1/01b, ICHmc2/01b, and CWHws2/03. The minimum size of area to be considered is 0.5 ha for homogenous site series and 1 ha for site series complexes.

⁵ If future research shows that silviculture systems (other than clearcut harvesting) can perpetuate pine mushroom production, the areas having these silviculture systems will contribute to meeting the target.

Objectives	Measures / Indicators	Targets
	<ul style="list-style-type: none"> Best efforts are to be made to research the effects of various harvesting and silvicultural regimes in the re-colonization and maintenance of productive pine mushroom sites. 	

Management Direction for Moose

Plan Goals for Moose

- Manage moose winter range to help ensure a healthy moose population.
- Minimize pressure on the moose population from legal and illegal harvest through human access management.

Objective	Measures / Indicators	Targets
1.0 <i>Maintain, enhance or restore the moose winter range habitats identified on Schedule A Maps 1-10.</i>	1.1 Number of subhygric to subhydric ⁶ sites, large enough to be considered a silvicultural treatable unit ⁷ , where moose forage production is facilitated post timber harvest.	All
	1.2 Percent of mature forest retained as thermal cover ⁸ within 100 m of mapped forage areas. Nass South Planning Unit	10%
	1.3 Percent of mature + old forest canopy retained for snow interception in each winter range outside of mapped forage areas. Nass South Planning Unit	>30%

⁶ For definitions of “subhygric” and “subhydric” see “Moisture regime”

⁷ The minimum size for a treatable unit is:

- One hectare for pure subhygric to subhydric sites;
- Two hectares of noncontiguous subhygric to subhydric sites within ecosystem complexes where the individual sites are greater than 0.25 ha and such sites comprise 20% or more of the ecosystem complex area.

⁸ Thermal Cover is defined as canopy cover that moderates atmospheric temperature – thermoregulation resulting in cooling during the summer and reduction of wind chill in the winter.

Objective	Measures / Indicators	Targets
	1.4 Percent of mature + old forest canopy retained for snow interception in each winter range polygon with distribution weighted to natural forage area adjacency. Cranberry, Kispiox and Kalum Planning Units	>30%
	1.5 Security cover ⁹ within or adjacent to cut blocks must be provided.	80% of the security cover shall be separated by no greater than 200 metres.
	1.6 Percent of security cover retained directly adjacent to moderate, high and very high value mapped forage areas. Nass South Planning Unit	100%
	1.7 Percent of security cover retained directly adjacent to willow and red-osier dogwood complexes. Cranberry, Kispiox and Kalum Planning Units	100%
	1.8 Amount of timber harvesting within moderate, high and very high value mapped forage areas. Nass South Planning unit	None
	1.9 Amount of timber harvesting within willow and red-osier dogwood complexes. Cranberry, Kispiox and Kalum Planning Units	None
	1.10 Percentage of the area of any given cutblock that is more than 100 m away from adjacent mature forest cover for snow interception.	<20%

⁹ Security Cover is defined as sufficient vegetation cover and/or terrain features that permit a moose to feel secure, comfortable and not threatened despite adjacent activities or predator movement that would otherwise displace the animal.

Objective	Measures / Indicators	Targets
	<p>Management Considerations</p> <ul style="list-style-type: none"> • Within identified moose winter range, harvest using silviculture systems, block configurations, patch sizing and patch distribution that will provide forage, visual screening, thermal and security cover, and snow interception while integrating timber and silvicultural management objectives. • Emphasis for thermal cover, snow interception and security cover management is adjacent to mapped forage areas. A forested buffer of 50 to 100 m wide is recommended, depending on topography. Also recommended that forest types be retained adjacent to moderate, high and very high value mapped forage areas. • Moose forage production can be facilitated post timber harvest by promoting gap openings through reduced stocking standards, cluster planting, spacing and pruning at the silvicultural treatment unit level. • Develop General Wildlife Measures for managing moose winter range through Ungulate Winter Range designation under <i>FRPA</i>. • Moose winter range management plans to be prepared for winter ranges that are subject to forest development, where funding is available. These plans should include a monitoring component to ensure adaptive management can correct any errors, should they be found, in moose winter range placement or the management regime. • Refer to Appendix B: Moose Habitat Attributes for Life Requisites and Appendix C: Best Management Practices for Moose Winter Range for supporting information. 	
2.0 Through access management, minimize mortality and disturbance to moose within and adjacent to the moose winter ranges identified on Schedule A, Maps 1-10.	2.1 Number of roads, excluding mainlines, within 500 m of a moose winter range, where access is controlled following achievement of regeneration delay to effectively reduce motorized accessibility to the winter range.	All
	2.2 Number of roads within moose winter range to be deactivated, or have motorized vehicle access restricted following achievement of regeneration delay or within 1 year if roads are inactive.	All
	2.3 Number of roads and right-of-ways of industries other than the forest industry, within 500 metres of Moose Winter Range, where access is controlled to effectively reduce motorized accessibility to the winter range. Cranberry, Kispiox and Kalum Planning Units	All
	2.4 Number of proposed non-forestry developments that have prepared access management plans prior to	All

Objective	Measures / Indicators	Targets
	initiating any development construction, as an integral part of their license for occupation and operation. Cranberry, Kispiox and Kalum Planning Units	
	Management Considerations <ul style="list-style-type: none"> • Access control includes road deactivation, restrictions that attempt to prevent access by 4WD and off-road vehicles, and legislative authorities for vehicle closure. • Within a moose winter range, primary forest activities to focus within a short time frame, followed by a long phase of inactivity to reduce access related impacts to wintering moose. • Moose winter range management plans should address both the risk of disturbance and methods for limiting access to moose winter ranges during their wintering period (November 1 to May 1). • Moose winter range management plans should be prepared by all non-forestry industries that plan developments within the plan area, prior to any development clearing or construction activities, as a condition to receiving a license or permit from the Province of B.C. to proceed with the project. 	

Management Direction for Mountain Goat

Plan Goals for Mountain Goat

- Manage mountain goat winter range to help ensure a healthy mountain goat population.
- Avoid disturbance and displacement of mountain goats during vulnerable periods.
- Minimize pressure on the mountain goat population from legal and illegal harvest through human access management.

Objectives	Measures / Indicators	Targets
1.0 <i>Minimize adverse disturbance to goats within mountain goat winter range identified on</i>	1.1 Area within mountain goat winter range harvested without approved exemptions.	0 ha
	1.2 Number of industrial activities, within 500 m horizontal distance of a mountain goat winter range, that cause adverse disturbance to mountain goats.	0

Objectives	Measures / Indicators	Targets
<i>Schedule A, Maps 1-10.</i>	1.3 Percentage of industrial activities within 500 metres of goat winter range, that have not been exempted, that takes place between November 1 and June 15.	0%
	1.4 Number of industrial activities within 1000 metres of canyon dwelling goat winter range.	0
	Management Considerations <ul style="list-style-type: none"> Operators will (as per UWR regulations) refrain from felling trees within mountain goat winter range. Felling of single trees, such as danger-trees, guy-line anchor, or tail-hold trees, is permitted within a mountain goat winter range when it is required to address worker safety. Trees felled for these purposes will be left on site to provide coarse woody debris for other animals. Adverse disturbance is to be determined by a qualified professional biologist. Retention of forest cover is required to deliver habitat attributes critical to the survival of this species. These attributes include patches of mature/old forest, in areas close to escape terrain, which provide winter forage production, snow interception, and thermal/security cover. Where forests within mountain goat winter range have been disturbed by fire or logging, and where habitat is limited, these areas should be silviculturally treated to accelerate their restoration and rehabilitation, to achieve mature and old forest habitat attributes (snow interception, security and thermal cover, and forage production). Treatments should be based on the recommendations of a qualified professional forester and a qualified professional biologist. 	
<i>2.0 Minimize the number of roads within 500 m of mountain goat winter range and 1000 m of canyon-dwelling goat winter range.</i>	2.1 Percentage of roads within 500 m of mountain goat winter range and roads within 1000 m of canyon-dwelling mountain goat winter range that have not been exempted, deactivated within one year following the completion of industrial activities.	100%
	2.2 Percentage of existing roads within 500 m of mountain goat winter range and 1000 m of canyon dwelling mountain goat winter range that are deactivated or managed to mitigate adverse disturbance.	100%
	Management Considerations <ul style="list-style-type: none"> Access roads within 500 m of mountain goat winter range and 1 000 m of canyon-dwelling mountain goat winter range are to be constructed in a manner that facilitates effective deactivation. Where no practicable alternatives to building roads within these buffer areas exist, roads and trails should employ strategies to protect goats and 	

Objectives	Measures / Indicators	Targets
	<p>their habitats from disturbance. These strategies may include:</p> <ul style="list-style-type: none"> • placing adequate timber buffers around mountain goat winter ranges; • locating roads and trails no closer to mountain goat winter range than made necessary by operational site constraints; or • other suitable techniques. <ul style="list-style-type: none"> • When demonstrated by a qualified professional wildlife biologist that there is a low level of risk to goats, exemptions may be considered for: <ul style="list-style-type: none"> • construction of roads or trails in mountain goat winter range where no other access options exist; or • construction of semi-permanent mainline roads within 500 m of mountain goat winter range to access timber beyond a specific mountain goat winter range • Existing roads and trails within 500 m of a mountain goat winter range, and within 1 000 m of canyon dwelling/escarpment goat winter range, should be assessed for disturbance risk to mountain goat populations. Mitigation plans should be developed accordingly. • Where road access has a potential impact on identified mountain goats, a risk assessment should be conducted and appropriate measures be taken to help ensure population viability. 	
<p>3.0 <i>Minimize adverse disturbance to mountain goat winter range from helicopter logging activities</i></p>	<p>3.1 Percentage of helicopter logging occurring within 2 000 metre line of sight of a mountain goat winter range, that have not been exempted, that takes place between November 1 and June 15.</p>	<p>0 %</p>

Management Direction for Grizzly Bear

Plan Goal for Grizzly Bear

- Provide adequate grizzly bear habitat to help ensure a healthy population of grizzly bears.

Objectives	Measures / Indicators	Targets
1.0 Preserve the highest value grizzly bear habitat, identified in Schedule A, Maps 1-10 as either: a) Grizzly Bear Habitat Complex (GBHC) <ul style="list-style-type: none"> • Class 1: Very High; provincially significant value • Class 2: High value; Cranberry, Kispiox and Kalum Planning Units or b) Grizzly Bear Specified Areas (SA) Nass South Planning Unit	1.1 Within 100m of critical habitat types ¹⁰ occurring within grizzly bear habitat identified on Maps 1-10, proportion of the forested area of each polygon identified and retained as functional thermal or security cover in mature and old growth condition, except for the following cases: <ul style="list-style-type: none"> • access; • operational safety considerations; or • to minimize impacts on adjacent environmental values. Cranberry, Kispiox and Kalum Planning Units	100%
	1.2 Proportion of the forested area of each polygon identified on Schedule A, Maps 1-10 retained as functional thermal or security cover in mature and old growth condition, except for the following cases, where the minimum retention of forested area in each polygon is 90%: <ul style="list-style-type: none"> • access; • operational safety considerations; or • to minimize impacts on adjacent environmental values. Nass South Planning Unit	100%
	Management Considerations <ul style="list-style-type: none"> • The term, “Specified Areas” is replacing the term, “Wildlife Habitat Areas” for the Nass South and Cranberry Planning Units. The new term is 	

¹⁰ Critical habitat types include Sitka alder-spiny wood fern seepage sites; south aspect Trembling aspen-Douglas maple sites (minimum 5% cover of Douglas maple); Sitka alder-cow parsnip avalanche chutes; Spruce-black twinberry floodplain (ICHmc2/05); trembling aspen-beaked hazelnut sites (ICHmc2/51); paper birch-red osier dogwood fans (ICHmc2/03); south aspect Paper birch-falsebox sites; black cottonwood-red osier dogwood floodplains (CWHws2/08); Spruce-Salmonberry floodplains (CWHws2/07); Cottonwood-Willow Floodplains (CWHws2/09); thimbleberry-cow parsnip moist meadows; willow swamps and willow-sedge wetlands (where willow is the dominant woody vegetation and exceeds 20% cover); Skunk cabbage sites (CWHws2/11; ICHmc2/07; ICHmc1/06).

Objectives	Measures / Indicators	Targets
	<p>the result of an administrative need only and will provide the same legal authority under <i>FRPA</i> as would Wildlife Habitat Areas.</p> <ul style="list-style-type: none"> Specified Areas (SA) have not yet been mapped for the Cranberry SRMP area. When mapped, they will capture bedding and forage areas as well as provide thermal and security cover. The target of Measures 1.1 and 1.2 is based on the need for operational flexibility, where necessary. If harvesting is to occur within SAs, it should be located along the edges of the mapped polygons. Where practicable, from a harvest block layout and forest operation perspective, major grizzly bear trails leading to or connecting grizzly bear SAs, as noted by bite and marked trees, shall have their integrity maintained in terms of existing natural stand structure. High use grizzly trails should be mapped and managed to maintain their integrity for travel and communication. Following the establishment of SAs, where harvesting operations may occur within and adjacent to the mapped GBHC, considerations include the following Best Management Practices: <ul style="list-style-type: none"> Selection and small patch cut systems that create canopy gaps and openings <10 ha, and generally <5 ha. Cutting unit opening sizes that reflect the adjacent habitat values and are smaller than 2 ha immediately adjacent to the highest value habitat, and larger in lower valued habitat. Variable levels of retention (e.g. 10 to 30+ %) that minimize line of sight distance and maximize patch heterogeneity. Concentrated development followed by prompt silviculture and deactivation to minimize the length of operation within a GBHC. Timing of operations within or adjacent to the GBHC preferably during winter or during times of low or no use by bears. 	
2.0 <i>Maintain the quality and effectiveness of grizzly bear foraging habitat.</i>	2.1 Proportion of foraging habitat listed in Table 8: High Value Grizzly Bear Habitat, occupying greater than 1 ha within a cutblock, that maintains herbaceous and woody forage supply for grizzly bears through to stand rotation, as assessed at the achievement of free-growing status for regenerated stands.	100%
	Management Considerations <ul style="list-style-type: none"> Vegetation management practices, within high value grizzly bear forage habitat to maximize retention of valuable forage species. Practices may include: <ul style="list-style-type: none"> reduced stocking standards in wetter or richer sites, targeting up to 600 stems/ha at free-to-grow or pruning, spacing or thinning. 	

Objectives	Measures / Indicators	Targets
	2.2 Proportion of non-forested forage areas greater than 2 ha in size, identified in Table 8: High Value Grizzly Bear Habitat, with directly adjacent functional thermal and security cover.	100%
	Management Considerations <ul style="list-style-type: none"> • Adjacent areas should be approximately 100 metres in width and fully surround the forage area where possible. • Thermal cover includes habitat conditions that afford for a dry place when it is cool and wet, and a cool place when it is hot and dry; these conditions are generally provided in old-growth settings utilizing full canopy mature and veteran trees. • Security cover provides visual screening, especially from roads, and exists when vegetation obscures a person's view of a grizzly bear. • High-use grizzly bear trails should be mapped and managed to maintain their integrity for travel and communication. 	
3.0 <i>Minimize human-bear conflicts.</i>	3.1 Proportion of grizzly bears killed or relocated as a result of human-bear conflicts.	Reduction
	Management Considerations <ul style="list-style-type: none"> • For expert resources on minimizing bear-human conflict, see Appendix D: Minimizing Human-Bear Conflicts. • Until replaced by alternative programs, use BMP's as described by the provincial Conservation Officer Service and the B.C. Conservation Foundation Bear Aware program: http://www.bearaware.bc.ca/. • Proponents of industrial development should account for impacts to grizzly bear habitat and the potential interactions between humans and grizzly bear. • The Parties support continuation of the provincial Bear Aware program, or similar efforts to increase public awareness of bear-human interactions and reduce bear mortalities. • It is recognized that grizzly bear mortality cannot be eliminated entirely in areas heavily developed for settlement or agriculture, and that grizzly bears attracted by habitat or human-provided food are likely to be killed as a result of conflicts with humans. 	
4.0 <i>Minimize long-term displacement of grizzly bears from industrial access development</i>	4.1 Minimum distance of permanent roads from high value grizzly bear habitat identified in Table 8. Cranberry, Kispiox and Kalum Planning Units.	150 m (where practicable)
	4.2 Minimum distance of permanent roads from high value grizzly bear habitat identified in Schedule A, Maps 1-10.	150 m (where practicable)

Objectives	Measures / Indicators	Targets
	Nass South Planning Unit	
	<p>Management Considerations</p> <ul style="list-style-type: none"> • Access restrictions could be used to minimize roaded motorized access within selected portions of grizzly bear habitat for periods of time (e.g., high value habitat listed in Table 8, High Value Grizzly Bear Habitat). This can be achieved through the identification and use of control points, where access restrictions such as bridge removal or gating can be employed. • Industrial development within or adjacent to valuable grizzly bear habitat should be planned for short periods of time, followed by long periods (10 to 25 years) of no development. 	

Table 8. High Value Grizzly Bear Habitat

BEC variant	Site Series #	Site Series Name
CWH ws2	05	HwBa - Queen's cup
CWH ws2	06	BaCw - Devil's club
CWH ws2	07	Ss - Salmonberry
CWH ws2	08	Act - Red-osier dogwood
CWH ws2	09	Act - Willow
CWH ws2	10	Pl - Sphagnum
CWH ws2	11	CwSs - Skunk cabbage
ESSF wv	06	Bl - Devil's club - Lady fern
ESSF wv	07	Bl - Valerian - Sickie moss
ESSF wv	08	Bl - Horsetail - Glow moss
ESSF wv	09	Bl - Lady fern - Horsetail
ICH mc1	04	HwBl - Devil's club
ICH mc1	05	ActSx - Dogwood
ICH mc1	06	Hw- Azalea - skunk cabbage
ICH vc Nass South	03	Sx – Devil's club
ICH vc Nass South	04	Sx – Devil's club – Dogwood
ICH vc Nass South	05	ActSx – Dogwood
ICH vc Nass South	06	Sx - Horsetail
MH mm1 Nass South	02	HmBa – Mountain-heather
MH mm1 Nass South	05	BaHm – Twistedstalk
MH mm1 Nass South	08	HmYc – Sphagnum
MH mm1 Nass South	09	YcHm – Skunk cabbage
ICH mc2 Cranberry	03	HwCw-Oak fern/EP-Red-osier dogwood fans
ICH mc2 Cranberry	05	Sx – Devil's club- Lady fern/Sx – Black twinberry floodplain
ICH mc2 Cranberry	51	At – Beaked hazelnut
ICH mc2 Cranberry	07	CwSx – Horsetail – skunk cabbage
	Non-forested	Sitka alder – Spiny wood fern (seepage sites)*
	Non-forested	South aspect At-Douglas maple ($\geq 5\%$) sites*
	Non-forested	Sitka alder – Cow parsnip avalanche chutes*
	Non-forested	Thimbleberry – Cow parsnip moist meadows*
	Non-forested	Willow swamps and willow-sedge wetlands (willow dominant, $\geq 20\%$ cover)*
MH mm2 Nass South	05	BaHm - Twistedstalk
MH mm2	08	HmYe – Sphagnum
MH mm2	09	YeHm – Skunk cabbage

* - Site complex is found across a range of BEC variants.

Note: CWHws2 04 is excluded from Table 8. In situations where competing vegetation (silviculturally) that is considered to be grizzly bear forage makes achievement of a target stocking standard difficult, then reduced stocking standards should be acceptable to prevent aggressive control of such competing vegetation. CWHws2 04 is a blue listed ecosystem.

Management Direction for Fur-bearers

Plan Goal for Fur-bearers

- Maintain high value habitat for identified fur-bearer species to help ensure a healthy population of fur-bearers.

Objective	Measures / Indicators	Targets
1.0 <i>Minimize impact to known high value fisher and wolverine habitat.</i>	1.1 Percentage of known fisher and wolverine denning sites impacted by industrial development.	0%
	Management Considerations <ul style="list-style-type: none"> • Habitat capability/suitability mapping should be completed concurrently for fisher and wolverine. • Fisher denning habitats are currently identified as large veteran cottonwood trees which tend to grow on floodplains, but not exclusively. • Develop BMP's for managing fisher and wolverine habitat. • Achievement of biodiversity objectives listed in the section "Management Direction for Biodiversity", will contribute to the maintenance of fur-bearer habitat throughout the plan area. • Minimizing the duration of active roads and their conduciveness for human use, in proximity to mountains in the ESSF and MH BGC zones, will reduce risk to wolverine den site disturbance. 	

Management Direction for Northern Goshawk

Plan Goal for Northern Goshawk

- Maintain a viable population of northern goshawk within the plan area.

Objective	Measures / Indicators	Targets
1.0 <i>Maintain nesting and post-fledging habitat at known goshawk nest areas, to support continued use and reproduction in those areas.</i>	1.1 Number of known goshawk nest and post-fledging areas retained.	All
	1.2 Amount of mechanized activity ¹¹ within 500 m of active goshawk nest(s) between February 15 and August 15.	No activity
	1.3 Amount of human activity ¹² within 200 m of active goshawk nest(s) between February 15 and August 15.	No activity (unless no practicable alternative exists)
	Management Considerations <ul style="list-style-type: none"> • The nest and post-fledging area is approximately 24 ha. This area is generally large enough to include the buffer, the distribution of alternative nests, roosts, plucking perches and juvenile post-fledging area movement. • The shape and boundaries of nest and post-fledging areas should be ecologically based to maximize the value of the area, to maintain nest area occupancy and breeding success. Where multiple nests occur, the nest- and post-fledging area should maximize the amount of high-quality nest-area habitat included within it (e.g. generally Hw leading, age class ≥ 8, canopy closure class ≥ 5, open understory). • A qualified professional should be notified immediately upon discovery of a goshawk or active nest. It will be the responsibility of the qualified professional to determine the size and configuration of the nest- and post-fledging area and adjacent habitat connectivity, in consultation with the respective forest licensee. • If mechanized activity must occur within 500 m of an active goshawk nest between February 15 and August 15, forest licensees are requested to notify the Ministry of Forests, Lands and Natural Resource Operations so that goshawk activity can be monitored. • Habitat capability/suitability mapping should be completed for goshawk, 	

¹¹ Mechanized activity is road construction and timber harvesting/mechanized silviculture activities.

¹² Human activity includes log hauling, and those activities not identified as mechanized activity.

Objective	Measures / Indicators	Targets
	using provincially approved standards. <ul style="list-style-type: none"> A concerted effort should be undertaken to identify active nest-post fledging areas to assist in the spatial identification of territories and implementation of plan direction. 	
2.0 <i>Maintain foraging habitat¹³ around known goshawk nest and post-fledging areas.</i>	2.1 Proportion of perimeter of nest and post-fledging area that is directly connected by mature or old forest to comparable forest in the foraging area.	Minimum of 30%
	Management Considerations <ul style="list-style-type: none"> Upon locating a goshawk nest-post fledging area, a sensitivity analysis should be conducted of the forage area, as best as it can be defined. The analysis should be in the form of a risk assessment with respect to: <ul style="list-style-type: none"> percentage of mature and old forests; degree of forest fragmentation; and other considerations that may be impacting utilization of available habitat supply. Where practicable, forest licensees should plan operations to minimize loss of habitat supply within active forage areas, utilizing current science. 	
	2.2 Mature and old forest structure and function retained within determined foraging area around known goshawk nest and post-fledging areas.	≥ 60%

Management Direction for General Wildlife

Plan Goal for General Wildlife

- Protect special habitats for general wildlife

Objectives	Measures/Indicators	Targets
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¹³ Goshawk forage habitat is defined as the hunting territory typically used by a pair of goshawks.

Objectives	Measures/Indicators	Targets
1.0 <i>Maintain effectiveness¹⁴ of riparian habitats adjacent to wetlands in polygons identified on Schedule A, Maps 1-10 as Special Habitats for General Wildlife.</i>	1.1 Proportion of the forested area of the hydroriparian zone ¹⁵ retained for each identified feature, except where no practicable alternative exists to: <ul style="list-style-type: none"> • build roads or trails. • access or harvest timber that is outside the hydroriparian zone. • mitigate a safety concern. • negate impacts on adjacent forest values from a compelling forest health issue. 	100%
2.0 <i>Maintain effectiveness of alder brush and aspen patch habitats in polygons identified on Schedule A, Maps 1-10 as Special Habitats for General Wildlife. Cranberry and Kalum Planning Units</i>	2.1 Width of the retained forested area surrounding each identified feature, except where no practicable alternative exists to: <ul style="list-style-type: none"> • build roads or trails. • access or harvest timber that is outside the retained forest area. • mitigate a safety concern. • negate impacts on adjacent forest values from a compelling forest health issue. 	≥50 metres

Management Direction for Fisheries

Plan Goal for Fisheries Resources

- Protect fish populations by preserving, maintaining, and restoring fish habitat.

Objectives	Measures/Indicators	Targets
1.0 <i>Maintain habitat for indigenous fish populations.</i>	1.1 Number of fish bearing streams, rivers and lakes adversely impacted by industrial development except where permitted under applicable legislation.	Zero

¹⁴ “Effectiveness” means the continued use of a habitat by the species that historically utilized it.

¹⁵ Hydroriparian zone as defined in item 4 of Table 6. Rationale for Amending the Ecosystem Network.

Objectives	Measures/Indicators	Targets
	Management Considerations <ul style="list-style-type: none"> Maintenance of salmon habitat consistent with the Wild Salmon Policy is a high priority - http://www-comm.pac.dfo-mpo.gc.ca/pages/release/bckgrnd/2005/bg013_e.htm. Inventories to be conducted to identify all fish-bearing streams for the entire plan area, with emphasis on salmon, summer-run steelhead, bull trout, dolly varden, and eulachon. Areas most likely to be affected by industrial development or potentially having vulnerable fish stocks should receive first funding priority. 	
2.0 <i>Restore habitat for indigenous fish populations.</i>	2.1 Percentage of damaged fish-bearing streams, rivers and lakes where pre-damage functionality is restored by operationally and financially feasible activities that do not cause further damage or interfere with natural restoration processes.	100%
	Management Considerations <ul style="list-style-type: none"> Intent is to pursue funding to conduct habitat restoration work, but recognize that funding is not guaranteed. See Water section, Objective 5, Management Considerations, regarding a Watershed Restoration Plan. Restoration of salmon habitat consistent with the Wild Salmon Policy is a high priority. Restoration of the Kitwanga River-Gitanyow Lake sockeye salmon stocks to achieve the productive capacity of the system is a high priority. Inventories to be conducted to identify all fish-bearing streams for the entire plan area, with emphasis on salmon, summer-run steelhead, bull trout, dolly varden and eulachon. Areas most likely to be affected by industrial development or potentially having vulnerable fish stocks should receive first funding priority. 	

Management Direction for Cultural Heritage Resources

Plan Goal for Cultural Heritage Resources

- Recognize and respect Gitanyow traditional areas, values, and activities so that they may exercise their aboriginal rights on the landscape.

Objectives	Measures / Indicators	Targets
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Objectives	Measures / Indicators	Targets
1.0 <i>Preserve cultural sites.</i>	1.1 Number of Gitanyow pre-1846 cultural sites with their integrity maintained, except where authorized by applicable legislation and consented to by Gitanyow.	All
	1.2 Number of Gitanyow post-1846 cultural sites with their integrity maintained except where consented to by Gitanyow.	All
	Management Considerations <ul style="list-style-type: none"> • Preservation refers to mapped and unmapped cultural sites. • Management of cultural heritage sites should be consistent with <i>The Gitanyow Policy Manual for Management of Cultural Heritage Resources</i>, September 13, 2009.¹⁶ The cultural heritage policy addresses: <ol style="list-style-type: none"> 1) measures for preservation of different groupings of cultural sites; 2) consultation protocols, and 3) procedures designed to develop effective working relationships between Gitanyow and development proponents. • Best efforts should be undertaken by Gitanyow, the Province and forest licensees to locate, with GPS, the remaining sections of the Grease Trail within the plan area. 	
2.0 <i>Preserve cultural heritage resources.</i>	2.1 Percentage of authorizations issued for timber harvesting or road construction where consultation occurs to facilitate continued traditional uses of cultural heritage resources.	100%
	2.2 Percent of identified cultural heritage resources that are reported to Gitanyow, forest licensees, and government for use in a database.	100%
	Management Considerations <ul style="list-style-type: none"> • Cultural heritage resources include but are not limited to culturally modified trees (CMTs), trails, cache pits, house pits, grave sites, fishing sites, pictograph sites, smoke houses, cabins, camping sites and archaeological sites. Cultural areas include hunting, fishing and berry-picking areas. • Continued mapping of cultural heritage resources is required. • Gitanyow are to update the database of Gitanyow cultural heritage resources 	

¹⁶ For a copy of the Gitanyow Cultural Heritage Policy, contact the Gitanyow Office of Hereditary Chiefs.

Objectives	Measures / Indicators	Targets
	<p>annually.</p> <ul style="list-style-type: none"> Archaeological sites are traditional use sites where archaeological investigation has occurred and where physical evidence of past human activity has been found. Examples include culturally modified trees, trails, cache pits, house pits, grave sites, pictograph sites, smoke houses, cabins, artifacts, and areas traditionally used for camping, hunting, fishing and berry-picking. 	
3.0 Address Gitanyow interests in access to cultural sites.	3.1 Proportion of cultural sites where Gitanyow access interests are addressed.	100%
	<p>Management Consideration</p> <ul style="list-style-type: none"> Following consultation, interests are addressed regarding access concerns occurring before, during and following industrial development. 	
4.0 Identify and record locations of CMTs; minimize impact to these where appropriate.	4.1 Percentage of identified CMTs of any historical date, recorded in a Gitanyow database.	100%
	<p>Management Consideration</p> <ul style="list-style-type: none"> When collecting CMT-related information, best efforts should be made by forest licensees to use the procedures manual, “Recording Culturally Modified Trees” located at: http://www.tca.gov.bc.ca/archaeology/policies/recording_culturally_modified_trees.htm The Gitanyow Cultural Heritage Policy includes comprehensive CMT Policies and BMP’s for CMT Management. 	
5.0. Maintain a sustainable source of cedar for Gitanyow traditional, cultural and subsistence use.	5.1 Percentage of polygons identified in the <i>Plan for a Long-Term Sustainable Supply of Cedar from Gitanyow Traditional Territory for Gitanyow Cultural and Domestic Purposes</i> , March 12, 2008, that are fully reserved for Gitanyow management and harvest.	100%
	5.2 Percentage of proposed cutblocks having a component of cedar, where consultation with the Gitanyow around the use of cedar occurs.	100%
	<p>Management Considerations</p> <ul style="list-style-type: none"> Gitanyow are required to identify to licensees their traditional, cultural and subsistence needs. Identify the amount of available supply of cedar for Gitanyow needs. Licensees are required to consult with the Gitanyow on proposed or planned 	

Objectives	Measures / Indicators	Targets
	cutblocks that have a cedar component.	
6.0 <i>Reserve land surrounding Gitanyow Lake for Gitanyow management of cultural heritage resources.</i>	6.1 Percentage of the polygon identified in Schedule A, Maps 9 and 10 that is fully reserved for Gitanyow management.	100%
	<p>Management Considerations</p> <ul style="list-style-type: none"> • The land surrounding Gitanyow (Kitwancool) Lake is the location of many known and yet-undiscovered traditional use sites and has a long history of occupation and use by Gitanyow. • Reserving the land will protect the area from further development, and will allow the orderly discovery and assessment of sites. • Reserving the land will provide opportunities for Gitanyow to develop a cultural-educational museum of Gitanyow history and will contribute to Gitanyow economies and self-sufficiency. 	

Management Direction for Timber Resources

Plan Goals for Timber Resources

- Promote full utilization of productive sites while providing stable or increased harvest levels.
- Develop a sustainable and economically viable forest industry that contributes to the local community over the short and long terms, while respecting Gitanyow interests.

Objectives	Measures / Indicators	Targets
1.0 <i>Dedicate and maintain a productive timber harvesting land base, that promotes an economically sustainable forest industry.</i>	1.1 Net area of timber available for harvest.	Identify and maintain
	Management Considerations <ul style="list-style-type: none"> • Management of the timber harvesting land base is to consider and respect non-timber resources and maintain Wilp Sustainability. 	
2.0 <i>Avoid timber harvesting within proposed treaty settlement lands shown on Schedule A, Maps 1-10. (from Gitanyow Treaty Settlement Lands Offer (2002)).</i>	2.1 Amount of timber harvesting occurring within proposed treaty settlement lands.	Zero
	Management Considerations <ul style="list-style-type: none"> • Preservation of proposed treaty settlement lands does not constitute acceptance by Gitanyow of this offer. 	
3.0 <i>Manage the forest harvest to represent the timber quality and terrain profile.</i>	3.1 Stands harvested with age greater than 250 years.	<i>Proportionate to occurrence within Licensee operating area</i>
	3.2 Stands harvested on slopes greater than 35%.	<i>Proportionate to occurrence within Licensee operating area</i>

Objectives	Measures / Indicators	Targets
	Management Considerations <ul style="list-style-type: none"> Timber harvest will represent the timber quality and terrain profile of the planning area to the extent possible, as determined by timber type and quality, market prices and operational costs, and remain at the discretion of the licensee. The intent is to harvest the profile, while retaining opportunities for the economic viability of the licensee. Monitor the terrain and timber profile harvested. Performance in harvesting the profile as averaged over a five-year period should be submitted to the Chief Forester together with a recommendation that the harvesting performance be considered in the AAC determination. 	
4.0 <i>Maintain the long-term health and site productivity of the timber harvesting land base.</i>	4.1 Long-run sustained yield.	Maintain or increase
	4.2 Mean annual increment.	Maintain or increase
	Management Considerations <ul style="list-style-type: none"> Implement silvicultural systems and treatments to realize overall productivity within the timber-harvesting land base. Consider local forest pests and diseases (e.g. lodgepole pine vulnerability to Dothistroma needle blight) when re-stocking sites. Consider the effects of climate change on forest health and site productivity. 	
5.0 <i>Limit conversion of the available productive forest land base for non-timber purposes.</i>	5.1 Area permanently removed from the productive forest, for purposes other than timber harvesting.	Minimize
	Management Considerations <ul style="list-style-type: none"> It is recognized that some conversion will occur; this will be addressed by the Joint Resources Council on a case-by-case basis. Examples of conversion include, but are not limited to, agriculture and the establishment of utility corridors. Efforts should focus on minimizing duplication of access by other resource sectors (e.g. shared use of logging roads by the mining sector). 	
6.0 <i>Develop long-term plans that recognize and respect Gitanyow interests in the forest resource.</i>	6.1 Percentage of plans where Gitanyow interests are incorporated.	100%
	Management Consideration <ul style="list-style-type: none"> Gitanyow and licensees are to develop a standardized protocol for ensuring Gitanyow interests are recognized (e.g. number of meetings, meeting locations, and items to cover). 	

Management Direction for Water Management Units

Plan Goal for Water Management Units

- Manage surface water and groundwater to maintain water quality and peak and low flows within the range of natural variability, and protect the hydrologic integrity of the watersheds.

Objective	Measures / Indicators	Targets
1.0 <i>Ensure proper hydrological functioning of streams, lakes and wetlands within water management units identified in Schedule A, Maps 1-10.</i>	1.1 Number of new roads allowed within Water Management Units for commercial forestry operations. Cranberry, Kispiox and Kalum Planning Units	0
	1.2 Number of roads currently existing within a Water Management Unit that are permanently deactivated following completion of harvesting and silviculture obligations. Cranberry, Kispiox and Kalum Planning Units	All
	1.3 Proportion of wetlands, lakes and streams that have full retention of the forested area of their Hydroriparian Zone ¹⁷ , excluding harvesting for traditional uses, mining, compelling forest health issues, or variances as stated in measure 1.4 below.	100%
	1.4 Variance by which cutblocks overlapping the water management unit boundary may extend into the unit, while maintaining the riparian management practice applicable to the forest land base outside of it.	Up to 50% of the cutblock area, or up to 200 metres in distance, whichever is less
	Management Considerations <ul style="list-style-type: none"> • Management intent is to provide operational flexibility for cutblock planning, and to account for inaccuracies due to the scale of mapping. 	
	1.5 “Functioning condition” as defined by the <i>Protocol for Evaluating the Condition of Streams and Riparian Management Areas</i> , for each local and downstream	Properly functioning ¹⁸

¹⁷ Hydroriparian zone as defined in item 4 of Table 6.

¹⁸ “Properly Functioning” for a stream, river, wetland or lake and its riparian area means:

- the ability to withstand normal peak flood events without experiencing accelerated soil loss, channel movement or bank movement;
- the ability to filter runoff;
- the ability to store and safely release water;
- ability of riparian habitat to maintain an adequate root network or large woody debris supply;
- ability of riparian habitat to provide shade and reduce bank microclimate change; and,
- fish habitat in streams and riparian areas are fully connected so that fish habitat is not lost or isolated as a result of some management activity.

Objective	Measures / Indicators	Targets
	stream receiving water from a cutblock within the Water Management Unit.	
	Management Considerations <ul style="list-style-type: none"> Assessment protocol is available online at: http://www.for.gov.bc.ca/hfp/frep/site_files/indicators/Indicators-Riparian-Protocol-May2007.pdf Monitoring to include streams within cutblocks and streams down slope from cutblocks to which cutblock streams are tributary. The intent is to assess the cumulative hydrological impacts of accelerated snowmelt and groundwater interception as small in-block streams merge down slope from the cutblocks. 	

Management Direction for the Upper Kispiox Special Management Zone

Plan Goals for the Upper Kispiox Special Management Zone

- Primary goal is to maintain key resource values such as wildlife habitat, water quality, fish habitat, and cultural heritage resources.
- Secondary goal is to allow identified economic opportunities to prevail.

Objectives	Measures / Indicators	Targets
1.0 <i>Ensure proper hydrological functioning of all streams, lakes, and wetlands within the Upper Kispiox Special Management Zone, as</i>	1.1 Proportion of wetlands, lakes and streams that have full retention of the forested area of their hydriparian zone ¹⁹ , excluding harvesting for road access, traditional uses, mining, or compelling forest health issues.	100%
	1.2 “Functioning condition” as defined by the <i>Protocol for Evaluating the Condition of Streams and Riparian Management Areas</i> , for each local and downstream stream receiving water from a cutblock within the Upper Kispiox SMZ.	Properly functioning ²⁰

¹⁹ Hydriparian zone as defined in item 4 of Table 6.

²⁰ “Properly Functioning” for a stream, river, wetland or lake and its riparian area means:

- the ability to withstand normal peak flood events without experiencing accelerated soil loss, channel movement or bank movement;
- the ability to filter runoff;
- the ability to store and safely release water;
- ability of riparian habitat to maintain an adequate root network or large woody debris supply;
- ability of riparian habitat to provide shade and reduce bank microclimate change; and,
- fish habitat in streams and riparian areas are fully connected so that fish habitat is not lost or isolated as a result of some management activity.

Objectives	Measures / Indicators	Targets
<i>identified on Schedule A, Map 8</i>	Management Consideration <ul style="list-style-type: none"> Assessment protocol is available online at: http://www.for.gov.bc.ca/hfp/frep/site_files/indicators/Indicators-Riparian-Protocol-May2007.pdf Monitoring to include streams within cutblocks and streams down slope from cutblocks to which cutblock streams are tributary. The intent is to assess the cumulative hydrological impacts of accelerated snowmelt and groundwater interception as small in-block streams merge down slope from the cutblocks. 	
<i>2.0 Minimize long-term displacement of grizzly bears from industrial access development.</i>	2.1 Proportion of timber harvested when the ground is frozen or there is compressed snow pack of ≥ 1 metre.	100%
	2.2 Number of roads that are constructed to avoid line of sight > 300 metres and minimize right of way widths.	All
	2.3 Number of roads, excluding mainline roads, that are deactivated to a standard that will restrict motor vehicle access, immediately following completion of primary forest activities, or within one year if roads are currently inactive.	All
	2.4 Number of mainline roads where access is controlled following the completion of primary forest activities, to achieve a reduction in motorized accessibility to the SMZ.	All
	2.5 Distance between patches of security cover within or adjacent to cutblocks.	80% no greater than 200 metres
	2.6 Number of industrial camps (e.g. logging, road development, silviculture, mining, power development) permitted within the SMZ.	0
	2.7 Level of applied Biodiversity Emphasis Option.	High
	Management Considerations <ul style="list-style-type: none"> Industrial development within the SMZ should be planned for concentration over a short time period, followed by a long time period (e.g. 10 to 25+ years) of no development. Only temporary camps for road and cutblock engineering should be allowed in the SMZ. De-activate access roads within the SMZ to minimize the length of drivable road, immediately following completion of primary forestry activities (harvest and reforestation). The first priority for road location, design, construction, and use is to ensure the protection and maintenance of water quality and fish habitat and to minimize impacts on grizzly bear. Considerations for timber development are secondary to protection of the natural resources. Cut block design should consider use of selection and small patch cut (e.g. 1.0 ha to 5.0 ha) systems as well as larger clearcuts (e.g. >10 ha) with high levels of retention, to provide a mosaic of stand ages and structures and short 	

Objectives	Measures / Indicators	Targets
	<p>sight line distances for visual screening. Patch sizes should reflect the habitat value and should be smaller (e.g. <2 ha) in or adjacent to high value habitats. Patch sizes could be larger in lower value habitats (e.g. <5 ha for moderate and >5 ha for low habitat values). Retention within and adjacent to cutblocks should provide visual screening for security cover and should increase with the increasing size of the opening (e.g. openings of 1.0 to 5.0 ha with 10% to 20% retention; openings 5.0 to 10.0 ha with 20% to 30% retention; openings > 10.0 ha with 30+% retention).</p> <ul style="list-style-type: none"> Grizzly bears are an “umbrella” species. Habitat and access management for grizzly bears also provides protection for water quality, fish habitat, and other wildlife species. Security cover provides visual screening, especially from roads, and exists when vegetation prevents grizzly bears from being sighted. 	

Management Direction for the Area to be Protected

Plan Goal for the Area to be Protected

- Protect key resource values such as fisheries, wildlife, recreation and cultural heritage resources while allowing for continued traditional use activity and identified economic opportunities to prevail.

Objectives	Measures / Indicators	Targets
1.0 <i>Maintain conservation, recreation, and cultural heritage values and features within the area to be protected²¹ identified as the Hanna-Tintina Area to be Protected in Schedule A, Map 1.</i>	1.1 Completion of a management plan for the area to be protected.	As per the Reconciliation Agreement
	<p>Management Considerations</p> <ul style="list-style-type: none"> A comprehensive management plan shall define management objectives for the area as well as acceptable uses and levels of use, zoning and other strategies to minimize conflicts and help ensure the integrity of important protected-area values. The Parties will jointly develop management plans for the Hanna Tintina. 	
2.0 <i>Recognize the</i>	2.1 Percentage of existing tenures retained that are:	100%

²¹ Commercial logging, mining, and energy exploration and development are not allowed in “areas to be protected.” Many other existing activities can continue, subject to the management plan.

Objectives	Measures / Indicators	Targets
<i>rights and interests of existing eligible tenures within the area to be protected.</i>	<ul style="list-style-type: none"> • eligible uses under the <i>Park Act</i>; or • compatible with the new Park or Protected Area 	
	Management Considerations <ul style="list-style-type: none"> • Exiting tenures that are eligible to continue under the <i>Park Act</i> will be grandfathered, where consistent with the management direction for each Protected Area. • Trapping, guiding and commercial recreation, including heli-skiing, will be considered acceptable uses. • Tenures are to be eligible for transfer • Management of the area to be protected should balance the need to maintain or deactivate existing access to manage for other resource values. 	
3.0 <i>Maintain ecosystem representation, abundance and integrity, and protect key resource values and natural features.</i>	3.1 Incidence of human recreation or management practices that impact negatively on the natural resource values of the Protected Area.	Zero
	Management Considerations <ul style="list-style-type: none"> • Management will emphasize maintenance of the ecosystems, resource values and natural features for which the area to be protected was established. • Management interventions will not significantly alter natural ecological, hydrological and geomorphic process, except expressed management purposes as defined in a protected area-management plan. • Consider forest health issues in the management of “areas to be protected.” • Any new approved facilities will be designed and managed to leave the lightest ecological “footprint” possible. • Manage natural processes/occurrences (e.g. fires, insects, forest disease) within park boundaries relative to their impact, both on the ecosystem values within the boundaries of the Protected Area and on the values of the broader ecosystem of which the Protected Area is a part. 	
	3.2 Number of identified red- and blue-listed plants, animals and communities that are lost or negatively affected by human disturbance.	Zero
	Management Considerations <ul style="list-style-type: none"> • Maintain functional habitat, cover and site-specific features for fish and wildlife. • Encourage human use patterns that minimize impacts on the environment (e.g. trails, boardwalks, facilities). 	
4.0 <i>Protect cultural heritage values.</i>	4.1 Incidence of damage to, or loss of, cultural heritage values.	Zero
	Management Considerations <ul style="list-style-type: none"> • Identify and protect archaeological sites, special sites, traditional use (past and present) and heritage trails. 	

Objectives	Measures / Indicators	Targets
5.0 <i>Recognize hunting and angling as an acceptable use within Protected Areas.</i>	5.1 Percentage of sustainable hunting and angling opportunities maintained.	100%
	Management Considerations <ul style="list-style-type: none"> Continue to provide hunting and angling opportunities for local and resident hunters, anglers, and guide outfitters in the area to be protected; this subject to hunting and fishing regulations, Gitanyow law, provincial conservation priorities and public safety. 	

Appendix A: General Wildlife Tree Management Guidelines

1. Where practicable, disperse wildlife trees across harvested areas as a combination of patches and individual trees. It is recognized that dispersed retention can work on most ground-based logging systems, but is not operationally always feasible for cable systems.
2. The practicability of retaining wildlife trees, in small retention areas and through dispersed individual trees, is to be determined on a block-by-block basis.
3. Make best efforts to retain greater than the minimum percentage of within-block wildlife trees.
4. Wildlife tree features:
 - Deciduous and coniferous trees
 - Large, well-branched, wind-firm
 - Decadent, i.e. low commercial value
 - Pine mushroom host trees
 - Trees and snags that show current use by wildlife (e.g. denning or nesting trees, feeding stations)
 - Trees or snags that provide special wildlife values (e.g. large, well-branched trees, large snags, veteran trees)
 - Safe to leave standing (i.e. comply with Workers Compensation Board standards and regulations)
 - Located with more or less even spacing across the harvested area to provide nutrients, and water absorption and release, across the harvested block
5. Wildlife tree retention area features:
 - Mineral licks, wetlands, springs, brush patches, small streams
 - Medicinal plants for Gitanyow and Nisga'a traditional use
 - Pine mushroom habitat
6. Designate and retain wildlife trees within all silvicultural systems, including selection and clearcutting systems.
7. Wildlife trees to be retained at least until other suitable trees can offer equivalent replacement values. This will take at least one rotation (at least 100 years).
8. Retain high densities (30 percent or greater) of wildlife trees:
 - within the large cutblocks (retention densities to increase as size of cutblocks increase),
 - throughout the harvestable portion of ecosystem networks, and
 - throughout all harvested blocks within high value grizzly bear habitat and moose wintering habitat.
9. Wildlife tree retention areas are allowed to be located on the edge of cutblocks. Best efforts are to be made to limit the location of wildlife tree retention areas on edges. It is recognized that even though a wildlife tree retention area is on the edge, upon harvesting the cutblock, it will not be on the second or third pass. A wildlife tree retention area is a recognized exclusion from the cutblock and must be maintained.
10. Allow natural processes to occur within retention areas unless infestations, infection or fire threaten resources outside the area.
11. Where intervention in wildlife tree retention areas is required, best efforts will be made to retain a diversity of structural attributes, or a replacement retention area will be located.
12. Document the contribution to wildlife tree retention targets in an appropriate information system.

Appendix B: Moose Habitat Attributes for Life Requisites

Compiled by Len Vanderstar, R.P. Bio, R.P.F., Ministry of Forests, Lands and Natural Operations, Skeena Region, from surveys and published species accounts.

Life Requisite	Habitat Attribute and Description
Forage Habitat	<p>Structural Stage</p> <ul style="list-style-type: none"> • Early seral stages (3 and 4: herb-shrub and pole-sapling) usually provide ideal foraging conditions, supporting abundant deciduous browse year-round within secondary winter range. • Valley bottom fluvial complexes that define primary winter range are noted for providing abundant forage, by virtue of containing many pocketed or larger seasonally wet open areas, regardless of structural stage. • Aquatic habitats provide moose with aquatic forage during spring and summer. Buckbean (<i>Menyanthes trifoliata</i>), pondweed (<i>Potamogeton spp.</i>), and sedges are the predominant aquatic forage species noted in the Nass watershed. <p>Shrub Cover</p> <ul style="list-style-type: none"> • Shrub-dominated habitats that occupy 15 to 30% of a defined area (e.g. moose winter range) generally provide sufficient forage in both growing and winter seasons, provided that height requirements (below) are met. <p>Shrub Height</p> <ul style="list-style-type: none"> • 1 to 5 m for growing season (also assists in providing visual screening); >2.5 m for winter forage. <p>Shrub Species Composition</p> <ul style="list-style-type: none"> • Important woody browse includes willow, red-osier dogwood, high-bush cranberry and young subalpine fir; black twinberry, elderberry, mountain ash, aspen and cottonwood are also utilized depending on availability. <p>Aspect</p> <ul style="list-style-type: none"> • Site aspect is generally not important. However, south- and west-facing slopes have reduced snow depths and are first to be snow-free in spring. This provides moose access to shrub cover, early spring herbaceous emergents and green-up forage. <p>Landscape Position</p> <ul style="list-style-type: none"> • Valley bottom floodplains and other fertile drainages/areas have high forage productivity and diversity, particularly for early spring green-up forage.
Thermal Cover	<p>Basal Area</p> <ul style="list-style-type: none"> • 10% measured by pre-harvest mature and old forest cover. <p>Species Composition</p> <ul style="list-style-type: none"> • Thermal cover species should be composed of large canopy, somewhat open grown conifer species, notably very mature and old-growth spruce and subalpine fir.

Life Requisite	Habitat Attribute and Description
Snow Interception	<p>Canopy Cover</p> <ul style="list-style-type: none"> In areas of high snowfall, moose movement is facilitated by forests with crown closure of exceeding 50%. <p>Area Coverage</p> <ul style="list-style-type: none"> No literature is available; however, given snow depths associated with the Nass South SRMP area, MFLNRO recommends more than 30% of winter range to have favourable snow interception canopy cover.
Security Cover	<p>Visual Screening</p> <ul style="list-style-type: none"> Stem density that obscures 90% of the moose at 60 m provides optimum visual screening, thus enhancing the animals' sense of security. A diverse understory that obscures a moose at close range also provides effective security cover. Gullied terrain may offer security opportunities, and could be considered good security habitat. <p>Structural Stage</p> <ul style="list-style-type: none"> Suitable security cover could occur in structural stages 3, 4, 5, 6 and 7; however, the best security cover will likely occur in structural stages 3, 4 and 5 (5 being young forests).
Calving	<p>Landscape Position</p> <ul style="list-style-type: none"> Forested patches with good security cover, surrounded by extensive wetland complexes, forested peninsulas (water or wetland), and islands, are primary calving sites. <p>Adjacency</p> <ul style="list-style-type: none"> Isolation or seclusion of calving sites is critical.
Rutting Areas	<p>Landscape Position</p> <ul style="list-style-type: none"> Optimum rutting areas include subalpine meadow complexes, wetland complexes, extensive floodplains, early to mid-seral natural wildfire burned areas, and deciduous stands adjacent to high forage areas. <p>Adjacency</p> <ul style="list-style-type: none"> Isolation or seclusion of rutting areas ensures minimal disturbance to moose activity, and thus more successful mating behaviour.

Appendix C: Best Management Practices for Moose Winter Range

Within moose winter range designated Ungulate Winter Range:

- The forest management focus of the slope adjacent to the floodplain is to provide for security cover.
- Forests within moose winter range will have a forage management emphasis when the site series (subhygric to hydric) that produce deciduous browse species such as willow (*Salix* spp.) dogwood (*Cornus stolonifera*), and cottonwood (*Populus trichocarpa*) become the predominant (more than 50%) site series from a stand-level perspective (e.g. cutblock or overview mapping perspective at 1:20 000 scale). Stand spacing, pruning, reduced conifer-stocking standards and varied conifer spacing will assist in promoting the duration of early seral stage conditions.
- Incorporate moose winter ranges in the design and application of forest connectivity.
- Retain willow and dogwood browse, particularly along island and floodplain channels.
- Retain security and thermal cover in proximity to useable forage areas appropriate to the size of the habitat unit.
- Retain a proportion of mature and old-growth conifer stands with canopy structures which will trap snow and provide bedding sites, particularly adjacent to foraging areas.
- Retain a percentage of large spruce and fir trees within deciduous leading stands, for thermal cover and bedding microsites.
- In regenerating areas and plantations where security and thermal cover are lacking, identify conifer stands or large patches suitable for future cover. Manage these for cover attributes that mimic natural forests in terms of visual screening and large, well-formed branchy veteran trees capable of snow interception and provision for thermoregulation.
- Encourage rotational forest stand development (i.e. harvest at early stand maturity) on sites conducive to both early seral forage and conifer production, while considering visual screening and snow interception.
- Provide adequate security cover within 100 metres line-of-sight in any given direction. Mature and old stands, stand retention or wildlife tree retention areas should be in the range of 200 metres apart, to provide the combination of thermal and security cover.
- Preference will be given to ground-based vegetation management.
- Maintain the natural deciduous/conifer mix of tree species and shrubs as expected for early seral conditions in prime forage potential sites.
- Allow for natural establishment of willows along decommissioned road right-of-ways.
- Limit road development and recreational use within moose winter ranges. Where road avoidance is not practicable, use measures to maintain security, such as maintaining dense coniferous visual screens, deactivating/closing roads before November, building temporary roads and/or rehabilitation road right-of-ways.
- Where practicable, minimize moose disturbance in winter by using measures such as: geographically focusing roads and operations within a given winter range, restricted access and timing of activities.
- Where practicable, retain, enhance or plant visual screens to obscure the winter ranges from high-use transportation corridors.
- Leave a proportion of large old-growth trees for moose predator-response behaviour.

Appendix D: Minimizing Human-Bear Conflicts

The following information has been excerpted with permission from a March 25, 2007 letter from Debbie Wellwood, R.P.Bio., Raven Ecological Services, Smithers, B.C. to Len Vanderstar, R.P. Bio and R.P.F, Ministry of Environment, Skeena Region, Smithers, B.C.

Outline for strategies, targets and measures or indicators for the Nass South SRMP objectives to minimize negative bear-human interactions

General principles

- Risk of bear-human interactions is influenced by natural features such as habitat suitability, travel concerns (e.g., topographic features or trails that may funnel bears through an area), visibility concerns and other sensory concerns (e.g., loud creeks, winds). Availability of non-natural foods or other attractants will increase this risk. Focus should be on minimizing human activities in higher risk areas when and where possible.
- Human behaviour and types of activity also influence risk of bear-human interactions. Allowing bears to become food-conditioned greatly increases their risk of mortality and risk to the public, most commonly property damage and, rarely, serious human injury or death. Bear-proofing of non-natural foods and other attractants must be a high priority. A common problem is that many people are misinformed or do not understand the motivation, strength and abilities of bears. Frequently, people think they have a solution for storing non-natural foods and other attractants that is bear-proof and it is not. Living with Wildlife Foundation has a bear-resistant product testing program at <http://www.lwwf.org>. Expert input should be solicited where required to prevent bear access to non-natural foods and other attractants.
- Risk of bear mortality associated with bear-human conflicts will be strongly influenced by whether or not the activity is conducted with guns available for use.
- Risk of bear mortality associated with bear-human conflicts will also strongly be influenced by the level of appreciation for bears and knowledge and understanding about bears, including ways to prevent conflicts with bears.
- The level and intensity of bear-human conflicts can be reduced through bear-human conflict management programs where the following components may be applicable to reducing risk associated with a specific land use or activity:
 - Bear-human interactions risk assessment to identify bear-human conflict issues and provide recommendations for prevention of conflicts or risk reduction
 - Bear awareness and safety education program
 - Bear-proof waste and attractant management
 - Green-space management (e.g., in some situations it may be appropriate maintain green spaces to allow bears to move around an area and in others it may be appropriate to remove brush to increase visibility and remove bear foods)
 - Specific rules or regulations to ensure compliance may be required
 - Land use planning to minimize bear-human conflict will be most effective when land use and human activities are considered in the context of land uses and human activities in the surrounding landscape
 - Bear-human conflict management plan
 - Monitoring for bear-human conflict
 - Adaptive management as required

Table D-1: Strategies, targets and measures or indicators to prevent bear mortality resulting from bear-human interactions

Objective	Indicators	Targets	Strategies
1. Minimize negative bear-human interactions (e.g., incidents or conflicts with bears, displacement of bears, mortality of bears).	<p>Number of reports of negative bear-human interactions¹</p> <p>Indicators may be further defined as follows:</p> <ul style="list-style-type: none"> • Number and severity of bear-human conflicts or incidents • Number of conflicts or incidents where bears access non-natural foods or other attractants • Number and severity of defensive encounters with bears • Number and severity of non-defensive encounters with bears • Number and severity of problem wildlife occurrence reports received by the Conservation Officer Service for bears • Number of reported kills (e.g., COS, Fish and Wildlife) • Number of defence of life or property kills • Number of bears poached • Estimated unreported mortality 	<p>Reduction in number of interactions over time¹</p> <p>Targets may be further defined as follows:</p> <ul style="list-style-type: none"> • Ideal: No reported or unreported grizzly bear mortality as a result of negative bear-human interactions • Realistically: Low number reported or unreported grizzly bear human-caused mortality for entire SRMP area as a result of bear-human conflicts or incidents (i.e., no mortality associated with most land uses and human use activities) 	<p>Where possible, initiate programs to educate members of the public and visitors re low impact garbage and food handling methods¹</p> <p>Educate public regarding alternatives to shooting to reduce bear-human conflicts e.g., waste management strategies, trail closures etc.¹</p> <p>Strategies may be further defined as</p> <ul style="list-style-type: none"> • Educate people about bear awareness and safety. Include proactive (user group and activity specific) measures that can be taken to minimize negative bear-human interactions². • Implement bear-human conflict prevention programs designed to minimize negative bear-human interactions (e.g., preliminary risk assessment, bear awareness and safety, bear-proof management of non-natural foods and other attractants, best practices or requirements, green space management and planning to prevent bear-human conflicts). If appropriate, develop and deliver program on site, area or activity specific basis. • Conduct regular monitoring of bear-

			<p>human conflict prevention programs to detect successes or failures and revise as required to achieve objective.</p> <ul style="list-style-type: none"> • Enforce non-compliance with rules or regulations to ensure that non-natural foods and attractants are stored or secured using a bear-proof method (e.g., Park Regulation, COS Dangerous Wildlife Protection Order)
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¹ Taken from North Coast Land and Resource Management Plan (2005).

² Bear-human interactions will be avoided in most management situations to minimize bear-human conflicts. For some specialized management situations, some types of bear-human interactions may be considered appropriate (e.g., bear viewing). Recommend requiring bear-human conflict management plan for management scenarios that allow or promote bear-human interactions.

Table D-2. Strategies or BMPs recommended for consideration for various land uses and types of human activities

Objective	Land Use/Activity	Example Target Groups	Strategies/Best Management Practices
1. Minimize negative bear-human interactions (e.g., incidents or conflicts with bears, displacement or mortality of bears).	Major Travel Routes	<ul style="list-style-type: none"> Ministry of Transportation and Infrastructure Highways maintenance contractors 	<ul style="list-style-type: none"> Install, monitor and maintain bear proof dumpsters Scheduled garbage pick-up
	Landfill/Dumps	<ul style="list-style-type: none"> Regional District Industrial camps Commercial recreation camps 	<ul style="list-style-type: none"> Install, monitor and maintain electric fence to exclude bears.
	Industrial Camps – permanent and semi-permanent	<ul style="list-style-type: none"> Exploration, mining and forestry companies Government agencies (e.g., FLNRO, MOE, MEM) Natural resources research and management consultants 	<ul style="list-style-type: none"> Implement bear-human conflict prevention program such as preliminary risk assessment to avoid higher risk (i.e. selection of low and moderately low risk locations), camp locations, bear awareness and safety program, bear-proof management of non-natural foods and other attractants, best practices or requirements, green space management and planning to prevent bear-human conflicts). Recommend input from expert in bear-human conflict prevention.
	Commercial recreation camps – permanent and semi-permanent	<ul style="list-style-type: none"> Guide Outfitters Angling operations Non-consumptive recreation (e.g., hiking, wildlife viewing etc.) 	<ul style="list-style-type: none"> Same as per Industrial Camps.
	Industrial – camping, hiking	<ul style="list-style-type: none"> Exploration, mining and 	<ul style="list-style-type: none"> Provide bear awareness and safety training to minimize bear-human

Objective	Land Use/Activity	Example Target Groups	Strategies/Best Management Practices
	and working in bear country	forestry companies <ul style="list-style-type: none"> Government agencies (e.g., FLNRO, MOE, MEM) Natural resources research and management consultants. 	interactions while working, recreating and camping in bear country. Contractors and personnel should clearly understand how to prevent interactions with bears. <ul style="list-style-type: none"> Ensure bears do not have access to non-natural foods and other attractants.
	Commercial Recreation - camping, hiking and working in bear country	<ul style="list-style-type: none"> Guide Outfitters Angling operations Non-consumptive recreation (e.g., hiking, wildlife viewing etc.) 	<ul style="list-style-type: none"> Same as per Industrial
	Bear Viewing Activities	<ul style="list-style-type: none"> Commercial operations Provincial government (e.g., wildlife viewing promotion etc.) 	<ul style="list-style-type: none"> Conduct a bear-human conflict risk assessment to evaluate appropriateness and feasibility on an operations specific basis and in the context of the surrounding landscape. Evaluate cumulative effects of land use activities (e.g., other bear viewing activities, types of bear viewing activities, hunting and refugia for bears) If the bear viewing operation is considered an appropriate activity, prepare a bear-human conflict risk management plan that identifies bear-human conflict issues and strategies to prevent bear-human conflicts. Note water-based viewing is generally considered to pose lower risk to bears and people. Viewing from non-motorized boats will generally have lower risk of

Objective	Land Use/Activity	Example Target Groups	Strategies/Best Management Practices
			<p>impacts to bears than from motorized boats.</p> <ul style="list-style-type: none"> DO NOT promote wildlife areas for non-guided bear viewing
	Other commercial or recreational activities	<ul style="list-style-type: none"> Mushroom pickers Various recreation (e.g., hikers, backpackers, horse packing, All Terrain Vehicle users) 	<ul style="list-style-type: none"> Promote bear awareness and safety training to minimize bear-human interactions while working, recreating and camping in bear country. Audience should clearly understand how to prevent interactions with bears
	Fisheries Operational Activities	<ul style="list-style-type: none"> Fisheries and Oceans Canada (e.g., fish counting i.e. Meziadin Fishway; spawning facilities) 	<ul style="list-style-type: none"> Prepare, implement and monitor a facility specific Bear-human Conflict Management Plan. Adaptive management approach required.
	Fish Harvest and Preparation Activities	<ul style="list-style-type: none"> First Nations (e.g., food fishery, individual sales, commercial fishery) 	<ul style="list-style-type: none"> Promote bear awareness and safety training to minimize bear-human interactions while harvesting and preparing fish in bear country. Audience should clearly understand how to prevent interactions with bears For site-specific commercial fish harvest or fish preparation (e.g., smokehouses) operations prepare, implement and monitor a site specific Bear-human Conflict Management Plan. Adaptive management approach required.
	Park Lands (e.g., Provincial Parks)	<ul style="list-style-type: none"> BC Parks 	<ul style="list-style-type: none"> Prepare, implement and monitor a Park specific or SRMP area specific Bear-human Conflict Management Plan. Adaptive management approach required.

Objective	Land Use/Activity	Example Target Groups	Strategies/Best Management Practices
	Other recreation lands (e.g., recreation sites, trails, recreation reserves) ¹	<ul style="list-style-type: none"> FLNRO - Recreation Sites and Trails BC 	<ul style="list-style-type: none"> Prepare, implement and monitor a Recreation Site specific or SRMP area specific Bear-human Conflict Management Plan. Adaptive management approach required. Note: some Recreation Sites will not be suitable for use as a user maintained site based on risks of bear-human interactions.

¹ Sites may be managed in partnership agreements with recreation groups, community organizations, First Nations, private citizens, local governments and forest companies.

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Videos

Staying Safe in Bear Country: a behavioral-based approach to reducing risk. 2001. Safety in Bear Country Society. Produced by Wild Eye Productions, Atlin, B.C. in association with AV Action Yukon Ltd.

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Living in Bear Country. 2005. Safety in Bear Country Society. Produced by Wild Eye Productions, Atlin, B.C. in association with AV Action Yukon Ltd.

DVDs or videos can be purchased from Distribution Access Ltd.

Web Site: www.distributionaccess.com

Email: sales@distributionaccess.com

Phone: 1-888-440-4640

Websites

B.C. Ministry of Forests, Lands and Natural Resource Operations <http://www.env.gov.bc.ca/wld/bearsmart>

- Bear Smart brochure
- Bear Smart Community Program background report
- Who's who: know your bears brochure
- Safety guide to bears at your home brochure
- Safety guide to bears in the wild brochure
- Don't feed garbage to bears brochure

B.C. Conservation Foundation Bear Aware program - <http://www.bearaware.bc.ca/>

United States Department of Agriculture Forest Service

<http://www.fs.fed.us/r1/wildlife/igbc>

- IGBC bear resistant certification report: includes information on distributors of bear resistant containers for hiking, insulated cooler, grain and food storage containers, panniers, boxes for storage of food in the front country and equipment for hanging food
- Bear safety information
- Pepper spray information

International Association for Bear Research and Management (IBA)

<http://www.bearbiology.com>

- Descriptions of bear species of the world
- URSUS – scientific journal of the IBA
- International Bear News – IBA newsletter

Haul-All

<http://www.haulall.com>

(click on Containers and then click Bear Proof Containers)

Bear resistant garbage and food storage containers

Margo Supplies

<http://www.margosupplies.com>

- bear proof electric fencing materials
- bear deterrents

Living with Wildlife Foundation

http://www.lwwf.org/Living%20with%20Predators_resource_guides.htm

Living with Predators Resource Guides.

Garcia Machine

<http://www.wildernessdining.com/shopbybrand-garciamachine.html>

Bear resistant canister that can be used for backpacking

SCHEDULE C SHARED DECISION MAKING FRAMEWORK

Shared Decision Making Framework

This Schedule outlines a model for Shared Decision Making for Land and Resource Decisions that will assist the Parties in meeting their goals under this Reconciliation Agreement.

1.0 Definitions

In this Schedule:

“Applicant” means a person, corporation, or entity, or their agent that has submitted an Application requiring a Land and Resource Decision other than decisions under the BC *Environmental Assessment Act*, S.B.C. 2002, c. 43 or activities regulated by the Oil and Gas Commission;

“Application” means a proposal submitted by an Applicant to a Provincial Agency for a Land and Resource Decision, other than decisions under the BC *Environmental Assessment Act* or activities regulated by the Oil and Gas Commission;

“Decision-maker” means the person or body authorized respectively by each Party to make decisions regarding Applications;

“Provincial Agency” means the provincial ministry or agency that has authority to manage the review and consideration of an Application for a Land and Resource Decision;

“Representatives” means the representatives appointed by British Columbia and the Gitanyow for the purposes of this Schedule; and

“Wilp Sustainability Director” means the central point of contact for the Gitanyow Nation that carries out duties identified in the Engagement Framework.

2.0 Responsibilities of the Parties

2.1. The Parties will develop, implement and, on an on-going basis review the Shared Decision Making Framework, and may agree to make changes thereto from time to time in accordance with the amendment procedure set out in this Reconciliation Agreement.

2.2. For Land and Resource Decisions that may affect the interests of multiple First Nations including Gitanyow, the Parties, if they both agree to do so, may pursue opportunities for coordinated engagement involving one or more of those First Nations.

- 2.3. The Parties will ensure that their respective Representatives in the Shared Decision Making Framework will have the necessary authority to carry out their responsibilities as set out in this Reconciliation Agreement.
- 2.4. The Parties will use the Engagement Framework and annual work plan to guide engagement on Land and Resource Decisions.
- 2.5. The Parties shall periodically review and as appropriate make improvements to the Engagement Framework in accordance with Agreement Section 23.10 and this Schedule C Section 3.5.

3.0 The Joint Resources Governance Forum

- 3.1. The Parties will establish the Joint Resources Governance Forum ("JRGF") composed of senior Representatives of the Gitanyow and Representatives of British Columbia.
- 3.2. The JRGF will be comprised of three Representatives appointed by each of the Parties.
- 3.3. The members of the JRGF are accountable to their respective Parties for their decisions in accordance with the Reconciliation Agreement.
- 3.4. The JRGF will meet on an as needed basis but not less than annually. The JRGF may jointly select a facilitator to assist in its work.
- 3.5. The JRGF's responsibilities include:
 - (a) monitoring progress on the implementation of this Reconciliation Agreement, and making recommendations respecting potential amendments thereto;
 - (b) addressing issues, problem-solving, and dispute resolution functions as set out in this Schedule.
 - (c) overseeing the implementation of the Shared Decision Making Framework, including:
 - i. development of an annual workplan for engagement on strategic level discussions and Land and Resource Decisions anticipated in the coming year;
 - ii. monitoring the effectiveness and efficiency of consultation processes under the Engagement Framework; and
 - iii. amendments to the Engagement Framework in accordance with Agreement Section 23.10.
 - (d) making recommendations respecting the establishment, implementation, and potential amendment of the land use designations, Land Use Zones,

and Management Objectives, other legal mechanisms, and/or matters as may be agreed to by the Parties;

- (e) making recommendations respecting specific Land and Resource Decisions as set out in the Engagement Framework including, but not limited to, the AAC for the Gitanyow Lax'yip; and major tenuring decisions;
- (f) establishing working groups to support and carry out implementation activities under the Agreement; and
- (g) other strategic level land and resource management matters referred to the JRGF by agreement of the Parties.

3.6. The JRGF will operate on a consensus basis.

3.7. Where the JRGF is unable to reach consensus on an issue, the issue will be addressed in accordance with dispute resolution procedures in Section 8.4 to 8.7 of this Schedule.

3.8. Should the JRGF not reach consensus, following implementation of dispute resolution procedures, the respective positions of the members will be forwarded to the decision makers for each Party with reasons provided as to why there is not a consensus between the two Parties with respect to the decision.

3.9. Gitanyow and British Columbia Representatives to the Joint Resources Council will support the JRGF in a technical capacity as directed by the JRGF.

3.10. If the issues with respect to the implementation of this Reconciliation Agreement are not resolved by the JRGF, the dispute resolution procedures in Agreement section 20.0 may be applied.

4.0 Joint Resources Council

4.1. The Joint Forestry Council from the Gitanyow Forestry Agreement will be reconstituted as the Joint Resources Council ("JRC") under this Reconciliation Agreement and will be responsible for technical and operational matters including but not limited to the following:

- (a) review of Applications, collection of information and the conduct of necessary analysis to provide informed input to decision-makers to the extent that the JRC is assigned these roles in the Engagement Framework;
- (b) making recommendations respecting specific Land and Resource Decisions as set out in the Engagement Framework;
- (c) providing technical support to the JRGF;
- (d) responding to requests of the JRGF;

- (e) consider the Application and/or proposed Land and Resource Decision;
 - (f) develop mutually acceptable recommendations to decision-makers on Land and Resource Decisions; and
 - (g) other matters agreed to by the Parties or directed by the JRGF.
- 4.2. The JRC will operate on a consensus basis in recommendations it makes. Where consensus is not reached, either Party may refer the matter to the JRGF for resolution.
- 4.3. The Parties' decision-makers will review and consider recommendations made by the JRC.

ENGAGEMENT FRAMEWORK

5.0 Engagement Process

- 5.1. The Parties have developed an Engagement Framework, attached as Appendix 1 to this Schedule, that:
- (a) provides for consultation about and collaborative development of recommendations regarding Applications that may impact Gitanyow Aboriginal Rights within the Gitanyow Lax'yip;
 - (b) is guided by the Gitanyow Lax'yip Land Use Plan set out in Schedules A and B;
 - (c) establishes levels that reflect a range of potential impacts on Gitanyow Lax'yip and appropriate engagement with Gitanyow, including categorization of Applications in accordance with the engagement levels, and criteria for determining engagement processes for Applications;
 - (d) guides the Parties in allocating their effort commensurate with the impact of the Land and Resource Decision on Gitanyow's Aboriginal Rights;
 - (e) results in a net reduction in the volume of Applications being reviewed and the total amount of time devoted to Application review by the Parties by concentrating efforts on those decisions with the greatest potential impact on Gitanyow Aboriginal Rights;
 - (f) includes a category of engagement that will amount to deep consultation for Land and Resource Decisions that are likely to significantly impact Gitanyow interests within the Lax'yip including but not limited to:
 - i. those parcels of land which have been set aside in treaty negotiations as proposed Treaty Settlement Lands ("TSL") in the 1998 offer of British Columbia and Canada;

- ii. decisions with respect to those lands set aside as OGMA's under the Land Use Plan; and
 - iii. other major resource decisions not pursuant to the British Columbia *Environmental Assessment Act*.
 - (g) sets out milestones for the Parties to assess the effectiveness of the Engagement Framework.
- 5.2. The JRGF will, within (4) months of the Effective Date, develop the implementation plan for the Engagement Framework.
- 5.3. Prior to the development and approval of the Engagement Framework, the review of Applications was based on current provincial policies and the Gitanyow Lax'yip Land Use Plan related to consultation and accommodation or other interim arrangements agreed to by the Parties.
- 5.4. For greater certainty, the Parties agree that the Engagement Framework does not apply to Land and Resource Decisions made pursuant to the British Columbia *Environmental Assessment Act* or to activities regulated by the Oil and Gas Commission.

6.0 Providing Information to Support Effective Engagement

- 6.1. The Parties are committed to informing the holders of existing tenures in the Gitanyow Lax'yip and Applicants, and prospective Applicants where possible, of the Reconciliation Agreement including:
- (a) the Reconciliation Agreement itself and any attachments thereto;
 - (b) the Gitanyow Lax'yip Land Use Plan and associated Management Objectives, Land Use Zones and related maps; and
 - (c) other information that those Applicants and existing tenure holders may wish to consider when submitting Applications.

7.0 Annual Engagement Workplan

- 7.1. The JRGF will meet on a periodic basis, but not less than annually, for the purpose of reviewing anticipated and reasonably foreseeable Applications and Land and Resource Decisions over the following 12 months and developing a work plan that improves the Engagement Framework including:
- (a) identifying potential improvements to the Engagement Framework;
 - (b) reviewing and where agreed improving criteria for setting engagement levels;
 - (c) where practicable, grouping or proactively scheduling Applications and/or Land and Resource Decisions; and

- (d) to review the objectives and the process of decision making within the Engagement Framework.
- 7.2. JRGF annual work planning may at the request of either Party include discussion regarding anticipated strategic or policy initiatives that may affect the Gitanyow Lax'yip.
- 7.3. The JRGF annual work plan will:
 - (a) identify the scope of topics and considerations to be addressed through joint technical work to support informed decision-making;
 - (b) propose a schedule of meetings;
 - (c) identify the affected Wilp and participating Provincial Agencies with respect to prospective Applications;
 - (d) set out how the information-sharing between the Applicant and the Gitanyow will be coordinated with the engagement process between the Parties; and
 - (e) provide for government-to-government engagement through the JRGF or otherwise to consider the outcomes of technical analysis and review, and
 - (f) to make recommendations to the Parties' respective Decision-makers, as the case may be, regarding the Land and Resource Decisions.

8.0 Dispute Resolution

- 8.1. The Parties are committed to resolving disputes that may arise in the implementation of the Engagement Framework and will make best efforts to resolve disputes in accordance with the procedures set out in this section.
- 8.2. If despite reasonable efforts Representatives of the JRC are unable to reach consensus on a matter of substance related to a particular recommendation within agreed-to timelines as set out in the Engagement Framework, either Party may request the commencement of a dispute resolution process.
- 8.3. Within 10 days of a request under Section 8.2, the Parties will:
 - (a) exchange, in writing, a full description of the substantive issue that is unresolved, and any proposed specific actions that could be taken to address the issue; and
 - (b) convene a technical meeting specifically to discuss the written descriptions and attempt to resolve the issue(s) and reach agreement on recommendations.

- 8.4. If a dispute remains unresolved after the steps taken in Section 8.3 the matter may be referred to JRGF by either Party. Within 10 days of such a referral, JRGF members (or a designated subgroup) will review information on the outstanding points of disagreement, identify the interests of the Parties related to the issue and make best efforts to develop a solution that meets the interests of both Parties.
- 8.5. In addition to Section 8.4, the Parties may:
- (a) seek independent advice from recognized subject matter experts;
 - (b) use alternative dispute resolution measures such as non-binding facilitation and/or mediation; or
 - (c) refer the matter for review and recommendation by a selected group of senior representatives of each of the Parties.
- 8.6. If a dispute remains unresolved after the steps set out in Sections 8.3 and 8.4, the Parties will include a summary of the dispute resolution process and the outstanding points of disagreement in the Shared Engagement Record, together with any Consensus Recommendations and engagement will be considered complete.
- 8.7. Following the exchange of information in Section 8.6 each Party will review recommendations provided in Section 8.3 and 8.4 and other relevant information including the outcome of any additional processes under 8.5 and may proceed with a decision in accordance with its laws, policies and decision making process.
- 8.8. Either Party shall have the right to challenge the decision-maker's decision through legal process.
- 8.9. The JRGF shall recommend to the decision-maker that, in making the Land and Resource Decision, he/she shall consider all relevant information provided under this process and, in the context of its decision shall:
- (a) identify the nature and scope of the Gitanyow Aboriginal Rights in issue in relation to the contemplated decision;
 - (b) based on Gitanyow strength of claim, determine whether the contemplated action potentially adversely affects Gitanyow Aboriginal Rights;
 - (c) if the contemplated action potentially adversely affects Gitanyow Aboriginal Rights, determine how serious the potentially adverse effects are;
 - (d) if the contemplated action potentially adversely affects Gitanyow Aboriginal Rights, determine what accommodation, if any, is appropriate;

- (e) set out the recommendations, if any, provided by either of the Parties for mitigation of the potentially adverse impacts, that the statutory Decision-maker took into consideration and the reasons why any recommendations have been rejected; and
- (f) inform Gitanyow in writing of the Land and Resource Decision and how Gitanyow's Aboriginal Rights were addressed. More particularly, if the statutory decision-maker has determined that the contemplated action potentially adversely affects Gitanyow Aboriginal Rights, the statutory decision-maker shall set out any accommodation including mitigation measures taken and the reasons for either not accommodating or only partly accommodating Gitanyow Aboriginal Rights.

9.0 Implementation

- 9.1. Within four (4) months of the Effective Date the Parties will complete the Engagement Framework.
- 9.2. Items to be addressed in the Engagement Framework will include:
 - (a) a work plan and schedule to address Applications anticipated under the Engagement Framework;
 - (b) Terms of Reference for the JRGF;
 - (c) Terms of Reference for the JRC;
 - (d) development of the Engagement Framework referred to in Section 5.1; and
 - (e) a schedule setting out milestones for the Parties to assess the effectiveness of the Engagement Framework.

APPENDIX 1 TO SCHEDULE C GITANYOW ENGAGEMENT FRAMEWORK

This Appendix includes an Engagement Framework for Applications for Land and Resource Decisions developed and agreed to by the Parties in accordance with Agreement Section 13 and Schedule C Section 5.1.

The Engagement Framework was formally agreed to by the Parties and has an Implementation Date of April 23, 2013.

1. Definitions

1.1. In this Appendix:

“Consensus Recommendation”: means a recommendation developed by the Parties in accordance with the Engagement Framework, where there is no substantive disagreement on the recommendation and while either Party may have concerns about specific aspects of the proposal, both Parties support providing the recommendation to the Decision-makers;

“Dispute Resolution”: means the processes by which representatives of the Parties seek to resolve disputes respecting the interpretation or implementation of the Agreement or a Land and Resource Decision(s), as set out in Schedule C, Section 8 of the Agreement;

“Early Engagement”: means discussions, information sharing, and other work related to a Proposed Project undertaken by Gitanyow and the Potential Applicant before a related Application has been submitted to or accepted by British Columbia;

“Government to Government”: means formal opportunities for bilateral discussions between the Parties which seek to resolve land use and resource management issues and includes the bilateral discussions between the Parties held pursuant to the Reconciliation Agreement which seek to foster a cooperative relationship amongst the Parties related to land use and resource policy, planning and management, including implementation of the Reconciliation Agreement;

“Implementation Date”: means the date of April 23, 2013 when the Parties formally approved and began implementing the Engagement Framework;

“Potential Applicant”: means a person, corporation, or entity, or their agent that intends to submit an Application requiring a Land and Resource Decision;

“Proposed Project”: means a lands and resources activity contemplated by a Potential Applicant before an Application has been submitted to or accepted by British Columbia;

“Representatives”: means the individuals who undertake Engagement on behalf of the Provincial Agencies and Gitanyow under this Engagement Framework;

“Shared Engagement Record”: means the single document created by the Representatives during engagement and provided to Decision-makers for their consideration at the conclusion of the engagement process; and

“Strategic Topic”: means a land or resource matter of interest to either Party, other than Applications, which may be brought forward for discussion at the JRGF pursuant to Appendix 1 Section 9.

2. Scope

- 2.1. The Parties agree that this Engagement Framework will apply only to those Applications where engagement is initiated on or after the Implementation Date, except where otherwise agreed.
- 2.2. For those Applications where engagement is underway as of the Implementation Date, the Representatives will complete engagement following standard Provincial procedures.
- 2.3. For greater certainty, the Parties agree that this Engagement Framework does not apply to Applications where engagement, following standard Provincial procedures, was concluded prior to the Implementation Date.

3. Engagement Level Descriptions

- 3.1. The engagement levels set out in this Engagement Framework are described as follows:
 - a) Summary of Non-Referral Activity: Information regarding Land and Resource Decisions made by British Columbia, as described in Appendix 2 – Gitanyow Activity Table, will be summarised annually and provided to the JRGF for discussion. Trends and issues observed in association with these activities may, by agreement of the JRGF, be addressed through amendments to the Engagement Framework or through other appropriate means;
 - b) Level 1 Pre-Notification: Information regarding an Application is shared with Gitanyow before British Columbia makes a Land and Resource Decision. Gitanyow respond within a short time-frame and, if in agreement with Level 1, providing readily available information on Gitanyow’s Aboriginal Rights in the Application area and an indication that Level 1 is acceptable, after which no further engagement is required. If

Gitanyow feel that the Application requires further discussion, there is an opportunity to elevate the engagement level;

- c) Level 2 –Standard: Information regarding an Application is shared with Gitanyow before British Columbia makes a Land and Resource Decision. Discussions occur between the Representatives via phone, e-mail or in-person with the intent of reaching Consensus Recommendations within a streamlined timeframe using information available within the Application. Either Party may propose to change the engagement level by providing a reasonable rationale for the change;
- d) Level 3 – Complex/Deep: Information is shared with Gitanyow before British Columbia makes a Land and Resource Decision and the process includes all of the same components a Level 2 but with a longer timeframe allowed for the Parties to undertake discussions and attempt to develop Consensus Recommendations. Discussions may involve the JRC who may, by agreement, recommend that additional information relevant to the Application be gathered by the Parties and/or the Applicant. Either Party may propose to change the engagement level by providing a reasonable rationale for the change, however, elevations to Level 4 will only proceed by agreement of the JRGF Co-Chairs as described in this Appendix 1, Section 6.1 d; and
- e) Level 4 –Special: (JRGF only) Proceeds only by agreement of the JRGF Co-Chairs as described in this Appendix 1, Section 6.1 d). The Parties meet to develop the engagement process, including information-sharing, discussion steps and timelines. The engagement process includes all of the elements of Level 3 and may also address both specific (technical) and broader (non-technical) accommodation, revenue-sharing and economic opportunities, collaborative management or other topics as agreed by the JRGF. A Level 4 process may also include joint assessments or other studies that the Parties agree to undertake as needed or coordination with other assessment processes as may be required by Provincial statute.

3.2. At all engagement levels, collaborative efforts are made to encourage Early Engagement between Potential Applicants and Gitanyow.

3.3. The Parties agree to the engagement level timeframes described in Table A below.

Table A: Engagement Level Timeframes

Process Step	Description	Default Maximum Timeframes (number of business days)			
		Engagement Level			
		1	2	3	4

<i>Early Engagement</i>	Gitanyow provides a summary of Early Engagement outcomes to British Columbia (where the Applicant or Potential Applicant has provided a copy of the Application or information describing a Proposed Activity).	10	15	20	30
STEP 1	Engagement request with information package and engagement level proposal.	0	0	0	0
STEP 2	Gitanyow review package and provide initial response regarding engagement level.	5	5	10	5
STEP 3	Reach agreement on engagement level or, for Level 4, the Engagement process.	5	3	5	40
STEP 4	Gitanyow prepare and provide a response package focusing on consistency/inconsistency with the Gitanyow Land Use Plan and recommendations for mitigation/avoidance/accommodation.	0	15	20	TBD
STEP 5	Engagement discussions, attempt to develop Consensus Recommendations, complete the Shared Engagement Record and provide recommendations to Decision- makers.	0	7	20	TBD
Total Maximum Engagement Timeframe (excluding Dispute Resolution & Early Engagement)		10	30	55	45+
STEP 6 – Dispute Resolution (if required)		n/a	10-20+	10-20+	10-20+

- a) If a Party is unable to carry out engagement steps within the timeframes defined in Table A, the Representative may notify the other Representative of the reasons for the inability to meet the timeframe and propose an alternate timeframe. The Representatives may, by mutual agreement, extend the timeframe for that step and will act reasonably in agreeing to extension requests.
- b) If at the end of a mutually agreed extended timeframe, the requesting Party has still not carried out the steps, the other Party may proceed without further engagement efforts.
- c) Gitanyow will be notified if the Application is withdrawn or cancelled, and engagement on the Application will end.

4. Information Sharing Standard Across All Engagement Levels

4.1. The Parties agree to ensure an agreed-upon standard of information sharing across all engagement levels. Information regarding Applications and Potential Projects will include the following:

- a) Accurate and legible maps, in electronic format, and printed copies as appropriate
- b) Spatial data where available (e.g. shape files, Geomark, etc.)

- c) Project name
 - d) Applicant name
 - e) Applicant contact information (subject to applicable Provincial confidentiality provisions)
 - f) Description of project – description of proposed activity, including location, nature, and duration
 - g) British Columbia's initial assessments of potential impacts to Gitanyow Aboriginal Rights, including references to relevant and applicable sections of the Gitanyow Land Use Plan
 - h) Record of Early Engagement activities where applicable
 - i) Management plans when applicable
- 4.2. Engagement Level Timeframes identified in Table A will commence once Gitanyow has received all of the available information listed in this Appendix 1, Section 4.1.

5. Overview of Early Engagement Process with Potential Applicants

- 5.1. The Parties will encourage Applicants or Potential Applicants to contact Gitanyow, and to share project information directly with Gitanyow. Where Applicants or Potential Applicants do contact Gitanyow and share project information directly with Gitanyow before or at the same time as the Application, the outcomes of Early Engagement will inform the consultation process.
- 5.2. The purpose of Early Engagement is to:
- a) allow for the maximum amount of time possible for Gitanyow to review information regarding the Proposed Project to more meaningfully assess its consistency with the Gitanyow Huwilp Land Use Plan;
 - b) allow for earlier opportunities for the Potential Applicant to address, if they choose to do so, any of Gitanyow's concerns or recommended changes to Proposed Projects;
 - c) provide a transparent and predictable process, including specified timelines, for Potential Applicants to engage effectively with Gitanyow; and
 - d) encourage positive working relations between Gitanyow and the Potential Applicant.
- 5.3. The Parties will inform Potential Applicants at the earliest possible date of:
- a) the Agreement;

- b) the Gitanyow Land Use Plan; and
 - c) the Shared Decision Making Approach between the Parties.
- 5.4. The Parties agree that a Provincial Agency may request an Applicant to undertake specific procedural aspects of the Engagement process, such as notification and sharing information. Provincial Representatives will make reasonable efforts to notify Gitanyow of the Provincial Agency request in a timely manner.
- 5.5. Actions undertaken by an Applicant under this Appendix 1, Sections 5.2 and 5.4 may be relied upon by BC in seeking to fulfill its consultation obligations in relation to Gitanyow, but do not release BC from its consultation obligations or its responsibility to ensure the processes outlined in this Agreement are fulfilled.

6. Overview of Engagement Process initiated by BC

6.1. Initiation of Engagement:

- a) Upon receipt of an Application, and prior to initiating engagement Levels 2 or 3, a Provincial Agency will inform the Applicant of the Shared Decision Making approach between the Parties and will encourage the Applicant to contact Gitanyow, and to share Application information directly with the Gitanyow.
- b) A Provincial Agency will initiate engagement on an Application, or group of related Applications, by providing to Gitanyow an information package that includes the Shared Engagement Record and the information described in this Appendix 1, Section 4.1.
- c) Level 4 Engagement may be initiated before or after an Application has been received by British Columbia, by either Party providing notice to the JRGF Co-Chairs of a Proposed Project or Application that may meet the criteria for Level 4 Engagement.
- d) Within ten (10) business days of receiving notice under this Appendix 1, Section 6.1c) or 6.2g), the JRGF Co-Chairs will review the Proposed Project or Application together, decide whether it should proceed at Level 4 Engagement and, if so, a timeline for initiating engagement activities. If the JRGF co-chairs are unable to reach agreement that engagement should proceed at Level 4, they may alternately agree to any of the following options:
 - i. Default to Level 3 engagement,
 - ii. Level 3 engagement with an extended timeline,
 - iii. Level 4 engagement with a confined timeline, or
 - iv. Initiate Dispute Resolution.

6.2. Determination of Engagement Level

- a) The Representatives will refer to the Engagement Level Criteria described in Appendix 2 to Schedule C for guidance in determining the proposed engagement level for all types of Applications or Proposed Projects. Appendix 2 is not intended to limit the use of discretion of the Representatives when determining an appropriate engagement level.
- b) Upon receiving an information package provided by a Provincial Agency initiating engagement, Gitanyow will respond, within the specified timelines in Table A (Step 2), by:
 - i. confirming completeness of the information package as specified in this Appendix 1, Section 4.1; and
 - ii. returning the Shared Engagement Record either indicating agreement with the proposed engagement level or providing a rationale to change the engagement level.
- c) In the event that Gitanyow confirms that Level 1 is appropriate, no further engagement is required.
- d) Where Gitanyow proposes to reduce the engagement level, engagement will proceed at the lower level.
- e) Where Gitanyow proposes to elevate the engagement level from Level 1 to Level 2 or from Level 2 to Level 3, and provides a reasonable written rationale for the proposed change, the higher engagement level will ensue.
- f) Where Gitanyow proposes to elevate an engagement level by more than one level, and provides a reasonable written rationale for the proposed change, the JRC co-chairs will be notified and will, within 5 business days, determine the appropriate engagement level.
- g) Where Gitanyow proposes to elevate the engagement level to Level 4, and provides a reasonable written rationale for the proposed change, the JRGF Co-Chairs will be notified and will proceed as described in this Appendix 1, Section 6.1d).
- h) If Gitanyow do not confirm an engagement level within the timeframes described in Table A (Step 2), engagement will continue at the level initially proposed by British Columbia.
- i) The Parties may agree to change the engagement level during the engagement process as new information relevant to the Application becomes available.

6.3. Engagement: Information Sharing Process for Level 2 and Level 3

- a) Gitanyow will review information provided by a Provincial Agency and, within the timelines specified in Table A (Step 4), will return the Shared Engagement Record to the identified Provincial Representative with the following information added:
 - i. an analysis of consistency and/or inconsistency with the Gitanyow Lax'yip Land Use Plan and preliminary proposed options to address inconsistencies with the Gitanyow Lax'yip Land Use Plan; and
 - ii. a description of additional Gitanyow Aboriginal Rights which may be impacted by the Application(s) and preliminary proposed options to address such impacts.
- b) If Gitanyow do not provide a response within the allotted timeframe:
 - i. the Provincial Agency may proceed without further Engagement efforts but will give full consideration to relevant known information respecting Gitanyow Aboriginal Rights, as reflected in the Gitanyow Lax'yip Land Use Plan ;and
 - ii. a written notice outlining the results of the decision and a description of the tenure term and conditions will be provided to Gitanyow.

6.4. **Engagement: Level 4 Process**

- a) Upon the JRGF Co-Chairs agreeing to a Level 4 Engagement process following the notification in this Appendix 1, Section 6.1c), the Provincial JRGF Co-Chair will ensure that the following information relevant or related to the Proposed Project or Application is shared with Gitanyow as soon as available.
 - i. the location and the nature of the proposed activity
 - ii. the types of provincial authorizations that may be required
 - iii. the Provincial Agencies that may be involved
 - iv. All other information listed in this Appendix 1, Section 4.1
- b) The JRGF Co-Chairs will convene an initial meeting, or may establish a working group under its guidance, to discuss:
 - i. initial views on the potential impacts of the Application, including potential impacts on Gitanyow Aboriginal Rights;

- ii. initial views on the Proposed Project's consistency with the Gitanyow Lax'yip Land Use Plan.
 - iii. initial views on the potential benefits of the Application to Gitanyow and others;
 - iv. information requirements and measures to support ongoing information sharing;
 - v. work planning to develop an engagement process respecting the Application, including coordinating to avoid duplication, harmonize timing and achieve synergies with relevant technical review processes including Mine Development Review Committees, Environmental Assessment committees and Clean Energy Project teams.
- c) The total timeframe from initiation of Level 4 Engagement and reaching agreement on a Level 4 Engagement process is 45 business days.
- d) In developing a work plan and engagement process for a Level 4 Application, the Parties will be guided by the following principles:
- i. all permits and authorizations under consideration by Provincial Agencies required to support the Application will be addressed through one overarching engagement process;
 - ii. engagement will be structured to enable phased permitting and bundling of decisions at engagement levels consistent with the provisions for Levels 1, 2 and 3.
- e) For clarity, where a Proposed Project is subject to an environmental assessment as provided for under the *Environmental Assessment Act*, the purpose of Level 4 Engagement at the JRGF or through a working group is to enable engagement on authorisations other than the environmental assessment certificate and to deal with issues that are beyond the scope of the environmental assessment process.

6.5. Engagement: Efforts to Develop Consensus Recommendations for Levels 2, 3 and 4.

- a) During development of the Shared Engagement Record in the Information-Sharing step, the Representatives will review available and relevant information, and will engage in discussions, appropriate to the engagement level, during which they will make all reasonable efforts to reach Consensus Recommendations respecting the Application(s).
- b) The Representatives will attempt to provide Consensus Recommendations within prescribed timeframes using methods appropriate to the agreed engagement level as described in this Appendix 1, Section 3.1.

- c) In developing Consensus Recommendations, the Representatives will consider and, where appropriate, seek to address some or all of the following:
 - i. applicable Gitanyow Aboriginal Rights and Ayookxw;
 - ii. the purposes of the Agreement;
 - iii. applicable provincial laws, and policies;
 - iv. compatibility with the Gitanyow Lax'yip Land Use Plan;
 - v. potential environmental, social and economic effects or benefits; and
 - vi. other relevant issues as mutually agreed by the Parties.
- d) At any stage in the engagement process, if consensus is reached, Consensus Recommendations will be forwarded to the decision-makers as described in this Appendix 1, Section 7.1 below.
- e) If engagement does not result in Consensus Recommendations within the Step 5 timelines described in Table A:
 - i. either Party may initiate the Dispute Resolution process in this Appendix Section 8;
 - ii. initiation of the Dispute Resolution process must occur within the Table A Step 5 timelines; or
 - iii. where the Parties agree not to trigger Dispute Resolution, a description of Consensus Recommendations, as well as the Parties' respective individual recommendations where they were not able to achieve consensus, will be forwarded to the decision-makers.
- f) When strategic issues are identified that the Representatives agree are beyond the scope of engagement regarding a specific Application or package of Applications:
 - i. the matter may be brought forward to the JRGF;
 - ii. engagement on the specific Application or package of Applications will continue within the timeframes originally agreed and will not be held up pending the outcomes of the JRGF discussions; and
 - iii. outcomes of the JRGF discussions, where resolution is reached, will inform and guide future engagement on similar Applications.
- g) Upon conclusion of engagement discussions, Representatives will complete the Shared Engagement Record including Consensus

Recommendations as well as the Parties' respective recommendations where they were not able to achieve consensus, such recommendations to be provided to respective Decision-makers in accordance with this Appendix 1, Section 7.1.

- h) Unless an issue is referred to Dispute Resolution, the engagement process is complete when the Representatives provide to the decision makers their Consensus Recommendations as well as the Parties' respective individual recommendations where they are unable to achieve consensus.

7. Decision and Follow-Up

- 7.1. Each Party is responsible for providing information to its decision-maker(s) which will include the agreed upon Consensus Recommendations as well as the Parties' respective recommendations where they were not able to achieve consensus as recorded in the Shared Engagement Record.
- 7.2. The Parties agree that after engagement has been completed, each Party will consider all relevant information and recommendations related to each Application as recorded in the Shared Engagement Record and will proceed to make its own decision respecting the Application.
- 7.3. The provincial decision-makers will provide in writing to Gitanyow the outcome of all Land and Resource Decisions that affect Gitanyow Lax'yip as follows:
 - a) for decisions that are subject only to Summary of Non-Referral Activity, follow-up will be provided to Gitanyow and the JRGF annually in a batched format;
 - b) for decisions that are subject to Level 1 Pre-Notification, post-decision follow-up will be provided to Gitanyow in writing using the Shared Engagement Record. Post-decision follow-up may be batched on a semi-annual basis to allow for greater efficiencies and streamlining;
 - c) for decisions that adopt all Consensus Recommendations pursuant to this Engagement Framework, written notice outlining the results of the decision and a description of the tenure term and conditions will be provided to Gitanyow. No reasons for the decision will be required.
 - d) for decisions that do not adopt Consensus Recommendations pursuant to this Engagement Framework:
 - i. prior to a decision being made, the provincial decision-maker will provide to Gitanyow and to the JRGF Co-Chairs, a written summary of the proposed decision, an explanation of how Gitanyow concerns have been considered and why a Consensus Recommendation is not being adopted;

- ii. Gitanyow may table their written concerns within 7 business days of receiving the written summary in (i);
 - iii. the provincial decision-maker will respond accordingly to Gitanyow's written concerns prior to the final decision being made; and
 - iv. a letter outlining the results of the decision and a description of the tenure term and conditions will be provided to Gitanyow.
- e) where the Parties were not able to generate Consensus Recommendations for all issues, written notice will be provided to Gitanyow outlining the results of the decision, a description of the tenure term and conditions, and a description of the criteria that have influenced the decision; and
 - f) the JRC will track Consensus Recommendations that are not adopted and will report them to the JRGF as a component of the annual Engagement Framework monitoring report.

8. Dispute Resolution Process

- 8.1. Where the Parties are unable to develop a Consensus Recommendation or set of Consensus Recommendations under Section 6.5 of this Engagement Framework, either Party may initiate the Dispute Resolution Process set out in Article 8 of Schedule C to the Reconciliation Agreement.

9. Engagement Process for Strategic Topics

- 9.1. The Parties agree that an engagement process is needed to address Strategic Topics and agree to work together to develop such a process after the Renewal Date.
- 9.2. Prior to the development of an engagement process for Strategic Topics, either Party may request engagement on a Strategic Topic, by submitting a request in writing to the JRGF Co-Chairs that includes a summary of the topic and a proposed engagement process to advance discussions on that topic.

10. Roles and Responsibilities of the Parties

- 10.1. The role of the Representatives is to act as the primary point of contact for engagement on Applications.
- 10.2. The Parties agree that all correspondence related to the Engagement Framework will go through one central point of contact at Gitanyow: The Wilp Sustainability Director.
- 10.3. The Role of the Joint Resources Council is:
 - a) monitoring and analysis of Engagement Framework implementation;

- b) performance reporting to the JRGF in accordance with the Joint Resources Council Terms of Reference;
 - c) assisting with Dispute Resolution processes; and
 - d) Forming issue-specific working groups as directed by the JRGF.
- 10.4. The role of the Joint Resources Governance Forum in the engagement process is:
- a) initiating and leading Level 4 engagement;
 - b) leading the Dispute Resolution process;
 - c) Reviewing performance reports provided by the Joint Resources Council and providing direction on adjustments or improvements; and
 - d) making revisions to the Engagement Framework as needed and agreed to by the Parties.
- 10.5. The role of the decision-makers is to review the outcomes of engagement as summarized in the Shared Engagement Record and to ensure that the outcomes of Land and Resource Decisions are provided in accordance with section this Appendix 1, Section 7.

APPENDIX 2 TO SCHEDULE C TOOLS FOR SETTING ENGAGEMENT LEVELS

Preamble

Engagement levels suggested in the Gitanyow Activity Table contained in this Annex are intended to apply in the majority of cases ($\approx 75\%$), but may be modified up or down if there are site-specific details related to potential impacts to Gitanyow Aboriginal Rights that warrant the change. If an Application is generally believed to be consistent with the Gitanyow Lax'yip Land Use Plan, but no supporting documentation is provided or where an Application is inconsistent but has provided clear mitigative measures, there would be no up or down modification and the appropriate engagement level would be as shown in the Gitanyow Activity Table.

It is the intention of the Parties that up and down modification of levels is a joint, consensus-based determination. During the initial implementation period, the number and nature of up and down modifications will be tracked to assist in finalizing the Engagement Framework and the accompanying Activity Table. Additional up and down modifiers may be developed and incorporated throughout the initial implementation Period, by decision of the Joint Resources Council.

Examples of possible up and down modifiers include, but are not limited to:

Potential Up Modifiers

- Application or Proposed Project is inconsistent with Gitanyow Lax'yip Land Use Plan. If a major inconsistency exists (for example logging in Ecosystem Networks, industrial activities within 1000 metres of canyon dwelling goat winter range, etc), Level may be elevated to Level 3.
- Areas of significant known Gitanyow cultural and sustenance use or other Gitanyow Aboriginal Rights for which management direction is not already provided in the Gitanyow Lax'yip Land Use Plan. (References may include records from previous engagements, existing database systems, or spatially referenced "Cultural Sites" under the *Gitanyow Policy Manual for Management of Cultural Heritage Resources, 2009 and any further subsequent versions*.)
- Areas of known high archaeological value or known archaeological features. (References may include the Provincial RAAD or spatially referenced "Cultural Sites" under the *Gitanyow Policy Manual for Management of Cultural Heritage Resources, 2009 and any further subsequent versions*.)
- Cumulative effects modifier (i.e. multiple small applications in a small area) which can shift density of development/roads, or with ancillary impacts – for example, the final development may be relatively low impact, but the infrastructure creation (i.e. vegetation removal/road building) may have immediate short term (and larger scale) level of impacts which delay recovery/restoration. This modifier would *not* apply to activities that have cumulative effects tools built into their planning processes (e.g. forestry activities under Forest Stewardship Plans or where landscape level objectives exist).
- Proximity of an Application or Proposed Project to Gitanyow communities.

Potential Down Modifiers

- Application or Proposed Project is consistent with Gitanyow Lax'yip Land Use Plan. Accompanying documentation is required, including a summary of correlation to all relevant sections of the Land Use Plan, and how the activity or Proposed Project meets Management Objectives.
- Higher level planning - Watershed Plan, Lake Management Plan, OCP, Zoning; reviewed through referral; (i.e. referral may be deferred/eliminated if Gitanyow have provided input to higher level planning exercises and implementation/enforcement)/ Environmental Assessment completed; reviewed through referral/technical committee. Level down modification will only occur where Gitanyow concurs that all concerns and interests were adequately addressed through previous higher level planning.
- Consistent with plans where previous engagement with Gitanyow occurred, completed, in place and supported by approval agencies (e.g. Forest Stewardship Plans, Range Stewardship Plans and Woodlot Licence Plans, Community Forest Agreements, Provincial Parks Plans, access management plans or guidelines). Level down modification will only occur where Gitanyow concurs that all concerns and interests were adequately addressed through previous engagement processes.

Gitanyow Activity Table

Sector	Summary of Non-Referral Activity	Level 1 Pre-Notification	Level 2 Standard	Level 3 Complex/Deep	Level 4 Major/Special*
Ecosystems	Forest and Range Practices Act related decisions <ul style="list-style-type: none"> • Wildlife habitat features • General wildlife measures 		Forest and Range Practices Act <ul style="list-style-type: none"> • Government Action Regulations (GAR) - exemptions 		
Fish and Wildlife	Angling <ul style="list-style-type: none"> • Summary of Classified water licences • Summary of angling licences issued in the Province • Angling prescriptions for a water body – Fishery objectives Fish and Wildlife Authorizations <ul style="list-style-type: none"> • Possession of live wildlife – captive animals (i.e. injured wildlife, falconry) • Miscellaneous authorizations, i.e. use of traps prohibited by regulation, discharge firearms in no shooting area, exemptions from prohibitions, beaver dam removal etc) 	Guide outfitting - renewal / transfer of guide certificate Wildlife studies or projects undertaken by the Parties that may cause wildlife disturbance Administrative changes to traplines (e.g. adding additional family members)	Trapping, Angling, Hunting, Regulations Changes that may affect Gitanyow <ul style="list-style-type: none"> • Restrictions to regulations or regulation changes with low likelihood of infringement. Fish and Wildlife Authorizations <ul style="list-style-type: none"> • Trapping – trapline cabin registration) • Transporter licenses and management plans • Wildlife studies or projects undertaken by a third party that may cause wildlife disturbance Operational Work <ul style="list-style-type: none"> • Lake stocking – changes to lake stocking regimes Operational Work <ul style="list-style-type: none"> • Lake enhancement 	Operational Work <ul style="list-style-type: none"> • Lake stocking – initial lake stocking decision Fish and Wildlife Authorizations <ul style="list-style-type: none"> • Possession of live wildlife – new long term care facilities (zoos, rehabilitation centre, etc.) • Guide outfitting – creation of a new guide outfitter territory • Trapping – Creation of new traplines, registration and disposition 	

Sector	Summary of Non-Referral Activity	Level 1 Pre-Notification	Level 2 Standard	Level 3 Complex/Deep	Level 4 Major/Special*
			(aeration, fertilize) • Stream enhancement Fish and Wildlife Authorizations • Non-lethal low disturbance fish and wildlife projects (i.e. inventories, surveys, wildlife health and habitat assessments, etc). • Fish collection permits - emergencies / exemptions		
Forests & Range	Number of Free use permits Woodlots • Direct award of First Nations woodlot to Gitanyow through FTOA process • Woodlot minor boundary change BCTS TSL timeline extension or transfer Range • Range developments – small scale • Range tenure - minor boundary change • Range tenure - minor amendments	Salvage < 2,000 m3 • Small scale salvage forest license to cut issuance and / or major amendment • Salvage plan amendments • Salvage - blanket CP's for major licensee Land Based Investment Program / Forests for Tomorrow (If the activity involves other Authorizations it will default to that Engagement Level) • Current Fire and Pest Reforestation ¹ • Forest Health ² • Site Productivity ¹ • Sustainable Forest	BCTS TSL issuance CP/RP issuance CP amendments (major) Salvage > 2,000 m3 • Non replaceable Forest Licence issuance Forest Licence to Cut • Issuance or transfer- BCTS • Issuance or transfer- Non small scale salvage • Major amendment Timber Sale Licence • Major amendment • Conversion	Forest Stewardship Plan • New (likely to require expanded timeframes) • Major amendment Community Forest Agreement • Award • Transfer • AAC determination • Management plan approval Woodlots • Award • Replacement • Transfer • AAC determination • Management plan approval	Timber Supply Area • AAC timber supply review • AAC uplift disposition • AAC TSR re-apportionment

¹E.g.: surveys, site preparation, planting, brushing, spacing

² E.g.: surveys, pruning, spacing, pheromone baiting for bark beetles, invasive plant treatments

Sector	Summary of Non-Referral Activity	Level 1 Pre-Notification	Level 2 Standard	Level 3 Complex/Deep	Level 4 Major/Special*
	Basic Silviculture outside of FSP. (British Columbia will encourage proponents to share silviculture information directly with Gitanyow)	Management (SFM) Planning <ul style="list-style-type: none"> • Management Unit or Watershed Level Strategies³ • Backlog reforestation¹ • Impeded stands (brushing) • Stand Treatments to meet timber objectives (fertilization) • Stand Treatments to meet timber objectives⁴ • Stand Treatments to meet non-timber objectives⁵ • Recreation (site and trail maintenance) • Monitoring⁶ • Forest Dynamics and Decision Support⁷ • Land Based Investment Program – Resource Inventories⁸ 	Other Tenures <ul style="list-style-type: none"> • Special use permit issuance • Occupant license to cut issuance Transfers <ul style="list-style-type: none"> • TSA AAC (section 18) Forest stewardship plan extension Community Forest Agreement <ul style="list-style-type: none"> • Management plan amendment Woodlot <ul style="list-style-type: none"> • Management plan amendment Range <ul style="list-style-type: none"> • Range animal unit month (AUM) adjustment • 1 year grazing permit 	<ul style="list-style-type: none"> • Top ups (area and AAC increases) • Private land deletions Forest Licence <ul style="list-style-type: none"> • Issuance • Replacement • Transfer • Amendment • Consolidation or subdivision Non Replaceable Forest Licence <ul style="list-style-type: none"> • Issuance • Transfer • Amendment Range <ul style="list-style-type: none"> • New range tenure - new opportunity (no previous tenure in area), issuance or transfer 	

³ E.g.: silviculture strategies, watershed restoration plans, ecosystem restoration plans, species and ecosystems at risk recovery strategies/management plans, forest health strategy, integrated visual design and visual rehabilitation plans

⁴ E.g.: surveys, spacing, pruning, stand treatment and forest health monitoring

⁵ E.g.: treatments (pruning trees or shrubs for forage production) and treatment effectiveness evaluation

⁶ E.g.: water quality/quantity; terrestrial biological and physical; aquatic biological and physical; carbon sequestering

⁷ E.g.: site productivity estimation

⁸ E.g.: terrestrial ecosystem mapping, terrain stability mapping, karst, TEM/VRI, predictive ecosystem mapping, TRIM, fish and fish habitat, recreation and visual resource, wildlife and wildlife habitat, airborne and satellite remote sensing data, etc

Sector	Summary of Non-Referral Activity	Level 1 Pre-Notification	Level 2 Standard	Level 3 Complex/Deep	Level 4 Major/Special*
			issuance <ul style="list-style-type: none"> • Tenure and lease replacement • New Range Use Plan (RUP) • Range developments - large scale not in RUP • Range tenure major amendments, boundary changes 		
<i>General (applies where no specific guidance provided)</i>	Emergency measures required for the protection of life and property	<ul style="list-style-type: none"> • Short-term or seasonal activities • No or minor new surface disturbance, or new minor to moderate ground disturbance in previously disturbed areas • No new permanent access⁹ • No or very small permanent infrastructure • Non-exclusive tenures¹⁰ • Administrative applications¹¹ where there are no historic issues and no new impacts 	<ul style="list-style-type: none"> • New minor to moderate surface disturbance in previously disturbed areas • Minor new permanent access • Temporary or small new permanent infrastructure • Semi-exclusive tenures (potential to limit some other land uses) • Administrative applications where there are potential historic issues and no low-to-moderate new impacts 	<ul style="list-style-type: none"> • Moderate to significant new ground disturbance • Moderate new permanent access • Moderate to large new permanent infrastructure • Exclusive tenures (likely to limit other land uses) • Administrative applications where there are identified historic issues and moderate-to-significant new impacts 	<ul style="list-style-type: none"> • Major new ground disturbance • Significant new permanent access (expands permanent access network) • Large or extensive new permanent infrastructure
<i>Land Tenuring</i>	<ul style="list-style-type: none"> • Emergency measures required for the protection of life and property • Land Tenure Transfers between Federal and Provincial agencies 	Activities with no or negligible new ground disturbance or effect on other uses, including one or more of the following types of activities:	Activities with potential for new ground disturbance or effect on other uses, including one or more of the following types of activities: <ul style="list-style-type: none"> • Administrative 	Activities with potential for significant new ground disturbance or effects on other uses, including one or more of the following types of activities:	Fee simple transfers of previously un-tenured lands (remote)

⁹ "Permanent access" means access infrastructure (e.g. trails, roads, power lines) for which restoration after use is not contemplated as part of an Application or management plan.

¹⁰ "Exclusive tenure" means a tenure that provides security to the tenure holders by limiting the uses of the tenured area by persons other than the tenure holder.

¹¹ "Administrative application" means an application regarding an existing authorization, such as a renewal, replacement, assignment or transfer of the authorization.

Sector	Summary of Non-Referral Activity	Level 1 Pre-Notification	Level 2 Standard	Level 3 Complex/Deep	Level 4 Major/Special*
	<ul style="list-style-type: none"> • Transfers of administration between Provincial Agencies • Notation of Interest files • Establishment of Map Reserves (Section 17) in which a higher level of engagement is required prior to development. 	<ul style="list-style-type: none"> • Administrative applications incl. scheduled renewals of existing tenures, licences or permits engagement will occur annually on a batched basis • Major client assignments of tenures for projects in development or operational stage (e.g. industrial) • Communication sites and associated bldgs with less than 1 ha site footprint and no new road access • Navigation aids, including beacons • Investigative Use Permits or Licences where there are nil to low potential impacts (e.g. stream measurements, general data gathering, soil pits). • Work permits for existing infrastructure or with no incremental disturbance footprint • Sale of forfeited residential lots 	<ul style="list-style-type: none"> • applications including amendments to existing tenures, licences, or permits where there are low to moderate new impacts • Investigative use permits or licences where there are low to moderate potential new impacts (e.g. geotech drilling, seismic blasting) • Gravel pits or quarries with annual production <200,000 tonnes • Communication sites and associated buildings with more than 1 ha site footprint and/or new road access • New roads less than 2 km in length • New utility rights-of-way less than 2 km in length • Commercial recreation involving non-motorized light-impact extensive uses, including river rafting, backcountry hiking, and guided nature tours • Community or institutional uses • General commercial in developed areas • Light industrial activities, such as log landings and temporary work camps 	<ul style="list-style-type: none"> • Administrative applications including amendments to existing tenures, licences, or permits where there are significant new impacts • Gravel pits or quarries with annual production of 200,000 to 500,000 tonnes • New roads greater than 2 km in length • New utility rights-of-way greater than 2 km in length • Commercial recreation involving motorized or intensive uses, including heli-skiing • New wilderness lodges • Intensive agriculture in an area less than 15 ha • Extensive Agricultural tenures • General commercial outside of developed areas • Fee simple transfers of previously tenured lands • Residential development or fee simple sales within settled areas • Legalizations of recreational/residential cabins • Moderate to heavy industrial activities, such 	

Sector	Summary of Non-Referral Activity	Level 1 Pre-Notification	Level 2 Standard	Level 3 Complex/Deep	Level 4 Major/Special*
			<ul style="list-style-type: none"> Reserves for environmental, conservation, or recreational uses (Section 16) 	as industrial parks, within the developed area, permanent work camps and lay-down areas <ul style="list-style-type: none"> Residential licenses 	
Petroleum and Natural Gas Titles & Geothermal (excluding those activities regulated by the Oil and Gas Commission)	Subsurface tenure information			Land Sales for Sub-Surface Resources <ul style="list-style-type: none"> Petroleum and Natural Gas Geothermal Permitting 	
Parks and Protected Areas	Operations <ul style="list-style-type: none"> Park Use Permit Reports Research Reports Attendance Reports 	Land Use Occupancy <ul style="list-style-type: none"> Existing Filming - minor film shoot (may require expedited timeframes) Research <ul style="list-style-type: none"> Low disturbance (e.g. inventories, surveys and habitat assessments) Park Use Permits <ul style="list-style-type: none"> Replacements and transfers 	Designation <ul style="list-style-type: none"> Private land for protected areas Commercial Recreation <ul style="list-style-type: none"> Non-motorized Motorized using areas designated for motorized use Land Use Occupancy <ul style="list-style-type: none"> New Filming – major film shoot (note: may required expedited timeframes) Operations <ul style="list-style-type: none"> Ecosystem restoration (e.g. prescribed burning, New facility development, 	Amendments <ul style="list-style-type: none"> Park boundaries Commercial Recreation New motorized use in areas without a current motorized designation new fixed roof accommodation facilities Management plans <ul style="list-style-type: none"> All types Park Use Permits <ul style="list-style-type: none"> Guide outfitting and angling guiding with new infrastructure and/or new motorized access, including firewood management plans. 	Designation of New parks or protected areas

Sector	Summary of Non-Referral Activity	Level 1 Pre-Notification	Level 2 Standard	Level 3 Complex/Deep	Level 4 Major/Special*
			<p>or construction</p> <ul style="list-style-type: none"> • Extensive Hazard Tree Removal (e.g. tree removal projects requiring a prescription) <p>Park Use Permits</p> <ul style="list-style-type: none"> • Amendments with new impacts • New permits for guide outfitting and angling guiding, non-motorized and without infrastructure, including firewood management plans 		
Pesticides (*Commitment to review and revise this table during first 6 months of implementation)	<ul style="list-style-type: none"> • Vegetation management on industrial sites on public land – sites maintained in near vegetation-free state (roads etc), or with no public access • Wood pole preservation – application of preservatives to installed telephone and hydro poles • On-site inspections, data reviews • Response to public complaints regarding use and application of pesticides and herbicides • Registration of use notifications 	<ul style="list-style-type: none"> • Pest management on railways – ballast area, switches, maintenance yards, treatment of selected trees & shrubs outside ballast area (typically on private land) • Vegetation management on right-of-ways – sites maintained in near vegetation-free state (roads etc), or with no public access • Noxious weed and invasive plan management – use of herbicides to treat weeds, not applied to surrounding vegetation 	<ul style="list-style-type: none"> • Vegetation management of right-of-ways – selective management of encroaching trees & shrubs or with public access • Vegetation management on industrial sites on public land – general selective vegetation management, or with public access 		<ul style="list-style-type: none"> • Forest pest management 5 year plans (management of vegetation to benefit seedling growth, or managing insect outbreaks)

Sector	Summary of Non-Referral Activity	Level 1 Pre-Notification	Level 2 Standard	Level 3 Complex/Deep	Level 4 Major/Special*
Waste Management	<ul style="list-style-type: none"> • Transfer of a permit to discharge waste • Registrations under misc. Regulations (e.g. Petroleum Storage, Storm Water; Municipal Waste Water; Hazardous Waste; etc.) 	<ul style="list-style-type: none"> • New effluent permits or approvals – small¹² • New refuse approvals (garbage, solid waste) – small¹³ • Minor amendments – effluent and refuse permits or approvals (as defined in the Public Notification Regulation) • Significant amendments – small approvals (as defined in the Public Notification Regulation (PNR)) • New air permits or approvals • management plan 	<ul style="list-style-type: none"> • New effluent approvals (other waste discharges) – large¹⁴ • New refuse approvals - (garbage, solid waste, e.g. municipal landfill) – large¹⁵ • Operational certificate (authorized under solid or liquid waste management plans) New refuse permits (garbage, solid waste) – small 	<ul style="list-style-type: none"> • New refuse permits - (garbage, solid waste, e.g. municipal landfill) – large • Significant amendments - permits or approvals (as defined in the PNR) • New liquid waste or solid waste management plans • (consultation undertaken by Regional Districts and Municipalities) • New effluent permits other waste discharges – large 	
Water	<ul style="list-style-type: none"> • Water licence amendment that changes the name of the tenure holder or that results in cancellation or abandonment of water licences • Emergency measures required for the protection of life and property • Section 8 – short term use of water when First Nation do not hold a water licence downstream of 	<ul style="list-style-type: none"> • New water licenses – e.g. residential power purposes, agriculture less than 5 acre feet, irrigation, domestic with nil or negligible risk of impact to fish or fish habitat • Permit over Crown Land Section 26 – nil to negligible risk of impact to water quality/quantity or habitat values • Section 8 – short term use 	<ul style="list-style-type: none"> • New water licenses that are low to moderate risk of impact to quality/ quantity. e.g., agriculture greater than 5 acre feet, industrial and commercial, land improvements • Permit over Crown Land Section 26 – low to moderate risk of impact to water quality/quantity or habitat 	<ul style="list-style-type: none"> • New water licences – moderate to-high risk of impact to water quality/quantity • Permit over crown land – moderate to high risk of impact to water quality/quantity or habitat <p>Approvals:</p> <ul style="list-style-type: none"> • Section 9 – for moderate to high risk of impact to fish habitat 	<ul style="list-style-type: none"> • New water licenses – e.g. major Industrial projects, mine operations; water works (local community drinking water); storage (dams as per Dam Safety Regulation); power purposes (commercial and general), Section 12.2 • Water Management Plans • Water Allocation Plans • Water Reserves

¹² "Small effluent discharge" means any effluent discharge smaller than 50m³/d.

¹³ "Small refuse discharge" means any refuse discharge that is not 'large'.

¹⁴ " Large effluent discharge" means any effluent discharge greater than 50m³/d.

¹⁵ "Large refuse discharge" means any refuse discharge greater than 500m³/yr or with a total landfill design capacity of greater than 5000m³ (capacity over its complete life).

Sector	Summary of Non-Referral Activity	Level 1 Pre-Notification	Level 2 Standard	Level 3 Complex/Deep	Level 4 Major/Special*
	<p>application site and nil or negligible risk of impact to fish or fish habitat</p> <ul style="list-style-type: none"> • Part 7 – notification water regulation of Section 9 work in and about a stream 	<p>of water when First Nation holds a water licence downstream of application site and nil or negligible risk of impact to fish or fish habitat</p> <ul style="list-style-type: none"> • Section 9 – nil or negligible risk of impact to fish or fish habitat; not identified as imminent emergency, infrastructure already in existence, no additional footprint (related to existing infrastructure) 	<p>Approval for changes in and about a stream:</p> <ul style="list-style-type: none"> • Section 9 – for low to moderate risk of impact to fish habitat and/or large impact projects that require approval. 	<p>and/or large impact projects that require approval</p> <ul style="list-style-type: none"> • Section 8– where there may be low to high risk of potential impacts to water quality/quantity or habitat values (will require expedited timelines.) 	

SCHEDULE D ATMOSPHERIC BENEFITS

1.0 Definitions

In this Schedule:

“Atmospheric Benefits” means reductions in atmospheric greenhouse gases caused by reduction or avoidance of GHG emissions or increases in removals of GHGs from the atmosphere;

“Atmospheric Benefit Agreement” means an agreement between Gitanyow and the government regarding the allocation of Atmospheric Benefit Rights;

“Atmospheric Benefit Rights” means proprietary or contractual entitlement to rights associated with Atmospheric Benefits, including any entitlement of the holder to obtain Emission Offsets under an Emission Offset Program, but does not include any possessory rights associated with carbon sequestered in Terrestrial Reservoirs;

“Emission Offset” means any tradable credit, offset or unit that represents an estimated Atmospheric Benefit from a GHG Reduction Project and is recognized by an Emission Offset Program and used to offset GHG emissions from other sources;

“Emission Offset Program” means a voluntary or regulatory program of the government or a third party for the recognition of Emission Offsets and application of Emission Offsets against GHG emissions;

“GHG” means greenhouse gas;

“GHG Reduction Project” means a specific course of action or management that leads to measurable Atmospheric Benefits;

“Project” means the GHG Reduction Project based on the Gitanyow Lax'yip Land Use Plan

“Project Plan” means a plan for carrying out the Project that includes a description of the Project, methodologies for calculating Atmospheric Benefits and all assertions, statements, explanations and justifications required by the *Emission Offset Regulation*;

“Project Report” means a report on the carrying out of the Project and quantification of emission reductions achieved, including all assertions and calculations required by the *Emission Offset Regulation*;

“Terrestrial Reservoir” means a place where carbon is sequestered from the atmosphere in vegetation, including trees and aquatic vegetation, and soil, including foreshore, but does not include underground geological formations;

“Validated” or **“Validation”**, in relation to a Project Plan, means that a Validation Body has provided an opinion, without any qualifications that British Columbia in its sole discretion deems material, that the assertions contained in that Project Plan are fair and reasonable and that the Project Plan meets the requirements of the *Emission Offsets Regulation*, and, if carried out as planned will produce reductions in greenhouse gases that can be verified under the *Emission Offsets Regulation*;

“Validation Body” means a Validation Body as defined by the Emission Offset Regulation;

“Verified” or **“Verification”**, in relation to a Project Report, means that a Verification Body has provided an opinion, without any qualifications that British Columbia in its sole discretion deems material, that the report meets the requirements of the *Emission Offsets Regulation* and that assertions of emission reductions and other matters contained in the report are fair and reasonable; and

“Verification Body” means a Verification Body as defined by the Emission Offset Regulation.

2.0 Purpose

2.1. The Parties share the goals of:

- (a) developing environmentally credible and marketable Emission Offsets through the creation and implementation of the Project resulting in improved forest management in the Gitanyow Lax'yip;
- (b) entering into an Atmospheric Benefit Agreement that would enable the Parties to share Atmospheric Benefits and resultant Emission Offsets derived from the Project.

3.0 Scope of Activities

3.1 The development of an Atmospheric Benefit Agreement will be based on the Treasury Board Directive entitled *“Authority to dispose of Atmospheric Benefit Rights and enter into Agreements respecting sharing of Atmospheric Benefit Rights”* and existing government policy, as amended and updated from time to time.

3.2 In order to build the framework for creating qualifying Emission Offsets, the Parties recognize the following must be accomplished:

- (a) identification of potential Emission Offset Programs that may provide credibility and economic value to the Parties such as: the B.C. *Greenhouse Gas Reduction Target Act*, the Western Climate Initiative, Environment Canada’s offset program, the Climate Action Registry, and the Greenhouse Gas Industrial Control and Reporting Act, and

- (b) development of a process for Project Plan development, Validation and Verification which:
 - i. allows for validation and verification pursuant to the B.C. *Greenhouse Gas Reductions Target Act*, and is consistent with the *BC Emission Offsets Regulation* and any agreed-upon Emission Offset Programs;
 - ii. is an eligible GHG Reduction Project, and
 - iii. identifies who is responsible for carrying out the Project Plan development, Validation, Verification other documents and for paying the costs of these steps.

4.0 Atmospheric Benefit Agreement

- 4.1. Based on the results of completing the development work under Section 3.0, the Parties will make best efforts to negotiate the Atmospheric Benefit Agreement as soon as reasonably practicable.
- 4.2. The Parties acknowledge that a portion of the total annual Atmospheric Benefits resulting from the implementation of the Project will be reserved and held outside of the Atmospheric Benefit Agreement as negotiated under an Atmospheric Benefits Agreement.
- 4.3. The Atmospheric Benefit Agreement will provide to each of the Parties the agreed-to share of the total annual GHG reductions in the Gitanyow Lax'yip that result from actions taken jointly by British Columbia and Gitanyow within the Gitanyow Lax'yip including the legal implementation of the Project and upon confirmation of a Validated Project Plan.
- 4.4. The Atmospheric Benefit Agreement will set out how the total share of Emission Offsets will be distributed.
- 4.5. Nothing in this Agreement shall restrict the Gitanyow, on its own initiative, to pursue additional GHG Reduction Projects and receive Emission Offsets from other opportunities or initiatives within the Gitanyow Lax'yip.

5.0 Other Matters

- 5.1 The Parties agree that the Atmospheric Benefit Agreement will contain provisions that address the following:
 - (a) the review and monitoring of forest carbon data and models used to establish the quantum of Emission Offsets over the life of the Atmospheric Benefit Agreement;
 - (b) no title or interest in land in the area in Schedule A shall be created or modified as a result of any project, Offsets or associated agreements;
 - (c) the Project and ownership and legal characterization of Emission Offsets not prejudicing positions the Parties may take on Aboriginal title and rights or in future reconciliation negotiations;

- (d) liability, managing permanence and the risk of reversals of Emission Offsets over time;
- (e) responsibilities for transaction costs associated with validation, verification, monitoring, marketing costs, and management of any Emission Offset revenue;
- (f) periodic review of the implementation of Atmospheric Benefit Agreement;
- (g) dispute resolution; and
- (h) any other components agreed to by the Parties.

6.0 Next Steps

- 6.1 Subject to the completion of a feasibility assessment, as agreed upon by the Parties, to verify the existence of viable Emission Offsets within the Gitanyow Lax'yip as a result of the Project, the Parties will negotiate and attempt to reach agreement on an Atmospheric Benefit Agreement as soon as reasonably practicable after the Renewal Date.
- 6.2 British Columbia has provided \$50,000.00 to Gitanyow to complete the Project feasibility assessment.
- 6.3 Gitanyow will provide British Columbia with a copy of the completed Project Plan Validation assessment and Project Report.
- 6.4 After British Columbia confirms the Project has been Validated, British Columbia will provide the following additional financial support to Gitanyow to implement the Project in accordance with Schedule I:
 - (a) \$100,000.00 within thirty days of confirming the Project Plan has been validated; and
 - (b) An additional \$50,000.00 each year for three years as part of the funding under this Reconciliation Agreement.
- 6.5 The Parties agree that the Atmospheric Benefits Agreement will replace the terms of this schedule and this Reconciliation Agreement will be amended to incorporate the Atmospheric Benefits Agreement as Schedule D.

SCHEDULE E
FOREST TENURE AND REVENUE SHARING OPPORTUNITIES

- 1.0 Forest Tenure opportunities will include but will not be limited to:
 - 1.1 commitment to convert the forest tenures that Gitanyow is eligible to apply for pursuant to the Gitanyow Forestry Agreement to a replaceable, area-based Forest Woodlands Licence subject to availability of suitable area for tenure placement; and
 - 1.2 the potential to acquire carbon offsets additional to those associated with implementation of the 'protected areas', Biodiversity Areas and Management Objectives agreed to in this Reconciliation Agreement.
- 2.0 Forest Revenue Sharing opportunities will include but will not be limited to:
 - 2.1 Revenue Sharing under the Forest Consultation and Revenue Sharing program; and
 - 2.2 Other new or revised forest revenue sharing opportunities that may be developed and are applicable and available to Gitanyow or to the Gitanyow Lax'yip.
- 3.0 Gitanyow Lax'yip Forestry Management Strategy
 - 3.1 The Parties may by agreement through the JRGF develop a comprehensive Gitanyow Lax'yip forestry management strategy that identifies options for maintaining the ecological integrity of each Wilp and supports a sustainable economy.

SCHEDULE F
GITANYOW ALTERNATIVE ENERGY ACTION PLAN

1.0 Purpose

1.1. The purpose of developing a Gitanyow Alternative Energy Action Plan is to:

- (a) identify potential alternative energy projects, including independent power projects (IPPs), such as the proposed Kinskuch River project, in the Gitanyow Lax'yip;
- (b) support the responsible development of such projects in a manner that takes into account Gitanyow Ayookxw and values and British Columbia's goals in developing alternative energy; and
- (c) provide economic and employment benefits for Gitanyow.

2.0 Energy Planning

2.1. British Columbia, with the assistance of BC Hydro, where applicable, is committed to assist Gitanyow in addressing its interests in the energy sector in the Lax'yip through a phased approach which may include:

- (a) an overview of existing and potential energy resources in the Lax'yip with the understanding that BC Hydro can only share information within its possession which is available to the general public;
- (b) an assessment of clean energy development opportunities in the Lax'yip with the understanding that BC Hydro can only share information within its possession which is available to the general public; then
- (c) based upon the information in 2.1(a) and (b) above, the Parties may discuss potential opportunities for Gitanyow to participate in the development of energy resources in the Lax'yip, with the understanding that Gitanyow priorities include topics such as independent power projects, using NTL infrastructure for other Gitanyow purposes, measures that promote Gitanyow energy projects, energy project selection criteria that reflect Gitanyow involvement, and carbon values.

2.2. Gitanyow may, subject to available funding including allocated funding under Schedule H of this Agreement, undertake a stream review and inventory of streams in the Gitanyow Lax'yip to identify streams suitable for IPP development.

3.0 Key Features of the Action Plan

3.1. Development of the Action Plan may include:

- (a) an assessment of the potential for IPP development within the Gitanyow Lax'yip including potential barriers or constraints;

- (b) an assessment of other forms of clean energy resource potential in Gitanyow Lax'yip, and barriers or constraints to the development of these clean energy resources;
 - (c) the development of a clean energy strategy for the Gitanyow Lax'yip reflecting the interests and priorities of the Parties including opportunities related to the Northwest Transmission Line; and
 - (d) support for the development of a Gitanyow Alternative Energy Plan that is focused on reducing fossil fuel consumption and energy self-sufficiency.
- 3.2. The Parties will, as soon as practicable, develop a Terms of Reference and work plan for the development of the Gitanyow Alternative Energy Action Plan.

SCHEDULE G ECONOMIC STRATEGIES

Pursuant to Section 17.1, Gitanyow will complete a Gitanyow Economic Opportunity Study based on Gitanyow's interest to further economic development and stewardship in the Lax'yip related to tourism, non-timber forest products and other economic opportunities that may arise and will provide that study to British Columbia.

1.0 Tourism

- 1.1. Based on the results of the Gitanyow Economic Opportunity Study, and other information that may be provided by the Gitanyow, the JRGF will identify potential economic opportunities for the Gitanyow within the Gitanyow Lax'yip including:
- (a) tourism development and business opportunities related to the establishment of the Hanna Tintina protected area and other existing protected areas;¹⁶
 - (b) tourism development and business opportunities related to cultural features of the Gitanyow and wilderness and natural resource attributes within the Lax'yip;
 - (c) identification of permits, licences, and tenures that may facilitate Gitanyow's desire to pursue tourism related economic development within and outside protected areas;
 - (d) identification of capacity constraints that may prevent Gitanyow from pursuing identified tourism opportunities; and
 - (e) strategies and actions for addressing constraints and capitalizing on opportunities and priorities including access to available permits, licences, and tenures within and outside protected areas.

2.0 Non-timber Forest Products

- 2.1. The Gitanyow have an interest in pursuing non-timber forest product economic development and stewardship associated with harvesting and management of pine mushrooms, berries and medicinals with the Lax'yip.
- 2.2. Based on the results of the Gitanyow Economic Opportunity Study, and other information that may be provided by the Gitanyow, the JRGF will identify potential non-timber forest product ("NTFP") economic development opportunities for the Gitanyow within the Gitanyow Lax'yip including:

¹⁶ For the purposes of this Schedule, the "protected area" refers to a) Provincial parks, b) conservancies and c) lands managed as parks or conservancies under the *Environment and Land Use Act*.

- (a) identification of geographic areas with high capability and suitability for NTFP;
- (b) identification of capacity constraints that may prevent Gitanyow from pursuing identified NTFP opportunities;
- (c) identification of policies to improve management of NTFP resources including access management, harvesting, selling, exporting and protection; and
- (d) strategies and actions for addressing capacity constraints, capitalizing on economic opportunities, and policies to improve management of NTFP resources.

3.0 Other Economic Opportunities

- 3.1. Based on the results of the Gitanyow Economic Opportunity Study, and other information that may be provided by the Gitanyow, the JRGF may identify other economic opportunities for the Gitanyow within the Gitanyow Lax'yip.

SCHEDULE H
ENVIRONMENTAL ASSESSMENT FRAMEWORK
FOR THE GITANYOW LAX'YIP

1.0 Definitions

In this Schedule:

“Application Review” means the 180 day review described under sections 16 and 17 of the *Environmental Assessment Act* and the *Prescribed Time Limits Regulation*, as amended from time to time;

“Environmental Assessment Act” means the British Columbia *Environmental Assessment Act*, S.B.C. 2002, c 43, as amended from time to time;

“EAO” means the British Columbia Environmental Assessment Office; and

“Initial Impact Assessment” means the potential adverse impacts of the proposed project on Gitanyow Aboriginal Rights, including potential upstream or downstream effects, based on initial documents provided by the proponent.

2.0 Purpose

2.1 The purpose of this schedule is to:

- (a) describe the specific actions that will be undertaken by the Parties; and
- (b) confirm how the Gitanyow Lax'yip Land Use Plan (GLLUP) will be used when the Parties engage on Land and Resource Decisions under the *Environmental Assessment Act*.

3.0 Scope

3.1 This Schedule applies to Land and Resource Decisions under the *Environmental Assessment Act* that meet the criteria for review under Sections 6, 7 or 10 of the *Environmental Assessment Act*.

3.2 The Parties agree that Land and Resource Decisions under the *Environmental Assessment Act* are not subject to the Engagement Framework, found in Appendix 1 to Schedule C in this Agreement.

4.0 Specific Actions and Steps in the Engagement Process

4.1 The Parties will engage on Land and Resource Decisions made pursuant to the *Environmental Assessment Act* as follows:

- 1. *Early Engagement (prior to issuance of section 6, 7 or 10 Order)*
 - (a) The Parties will undertake collaborative efforts to inform project proponents of this Agreement and the GLLUP in accordance with Agreement Section 11.2.

- (b) EAO will encourage all project proponents to engage with Gitanyow with a view towards understanding how the GLLUP may inform early project development and the project application.
2. *Determination of Engagement Level (prior to issuance of section 11 Order)*
- (a) Prior to issuing a section 11 Order under the *Environmental Assessment Act*, EAO will provide Gitanyow with an Initial Impact Assessment that will inform EAO's proposed level of consultation. EAO will provide Gitanyow with a reasonable amount of time to respond.
 - (b) Where EAO proposes to consult with Gitanyow at a level deeper than notification on a proposed project, the Parties agree that EAO is not required to provide an assessment of strength of claim to Gitanyow.
 - (c) Where EAO proposes to consult with Gitanyow at the notification level, EAO will provide both the Initial Impact Assessment and, if requested by Gitanyow, an initial assessment of strength of claim assessment.
 - (d) At the request of Gitanyow, EAO will reconsider the proposed level of consultation if any new information is provided relevant to the potential impact of the project.
3. *Information Requirements and Information Sharing*
- (a) EAO will:
 - i. describe how the proposed project is consistent or not consistent with the GGLUP; or,
 - ii. direct proponents to describe how the proposed project is consistent or inconsistent with the GLLUP.
 - (b) The Parties will negotiate and attempt to reach agreement on Gitanyow specific clauses for any Section 11 or 13 Orders under the *Environmental Assessment Act*, including:
 - i. identifying Gitanyow as represented by the Gitanyow Hereditary Chief's Office and if required, the role of any individual wilp(s);
 - ii. confirming the application of the Agreement and the role of the GLLUP in EA engagement; and

- iii. setting out the engagement requirements of EAO and the proponent, if required by EAO.
- (c) The Parties will negotiate and attempt to reach agreement on Gitanyow specific clauses for insertion in any Application Information Requirements (AIR) documents where the proponent is being directed to consult with Gitanyow including:
 - i. ways of describing Gitanyow traditional and current land use; and
 - ii. other aspects as agreed to by the Parties.
- (d) The Parties will negotiate and attempt to reach agreement on a format for analyzing whether a proposed project is consistent with the GGLUP.
- (e) The Parties will negotiate and attempt to reach agreement on a framework, principles and approach for project-specific wilp sustainability assessments.

4. *Application Review and Analysis.*

- (a) Prior to end of the Application Review EAO will provide Gitanyow with written documentation of the project proponent's review/analysis or EAO's review/analysis, as the case may be, on how the proposed project is consistent or inconsistent with the GLLUP and will provide a reasonable time for response.
- (b) Prior to the end of the Application Review and within the timelines set out by EAO, Gitanyow will provide its response to the review/analysis under 4(a).
- (c) Gitanyow may request an extension in order to review EA related documents, which the EAO will reasonably consider.
- (d) The EAO will seek to address Gitanyow concerns or recommendations.

5. *Assessment Report and Decision*

- (a) In its Assessment Report/Consultation Report referred to the Ministers for decision, EAO will include:
 - i. the analysis of how the proposed project may be consistent or inconsistent with the GLLUP,
 - ii. Gitanyow's views of that analysis, and
 - iii. Detail of how EAO addressed Gitanyow concerns or recommendations.

5.0 EAO-Gitanyow Oversight Committee

- 5.1 The Parties will establish a committee that will meet in accordance with subsection 5.1(a) and 5.1(b).
- (a) The committee will hold meetings specific to a particular EA project to discuss:
 - i. the AIR;
 - ii. Gitanyow's initial review of the Application submitted under section 16 of the Act;
 - iii. EAO's initial draft Assessment Report and draft conditions; and
 - iv. the consultation processes and outcomes following the issuance of an EA Certificate.
 - (b) The committee will hold annual meetings to review the status of certified projects within the Lax'yip.

6.0 Additional Actions

- 6.1 The Parties will discuss other priorities related to engagement on projects subject to *the Environmental Assessment Act* as identified and agreed to from time to time by the Parties such as:
- (a) the development of materials which could be provided to potential proponent under section 4 which describe the nature of the commitments outlined in the RRA, plus any additional materials related to "best practices" for engaging Gitanyow; and
 - (b) a collaborative approach to monitoring and enforcement of EAC conditions.

7.0 Amendment

- 7.1 Where changes to the *Environmental Assessment Act* may affect processes outlined in this Schedule the Parties will meet to review this schedule and consider whether any amendments to this Schedule are required.

SCHEDULE I

RESOURCING

- 1.0 **General.** The Parties will be responsible for pursuing resources to implement their own commitments under this Agreement from funding sources potentially available to them.
- 2.0 **Effective Date Resourcing.** For the three (3) year period of this Agreement following the Effective Date, British Columbia will provide Gitanyow with an amount not to exceed \$600,000 to supplement its own resources as follows:
- 2.1 funding of \$150,000 per year for three (3) provincial fiscal years (2011/12, 2012/13 and 2013/14), with the first payment to be made on the Effective Date and payments in subsequent years to be made on the anniversary of the Effective Date to support Gitanyow capacity to implement the Agreement including Shared Decision Making structures, processes and initiatives;
 - 2.2 funding of \$50,000 in provincial fiscal year 2011/12 to be paid on the Effective Date to support the completion of a socio-economic well-being strategy as set out in Section 5.2;
 - 2.3 funding of \$50,000 in provincial fiscal year 2011/12 to be paid on the Effective Date to support the completion of an economic opportunity study as set out in Section 17.1; and
 - 2.4 funding of \$50,000 in provincial fiscal year 2011/12 to be paid on the first anniversary of the Effective Date to support the work of the Monitor as set out in Section 12.4.
- 3.0 **Renewal Date Resourcing.** For the three (3) year period of this Reconciliation Agreement following the Renewal Date British Columbia will provide the following financial support to supplement Gitanyow's own resources:
- 3.1 funding of \$300,000 per year for three (3) provincial fiscal years (2016/17, 2017/18 and 2018/19) to Gitanyow to support Gitanyow capacity to implement the Reconciliation Agreement including Shared Decision Making structures, processes and initiatives, with the remaining 2016/2017 payment of \$269,750 to be paid as soon as practicable after the Renewal Date and subsequent payments to be made on the second and third anniversary of the Renewal Date;
 - 3.2 funding of \$100,000 to Gitanyow to support the implementation of the Emission Offsets Project, to be paid within 30 days of British Columbia confirming the Emission Offsets Project has been validated as set out in Section 6 of Schedule D; and
 - 3.3 funding of \$50,000 per year to Gitanyow for three years to support the Emission Offsets Project, with the first payment to be made as soon as practicable after the Renewal Date and subsequent payments to be paid on the anniversary of the Renewal Date, subject to the conditions as set out in Section 6, Schedule D.

4.0 Conditions Precedent to Funding. Notwithstanding any other provision of this Agreement, any payment of funds by British Columbia to Gitanyow for any purposes pursuant to this Agreement is subject to:

- 4.1. submission by Gitanyow of annual reports 30 days prior to the anniversary of the Effective Date which outline the activities completed in accordance with the terms the Agreement and annual work plans completed under Section 7 of Schedule C;
- 4.2. There being sufficient monies available in an appropriation, as defined in the *Financial Administration Act*, to enable British Columbia in any provincial fiscal year or part thereof when such payment is required, to make such payment; and
- 4.3. Treasury Board, as defined in the *Financial Administration Act*, not having controlled or limited expenditure under any appropriation necessary in order to make such payment.

5.0 Other Funding. Gitanyow, subject to successful implementation of Schedule D (Atmospheric Benefits) or other agreed upon revenue sharing measures, will use portions of the resulting revenues to support Gitanyow implementation costs of this Reconciliation Agreement.