

COUNCIL REPORT

To: Mayor and Council

From: Administration

Date: April 3, 2024

Subject: Land Referral – Application for a Section 17 (Indigenous Protected and Conserved Area)

RECOMMENDATION:

THAT Council directs Administration on how to respond to the referral request.

BACKGROUND:

The Ministry of Water, Land and Resource Stewardship (WLRS) is applying on behalf of the Tsay Keh Dene (TKD) to establish a Section 17 (S17) Conditional Withdrawal over the application area to support an Indigenous Protected and Conserved Area (IPCA).

Excerpt from Ministry of WLRS Rationale:

Tsay Keh Dene has declared an IPCA within the Ingenika and Chuyaza watershed as well as the Swanell River Corridor (see attached maps), together called the Wədzih Yine' IPCA which translates to Caribou Song IPCA. This area is of crucial importance to TKD historically, ecologically, culturally, and spiritually. TKD oral history recounts how TKD's Sekani ancestors used and occupied the Ingenika to sustain their way of life and culture. This use and occupation of the Ingenika by TKD people continues today and, in fact, has assumed even greater importance to the preservation of TKD's way of life and culture because of widespread forestry, mining and other industrial development in other parts of TKD territory, the proximity of the IPCA to TKD's main community at the north end of the Williston Reservoir, and the relatively pristine condition of large parts of the watershed.

This division of WLRS currently has a scoping mandate to support preliminary planning conversations and the IPCA within the TKD territory and is actively working on a cabinet submission to obtain a planning mandate. WLRS is seeking the S17 Conditional Withdrawal as an Interim Measure to support this work with TKD. The S17 Conditional Withdrawal will allow the space to have these conversations while mitigating impacts to the areas of high importance for the TKD. WLRS understands the advantages and limitations of a S17 Land Act Designation and considers it to be the best tool for this purpose at this time.

Term:

The standard conditional withdrawal term is 10 years, however as this is a temporary solution the TKD is applying for a 5 – year S17.

Compatible Uses:

Compatible uses would be those that align with TKD’s interests and values or have direct support from TKD.

Incompatible uses would be those that involve extraction of natural resources, invasive type tenures, and/or new linear corridors such as powerlines, roads, and pipelines.

Additional Information:

A list of the possible impacts have been shared with staff and, due to the size of the document was not attached directly to the agenda, but has been emailed as a separate attachment and a hard copy put out in the centre table file for Council’s review.

STAFF COMMENTS:

This application does not occur within the District of Mackenzie borders. There are no land use policy, zoning, or official community plan comments or concerns.

COUNCILS RECOMMENDATION:

Based on the information presented, Council is being asked by the Province to provide comment. Staff have provided the following options:

1. The District of Mackenzie’s interests are unaffected by the application.
2. The District of Mackenzie has no objection to approval of the application.
3. The District of Mackenzie has no objection to approval of application subject to specified conditions.
4. The District of Mackenzie recommends refusal of this application due to specified reasons.

COUNCIL PRIORITIES:

Community and Social Development

- Our investment in the municipality's services and infrastructure, our commitment to principles of social equity and well-being, and our belief in the value of resident engagement, creates a healthy community in which everyone feels valued and enjoys a high quality of life.



RESPECTFULLY SUBMITTED:

Luke Thorne, Land and Environmental Coordinator

Reviewed By: Corporate and Financial Services

Approved By: Chief Administrative Officer