

## **COUNCIL REPORT**

**To:** Mayor and Council

**From:** Administration

**Date:** September 2, 2025

**Subject:** Morfee Mountain Road – License of Occupation

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### **RECOMMENDATION:**

THAT Council authorize administration to proceed with obtaining a Licence from the Ministry of Water, Land, and Resource Stewardship for community recreational access purposes for the portion of Morfee Mountain Road as shown in the map attached to this report;

AND THAT the Chief Administrative Officer be authorized to finalize agreement negotiations, execute the agreement, and any related documentation.

### **BACKGROUND:**

At the February 14, 2022 Regular Meeting of Council, Council directed staff to conduct research and bring back further information about whether the District should pursue holding tenure on Morfee Mountain Road through License-of-Occupation with the Province of BC or acquiring Morfee Mountain Road as a municipal road from the Province of BC. The following provides an overview of the steps taken since that meeting.

#### 2022 – 2023

In discussion with the Province the License-of-Occupation was chosen as the appropriate path forward and to gain a full understanding of what would be involved if the District took over the road, staff applied for the license in May 2022.

Local road user groups were invited to assist with the preparation of the application and discussions with the Province about what the final license requirements would be. Those groups included: Ministry of Forests, BC Timber Sales, BC Rec Sites and Trails, McLeod Lake Mackenzie Community Forest, and the Mackenzie Outdoor Route and Trail Association. We have met several times in the last few years to work through the application, discuss road upgrades and issues, and long-term road management planning.

Staff were told it could take up to a year to receive an answer on the application and license requirements, which ended up being the case.

### Caribou Recovery Committee

A portion of Morfee Mountain Road enters the Partnership Agreement A2 Zone of the [Partnership Agreement for the Conservation of the Southern Mountain Caribou – Central Group](#). This is a special protection area with a moratorium which prohibits provincial statutory decision makers from adjudicating applications for all resource development activities, except for applications or amendments related to emergencies, public health and safety concerns, habitat restoration, construction, and maintenance of existing infrastructure. As a result, the application was reviewed by the Provincial Caribou Recovery Committee.

The Provincial Caribou Recovery Committee's referral response requested the District implement several mitigation efforts to protect caribou in that section of the road. After discussions with the Province, the following mitigation efforts required for the license would include:

- Placing a section of barricades at the upper parking lot to prevent the ATV traffic up the hill (shown in the image);
- Caribou mitigation informational signage at the location; and
- Completion of a caribou mitigation plan.



### 2024-2025

In March 2024, the Province gave notice of final review of the District's application, which included the final agreement and requirements for obtaining the license. They have given an extension to September 30, 2025 to allow the District to complete the necessary business planning prior to making a final decision on taking the tenure over.

### **Morfee Mountain Road Business Planning**

This process included a legal review of the agreement, preparation of a Caribou Mitigation Plan, and completion of a road assessment and asset management plan. A summary of the documents has been provided below. Full copies are available in the Centre Table File for Council's review and consideration.

### Draft Agreement

The Province does not intend to charge a fee for the tenure and has proposed a term of 30 years. In addition to the caribou mitigation requirements, the District would be responsible for

all maintenance and necessary repair work within the tenure area. The District would hold the liability for use of the road and as a result be required to set and communicate its planned level of service for the roadway going forward. For example providing road signage, setting speed limits, and communicating seasonal or emergency road closures when necessary.

The road and infrastructure past the top parking lot leading to both communications towers would remain the responsibility of the other road tenure holders. Access agreements would need to be arranged where necessary and as BC Hydro has a statutory right of way along the entire roadway, the District would need to work with them on any road improvements to not impede on their areas of authority and vice versa.

### Caribou Mitigation Plan

The plan recommendations include:

#### **Limit disturbance through management restrictions:**

- establish barricade(s) sufficient to restrict motorized access away from Morfee Mountain Road but particularly beyond the planned upper parking lot;
- set maximum speed limits of 40 kms/hr for vehicle use along Morfee Mountain Road;

#### **Self-policed restrictions including:**

- instruct users to stay on Morfee Mountain Road while travelling to the point of commencing non-motorized recreation;
- encourage the use of caution around known foraging areas (e.g., meadows and mineral licks) within 500-m of the Morfee Mountain Road;
- if caribou are known to be using Morfee Mountain during May to mid-June, limit use of Morfee Mountain Road during that sensitive time; and
- encourage removal of noxious/invasive plants from vehicles.

#### **Use citizen-science based monitoring including:**

- report collisions with caribou (date, time, location, sex, age class);
- report direct encounters with caribou (date, time, location, number, sex, age class, response type);
- report any contraventions from the managed and self-policed restrictions listed above (date, time, location, license plate);
- identify apparent foraging areas used by caribou (forage type, location, area); and
- record and report observations of wolves (date, time, location, age class).

#### **Education and outreach**

- establish signage with respect to caribou habitat and caribou recovery as per direction from Province and include reference to the significance of caribou conservation for local and regional First Nations communities; and

- heighten awareness of the need for citizen-based monitoring through hand-out pamphlets available to all users of Morfee Mountain Road.

### **Review and research**

- engage the Caribou Recovery Committee to collect comment and review of recommended mitigations and to receive updates on movement patterns of radio-collared Klinse-Za caribou as they pertain to Morfee Mountain.

### Road Assessment and Management Plan

The Road Assessment and Management Plan prepared includes an overall assessment of the road and recommendations for a 10-year capital and maintenance plan. In general, we have been advised that the road is in fairly good condition with a few trouble areas, primarily due lack of proper drainage.

The total 10-year management plan is estimated to cost \$1,680,000. This includes capital works (culvert replacements, danger tree removal, signage, ditching, and repairs), ongoing maintenance (annual grading), and the creation of a \$200,000 reserve fund for emergency failures.

To fund the recommended management plan as-is, it would require a 1.92% tax increase each year for 10-years, unless other funding, such as grants, could be obtained to complete the work.

The District does not currently have the capacity with its staff or equipment to complete the road inspections, maintenance, and capital works in addition to our current operational requirements. As a result, the estimates are based on hiring contractors to complete this work.

### **NEXT STEPS:**

By September 30, 2025, the Province requires the District to indicate whether they wish to enter into the License-of-Occupation Agreement as outlined and to submit the required management plans and documentation for their final review and approval.

### Morfee Mountain Road Committee

If tenure is approved by the Province, staff recommend formally establishing a road user group to assist with communication, conducting inspections, sharing resources, and prioritizing budget requests for project and maintenance work. The members of the current group have indicated their desire to continue this partnership with the District if we were to move forward with the tenure transfer. Others road user groups have been identified that may wish to participate as well.

A report including the committee's terms of reference and appointment process would be brought forward at a future meeting for Council's consideration prior to establishment.

**BUDGETARY IMPLICATIONS:**

If Council approves the recommendation, staff would bring back recommendations for the 2026 – 2036 Financial Plan for Morfee Mountain Road maintenance and emergency funding options with consideration of other service requirements and potential taxation priorities for the organization.

**COUNCIL PRIORITY:**

**Strong Governance and Finances**

- As the municipality's elected governing body, we serve all residents and businesses in the community. We engage residents and stakeholders on important issues and make our decisions through open and transparent processes. We are careful in our use of resources, mindful of the need to maintain programs and services, while also meeting the community's infrastructure needs.

**Economic Vitality**

- The District is a leader on efforts aimed at diversifying the community's economy, supporting local businesses, and attracting new investment to the community. Diversification, a strong business sector and new investment are key to our economic vitality.

**RESPECTFULLY SUBMITTED:**

Emily Kaehn, Director of Corporate Services

**Reviewed by:** Kerri Borne, Chief Financial Officer

**Approved by:** Diane Smith, Chief Administrative Officer