

BABINE WATERSHED MONITORING TRUST

DEED OF TERMINATION AND TRANSFER OF TRUST PROPERTY

WHEREAS:

- A. The 2004 British Columbia government *Xsu gwin lik'l'inswx: West Babine Sustainable Resource Management Plan* stated that:
- a. it is “an ecosystem-based management plan and will be implemented through adaptive management.”
 - b. adaptive management would “allow continual improvement of management policies and practices.”
 - c. “By monitoring key responsive indicators over time and incorporating new information and knowledge, resource managers will be able to analyze and report on outcomes of their management practices with respect to baseline conditions and incorporate this knowledge into future management approaches.”
 - d. “To monitor the implementation and effectiveness of this plan and other plans in the entire Babine River watershed, it is proposed that a monitoring trust be established upon completion of this plan.”
- B. The Babine Watershed Monitoring Trust (the “Trust”) was established in January, 2005 by three provincial government ministers, a forest industry tenure-holder, a tourism industry tenure-holder and the Bulkley Valley Community Resources Board with its stated purposes in clause 4.1 of the Trust Agreement of:
- a. planning, prioritising, directing, facilitating and funding impartial monitoring research of the implementation and effectiveness of public land use plans and related natural resources management activities in the Babine Watershed;
 - b. educating the public on natural resources management of the Babine Watershed environment and the implementation and effectiveness of Babine Watershed public land use plans through collecting and disseminating information on monitoring activities and providing results of monitoring research; and
 - c. providing credible monitoring research results as part of a formal rigorous adaptive management process that enables continuous improvement of public land use plans resulting in better management of environmental values in the Babine Watershed.
- C. From 2005 to 2016, the Trust produced an annual monitoring plan and some 23 monitoring reports, which were widely distributed to government agencies, natural resource industries and to the public.

- D. From 2010 to 2012, the Trustees attempted to have the provincial government provide measurable targets for those indicators of resource values that were not available in the existing land-use plans. The government declined to provide any such information.
- E. As far as the Trustees are aware, the monitoring results were not used by government or industry managers “to analyze and report on outcomes of their management practices with respect to baseline conditions and incorporate this knowledge into future management approaches” as set out in the *West Babine Sustainable Resource Management Plan*.

NOW this deed witnesses as follows:

1. The Trustees have determined that the Trust has not been and can no longer be effective in carrying out its Beneficial Purposes as set out in clause 4.1 of the Trust Agreement.
2. The Trustees have further determined that the purposes of the SkeenaWild Conservation Trust encompass the Beneficial Purposes of this Trust; and the SkeenaWild Conservation Trust meets any *Income Tax Act* or other legal requirements for the transfer or re-settlement of property held in trust for charitable purposes.
3. Therefore, under clause 7.6 of the Trust Agreement, the Trustees have:
 - a. transferred all its Trust Property as defined in clause 3 of the Trust Agreement to SkeenaWild Conservation Trust; and
 - b. declared that the Babine Watershed Monitoring Trust no longer exists.

Dated at the Town of Smithers, Province of British Columbia, this 18 day of May, 2022.

Remaining Trustees:




Witness (Julia Sorochan)

Richard John Overstall




Witness (Nita Back)

Jane Eleanor Lloyd-Smith