

**MINISTRY OF FORESTS AND RANGE
BRITISH COLUMBIA FOREST SERVICE
BRIEFING NOTE**

File: 280-20/122710

I PREPARED FOR:

Honourable Pat Bell for INFORMATION

(as requested by Dana Hayden, Deputy Minister, Ministry of Forests and Range)

II ISSUE:

Haida Gwaii Conservancies – Forest Act, section 60.5 Notice and 60.2 and 60.3 Deletion Orders

III BACKGROUND:

The Haida Gwaii Strategic Land Use Plan was signed by the Premier and the Council of the Haida Nation in December 2007. Included in this plan were a number of proposed protected areas, which have been under temporary protection under *Forest Act*, Part 13, as designated areas. As such, the Minister temporarily suspended forestry operations, and the Chief Forester temporarily reduced the allowable annual cut for these designated areas

On December 17, 2008, by Order-in-Council (OIC No. 977) several conservancies were established on Haida Gwaii with an effective date of December 30, 2008. On October 10, 2009, these conservancies were further established under the *Protected Areas of British Columbia Amendment Act, 2009*, (Bill 10 – 2009), and the Order-in-Council No: 977 was rescinded. The conservancies affect several forest tenures including, Tree Farm Licences (TFL) 25 and 39, Block 6, and several Timber Licences held by Western Forest Products Inc. (Western). Section 11(2.3) of the *Park Act* deleted the conservancies from the applicable management unit. As such, *Forest Act*, section 60.501 requires the minister to issue a notice, and a subsequent order under *Forest Act*, section 60.2 or 60.3.

IV DISCUSSION:

The following conservancies require *Forest Act*, 60.501 notices, and sections 60.2 and 60.3 deletion orders:

- Daawuuxusda
- Damaxyaa
- Kamdis
- Kunxalas
- Nang Xaldangaas
- K'uuna Gwaay
- Scaay Taaw Siiwaay K'adjuu
- Tlall
- Yaaguun Gandlaay
- Duu Guusd (addition)

It is recommended that the *Forest Act*, section 60 compensation process be initiated with Western prior to the Ministerial consideration of the request to subdivide TFL 39 and replacement of TFL 39 in January 2010, for the following reasons:

- The Haida Nation (HFN) support the subdivision of TFL 39 prior to its replacement, such that TFL 39, Block 6 would become a stand-alone TFL, thus available for purchase from Western by HFN;
- Initiation of the section 60 compensation process provides the statutory basis for expedited compensation settlement negotiations with Western regarding the impact of the conservancies.

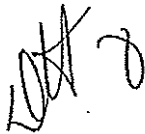
The section 60 compensation process for the other impacted tenure holders will be initiated in the near future following additional review and analysis.

V CONCLUSION:

The establishment of the 10 conservancies on December 30, 2008, and the subsequent *Protected Areas of British Columbia Act* amendment has resulted in these areas being deleted under the *Park Act*, which under *Forest Act*, section 60.501 requires the Minister to:

- Serve notice of the order and,
- Issue a deletion order as per *Forest Act*, section 60.

The notices, orders and letters are attached for your signature.



Barry Bryan
Compensation Advisor
387-8607

November 24, 2009

Attachment(s): *Forest Act*, Section 60.501 Notices
Forest Act, Section 60.2 and 60.3 Orders

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Contact Name: Barry Bryan 387-8607

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DEC 08 2009

Kerry McGourlick, Chief Forester
Western Forest Products Inc.
118 – 1334 Island Highway
Campbell River, British Columbia
V9W 8C9

Dear Mr. McGourlick:

Re: Notice of conservancy area deletions under section 60.2 of the *Forest Act*

On December 30, 2008, the conservancies itemized in column 1 of the Schedule in the attached deletion order were established under the *Park Act*, by OIC No. 977. These conservancies included areas within Tree Farm Licences 25 and 39.

As the land in the conservancies is no longer available for forestry purposes this letter serves as notice, under section 60.501 of the *Forest Act*, of the deletion of Crown land contained in the conservancies from Tree Farm Licences 25 and 39, the particulars of which are contained in the attached deletion order. The deletions are effective on the date specified in the order.

If you have any questions regarding the deletions of Crown land, or the process for initiating a claim for compensation under the *Forest Act*, please contact Barry Bryan, Compensation Advisor of the Economics and Trade Branch by telephone at 250-387-8607, or email at Barry.Bryan@gov.bc.ca.

Sincerely,

Pat Bell
Minister

Attachment

pc: Barry Bryan, Compensation Advisor, Economics and Trade Branch

Minister of Forests and Range Order

Forest Act, section 60.2

In this order, “conservancy” means a conservancy named and described in Schedule E of the *Protected Areas of British Columbia Act*.

I, Pat Bell, Minister of Forests and Range, under section 60.2 of the *Forest Act*, order that Crown land in a conservancy itemized in Column 1 of the Schedule below, effective on the date in Column 3 of the same item, is deleted from any part of a tree farm licence in Column 2 of the same item that, on that date, was within the boundaries of that conservancy.

The Crown land deleted by this order is to be used “for another purpose” as defined in section 60.1 of the *Forest Act*.


Schedule

Item	Column 1 Conservancy	Column 2 Tree Farm Licence	Column 3 Date Effective
1	Daawuuxusda	Tree Farm Licence 39	December 30, 2008
2	Danmaxyaa	Tree Farm Licence 39	December 30, 2008
3	Kamdis	Tree Farm Licence 39	December 30, 2008
4	Kunxalas	Tree Farm Licence 39	December 30, 2008
5	K'uuna Gwaay	Tree Farm Licence 39	December 30, 2008
6	Scaay Taaw Silwaay K'adjuu	Tree Farm Licence 39	December 30, 2008
7	Yaaguun Gandlaay	Tree Farm Licence 39	December 30, 2008
8	Duu Guusd	Tree Farm Licence 39	December 30, 2008

9	Daawuuxusda	Tree Farm Licence 25	December 30, 2008
10	K'uuna Gwaay	Tree Farm Licence 25	December 30, 2008
11	Scaay Taay Sllwaay K'adjuu	Tree Farm Licence 25	December 30, 2008

Dec 8/99

Date



Pat Bell
Minister of Forests and Range



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DEC 08 2009

Kerry McGourlick, Chief Forester
Western Forest Products Inc.
118 – 1334 Island Highway
Campbell River, British Columbia
V9W 8C9

Dear Mr. McGourlick:

Re: Notice of conservancy area deletions under section 60.3 of the *Forest Act*

On December 30, 2008, the conservancies itemized in column 1 of the Schedule in the attached deletion order were established under the *Park Act*, by OIC No. 977. These conservancies included areas within Timber Licences T0380, T0387, T0473, T0482 and T0503.

As the land in the conservancies is no longer available for forestry purposes this letter serves as notice, under section 60.501 of the *Forest Act*, of the deletion of Crown land contained in the conservancies from Timber Licences T0380, T0387, T0473, T0482 and T0503, the particulars of which are contained in the attached deletion order. The deletions are effective on the date specified in the order.

If you have any questions regarding the deletions of Crown land, or the process for initiating a claim for compensation under the *Forest Act*, please contact Barry Bryan, Compensation Advisor of the Economics and Trade Branch by telephone at 250-387-8607, or email at Barry.Bryan@gov.bc.ca.

Sincerely,

Pat Bell
Minister

Attachment

pc: Barry Bryan, Compensation Advisor, Economics and Trade Branch

Ministry of Forests and Range and Office of the Minister
Minister Responsible for Integrated
Land Management Bureau

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Minister of Forests and Range Order

Forest Act, section 60.3

In this order, “conservancy” means a conservancy named and described in Schedule E of the *Protected Areas of British Columbia Act*.

I, Pat Bell, Minister of Forests and Range, under section 60.3 of the *Forest Act*, order that Crown land in a conservancy itemized in Column 1 of the Schedule below, effective on the date in Column 3 of the same item, is deleted from any part of a timber licence in Column 2 of the same item that, on that date, was within the boundaries of that conservancy.

The Crown land deleted by this order is to be used “for another purpose” as defined in section 60.1 of the *Forest Act*.

Schedule

Item	Column 1 Conservancy	Column 2 Timber Licence	Column 3 Date Effective
1	Kamdis	Timber Licence T0503	December 30, 2008
2	K'uuna Gwaay	Timber Licence T0380	December 30, 2008
3	K'uuna Gwaay	Timber Licence T0387	December 30, 2008
4	Yaaguun Gandlaay	Timber Licence T0473	December 30, 2008
5	Yaaguun Gandlaay	Timber Licence T0482	December 30, 2008

Dec 8/09

Date

Pat Bell

Pat Bell
Minister of Forests and Range