



Fisheries
and Oceans
Pêches
et Océans

Habitat Management
P.O. Box 99, 137 Bay Street
Queen Charlotte City, B.C. V0T 1S0
Phone: (250)559-4412 Fax: (250)559-4678

March 24, 2004

B.C. Timber Sales
Chinook Business Area
46360 Airport Road
Chilliwack, B.C.
V2P 1A5
Attn. Steve deMelt
Operations Manager

Dear Steve deMelt:

RE: Kagan Bay Dryland Sort and Log Dump Site, Skidegate Inlet

Thank you for your recent submission of the following information related to the BCTS Kagan Bay dryland sort and log dump facility for our review:

- o *Foreshore and subtidal fisheries assessment and recommendations for Kagan Bay dryland sort and log dump*; MTE Inc.; February 20, 2004
- o *Operational Guidelines and Debris Management Plan – Kagan Bay Dryland Sort and Log Dump Site, Skidegate Inlet, Haida Gwaii/Queen Charlotte Islands, BC*; February 2004
- o *Assessment and rehabilitation prescriptions for the Kagan log dump*; Stephen Ngo, P.Eng., MoF Road Engineer; November 5, 2003

Stephen Ngo's assessment and rehabilitation prescriptions report (with attached photographs and drawings) outlines two proposed rehabilitation strategies to improve slope stability and water management along the back slope of the Kagan Bay dryland sort: slope buttressing or construction of a retaining wall. These strategies are devised to address the chronic issue of cutslope raveling that gives rise to an accumulation of mud and clayey materials along the lower slope area and within the perimeter ditchline. The perimeter ditchline drains in two directions to the marine waters of Kagan Bay, and shallow sumps were previously excavated into the ditchline as a sediment control strategy. However, given the fine nature of the particulate matter, the sumps have not been entirely effective in preventing sediment discharge to Kagan Bay.

Mr. Ngo's report indicates that the preferred option is for the construction of a retaining wall along the base of the back slope. Fisheries and Oceans Canada has no issue with either the slope buttressing option or the retaining wall option. The report identifies the importance of conducting the works during "a dry period in late spring or summer". Regardless of which option is chosen, appropriate sediment control measures (e.g., silt fences) should be installed in the ditchline as mitigation against inadvertent sediment release to Kagan Bay should weather conditions unexpectedly deteriorate during the works or a groundwater source be encountered during the excavation.

Your file Votre référence

6403450

Our file Notre référence

5915-6-5

Mr. Ngo's report also identifies that the [former] riprap armour along the perimeter of the log dump has significantly deteriorated with the condition ascribed to, among other matter, insufficient size, quality, placement, and thickness of the original riprap. The report outlines a strategy for the repair and improvement of "critically failing sections" of the riprap armour, and the accompanying photographs graphically depict the urgency of conducting these works. Of particular concern are the comments that the original riprap rocks are "weathering readily and breaking up" and the noted absence of a geotextile separator under the riprap layer as required to prevent the migration of fines out of the [foreshore] fill materials. Combined with the absence and ongoing failure of the riprap [protective] layer, there exists the obvious environmental issue of sedimentation impacts on adjacent fish habitat as the log dump continues to erode due to tidal and storm wave activity.

Improvement and repairs to the riprap armour and log dump face will likely necessitate machine activity (i.e., use of an excavator) on the intertidal foreshore as required to properly construct the toe apron support and place the lower rock. Please advise when this stage of the log dump improvement works are proposed as we will be required to issue BCTS with a Letter of Advice outlining mitigative strategies that must be implemented to ensure that fish habitat is not harmfully altered nor deleterious substances discharged into Canadian fisheries waters. For your scheduling, we advise that foreshore works of this nature are generally restricted to the period August 15 – March 15 to ensure adequate protection is afforded to juvenile salmonids rearing along shoreline locations.

As discussed during our earlier joint onsite assessment and meeting, log handling options for the southern end of Graham Island are currently under review. Should the outstanding environmental and operational issues associated with the [presently inoperative] Weyerhaeuser Skidegate dryland sort and log dump be resolved in a timely manner satisfactory to all interested parties, our understanding is that BCTS would then make plans for the permanent deactivation of the Kagan Bay facility. Should this be the case, we will require for our review and comment the submission of the log dump deactivation plan that includes measures to control the cutslope raveling situation as well as the strategy for removing the offshore steel dolphins.

The MTE foreshore and subtidal fisheries assessment report confirms our earlier impression that woodwaste and related debris associated with the log dumping activities is spreading eastwards along the intertidal and subtidal foreshore towards the expansive eelgrass bed at the head of Kagan Bay. The report also identifies related impacts to eelgrass beds situated within the foreshore tenure area. As described in the report, the [partial] assessment was completed during the winter months when marine vegetation growth and the abundance of animal life are at their lowest level (or absent). We support the MTE report recommendation that a more comprehensive foreshore and subtidal fisheries assessment conducted during the summer months is warranted. The follow-up assessment would serve to identify baseline fish habitat conditions should log handling activities resume at this facility and would be an important tool for monitoring the effectiveness of debris management strategies. Should the facility be permanently deactivated, the follow-up assessment would form the basis for identifying possible site remediation and long-term monitoring of the site recovery. For both situations, we regard that it is important to accurately depict the foreshore tenure area on assessment maps in order to more fully understand the log handling effects to date on adjacent fish habitat.

We concur with the Operational Guidelines and Debris Management Plan prepared for the Kagan Bay dryland sort and log dump. Other operational considerations may become apparent if and when log handling activities resume at this facility. As previously identified, we consider the Qualified

Environmental Monitor to be integral to the success of environmentally-acceptable log handling activities. This and other BCTS dryland sorts and log dumps.

One critical operational consideration that has become abundantly clear at the Kagan facility is the requirement for secure log bundle containment. Kagan Bay is exposed to westerly storm winds and wave activity, and there have been several instances in the past of containment boomsticks breaking during storm events, with the released log bundles impacting the eelgrass beds and intertidal fish habitat of Kagan Bay. The Operational Guidelines recommend that "double booms be employed at this site as insurance against boom breakage during rough weather". While we support the strategy of double boomstick containment as a general practice, long-term log storage at the Kagan facility must not be permitted, particularly during the fall-winter-spring months, although storm winds can be experienced during the summer months as well. Given the known exposure, the log storage arrangement at the Kagan facility is essentially for "day production" only, with the containment towed to Renner Pass where a more secure log storage area has been established. The past problems with log bundle losses at the Kagan facility have been largely associated with log bundles left over a weekend (in one case, a long weekend).

The Kagan Bay log dump was largely created by fill placement onto a gently sloping, shallow water intertidal foreshore. As such, the log dump skidway is exposed for much of the tidal range. We support the MTE recommendation that log bundle watering should take place "at average to high high tide levels" as a strategy to minimize debris generation and log bundle breakage. However, experience has shown that operator's have varying interpretations of "average" and "high" in relation to tide levels. We are available to work with the Qualified Environmental Monitor for the Kagan facility to develop specific tide height ranges to meet the debris management objective while ensuring that log watering activities are not unduly restricted.

We will await notification from BCTS as to your intention to either carry out the identified improvements and repairs necessary to resume log handling activities at the Kagan Bay dryland sort and log dump or to permanently deactivate this facility. Thank you for commissioning these two reports which have been highly beneficial in our review of the recommended strategies for addressing the environmental issues associated with this facility.

Sincerely yours,



Allan Cowan, R.P.Bio.
Habitat Management Biologist

cc.-Scott Cosman, BCTS – Engineering Officer
Jill Pardoe, LWBC – Land Officer



Province of
British Columbia
Ministry of Environment,
Lands and Parks

**B.C. LANDS
SKEENA REGION**

3726 Alfred Avenue
Smithers, British Columbia
V0J 2N0
Telephone: (604) 847-7334

August 4, 1993

Our files: 6402516
6405135
6402492
6403400
1235.01

Terry Dyer
District Manager
Ministry of Forests
Box 39
Queen Charlotte, B.C.
V0T 1S0

Dear Mr. Dyer:

**Re: BC Lands - Queen Charlotte Forest District Agreement on
Short Term Log Handling Tenures**

Thank you for your letter dated May 11, 1993 concerning the log handling agreement on short-term log handling tenures. Mark Harvey and Bob Purdon of my staff met with Al Monet, Greg Wiggins and Norm Nalloweg of your office, to discuss Ministry of Forests concerns.

There was agreement concerning the intent of the agreement and the comments expressed in your letter. The following are the main concerns expressed:

1 a) Timeliness of issuing tenure -

BC Lands can provide quick turn around if we have the proper information and fees from our clients. To receive a permit within a Designated Use Area (D.U.A.) for log handling, the client needs to provide the following:

- 1) application and prospectus
- 2) map
- 3) evidence of liability insurance
- 4) fees
- 5) cleanup security

1 b) Training -

The appropriate forms and an information sheet for your clients are attached. The forms are easy to complete. Mark Harvey can go over them with your staff when he is next in the Charlottes.

- 2 -

c) Management of dryland sorts (filled foreshore) -

BC Lands has agreed to delete the dryland sorts from the foreshore permits issued to the small business loggers. This will allow the Ministry of Forests to exclusively manage the dryland sorts.

I have made appropriate changes to clauses number four and number nine and signed the agreement. If you concur, please sign the agreement on behalf of your District.

I agree that we should review this process within a year to ensure it is working for our Ministries and our clients.

Yours truly,

Ron Creber
Manager, Land Administration

BP/lb

cc: Ian Smythe, Senior Land Officer

August 4, 1993

ORCS File: 12350.01
Log Handling
from 1985

JOINT MINISTRY OF ENVIRONMENT, LANDS AND PARKS (BC LANDS - SKEENA REGION) AND MINISTRY OF FORESTS (QUEEN CHARLOTTE DISTRICT) AGREEMENT ON SHORT TERM LOG HANDLING TENURES.

1. When the Queen Charlotte Forest District (Forests) designates an area for an upcoming Small Business Forest Enterprise Program (S.B.F.E.P.) sale they will submit a proposal for a Designated Use Area (D.U.A.) along with a detailed map to the Ministry of Environment, Lands and Parks (Lands) for adjacent or nearby foreshore sites. The sites will allow for watering and storage of all logs harvested from the sale area. Log watering and storage areas may be at different sites. This proposal should be submitted to BC Lands at least six months (and preferably one full year) prior to advertising of the S.B.F.E.P. sale.
2. Upon receipt of Forest's proposal, Lands will initiate a review and coordinate agency referrals for the D.U.A. and will handle all potential conflicts, amendments, etc. Lands will advertise that proposal as per their standard procedures. Costs of the advertising will be paid by BC Lands.
3. If approved, the D.U.A. will be designated over the subject site in the Ministry of Environment, Lands and Parks' name. This will eliminate the need to re-refer any future application from S.B.F.E.P. clients. It will be BC Land's responsibility to issue tenure over the subject site. Upon expiration of the initial five year term of the D.U.A., BC Lands may re-refer a renewal request prior to approval of any subsequent term.
4. Forests will ensure that all S.B.F.E.P. licenses will be subject to their client obtaining foreshore tenure with Lands prior to any water activity on S.B.F.E.P. sites. This will protect the interests of the Crown for both the upland and foreshore areas should any problems occur during the application approval process.
5. Forests will ensure their client is aware of the need for foreshore tenure by including information on the land application process with their S.B.F.E.P. advertising package.
6. BC Lands will provide an advertising package to Forests which details the specific requirements for BC Lands to issue short-term log handling and storage tenure to their S.B.F.E.P. clients.

.../2

7. BC Lands will require the following from all successful S.B.F.E.P. applicants:

- a) completed application form
- b) Site Map and log handling prospectus
- c) certificate of liability insurance
- d) appropriate application and tenure fees
- e) cleanup security

Lands will provide Forests with application forms, log handling prospectus forms and certificate of insurance forms. If necessary, Forests staff will assist the client in completing the various forms.

8. Where the above requirements have been met, Lands will provide a 10 business day turnaround whenever possible. Early occupation of the site, by the client or their contractors, will be discouraged by both Ministries.
9. Ministry of Forests will be responsible for bonding to ensure site maintenance and clean-up of the dryland sort. Lands will accept written approval of the applicant's site "clean-up" by the appropriate Forest Officer from the Queen Charlotte District.

This agreement will solve the timeliness issue by providing land tenure for a short duration S.B.F.E.P. sale. Upon signing below, this agreement will be implemented immediately.

Ron Creber, Manager
Land Administration
Ministry of Environment, Lands
and Parks, Skeena Region

Terry Dyer, District Manager,
Queen Charlotte Forest District,
Ministry of Forests, Vancouver
Forest Region

Date: _____

Date: _____

LAND USE REPORT

VI - LAND MGMNT - VANCOUVER ISLAND SERVICE REGION

File:	1413565	Inspected Date:	Not Inspected
Reported By:	Mark Salzl	Report Date:	June 7, 2011
Phone Number:	250-559-6200	Complexity Level:	2
Applicant:	Ministry of Forests, Lands and Natural Resource Operations 1229 Ocean View Drive Box 39 Queen Charlotte, BC V0T 1S0		

Decision: The application is allowed.

Application Type:	Section 17 Reserve	LMMP Policy:	Reserves, Designations, and Notations
Purpose:	Industrial	Sub-Purpose:	Log Handling/Storage
Type:	Reserve/Notation	Sub-Type:	Map Reserve
Commencement Date:	To be determined by PA	Term:	Indefinite
Purpose Statement:	To Reserve Honna Dryland Sort for specific industrial purposes, as determined by District Manager (establishment of Designated Use Area on upland). <i>This application is for the upland portion of the dryland sort. The marine/foreshore portion is already under a Designated Use Area (File 6403400).</i>		

BCGS Map Sheet:	103F030
Air Photo No.:	No Record Found
Application Area:	0.81 Ha.
Recommended Area:	0.81 Ha.
Location:	Kagan Bay

Legal Description:	Those Parts District Lots 847, 848, 2019A, Queen Charlotte District and Section 22, Township 4, Queen Charlotte District, shown outlined on the sketch below, containing 0.81 hectares, more or less.
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Referral Agencies/ Analysis:

First Nations: Discussed at Haida Gwaii Solutions Table on June 30, 2011. Signed off by Table, with the following conditions, to be included in the Reserve (DUA) Document:

- Dual decision making on any application for use is required.
- No watering of wood.
- No disturbance of eel grass
- Only environmentally safe fuel storage and fueling activities allowed.
- Allow access to the public for boat launch.
- No blocking access to Slatechuck for vehicles or foot traffic.
- Proper mooring facilities for barge is required—to ensure safety.
- CHN and Province have dual monitoring responsibilities. (Note: below for complete list in bold text, i.e list from all agencies and Solutions Table).

Fisheries and Oceans Canada (FOC): This application was sent to Fisheries and Oceans Canada on June 20, 2011. As of September 26, 2011 no official comments were received from FOC. A field trip was planned in early September, but was cancelled due to weather (ferry cancellation). On September 15, Renny Talbot of FOC sent a note stating that FOC needed the following information:

- Location and abundance of eel grass in Kagan Bay
- Proposed operational detail of the sort (i.e. barge loading schedule)
- Tug route to and from the sort
- Mitigation measures to ensure site operations do not harm fish or fish habitat.

Following this email, Mark Salzl sent a note back stating that barging details will come later (and may differ by application depending on intended use of the sort by different clients), and that right now the MFLNRO is trying to come up with "conditions of use." Some of these conditions have been outlined in the Solutions Table Briefing Note, but others could be based on the concerns raised in Renny Talbot's September 15 email. The Total list of conditions, as of September 26, 2011 is:

- No watering of wood
- Minimise disturbance of eel grass (original Solutions Table condition was "no disturbance of eel grass," but some disturbance from propellers etc. would likely be unavoidable.
- Environmentally safe fuel storage.
- No barging at low tide.
- Proposed user must map out eel grass and tug/barging route.
- User must outline measures for minimising disturbance of eel grass by barge activities.
- Permit from Navigable Waters Canada will be required, and notification of Fisheries and Oceans Canada at start-up.

- Dual decision Making on any application for use (MFLNRO and CHN)

- Dual Monitoring responsibilities (MFLNRO and CHN)

- No blocking access to foreshore and beach beyond—access to Slatechuck Creek must not be impeded.

The main concern in the past has been around wood waste, and degradation of eel grass. The key condition above is "no watering of wood." With this in place, and enforced as a condition of use, FOC concerns are largely addressed (with other conditions of use as well being a factor).

Environment BC (referral sent June 20, 2011): No comments received.

Ministry of Tourism, Culture and the Arts (referral sent June 20, 2011): Larry Duke responded June 22, 2011, stating that any industrial activity needs to ensure continued access to shoreline beyond (west) of the Dryland sort. The site is also within 400m of the Kagan Bay Campsite (Ministry of Forests, Lands and Natural Resource Operations). Larry Duke states that any activity should consider the users of this sort.

Transport Canada/Navigable Waters (referral sent June 20, 2011): No comments received. Permit from Navigable Waters will be required by individual applicants.

Referral to all of the above sent June 20, 2011.

Clearance and Other Conflicts:

Lands File 6403400, Log Handling/Storage, Ministry of Forests, Lands and Natural Resources—This is the foreshore area, and is a Designated Use Area for Log Handling. Application under 1413565 is for upland only, although use would be consistent with DUA. No Conflict

Mines Tenures 332629, 332568, 385226—not subsurface. No Conflict

Trapline TR0613T003—Notify trapline holder. No Conflict.

Forest Tenure, FSR 8468-01 Dryland Sort use compatible with FSR. No Conflict.

Forest Tenure, Timber Licence T0184 Block 6—Area Harvested and now removed from Timber Licence. No Conflict.

Forest Tenure, Recreation Reserve REC3039 Kagan Bay. See comments from Larry Duke above. No Conflict.

Statement of Intent, Treaty Negotiations. all of Haida Gwaii. No Conflict at this time.

Archaeological Sites, s.18 Conflict. Closest site is over 400m from dryland sort. No

Site Information: This application is to establish a Designated Use Area (DUA) over the "Honna Dryland Sort (DLS)," approximately 4km west of the Village of Queen Charlotte (approximately 1.5km west of the lower Tarundl Creek Bridge). This sort was decommissioned because of fisheries concerns, however no documentation of this process was found on Forest Service Files. This application is for the upland portion of the sort. The portion over water already has a DUA established over it—File 6403400. The conditions as set for the upland DUA, as under this application, will apply to the marine portion also.

Commentary: Originally this application was for a Section 16 Reserve, for the District Manager of the Haida Gwaii District, Ministry of Forests, Lands and Natural Resource Operations (MFLNRO). The Reserve was established over the "Honna Dryland Sort (DLS)," approximately 4km west of the Village of Queen Charlotte (approximately 1.5km west of the lower Tarundl Creek Bridge). However, it became apparent that some industrial activity, or other activity could be allowed on the DLS, as per direction of the District Manager. Therefore, the application was changed to a Section 17 Reserve or "Designated Use Area (DUA), with conditions of use attached. There has been concern, as summarized above, from Fisheries and Oceans with this dryland sort in the past—mainly centred around wood waste. Please refer to Fisheries and Oceans section above (under Referral Agencies/Analysis). These concerns are addressed, mainly by the fact that no watering of wood will be allowed. Barge activities must be clearly outlined by users prior to the award of a Licence of Occupation.

Note: For a full list of conditions for the Designated Use Area, see bold text above, under "Referral Agencies/Analysis."

Signature

Date

Sept 28/11

**Haida Gwaii Natural Resource District**

One Team, One Window, One Process, Two Governments

**SOLUTIONS TABLE BRIEFING NOTE**

DATE: June 30, 2011

Lands File: 1 4 1 3 5 6 5

ISSUE:

Application by the District Manager for the establishment of a "Designated Use Area" (DUA) over the existing Honna/Kagan Bay Dryland Sort (DLS).

BACKGROUND:

This sort was decommissioned, due to concerns with fisheries issues—to give time for the recolonisation of eel grass. The date of decommissioning is not known at this time, but has been within the last 5 to 7 years (no file found, but search is still ongoing).

Originally the District Manager was applying for a Section 16 (Lands Act) Reserve over the area, which precludes all industrial activity. However, the application was changed to a Section 17 Reserve or a "Designated Use Area." If established, the DUA will allow certain types of activity, including industrial activity, provided that conditions are met. Those conditions will be set by the District Manager, who will be guided by Fisheries and Oceans comments, and comments from others, including the Solutions Table.

A. Location

The Honna/Kagan Bay Dryland Sort is approximately 4km west of the Village of Queen Charlotte, and approximately 1.5km west of the lower Tarundl Creek Bridge.

B. Cultural Values

TBA by Owen Jones. Note: Archaeological Sites in vicinity are

s.18

and s.18

C. Fish/Riparian values

As mentioned above, the sort was decommissioned because of fisheries concerns, mainly time was needed for eel grass to recolonise and recover.

D. Hydrology

Not applicable. Dryland Sort already exists.

E. CMTs

Not applicable

F. Statusing (spatial conflicts)



Haida Gwaii Natural Resource District

One Team, One Window, One Process, Two Governments

See Land Use Report, and "section B Cultural Values" above. There is

also a recreation site within half a kilometer from the DLS. Larry Duke has provided comments regarding this, and is not concerned with re-commissioning of the DLS in relation to that recreation site (Kagan Bay Campground).



BRITISH
COLUMBIA

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G. Other agency comments:

None at this time. Fisheries and Oceans Comments expected prior to July 19, 2011.

H. Cruise/Appraisal information

Not Applicable.

SOLUTIONS TABLE DISCUSSION:

Date:

30 June, 2011 – Colin Richardson, Mark Salzl, Tyler Bellis

Discussion:

- Dual decision making on any application for use.
- No watering of wood.
- No disturbance of eel grass.
- Only environmentally safe fuel storage and fueling activities.
- Allow access to the public for boat launch.
- Don't block access to Slatechuck for vehicles or foot traffic.
- Barge safety – need proper mooring facilities.
- CHN and the Province have dual monitoring responsibilities.

Action item:

COMMENTS TO DECISION MAKER:

Tyler Hugh Bellis  June 30, 2011

Colin Richardson  June 30/2011
Mark Salzl  June 30, 2011



Haida Gwaii Natural Resource District

One Team, One Window, One Process, Two Governments



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Cecil Churchill

July 12, 2011

Authorized CHN Representative (Haida Decision Maker)

Date

[Signature]

July 12/2011

District Manager

Ministry of Forest, Lands and Natural Resource Operations
(Provincial Decision Maker)

Date

Salzl, Mark FLNR:EX

From: Salzi, Mark FLNR:EX
Sent: Monday, June 6, 2011 1:21 PM
To: Berry, Doug FLNR:EX; Tetarenko, Diane FLNR:EX; Munt, Leonard A FLNR:EX
Cc: Logue, Carissa FLNR:EX; Mountfield, Alanah CSNR:EX
Subject: Section 16 Reserve/DUA/Application

The Haida Gwaii District has applied for a Section 16 Map Reserve over the Honna Dryland Sort (Lands File 1413565). This application has yet to go to the Solutions Table. However, now a local contractor has expressed an interest in carrying out a log sorting/selling operation on the DLŞ. I discussed this with Len Munt, and he was not averse to all industrial activity at the sort—the main thing we need to do is ensure that the fisheries values are allowed to recover. Len wanted the sort to still be part of the industrial infrastructure of the Islands, but without further compromising the fisheries values.

The contractor has stated that their plans would be to sort logs and then anchor a barge at existing anchors, and then use a ramp and loader to get the logs from the sort onto the barge.

I have some questions:

1. Regarding the Section 16 Reserve application currently in progress—we are going to change this to an application for a Section 17 “Designated Use Area” instead. The DM will impose conditions and terms around what use is allowed on the sort. This will ensure that appropriate industrial activity is not precluded.
2. There is an **existing** Section 16 Reserve over the water around the sort. Any proposed activity would require an amendment to that reserve for the area involved (i.e. the barge anchor area).
3. The contractor has asked for advice on the type of application he can put in. I told him that there is nothing stopping him from applying for the upland portion, as a reserve over the sort is not yet in place, and we are now applying for a DUA, which may allow their operation anyway (in other words, it won’t get automatically rejected by FCBC because of an existing reserve). I hope this was correct. Also: would the contractor need to apply for separate Lands Tenures for the upland and over for the foreshore, or could this be done together under one application (again, there would have to be an amendment to the existing reserve over the water)?
4. It would likely be better to wait until an application came in, before amending the existing Section 16 reserve over the water, would it not? Could FCBC be notified that this is the case, so that the application is not automatically rejected (I am not actually sure if this is the process, but am assuming that an industrial application over a reserve would be rejected)?

I'd appreciate any input regarding the above, as the client regularly asks me for updates on this matter. Thanks.

Mark Salzi, RPF
Tenures Officer
Ministry of Natural Resource Operations
Haïda Gwaii District
Queen Charlotte, BC, CANADA
Ph: 250 559-6222
Fx: 250 559-8342
Email: Mark.Salzi@gov.bc.ca

Salzl, Mark FLNR:EX

From: Berry, Doug FLNR:EX
Sent: Monday, June 6, 2011 2:02 PM
To: Salzl, Mark FLNR:EX; Tetarenko, Diane FLNR:EX; Munt, Leonard A FLNR:EX
Cc: Logue, Carissa FLNR:EX; Mountfield, Alanah CSNR:EX
Subject: RE: Section 16 Reserve/DUA/Application

1413565

Leonard A FLNR:EX

See below in red

*Ramp barge — Anchors in water
to then drops a ramp to sort.
Loader goes back & forth on
ramp — need to not watered.*

Doug Berry
Senior Land Officer
Operations Division, Coast
Ministry of Forests, Lands and Natural Resource Operations
Suite 142 2080 Labieux Road
Nanaimo, BC, V9T 6J9
(ph 250-751-7250) (fax 250-751-7224).

From: Salzl, Mark FLNR:EX
Sent: Monday, June 6, 2011 1:21 PM
To: Berry, Doug FLNR:EX; Tetarenko, Diane FLNR:EX; Munt, Leonard A FLNR:EX
Cc: Logue, Carissa FLNR:EX; Mountfield, Alanah CSNR:EX
Subject: Section 16 Reserve/DUA/Application

The Haida Gwaii District has applied for a Section 16 Map Reserve over the Honna Dryland Sort (Lands File 1413565). This application has yet to go to the Solutions Table. However, now a local contractor has expressed an interest in carrying out a log sorting/selling operation on the DLS. I discussed this with Len Munt, and he was not averse to all industrial activity at the sort—the main thing we need to do is ensure that the fisheries values are allowed to recover. Len wanted the sort to still be part of the industrial infrastructure of the Islands, but without further compromising the fisheries values.

The contractor has stated that their plans would be to sort logs and then anchor a barge at existing anchors, and then use a ramp and loader to get the logs from the sort onto the barge.

I have some questions:

1. Regarding the Section 16 Reserve application currently in progress—we are going to change this to an application for a Section 17 “Designated Use Area” instead. The DM will impose conditions and terms around what use is allowed on the sort. This will ensure that appropriate industrial activity is not precluded. IF the intent of the Sec 16 reserve is not compromised by the implementing of a Section 17 DUA, then you could proceed.
2. There is an existing Section 16 Reserve over the water around the sort. Any proposed activity would require an amendment to that reserve for the area involved (i.e. the barge anchor area). Agree
3. The contractor has asked for advice on the type of application he can put in. I told him that there is nothing stopping him from applying for the upland portion, as a reserve over the sort is not yet in place, and we are now applying for a DUA, which may allow their operation anyway (in other words, it won't get automatically rejected by FCBC because of an existing reserve). Can this be converted to a Section 17 DUA—if it also protects what you wanted? I hope this was correct. Also: would the contractor need to apply for separate Lands Tenures for the upland and over for the foreshore, or could this be done together under one application (again, there would have to be an amendment to the existing reserve over the water)? Technically we can include upland and foreshore in one tenure as long as the rental is determined by owner and the uses area all covered. Can be problematic if only one portion is needed to be retained in future. IF the fisheries value needs protection it may be better to keep the upland and foreshore as separate tenures and specific conditions can apply to the foreshore tenure.

Salzi, Mark FLNR:EX

From: Tetarenko, Diane FLNR:EX
Sent: Monday, June 6, 2011 1:35 PM
To: Salzi, Mark FLNR:EX; Berry, Doug FLNR:EX; Munt, Leonard A FLNR:EX
Cc: Logue, Carissa FLNR:EX; Mountfield, Alanah CSNR:EX
Subject: RE: Section 16 Reserve/DUA/Application

Mark

I will let Doug speak to the requirements of the Section 16 vs. 17.

However, first item is if it is decided to change to a Section 17, need to clearly identify what is the purpose of the Section 17 and what is/is not compatible. Once that decision is made and signed off and established, then I would suggest the client submit his application.

Also, FCBC needs to change the authorization type both in ATS and Tantalis

A foreshore and upland application need to be submitted separately, not as one application

Diane Tetarenko

FrontCounter BC Manager
Ministry of Forests, Lands, and Natural Resource Operations
142 - 2080A Labieux Road
Nanaimo, BC V9T 6J9

Phone: (250) 751-7241
Fax: (250) 751-7224
Email: Diane.Tetarenko@gov.bc.ca

How Did We Do?

Clients of FrontCounter BC are invited to take our customer satisfaction survey. We'd appreciate your input.

From: Salzi, Mark FLNR:EX
Sent: Monday, June 6, 2011 1:21 PM
To: Berry, Doug FLNR:EX; Tetarenko, Diane FLNR:EX; Munt, Leonard A FLNR:EX
Cc: Logue, Carissa FLNR:EX; Mountfield, Alanah CSNR:EX
Subject: Section 16 Reserve/DUA/Application

The Haida Gwaii District has applied for a Section 16 Map Reserve over the Honna Dryland Sort (Lands File 1413565). This application has yet to go to the Solutions Table. However, now a local contractor has expressed an interest in carrying out a log sorting/selling operation on the DLS. I discussed this with Len Munt, and he was not averse to all industrial activity at the sort—the main thing we need to do is ensure that the fisheries values are allowed to recover. Len wanted the sort to still be part of the industrial infrastructure of the Islands, but without further compromising the fisheries values.

The contractor has stated that their plans would be to sort logs and then anchor a barge at existing anchors, and then use a ramp and loader to get the logs from the sort onto the barge.

I have some questions:

1. Regarding the Section 16 Reserve application currently in progress—we are going to change this to an application for a Section 17 “Designated Use Area” instead. The DM will impose conditions and terms around what use is allowed on the sort. This will ensure that appropriate industrial activity is not precluded.
2. There is an existing Section 16 Reserve over the water around the sort. Any proposed activity would require an amendment to that reserve for the area involved (i.e. the barge anchor area).
3. The contractor has asked for advice on the type of application he can put in. I told him that there is nothing stopping him from applying for the upland portion, as a reserve over the sort is not yet in place, and we are now applying for a DUA, which may allow their operation anyway (in other words, it won’t get automatically rejected by FCBC because of an existing reserve). I hope this was correct. Also: would the contractor need to apply for separate Lands Tenures for the upland and over for the foreshore, or could this be done together under one application (again, there would have to be an amendment to the existing reserve over the water)?
4. It would likely be better to wait until an application came in, before amending the existing Section 16 reserve over the water, would it not? Could FCBC be notified that this is the case, so that the application is not automatically rejected (I am not actually sure if this is the process, but am assuming that an industrial application over a reserve would be rejected)?

s.13

I'd appreciate any input regarding the above, as the client regularly asks me for updates on this matter. Thanks.

Mark Salzl, RPF
Tenures Officer
Ministry of Natural Resource Operations
Haida Gwaii District
Queen Charlotte, BC, CANADA
Ph: 250 559-6222
Fx: 250 559-8342
Email: Mark.Salzl@gov.bc.ca

Rationale for Kagan DLS Section 16 reserve:

The Haida Gwaii Natural Resource District requires a Section 16 reserve under the Land Act for an area on the Kagan peninsula (identified below).

In 2007, the District deactivated the Kagan Bay Dryland Sort with public and Haida Nation support. This decision was made largely because of the decline of industrial activity in the area and the impact those activities had had on sensitive ecological features. Since that time, the District has invested a substantial amount of money and resources into the deactivation and rehabilitation of this site and the natural features (such as eelgrass beds, etc.) are now beginning to recover. What was previously an industrial site exclusively is now being used for cultural and recreational access to Kagan Bay, Long Inlet and other areas. Future recreation enhancements (boat launch, etc.) are being considered. By withdrawing this area from disposition under Section 16 of the Land Act, the area would be protected from future development applications, and the MNRO would be able to retain some control over the purposes to which it is put.



Applying for a Crown Land Tenure

All applications must include completed application form, general location map, local detail map, appropriate fees and attachments as indicated below.

INFORMATION REGARDING APPLYING FOR CROWN LAND AVAILABLE AT
www.al.gov.bc.ca/clad/land_prog_services/programs.html

PART 1. NAME(S) AND MAILING ADDRESS

Applicant Name:

FULL LEGAL NAME of Individual(s), Company or Society,
Ministry or Government Agency Your File:

MINISTRY OF NATURAL RESOURCE
OPERATIONS

Contact Name for Company or Ministry Applicants:

MARK SAULZ

Applicant Mailing Address:

PO BOX 39
QUEEN CHARLOTTE BC postal code V0T 1S0

Applicant Contact Numbers: Phone: 250-559-6200

Daytime Phone: as above Fax:

Applicant Email Address:

Forests.HaidaGwaiiDistrictOffice@gov.bc.ca

Are you an Agent submitting this application
on behalf of your client?
☐ Yes ☒ No

Letter of Agency attached ☐ Yes ☐ No

Agent Name & Mailing Address:

_____ postal code _____

Agent Contact Numbers:

Phone: _____ Fax: _____

Agent Email Address:

For applications made by more than one individual: ☐ Joint Tenants or ☐ Tenants in Common
For your information: Joint Tenants: on the death of one tenant the interest passes to surviving tenant.

Tenants in Common: on the death of one tenant the interest passes to the beneficiaries of the estate.

BC Inc. #, BC Registration # or Society #:

HST Registration #:

Age: 19 or over ☐ Yes ☒ No ^{NIA} _{BC GOVT} Canadian Citizen or Permanent Resident ☐ Yes ☐ No ^{NIA} _{BC GOVT}

Do you hold another Crown land tenure? ☒ Yes ☐ No If yes, provide File Number: 6403400

Period of Projected Use:

☐ Two years or less ☐ Two to five years ☐ Five to ten years ☒ Ten to thirty years ☒ More than thirty years

Application Type: ☒ new application ☐ replacement application – file number _____

☐ investigative permit application ☐ amendment application – file number _____

Proposed Use/Tenure Type: (e.g. powerline right of way, gravel quarry licence): MAP RESERVE

30 yr INITIAL TERM REQUEST

FOR OFFICE USE ONLY

(date/time received)

RECEIVED
MAR 16 2011

Ministry of Natural Resource Operations
West Coast Service Centre

File Number:

1413565

Project Number:

63468

Disposition ID:

891828

Client Number:

s.22

PART 2. PURPOSE, LOCATION, AREA**PLEASE SELECT APPROPRIATE PROPOSED LAND USE**

Proposed Land Use Program Area	New Application Fees (including HST)	Program Specific Requirements Website
☐ Aggregates & Quarry	\$ 1,120.00	www.al.gov.bc.ca/clad/land_prog_services/programs.html
☐ Agriculture – Intensive	\$ 280.00	www.al.gov.bc.ca/clad/land_prog_services/programs.html
☐ Agriculture - Extensive	\$ 280.00	www.al.gov.bc.ca/clad/land_prog_services/programs.html
☐ Airport – private	*\$50 per hour process time	Contact FrontCounter BC
☐ Alpine Skiing	Type 1 (minor) \$1,120.00 Type 2 (major) contact FrontCounter BC	www.tca.gov.bc.ca/resort_development/
☐ Aquaculture – Fin fish	\$5,516.00	www.al.gov.bc.ca/clad/land_prog_services/programs.html
☐ Aquaculture – Shellfish	\$1,344.00	www.al.gov.bc.ca/clad/land_prog_services/programs.html
☐ Commercial - General	\$ 280.00	www.al.gov.bc.ca/clad/land_prog_services/programs.html
☐ Commercial - Film	\$560.00 fee plus \$280.00 rental	www.al.gov.bc.ca/clad/land_prog_services/programs.html
☐ Commercial Recreation	Non-Motorized \$280.00 Motorized \$3,696.00	www.tsa.gov.bc.ca/resorts_rec/tenure/commercialrecreation
☐ Communication Site	\$ 1,120.00	www.al.gov.bc.ca/clad/land_prog_services/programs.html
☐ Community/ Institutional	\$ 280.00	www.al.gov.bc.ca/clad/land_prog_services/programs.html
☐ Federal Reserves	\$3,696.00	Federal Government Only – Contact FrontCounter BC
☐ Ferry Terminals	*\$50 per hour process time	www.al.gov.bc.ca/clad/land_prog_services/programs.html
☐ General Industrial	\$ 560.00	www.al.gov.bc.ca/clad/land_prog_services/programs.html
☐ Golf Course	\$3,696.00	www.al.gov.bc.ca/clad/land_prog_services/programs.html
☐ Grazing	\$ 280.00	http://www.for.gov.bc.ca/hra/Legislation/grazing.htm
☐ Head Lease	\$50 per hour process time	Contact FrontCounter BC
☐ Log Handling	\$1,120.00	www.al.gov.bc.ca/clad/land_prog_services/programs.html
☐ Marina	\$ 560.00	www.al.gov.bc.ca/clad/land_prog_services/programs.html
☐ Mining	\$ 560.00	www.al.gov.bc.ca/clad/land_prog_services/programs.html
☐ Ocean Energy	Investigative Permit \$560.00 Licence for Equipment \$560.00	www.al.gov.bc.ca/clad/land_prog_services/programs.html
☐ Oil and Gas	\$ 560.00	www.al.gov.bc.ca/clad/land_prog_services/programs.html
☐ Private Moorage	\$ 280.00	www.al.gov.bc.ca/clad/land_prog_services/programs.html
☒ Provincial Reserves	For Provincial Government Ministries Only	
☐ Utilities (Linear Use)	Less than 25 Km \$1,120.00 More than 25 Km *\$50 per hour Access to single lot \$280.00	www.al.gov.bc.ca/clad/land_prog_services/programs.html
☐ Residential	\$ 280.00	www.al.gov.bc.ca/clad/land_prog_services/programs.html
☐ Roadways – Public	\$ 280.00	www.al.gov.bc.ca/clad/land_prog_services/programs.html
☐ Roadways – Industrial	\$1,120.00	www.al.gov.bc.ca/clad/land_prog_services/programs.html
☐ Water Power	\$3,696.00	www.al.gov.bc.ca/clad/land_prog_services/programs.html
☐ Wind Power	Investigative Permit \$560.00 Monitoring Towers (max 5) \$560.00 Wind Farm *\$3,696.00	www.al.gov.bc.ca/clad/land_prog_services/programs.html

Note: Investigative Permits (available for all program areas): **\$560.00** (including HST)

Replacement Application Fees: 50% of above fee or \$224.00 (including HST), as a minimum.

Amendment Fees: Contact FrontCounter BC

* To be paid at a later date

PART 2 (continued)

General Location of Crown land (i.e. distance from nearest community, Indian Reserve or significant geographic location such as a lake or mountain; location on a named road; etc.):

KAGAN BAY

Please provide a shape file if available.

Area in Hectares: 0.81 OR length (km/m): _____ width (km/m): _____

PART 3. LEGAL DESCRIPTION OR BOUNDARY DESCRIPTION

If surveyed, give legal description: as provided by the local Land Title Office (e.g., Lot 1 of Section 31, Township 12 W6M Kamloops Division of Yale District Plan 18411). A legal description is found in the Certificate of Title (CofT). A copy of the CofT must be attached to the application. A copy of your Registered Survey Plan, if available, will confirm the dimensions of the place of use.

If unsurveyed: enter description of unsurveyed Crown land and description of boundaries.

that part of Section 22 Township 4, Queen Charlotte District
(shown outlined on sketch), containing 0.81 hectares,
more or less

Instructions to Describe Unsurveyed Crown Land

- The point of commencement, for unsurveyed parcels, should be described in terms of an existing survey post (e.g., 18 metres west of the S.E. corner of the parcel) or a readily identifiable geographic feature (e.g., a prominent point of land or intersection of two roads) to enable accurate location of the parcel.
- Boundary lines of the area must be, as much as possible, astronomically true north, south, east and west so that a rectangular lot is formed.
- Where the topographic features of the area do not allow for rectangular boundary lines running true north, south, east and west, then boundaries will be permitted in other directions as long as they do not interfere with the orderly survey of other surrounding land.
- The side lines of small parcels fronting on lakes, rivers, tidal waters and on certain surveyed highways shall, where possible, be parallel to each other and perpendicular to the general trend of the features on which the small parcel fronts.
- The sidelines for unsurveyed foreshore shall, as a general rule, be laid out at right angles to the general trend of the shore. This may be varied to suit special conditions, but encroachment on the foreshore fronting adjoining lands shall be avoided. The outside or waterward boundary shall be a straight line or series of straight lines joining the outer ends of the side boundaries. On narrow bodies of water the outside boundary shall not normally extend beyond the near edge of the navigable channel.

1 hectare = 2.471 acres

1 metre = 3.281 feet

100 metres x 100 metres = 10,000 square metres or 1 hectare

PART 4. APPLICATION CERTIFICATION

All applications must be complete. Incomplete applications will be returned to applicant.

Please refer to the specific program requirements (e.g., Aggregates, Commercial, Residential) for information that must be submitted with this application.

All of the following must be attached to or enclosed with this application form:

☒ **Fees** (in the amount indicated in Part 2) to **Minister of Finance** (cheque or credit card authorization form attached or pay in person with debit card or cash)

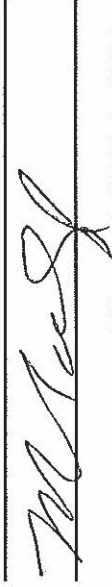
☒ **General Location Map(s)** at a scale of 1:50,000 to 1:250,000 indicating general location of the area under application and the location of access roads, watercourses and other major landmarks.

☒ **Detailed Site Map(s)** outlining in detail the area under application, showing the exact perimeter boundaries of the application area including the dimensions (in metre) and area (ha), including watercourses, district lots etc.

☒ **Program Specific Requirements** (i.e. communication site, agriculture, industrial, aquaculture). Program specific requirements can be confirmed at http://www.al.gov.bc.ca/clad/land_prog_services/programs.html

PLEASE NOTE: Additional items may be required (e.g. Advertising, Security Deposit, Proof Of Insurance, Letter Of Consent) Please consult Program Policies or contact FrontCounter BC for further information.
Some items may have additional associated costs or require additional processing time.

Applicant or Agent signature(s):



Date: Feb 24, 2011

PLEASE RETAIN A COPY OF THIS APPLICATION FOR YOUR RECORDS
- APPLICATIONS ARE NOT TRANSFERABLE -

NOTE: The information you provide will be subject to the Freedom of Information and Protection of Privacy Act. If you have any questions regarding the treatment of your personal information, please contact the Manager, Privacy, Information Access and Records Management.

The submission of this form does not in any manner convey any rights to use or occupy Crown land.

FRONTCOUNTER BC OFFICE LOCATIONS

www.frontcounterbc.gov.bc.ca OR Call Toll-Free 1-877-855-3222

Cranbrook 1902 Theatre Road Cranbrook BC V1C 7G1	Fort St. John Ste 100, 10003 110 th Avenue Fort St John BC V1J 6M7	Kamloops 441 Columbia Street Kamloops BC V2C 2T3
Nanaimo Ste 142, 2080 Labieux Road Nanaimo BC V9T 6J9	Prince George 1044 5 th Ave Prince George, BC V2L 5G4	Smithers 1 st Floor, 3726 Alfred Avenue Smithers BC V0J 2N0
Surrey Ste 200, 10428 – 153 rd Street Surrey BC V3R 1E1	Williams Lake Ste 201, 172 North 2 nd Avenue Williams Lake BC V2G 1Z6	

Salzl, Mark FOR:EX

From: Hanchard, Jevan FOR:EX
Sent: Wednesday, March 9, 2011 2:11 PM
To: Munt, Leonard A FOR:EX; Richardson, Colin FOR:EX
Cc: Salzi, Mark FOR:EX
Subject: FW: Request

Len/Colin,

See that attached from Terry Husband re the potential for use of the Honna DLS. This proposal is for a different type of use than what we have seen in the past and does not have the same issues around environmental impacts. There is also a real business need that exists right now for access to sort facilities and needs to be considered. Given the history though, we should get together with Mark perhaps at our tues afternoon DMT next week to discuss how we might want to proceed on this one. Mark, can you set some time aside on your calendar for this?

Thanks,

From: Salzl, Mark FOR:EX
Sent: Wednesday, March 9, 2011 1:54 PM
To: "Terry Husband"
Cc: Hanchard, Jevan FOR:EX
Subject: RE: Request

It sounds like you need to apply for a Lease or Licence of Occupation through Front Counter BC. You could start with an investigative permit first, and then move to a Licence of Occupation for the sort. I will discuss this with Doug Berry, Senior Lands Officer in Nanaimo about this, and will get back to you.

Mark Salzl, RPF
 Tenures Officer
 Ministry of Natural Resource Operations
 Haida Gwaii District
 Queen Charlotte, BC, CANADA
 Ph: 250 559-6222
 Fx: 250 559-8342
 Email: Mark.Salzl@gov.bc.ca

From: Terry Husband [mailto:terry.husband@att.net]
Sent: Wednesday, March 9, 2011 11:13 AM
To: Saizi, Mark FOR:EX
Subject: Request

Hello Mark,

I spoke with Jevan yesterday and he suggested I e-mail you with my proposal/request regarding the Honna sort.

I understand that the area was shut down for Fisheries concerns and perhaps political reasons at the time, or maybe the real reason was financial?

Watchmen Forest Products Ltd. w I like to obtain the rights to the existir_ ionna Sort somehow either through an outright purchase or a licence to occupy or whatever it takes. What we (the logging) are experiencing right now and a bit in the past is a serious lack of access to enough sorts/sort area. We believe there is little reason why we couldn't re-activate the Honna Sort through a different plan. We would be willing to lead the charge along with you and your team to see that happen.

Here is what we would like to do:

1 - Watchmen to secure the Honna sort for our log sort operations on dry land.

2 - We would like to load wood straight onto a barge via ramps at say half tide or higher. This should alleviate any tidal concerns! These would be smaller barges in the 6000m3 range. We would have to install a tie-back system (safety) on the sort for securing the barge. *No wallerins*

s.16, s.21

4 - We would like to also provide a small corner with some chosen logs for Haida carvers to purchase.

5 - I believe that there may be a problem with the Honna bridge (haven't checked on that at all yet) and we would be willing to deal with that if we were able to secure the Honna sort.

We believe that there is a great need for this considering the changes we are encountering in our world here right now it would be kept fairly busy. Some much needed job opportunity for all of us.

Hope I covered most of it and that you and your team will be excited about this proposal and able to help in some way!

Feel free to call me at home s.22 or 559-7752 (Clearbrook trucking/ Watchmen)

Best regards,

Terry



BRITISH
COLUMBIA

The Best Place on Earth

File Number: <u>T.B.F</u>	Author: <u>MARK SALZ</u>
Date: <u>April 8, 2011 - Friday</u>	Phone Conversation or Meeting With: <u>Terry Husband, Ron Husband</u>

Re: Please don't apply for a tenure over Kagan DLS

Terry Husband, on behalf of the Whitehorse Salween,
has expressed interest in applying for a tenure
located on the Kagan Bay DLS.

For a Colin discussed this with ~~her~~ on Tues, Apr. 5
and we came to the conclusion that there is no well
issue for this application. There are many more
to deal with such as:

- * Noise
- * odours (DLS closed to bit odour circles)
- * odours to position / long gate
- * access for clean digging & not 11.6 curving
- but none of these are seriously problematic

Today I said as much to Terry & Ron, went over
the application process. They may apply
soon.

NOTE: CONFIDENTIAL