

BRIEFING NOTE FOR INFORMATION

DATE: November 4, 2019

PREPARED FOR: Honourable Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations and Rural Development

ISSUE: MLA Sonia Furstenau: Movement of private land timber and the delay to obtain a timber mark.

BACKGROUND:

- On April 2, 2019 MLA Sonia Furstenau sent a letter to Minister Donaldson outlining a private land owner's concern regarding the delay in receiving authorization for a timber mark.
- The timber mark allows the client to transport timber to a milling facility, under the Timber Marking and Transportation Regulation and protects crown revenue.
- On June 28, 2019 Minister Donaldson replied to MLA Furstenau outlining that Timber Pricing Branch was researching options to reduce the delay in obtaining a timber mark for small volumes of private land timber.
- A solution to this concern has been developed and will be made available to ministry district staff, Front Counter B.C. staff and the public during the week of November 4, 2019.

DISCUSSION:

Highlights of the new authorization process that allows small volumes of private land timber to be immediately transported to a scale site at a milling facility are:

- Client contacts MFLNRORD district staff and applies for a private timber mark.
- The timber is scaled at the client's property.
- Once scaled, under the district manager's scale site, and using the Scaled Timber Brand of that site, the timber can immediately be transported to a scale site at the mill site.
- The scale of the timber completed at the owner's property is then "held" until the landowner obtains the private timber mark. The scale under the private land owner's timber mark is then submitted into the ministry's Harvest Billing System.

Attachment(s):

Attachment 1: April 2, 2019 Letter from MLA Furstenau to Minister Donaldson

Attachment 2: June 28, 2019 Letter from MinisterMLA Donaldson to MLA Furstenau

PREPARED BY:

Keith Tudor RPF
Manager Timber Measurements
Timber Pricing Branch
(250) 217 9746

REVIEWED BY:

	Initials	Date
DM		
DMO		
A/ED		
Program Dir/Mgr.	AB	November 4, 2019



LEGISLATIVE ASSEMBLY
of BRITISH COLUMBIA



Sonia Furstenau, MLA
Cowichan Valley

Honourable Doug Donaldson
Minister of Forests, Lands, Natural Resources and Rural Development

April 2, 2019

Dear Minister Donaldson,

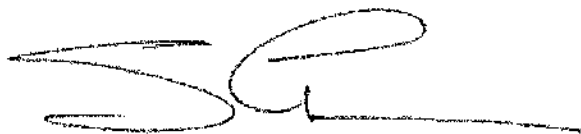
I am writing to inquire about an issue that was raised by a constituent. John Lore, owner of Live Edge Design in Duncan, BC. Typically, Live Edge works from wood that has been salvaged - if a tree falls on a landowner's property, for example, Live Edge can add value to that tree by turning it into furniture that can be used by the landowner.

My questions are as follows:

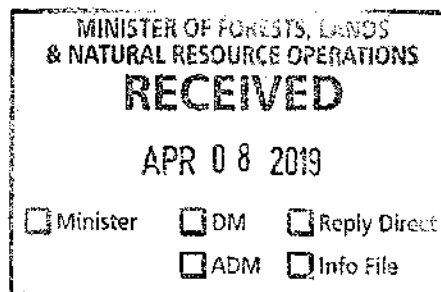
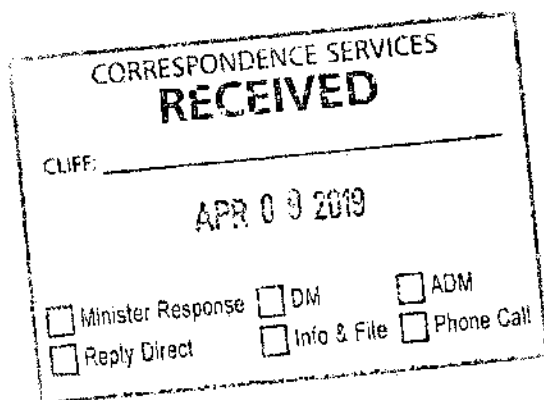
- What is required to implement an exemption for a timbermark if:
 - The volume of timber will not exceed 30 cubic metres (1 logging truck load) and
 - Timber will not leave the District, and
 - Timber will not be transported by water, and
 - Timber will not be exported
- Has the ministry considered requiring that the hauler or miller to provide proof of purchase that includes the tree origin landowner's address and contact information to ensure wood has not been stolen.
- What is the revenue for the province for the logging tax? How is this tax revenue allocated? The concern with the tax is that business owners like Mr. Lore will have to split their salvage and milling operations into a separate businesses. It is not practical to figure out the tax on the integrated business. Do you have any advice to provide Mr. Lore on how to manage this tax?

I have attached two documents provided by John Lore which offer some additional context for these questions.

Sincerely,



Sonia Furstenau
MLA for Cowichan Valley



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38-113 FNR-2020-03315

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Withheld pursuant to/removed as

Copyright



Reference: 247638

June 28, 2019

Sonia Furstenau, MLA
Cowichan Valley
Parliament Buildings
Victoria, British Columbia
V8V 1X4

Dear Sonia Furstenau:

Thank you for your letter of April 2, 2019, regarding timbermark procedures and tax implications with respect to timber processing operations. Please excuse the delay in my response.

With regard to your first question, there is no exemption allowed for obtaining an identifying timbermark. The regional District Manager may provide an exemption from the physical marking on the timber (for example, using a hammer) but may not exempt the landowner from obtaining the timbermark. Obtaining the timbermark can take up to three weeks, and the Timber Pricing Branch is researching solutions for this specific issue.

In terms of your suggestions to prevent wood from being stolen, the timbermark represents proof of purchase in such situations. If Compliance and Enforcement staff encounter unmarked timber at a site, they can take a variety of actions. Ultimately, if necessary, a Stop Work Order can be delivered preventing any further actions until proof of ownership is presented.

With regard to your final questions about business taxes, unfortunately, staff in this ministry are not experts on logging taxes or associated business best practices. I would suggest contacting the Ministry of Finance, Revenue Division, Income Taxation Branch for advice with respect to these issues. Staff can be reached through the main office line by telephone at 250 387-5525.

Again, thank you for writing on behalf of your constituent.

Sincerely,

Doug Donaldson
Minister

NATURAL RESOURCE SECTOR – JOINT MINISTRY DECISION NOTE

Date: December 13, 2019

CLIFF: NRS 252004

PREPARED FOR: Honourable Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations and Rural Development
Honourable Scott Fraser, Minister of Indigenous Relations and Reconciliation

ISSUE: Including Tsay Keh Dene Nation into the existing Omineca Environmental Stewardship Initiative Process

BACKGROUND:

- Since 2014, the Province and the Carrier Sekani First Nations (CSFN) have worked with the Province through the jointly developed *CSFN Omineca Environmental Stewardship Initiative Demonstration Project Agreement* (ESI Agreement).
- The Omineca ESI Agreement is developing a collaborative cumulative effects assessment, management, and monitoring framework focused on moose, caribou, freshwater/riparian and forest biodiversity values.
- Tsay Keh Dene (TKD) chose not to participate in the development of the ESI Agreement in 2015 but are now interested in collaborating with BC on stewardship. BC has been in discussions with TKD on the best approach for inclusion on collaborative stewardship in the Omineca Region and has proposed a separate, but parallel ESI Agreement.
- s.13; s.16
-

DISCUSSION:

- s.13; s.16
-
-
- The ESI forums are not decision-making bodies, but instead provide trusted information, gathered and validated through collaboration, that supports various levels of resource management decision-making. The outputs of the ESI Agreement are recommendations that will be addressed through separate government-to-government processes (e.g. land use planning) that include high levels of public engagement.

- A key output of the ESI process are recommendations on challenging land use issues given the impact in recent years from climate change, forest health, species at risk and fire risk.
s.13

s.13; s.16

s.13; s.16

OPTIONS:

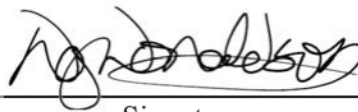
s.13; s.16

RECOMMENDATION:

s.13; s.16

Approved

/ Not Approved



Signature

Honourable Doug Donaldson
Minister of Forests, Lands, Natural Resource
Operations and Rural Development

January 23, 2020

Date



Signature

Honourable Scott Fraser
Minister of Indigenous Relations and
Reconciliation

January 23, 2020

Date

Approved / Not Approved

Attachments: 1. Draft TKD Collaborative Stewardship Agreement
2. Map to Illustrate alignment between Caribou Habitat and LUP areas

PREPARED BY:

Justin Calof
Director, Strategic Initiatives
North Area, Regional Operations
(250) 643-2738

REVIEWED BY:

	Initials	Date
AsocDM	RManwaring	Dec 18,2019
ADM	EO'Donoghue	Dec 17,2019
RED	GRawling	Nov 4, 2019

TSAY KEH DENE AND PROVINCE OF BRITISH COLUMBIA ENVIRONMENTAL STEWARDSHIP INITIATIVE AGREEMENT

Between:

Her Majesty the Queen in Right of the Province of British Columbia as represented by the Minister of Indigenous Relations and Reconciliation and the Minister of Forests, Lands, Natural Resources Operations and Rural Development (the "Province")

And:

Tsay Keh Dene Nation ("TKD")

(referred to as a "Party" or collectively referred to as the "Parties")

Whereas:

- A. TKD is a First Nation with its traditional territory in north-central BC, which traditional territory as identified by TKD and shown for illustrative purposes in Schedule A to this Agreement.
- B. TKD as a Sekani people has inherent and unextinguished Aboriginal rights and title in its traditional territory under section 35 of the *Constitution Act, 1982* ("s. 35 Right"), and TKD asserts the full range of rights outlined in the United Nations Declaration on the Rights of Indigenous Peoples ("UNDRIP") ("asserted UNDRIP Rights").
- C. The Province has enacted the *Declaration on the Rights of Indigenous Peoples Act* and through that Act the Province is required in accordance with s. 3 to take all measures necessary to ensure the laws of British Columbia are consistent with the Declaration and in accordance with s. 4 to prepare and implement an action plan to achieve the objectives of the UNDRIP.
- D. TKD has frequently raised concerns with the Province about the scale, scope and manner of development in TKD territory, with special concern for historical and ongoing forestry operations throughout the territory, and these concerns include TKD's view that the scale, scope and manner of development in TKD territory is not sustainable, is environmentally destructive or harmful and is inconsistent with TKD's Indigenous Rights.
- E. TKD's position is that its ability to meaningfully exercise its Indigenous Rights including the right to practice its culture and otherwise exercise its right of self-determination has been seriously constrained and is under threat by the cumulative effects of natural resource development in TKD territory.

- F. TKD and the Province agree that both of them have a legitimate role in environmental stewardship in TKD territory and collaboration, joint problem solving and other new approaches to decision making described in this Agreement are the preferred means to properly address TKD's concerns and fulfil the Province's commitment to collaboratively implement TKD's Indigenous Rights and otherwise meet their respective interests.
- G. TKD and the Province agree that implementing measures for environmental protection and TKD's Indigenous Rights pursuant to this initiative must be approached in a manner that achieves a balance with other rights and interests where appropriate.
- H. TKD and the Province wish through this Agreement to establish a new framework for collaboration on environmental stewardship in TKD territory along with supporting structures and processes to achieve an in depth understanding of and address the Parties' mutual concerns about priorities for environmental stewardship.

NOW THEREFORE the Parties agree as follows:

1.0 Interpretation

- 1.1 For the purposes of this Agreement, the combination of s. 35 Rights and asserted UNDRIP Rights will be referred to as "Indigenous Rights."

2.2 Environmental Stewardship Initiative

- 2.1 The Parties will collaborate in designing and incrementally implementing a Environmental Stewardship Initiative ("ESI") with the objectives, elements and processes described in this Agreement.
- 2.2 The Parties agree that the ESI will assist the Parties in achieving the objectives of this Agreement including collaboration on stewardship matters within TKD traditional territory and the Omineca Region more broadly. However, the ESI is not intended to prevent or discourage other initiatives to address TKD concerns where appropriate or TKD participation in other processes for recognition or collaborative implementation of TKD Indigenous Rights.

3.0 ESI Objectives

- 3.1 The objectives of the ESI include the following:

- a. to assess the cumulative effects of natural resource development in TKD territory on valued ecosystem components ("VECs") that are linked to TKD's Indigenous Rights and TKD's ability to meaningfully exercise their Indigenous Rights.

(Collectively referred to as the "Effects Assessment").

- b. to use the results of the Effects Assessment to guide and inform recommendations that could:
 - i. preserve or enhance the VECs in a manner that supports the ability of TKD to meaningfully exercise its Indigenous Rights;
 - ii. avoid, minimize and mitigate the effects of natural resource development on the VECs and the exercise of TKD's Indigenous Rights; and
 - iii. contribute to the larger goal of achieving an appropriate balance between environmental protection, the exercise by TKD of its Indigenous Rights and other cultural, economic and social interests of the Parties;
- c. to generate information that TKD and the Province trust and that can be accessed in a useable form to inform natural resource decisions;
- d. provide a mechanism for the Parties to explore and develop longer term bilateral approaches to reconciliation that build on the ESI including:
 - i. approaches to shared decision making based on the recommendations developed through this Agreement; and
 - ii. approaches that link the implementation of this Agreement to the reconciliation of TKD and BC rights, titles and interests where appropriate.

4.0 ESI Elements

- 4.1 The Parties agree that the ESI will be carried out by a "Project Team" with representatives of the Parties and will include the following elements:
 - a. define study areas ("Study Area") that include TKD territory, relevant ecological boundaries for the VECs referred to in 4.1 c. and, where appropriate, regional initiatives undertaken by BC that will assist in meeting address TKD and BC interests;
 - b. appropriate spatial, temporal and ecological scales for the proper assessment of VECs in the Study Area;

- c. the VECs of moose, caribou, grizzly bear, marmot and fresh water fish and their terrestrial and aquatic habitats including water and forest biodiversity will inform work plan content and priorities;
- d. a cumulative effects assessment that considers and reflects:
 - i. a description of historical baseline conditions and natural variability of the VECs;
 - ii. a description of the current conditions of VECs;
 - iii. a description of how the VECs have changed due to the effects of past development and natural disturbance;
 - iv. the ability of the TKD people to access, use and harvest VECs in the Study Area including any constraints on their ability to do so resulting from past and ongoing development and natural disturbance;
 - v. the goals and priorities of the Parties for future development or limits on development within the Study Area including any known plans for development; and
 - vi. the views of the Parties on the desired future states of the VECs and how those states can be achieved.
- e. seek consensus on recommendations through a Project Team for any management responses that can effectively address the risks to the current and desired future state of the VECs and the risk to TKD's ability to meaningfully exercise its Indigenous Rights and the identification of immediate measures and a realistic plan for their implementation;
- f. a collaborative process to engage with and enlist the support of stakeholders, communities and proponents of natural resource development prior to finalizing the recommendations collaboratively developed under this Agreement;
- g. a collaborative monitoring program or approach to ensure that any management decisions or responses implemented pursuant to the ESI are effective;
- h. an evaluation of methodologies used in the ESI and, where appropriate, recommendations on changes to assessment methodologies to increase their effectiveness in achieving the objectives of the ESI; and
- i. use of best available information, including scientific and traditional knowledge, at all stages of the design and implementation of the ESI.

- 4.2 To enhance the ESI and its design and implementation, the Parties may undertake initiatives to collect or develop data to improve information or eliminate information gaps over time.
- 4.3 The Province agrees that it will provide access to all relevant databases and or other sources of relevant information to TKD to assist TKD in participating in the ESI and otherwise implementing this Agreement.
- 4.4 The Parties agree they may need to take further steps or enter into further agreements regarding data-sharing, use or disclosure of confidential information, including traditional knowledge, as part of the implementation of this Agreement and/or the ESI.

5.0 ESI Implementation

- 5.1 The Parties will collaboratively implement the elements of the ESI described in part 4.0 of this Agreement through the Project Team that:
 - a. includes representatives of TKD and the Province;
 - b. with the agreement of both parties, may include other parties including other First Nations, Federal agencies, other levels of government and resources proponents; and,
 - c. strives for consensus on all decisions and recommendations.
- 5.2 The Project Team will:
 - a. as soon as practicable develop work plans, including budgets, to carry out this agreement;
 - b. report to the Parties' senior representatives as needed on the progress made or challenges encountered in implementing this Agreement;
 - c. submit recommendations that require decision to their respective leadership as needed in order advance the objectives of the Agreement.
 - d. Discuss opportunities to work with other First Nations, communities and stakeholders to establish a Regional Stewardship Forum ("RSF") that can support shared collaborative stewardship interests.
- 5.3 The Province will provide funding for the implementation of this Agreement in accordance with part 6.0 and the General Provisions of this Agreement.
- 5.4 The Parties agree that this Agreement will be implemented in two phases as follows:

- i. phase 1 to be completed by March 31, 2020; and
 - ii. phase 2 to be completed by March 31, 2021.
- 5.5 The Parties agree that a priority for the Project Team is to develop work plans with budgets, timelines and clear deliverables for phases 1 and 2 by consensus. In developing work plans and budgets, the Project Team will be guided by, but not limited to, the following:
 - a. In phase 1, the Parties will review the information gathered and recommendations, including immediate measures developed, in the Omineca Environmental Stewardship Demonstration Project for areas in which Takla Lake Nation and other Carrier Sekani First Nations assert Aboriginal rights and title and that overlap with TKD Territory. This review will focus on ensuring that the information gathered, and recommendations developed in that Project address the elements described in paragraph 4.1 and any TKD concerns, priorities and interests or, where gaps or deficiencies are identified, how those gaps and deficiencies can and will be addressed.
 - b. the objectives of this Agreement and the elements to be addressed under paragraph 4.1;
 - c. pursuant to paragraph 4.1 of this Agreement, seek consensus on recommendations for immediate measures that can assist in the recovery of the Chase and Wolverine caribou herds; and
 - d. the commitment of the Parties to work with other First Nations, local governments and other stakeholders to draw on the information gathered and recommendations developed through this Agreement along with regional initiatives undertaken by the Province, where relevant and appropriate, to develop Terms of Reference for Resource Management Planning that has broad support within the Omineca Region including support by the Parties.
- 5.6 In April 2020 the Parties will develop the work plan(s) with budget(s) for phase 2 and undertake the collaborative work described in paragraph 4.1 for other parts of TKD Territory not addressed by the work in phase 1.
- 5.7 The Province acknowledges that the work in phase 2 is no less important than the work in phase 1, and TKD's participation in phase 1 is based on the Province's assurances that it is equally committed to carrying out the work in phase 2.
- 5.8 The Parties acknowledge that the work in phase 2 may not be completed by March 31, 2021. Where phase 2 work is not completed by the end of the term, the Parties

agree to seek additional mandates and approvals required to carry out any work remaining in phase 2.

5.9 A map of the Phase 1 and Phase 2 areas is attached in Schedule A.

6.0 Funding for TKD

6.1 The Province agrees to provide funding to TKD to enable TKD to effectively participate in designing and implementing the ESI and otherwise implementing this Agreement. Funding will be in addition to any other sources of funding received by TKD from the Province from time to time.

6.2 Without limiting paragraph 6.1, funding from the Province to TKD will be based on the following:

- a. the fees of professional consultants, advisors or experts engaged by the Parties jointly or TKD for purposes of this Agreement, including funding for TKD to retain Chu Cho Environmental LLP to undertake the work described in 5.5 a;
- b. TKD community engagement and other internal work to enable TKD to participate in and build strong support for the process(es) established by this Agreement including any joint recommendations developed through those process(es);
- c. travel costs associated with implementation of this Agreement; and
- d. a contribution towards the salary and benefits of a ESI coordinator to be employed by TKD.

6.3 For greater certainty, the amount of funding by the Province under this part 6.0 and how it will be allocated will be determined in good faith based on a budget or budgets to be collaboratively developed by the Project Team in accordance with this part 6.0 and approved by the Parties

7.0 General Provisions

7.1 This Agreement and the ESI do not:

- a. constitute a treaty or land claim Agreement within the meaning of section 25 and section 35 of the *Constitution Act, 1982*;
- b. define, limit, amend, abrogate or derogate from any rights recognized and affirmed under section 35(1) of the *Constitution Act, 1982*, UNDRIP, other Aboriginal or Indigenous rights TKD may have in domestic or international law or any human rights recognized as a matter of international customary law;

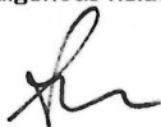
- c. establish the scope or geographic extent of rights including Aboriginal title under section 35(1) of the *Constitution Act*, 1982 or any human rights recognized as a matter of international customary law;
 - d. interfere with the decision-making authority or jurisdiction of any Party or fetter the discretion of any decision-making authority of the Parties;
 - e. replace or interfere with processes undertaken by the BC Environmental Assessment Office pursuant to the *Environmental Assessment Act* or the Canadian Impact Assessment Agency of Canada under the *Canadian Impact Assessment Act*, and for greater certainty, the ESI is not a class assessment pursuant to the *Environmental Assessment Act*; and
 - f. prejudice or limit the position(s) that *either Party* may advance in any negotiations or litigation and unless otherwise expressly agreed in writing, nothing in this Agreement will be interpreted as fulfilling the obligations of the Crown to consult and accommodate TKD and its Aboriginal title, rights and interests or any treaty right TKD may acquire.
- 7.2 The Parties agree that where collaboration and engagement on proposed natural resource activities are ongoing, the ESI may inform those processes.
- 7.3 Notwithstanding any other provisions of this Agreement, the funding to be provided by the Province to TKD is subject to:
- a. there being sufficient monies available in an appropriation as defined in the *Financial Administration Act*, where required, to enable British Columbia in any fiscal Year or part thereof when such payment is required, to make such payment; and
 - b. Treasury Board, as defined in the *Financial Administration Act*, not having controlled or limited expenditure under any appropriation necessary in order to make such payment.
- 7.4 The Parties agree that where information is shared with the Province for the purposes of this Agreement or the ESI and that information is clearly identified as confidential or sensitive information of TKD:
- a. the Province will make all reasonable efforts to prevent the disclosure of such information, subject to disclosure requirements under the *Freedom of Information and Protection of Privacy Act*, or as otherwise required by law; and
 - b. where the Province receives a request under the *Freedom of Information and Protection of Privacy Act* for disclosure of such information, the Province will provide

to TKD the information requested with a notice of the request and the opportunity to express its views regarding the disclosure.

- 7.5 This Agreement may be amended by agreement of the Parties in writing.
- 7.6 This Agreement will be effective on execution by all of the Parties.
- 7.7 The term of this Agreement will be from the date of execution until March 31, 2021, or when the elements in parts 4.0 and 5.0 of this Agreement are completed to the satisfaction of the Parties, whichever is sooner.
- 7.8 Prior to the expiration of the term under paragraph 7.7, the Parties will review the success of this Agreement in meeting the Parties' objectives and a report based on that review will be prepared collaboratively and submitted to the Parties. The Parties may agree to extend the term of this Agreement.
- 7.9 This Agreement may be entered into by each Party signing a separate copy of this Agreement and delivering it to the other Party by facsimile or email transmission.

IN WITNESS WHEREOF the Parties have executed this Agreement.

Signed on behalf of Her Majesty the
Queen in Right of the Province of
British Columbia by the Minister of
Indigenous Relations and Reconciliation



Minister Scott Fraser

Date: January 23, 2020

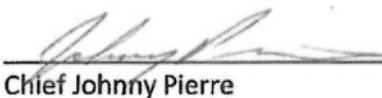
Signed on behalf of Her Majesty the
Queen in Right of the Province of
British Columbia by the Minister of
Forests, Lands, Natural Resource
Operations and Rural Development



Minister Doug Donaldson

Date: January 23, 2020

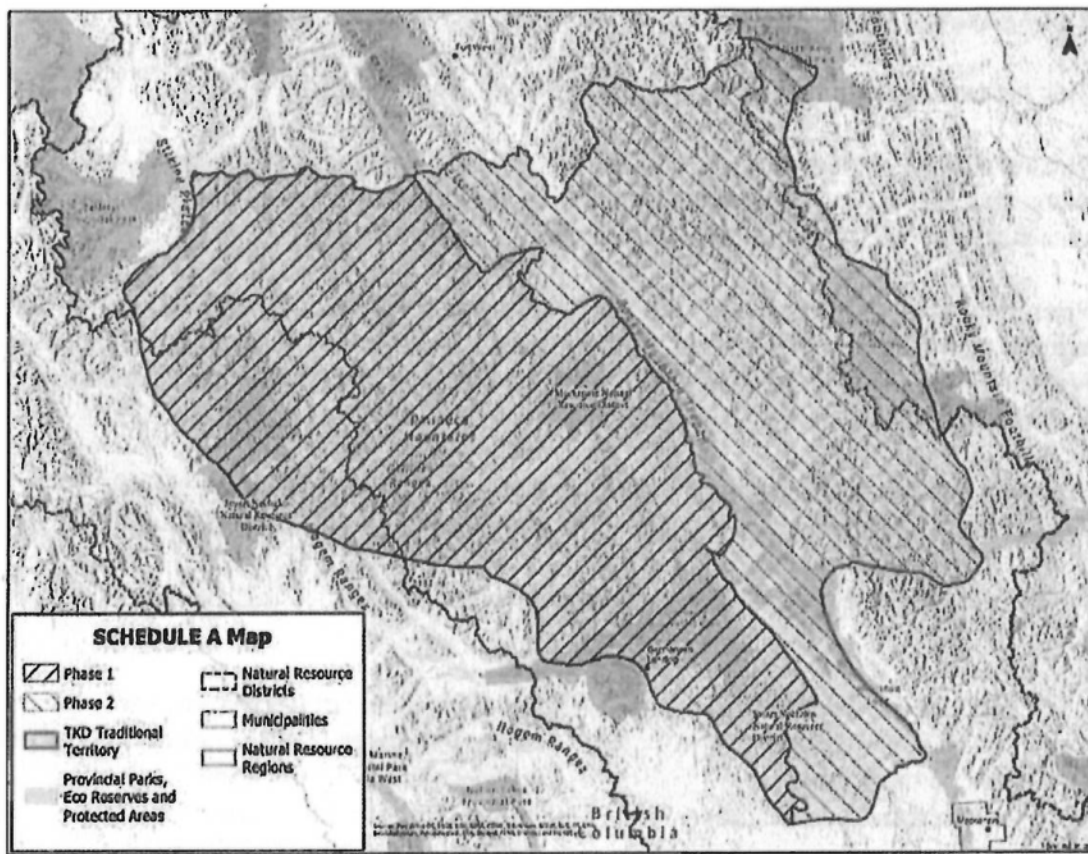
Signed on behalf of Tsay Keh Dene Nation

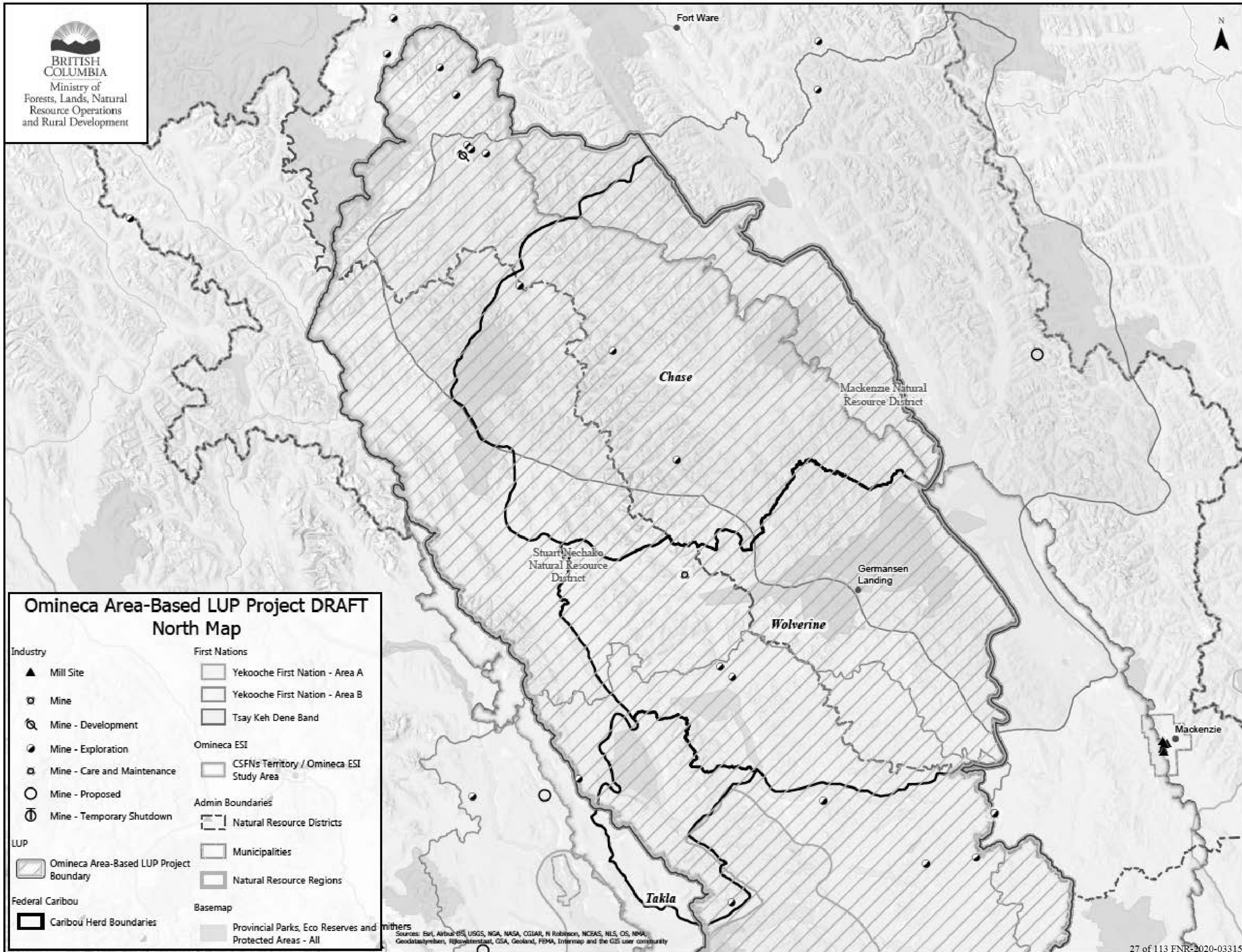


Chief Johnny Pierre

Date:

Schedule A





Omineca Area-Based LUP Project DRAFT North Map

Industry

- ▲ Mill Site
- ⊙ Mine
- ⊙ Mine - Development
- Mine - Exploration
- ⊙ Mine - Care and Maintenance
- Mine - Proposed
- ⊙ Mine - Temporary Shutdown

LUP

- ▨ Omineca Area-Based LUP Project Boundary

Federal Caribou

- ▭ Caribou Herd Boundaries

First Nations

- ▨ Yekooche First Nation - Area A
- ▨ Yekooche First Nation - Area B
- ▨ Tsay Keh Dene Band

Omineca ESI

- ▨ CSFNs Territory / Omineca ESI Study Area

Admin Boundaries

- ▨ Natural Resource Districts
- ▨ Municipalities
- ▨ Natural Resource Regions

Basemap

- ▨ Provincial Parks, Eco Reserves and Protected Areas - All

Sources:

ESR, Airphoto, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasymbol, Rijswijkstaat, GSA, Geoland, FEMA, Intermap and the GIS user community

BRIEFING NOTE FOR DECISION

DATE: November 1, 2019

PREPARED FOR: John Allan, Deputy Minister, Forests, Lands, Natural Resource Operations and Rural Development

ISSUE: Forest Tenure Opportunity Agreement has been signed by the Six First Nations in the Lakes Timber Supply Area of Nadina District.

RECOMMENDED OPTION:

s.13; s.16

BACKGROUND:

- In the Fall of 2012, the Minister offered the Six First Nations (6 FNs) in the Lakes Timber Supply Area (TSA) a low volume bioenergy licence following the Hampton Mill explosion in Burns Lake in January 2012. The offer targeted low volume stands of 70% or more lodgepole pine, with at least 90% of the pine stems damaged (Attachment 1).
- Subsequently, s.16
Several requests to add sawlog content to the offer were received and rejected based on maintaining separation between the bioenergy and sawlog profiles (Attachment 2).
- The current allowable annual cut (AAC) in the Lakes TSA is 1,648,660 m³/year. This TSA is in the final stages of a timber supply review (TSR) and upon conclusion, a substantial reduction to the AAC is anticipated.
- This opportunity is sourced from cut control undercut derived during the Babine Forest Products mill explosion and rebuild. There is an accumulated undercut of 193,511 m³ of non-BC Timber Sales volume within the Lakes TSA that has accrued since the last TSR (Attachment 3). The economic viability of some of this volume is challenging as it was derived from mountain pine beetle uplift that has been dead for 15 years or more.
- Hampton Lumber Mills and West Fraser Mills Ltd. are the two major licensees in the Lakes TSA who have relatively large replaceable forest licences (RFLs) and mills in the vicinity that rely on this timber supply. Sinclair Group also holds a small RFL in the Lakes TSA that supports a mill in Vanderhoof.

DISCUSSION:

Current policy guides the Regional Executive Director (RED) to notify the Chief Forester of any intention to dispose of undercut at the time of a TSR and suggests the RED consider writing off the undercut volume in TSAs with declining AAC. This mitigates impacts to existing rights holders and stewardship values by not over committing the unit or unduly exacerbating any proportionate reduction that may be required in the existing RFLs. Given the lack of any uncommitted AAC within the Lakes TSA, it is necessary to utilize accumulated undercut to provide a tenure to the 6 FNs. North Area tenures staff are proposing to offer the 6 FNs a short-term, forestry licence to cut (FLTC) based on undercut volume within the Lakes TSA. The Chief Forester has been notified of the intent to offer this licence.

The FLTC would be a receiving licence and the 6 FNs would be able to negotiate attributions into the FLTC, as per section 19 of the *Cut Control Regulation*, with timber already harvested under other Lakes TSA RFLs – held by Hampton, West Fraser and the Sinclair Group. A short term for the FLTC will ensure there is minimal impact on the timber supply going forward.



s.16

OPTIONS:

s.13; s.16

RECOMMENDATION:

s.13

Approved / Not Approved

Signature

Date

John Allan, Deputy Minister, Forests, Lands,
Natural Resource Operations and Rural
Development

Attachments:

1. s.16
- 2.
- 3.
- 4.
5. Letter of instruction to the RED for signature

PREPARED BY:

George Halliday
Timber Tenures Specialist
North Area Tenures
(250) 561-3405

REVIEWED BY:

	Initials	Date
DM		
Associate DM		
DMO		
ADM		
RED		
Program Dir/Mgr.	JS	November 1, 2019

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s.16; s.13

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Withheld pursuant to/removed as

s.16



Reference: 252019

June 4, 2020

VIA EMAIL: Geoff.Recknell@gov.bc.ca;

Geoff Recknell, Regional Executive Director
Skeena Natural Resource Region
PO Bag 5000—3726 Alfred Avenue
Smithers, British Columbia
V0J 2N0

Dear Geoff Recknell:

Attached is the executed Forest Tenures Opportunity Agreement (FTOA) for the Six First Nations (6 FNs) resident in the Lakes Timber Supply Area (TSA). By way of this letter, I am instructing you to send the attached FTOA to the 6 FNs and offer them the Forestry Licence to Cut described in the FTOA.

Sincerely,

John Allan
Deputy Minister

Attachment: s.16

pc: Brent May, District Manager, Nadina Natural Resource District
George Halliday, Timber Tenures Specialist, North Area

BRIEFING NOTE FOR INFORMATION

DATE: November 25, 2019

PREPARED FOR: Honourable Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations and Rural Development

ISSUE: Biennial hunting regulations and next steps

BACKGROUND:

- The Wildlife and Habitat Branch (WHB) publishes the Hunting and Trapping Regulation Synopsis (HTRS) every other year. The next edition of the HTRS is scheduled to be effective from June 1, 2020 until July 31, 2022. The Limited Entry Hunting (LEH) Regulations Synopsis is published in mid-April annually, and the deadline for hunters to apply for LEH is late May.
- Before publishing, amendments to existing regulations are proposed. Amendment proposals are usually in response to new information, to conservation concerns, to maintain/enhance recreational opportunities, or to reduce conflicts. Amendments generally originate from regional offices, though some amendments are proposed by First Nations or stakeholders.
- WHB staff work with regional staff throughout the proposal development process to support consultation and engagement requirements and ensure consistency with policy and coordination among regions to avoid unintended consequences (e.g., changes in one region having a negative impact to another). A proposal can be pulled or revised if it has not undergone adequate consultation or is inconsistent with provincial policy.
- Regional staff submitted proposed amendments at the beginning of October and WHB staff have conducted a review to ensure they are accurate, complete, and consistent with provincial policy. The Director determines which proposals are posted to the public engagement website; proposed amendments may be withheld if there is insufficient data or information to support the proposal or if they are inconsistent with provincial policy. The authority to amend the majority of regulations is delegated to the Minister responsible for the *Wildlife Act* through a Ministerial Regulation.
- There are approximately 80 proposed regulation amendments under consideration; about 25 may be contentious ^{s.13}. Further details on proposed changes are available upon request. Proposed amendments that are provincial in scope must undergo full consultation with First Nations.

DISCUSSION:

s.13; s.16

s.13; s.16

NEXT STEPS:

- Director's review of proposals to approve for First Nations consultation and public posting (November 15-20, 2019; complete).
- Consultation letters sent to all provincial First Nations and information provided to subscribe to the AHTE website (after ADM support is received ~ November 26, 2019).
- In collaboration with Government Communications and Public Engagement, WHB complete summary of proposals for posting on the AHTE website (~ November 29, 2019).
- Begin public engagement on the AHTE website (~ December 9, 2019).
- Complete public engagement and consultation (~ January 17, 2020).

s.13

Attachment:

s.13

s.13; s.16

PREPARED BY:

Stephen MacIver
Regulations and Policy Analyst
Wildlife and Habitat Branch
(778) 698-9112

REVIEWED BY:

	Initials	Date
DM	JA	Nov 28, 2019
Associate DM		
DMO		
ADM	TE	Nov 26, 2019
ED	NL	Nov 26, 2019
Program Dir/Mgr.	JP	Nov 25, 2019

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Withheld pursuant to/removed as

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Page 061 of 113

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s.13; s.16

Page 062 of 113 to/à Page 066 of 113

Withheld pursuant to/removed as

s.12; s.13; s.16

Page 067 of 113

Withheld pursuant to/removed as

s.13; s.12; s.16

Page 068 of 113

Withheld pursuant to/removed as

s.12; s.13; s.16

Page 069 of 113

Withheld pursuant to/removed as

s.13; s.16; s.12

Page 070 of 113 to/à Page 071 of 113

Withheld pursuant to/removed as

s.12; s.13; s.16



BARKERVILLE

— HISTORIC TOWN & PARK —

Governed by: Barkerville Heritage Trust, 14301 Highway 26 East, Box 19, Barkerville, BC V0K 1B0
(www.barkerville.ca)

Mayors (Quesnel & Prince George), Premier, and Ministers (Finance and FLROD)
Barkerville and Cottonwood Discussion Document
2019 November 06—Version 2.0

The Request

The Barkerville Heritage Trust Board, the stewards of Barkerville Historic Town & Park and Cottonwood House Historic Site, are requesting the discussion of the following:

1. Ongoing support for the 2015 to 2025 concise business plan including:
 - Consistent annual operating funds contributions for the 2020 to 2025 seasons for Barkerville (\$2.65 million per)
 - Consistent annual operating funds contributions for the 2020 to 2025 seasons for Cottonwood (\$170 thousand)
 - Consistent annual smaller projects funding for 2020 to 2025 Seasons for Barkerville and Cottonwood—protection & infrastructure, preservation, presentation, and commerce & partnerships (\$1.3 million per)
 - Capital funding for infrastructure—fire protection facilities & equipment, fire systems & electrical upgrades, water tower #2 Barkerville, water tower and fire systems at Cottonwood, sewage lagoons upgrades, foundations, staff housing in Wells, BC (all estimated at \$10 million)
2. Extending the Management Agreement to 2045.

For additional information and rationale, please contact Ed Coleman, our CEO at ed.coleman@barkerville.ca or P: 250-994-3332 Local 23; C: 250-991-9034.

Economic Impact

The two Sites employ at peak 185 individuals and have a Regional and Provincial Economic impact estimated at 25 million. On average, an additional \$4 million of partnerships are secured and implemented annually.

The Barkerville Heritage Trust Board Executive

- Iona Campagnolo, Honourary Patron
- Kirstin Clausen, Chair
- Miriam Schilling, Vice Chair
- John Massier, Past Chair
- Chris Hyde, Finance Chair
- Grant Johannesen, Secretary
- Les Waldie, Human Resources Chair

BRIEFING NOTE

Barkerville Sustainability – Meeting with Cariboo Mayors

Briefing Note

What:

Barkerville Heritage Trust's concern regarding funding levels for operations at Barkerville and Cottonwood Provincial Heritage Properties.

Who:

Quesnel Mayor Bob Simpson and Prince George Mayor, Lyn Hall

Executive Summary:

Mayors Simpson and Hall want to discuss the Trust's proposal (attached) for increased government funding in the context of a forecast reduction in government financial support. The ministry is currently working through a financial review with the heritage site operator.

Background:

- Barkerville is a Provincially-owned heritage property near Wells representing the nineteenth-century Cariboo Gold Rush. Following Core Review that sought to devolve Provincial heritage property to community-based management, Barkerville, has been managed under a service contract by a not-for-profit entity, the Barkerville Heritage Trust (BHT) since 2003 on behalf of the Heritage Branch. In 2016, the Trust took on operations of a second heritage property, Cottonwood.
- Barkerville is an economic draw to the Cariboo region (estimates range from ^{s.17} and one of the largest of the province's heritage properties.
- Barkerville costs more to operate than it generates from site-earned revenues. Recognising this, between 2003 and 2015 Government provided BHT operating assistance ranging from ^{s.17} each year. For the last four years Government has provided ^{s.17} per year.
- Currently, BHT is 84% reliant upon government financial assistance for operating the two sites, equating to ^{s.17} of government investment for each of their 60,000 annual visitors.
- In addition to operating assistance, the site has also been provided with significant maintenance funding in the last five years to recognize the complexity in maintaining town-like infrastructure, improve upon the deferred maintenance of the site and develop revenue centres to support the site's financial sustainability.

BRIEFING NOTE

Barkerville Sustainability – Meeting with Cariboo Mayors

- With repairs and visitor infrastructure improvements complete, in 2019/20, the elevated level of funding that BHT has enjoyed will return to pre-2016/17 levels, (reduction in operating assistance from \$2.505M to \$2.08M and maintenance funding from \$0.8M to \$0-\$0.3M).
- To ease into the reduction, the ministry provided ^{s.17} additional funding in March 2019. In 2017, the ministry also provided additional financial support to recognize the impacts of the 2017 wildfire season.
- The ministry has expressed concerns at the value for public funds that BHT operations provide. The branch sought the independent, confidential advice of MNP Ltd management consultants to do a review.
- From that review, MNP concluded that BHT appears to lack adequate strategic planning, pointing to the inability to weather the financial effects of the wildfires in 2017 without 100% government financial assistance, and an absence of planning for greater financial autonomy from government, as examples. Concerns regarding site-earned revenues, notably BHT's low cost of admission and low, non-market licensee rents were also identified.
- This review was also done in context of the significance in investment Barkerville receives (35-40% of annual Heritage Branch allocation since 2016) in context of all other provincial heritage properties and provincial heritage conservation programming. This is a point of concern that continues to be expressed by broader stakeholders.
- Ministry staff met with BHT CEO Ed Coleman and three board members in October 2019 to communicate government's financial forecast and concerns and to begin the process of facilitating development of a sustainable business plan to the end of BHT's contract in 2025.
- With BHT's agreement, this week the ministry appointed MNP Ltd management consultants and accountants to review BHT's accounts and guide their development of a sustainable business plan this coming spring.
- The consultants and the Crown Agencies and Board Resourcing Office have both advised that BHT's board may benefit from capacity building and streamlining. Simultaneously, BHT is starting the process of looking for a new CEO to replace the current CEO who will be retiring in June 2020.

BRIEFING NOTE

Barkerville Sustainability – Meeting with Cariboo Mayors

- The ministry is currently pursuing the possibility of commitments of longer-term operating assistance (beyond one year) and has been engaged through ministry financial services and Treasury Board staff.

Recommendations:

s.13

Attachments

Annexe A – Barkerville and Cottonwood Discussion Document

BRIEFING NOTE FOR INFORMATION

DATE: November 17, 2019

PREPARED FOR: Honourable Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations and Rural Development

ISSUE: Financial viability of small drinking water and waste water systems

BACKGROUND:

- Small drinking water systems in British Columbia supply approximately 480,000 people. There are approximately 600 private sewage authorizations (the information regarding the number of people served by small sewage systems is not readily available). Most of these drinking water and sewer systems are comprised of a mix of societies, water user communities, privately owned enterprises, and improvement districts (e.g., irrigation districts).
- Small systems face a number of operational and financial challenges complying with drinking water quality and wastewater effluent standards. Additionally, as the infrastructure ages the system owners are faced with challenges to secure funding required to operate and upgrade the systems as they do not directly qualify for grants¹ or other funding.
- These challenges have been the subject of several provincial reports such as:
 - *Action Plan for Safe Drinking Water* (2002) by Ministry of Health.
 - *The Protection of Drinking Water* (2019) by the Office of the Auditor General of BC.
 - *Clean, Safe, and Reliable Drinking Water: An Update on Drinking Water Protection in BC and the Action Plan for Safe Drinking Water in British Columbia* (2019) by the Provincial Health Officer.
- The future of these small systems has been raised by a number of people including Okanagan Falls Rural Director, Ron Oberik, who has raised these concerns to MLA Linda Larson.

DISCUSSION:

The viability of small water and wastewater systems has been a concern of government for many years with a focus on drinking water supply systems since the introduction of the *Drinking Water Protection Act* in 2001. Much of the work to implement improvements to oversight and regulation of small water supply systems has been led or coordinated by the Ministry of Health.

Owners/operators of these systems have the right to charge user fees and to set up savings for costs related to operation, maintenance, and upgrades. A key issue is that the small systems operations do not have access to either the user base or financial resources (grant programs) that local governments do. Efforts have been made to provide additional resources for small system operators including a loan guarantee program. However, these are incremental measures and do not fully address the long-term issues raised by MLA Larson (see Attachment 1 for more details on systems referenced by MLA Larson).

Individual program areas make efforts to ensure systems are sustainable. For example, the Water Utilities Regulation Section in Water Management Branch provides regulatory oversight to ensure that private water utilities with 5 or more connections have infrastructure that is adequate to provide safe drinking water; and set user rates that allow for long-term viability.

¹ Most grant programs for water systems such as Investing in Canada's Infrastructure Program require the local authority to take over the system as a condition of the grant. Regional Districts and municipalities are reluctant to get involved due to the high costs of bringing these systems up to current health and environmental standards as well as the ongoing operating and maintenance costs for these systems.

Despite these efforts, there are situations where systems or operators of these systems are aging, and it is difficult to raise funds to upgrade systems and/or transfer them to Regional Districts or municipalities.

The issues raised by MLA Larson highlight that governance of drinking water and waste water systems is fragmented across different legislation and ministries (see Table 1), and that it can be difficult to provide effective and consistent oversight over non-government owners.

Table 1: Legislation and Ministries Overseeing Water Systems

Type	Governing Legislation	Regulating Ministry
Private Water Utility (5 or more connections)	<ul style="list-style-type: none"> Drinking Water Protection Act Water Utility Act Utilities Commission Act 	<ul style="list-style-type: none"> Health FLNRORD FLNRORD
Private Water Utility (< 5 connections)	None	None
Wastewater treatment (effluent $> 22.7\text{m}^3/\text{day}$)	<ul style="list-style-type: none"> Environmental Management Act – Municipal Wastewater Regulation 	<ul style="list-style-type: none"> Environment and Climate Change
Wastewater treatment (effluent $< 22.7\text{m}^3/\text{day}$)	<ul style="list-style-type: none"> Public Health Act – Sewerage System Regulation 	<ul style="list-style-type: none"> Health
Improvement Districts	<ul style="list-style-type: none"> Local Government Act 	<ul style="list-style-type: none"> Municipal Affairs and Housing

SUMMARY:

Although owners of drinking water and waste water systems have the authority to levy charges to recoup any investments and/or costs related to system upgrades, the viability of small drinking water supply and wastewater systems is challenging for many small operators. Work has been undertaken to provide resources to operators of small systems for operations and funding.

Due to increasingly stringent standards and aging infrastructure, these efforts are not sufficient to address the needs of the system operators. Additionally, local authorities are reluctant to take on regulation of these facilities until they have been upgraded.

Further coordination among ministries and external agencies will be required to develop a solution for a more integrated approach to support the viability of these small systems. For small drinking water systems, the 2019 OAG report recommends that the Ministry of Health could lead this effort. For wastewater systems the lead agency could either be MOE or Health

Attachment:

1. Additional Details on Systems Referenced by MLA Larson

PREPARED BY:	REVIEWED BY:		
Jesal Shah Manager, Dam Safety and Utilities Regulation Water Management Branch (250) 888-1422		Initials	Date
	DM		
	Associate DM		
	DMO		
	ADM	DM	Nov 18, 2019
	ED	NL	Nov 18, 2019



	Program Dir/Mgr.		
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Attachment 1 – Additional Details on Systems Referenced by MLA Larson

Regulated Private Water Utilities in MLA Larson's riding of Boundary-Similkameen:

- Lakeshore Waterworks Ltd. (Heritage Hills/Lakeshore Heights)
- Apex Mountain Resort Partnership Ltd.
- Gallagher Lake Waterworks (2018) Corp.
- Riddell Bay Water Society
- Otter Lake Water Co Ltd.
- Big White Water Utility Ltd.
- Bonnevier Water Co. Ltd.
- Mt. Baldy Waterworks Inc.

All these utilities, except for Riddell Bay Water Society, are current with their annual reporting. If a utility does not file an annual report for 2 consecutive years, the utility will then escheat to the Crown and Ministry of the Attorney General will then have to manage the utility. Riddell Bay Waterworks still has another 18 months to file.

Heritage Hills/Lakeshore Heights – Drinking Water

Lakeshore Waterworks, Ltd. is the utility that operates the drinking water system for the Heritage Hills/Lakeshore Heights community. There are approximately 320 residential connections for this utility.

In the summer of 2018, the Water Utility Regulation Section conducted a site inspection of the utility. Following the inspection, the utility was advised to submit a rate increase application, which if approved would help cover the costs of necessary upgrades.

The utility currently has approximately \$113,000 held in trust to perform any necessary upgrades. On October 3, 2019, the Utilities Regulation Section (URS) received a rate increase application from Lakeshore Waterworks. The rate application process for private water utilities with 5 or more connections is governed under the Water Utility Act and Utilities Commission Act by FLNRORD's Utilities Regulation Section. Application review and approval will take several months.

Heritage Hills/Lakeshore Heights – Waste Water

Wastewater systems discharging more than 22.7 m³/day are regulated under the Environmental Management Act by MOE. The Heritage Hills/Lakeshore Heights wastewater treatment system is managed and operated by Vintage View Developments, Ltd. In 2009, an Irrevocable Clean Letter of Credit for Ninety-Eight Thousand Dollars (\$98,000.00) was established. Unlike private water utilities, there is no legislation governing the rates waste water treatment system operators can charge their customers.

Okanagan Falls Irrigation District

The Okanagan Falls Irrigation District is an improvement district incorporated under letters patent. There are approximately 200 improvement districts operating in BC currently.

Improvement districts are governed by an elected board of trustees, one of whom has the additional duty of chair. Trustees are elected by the eligible landowners of the improvement district. The District currently has 1,000 residential connections.



Improvement district boards of trustees are responsible for ensuring that their improvement districts meet the financial obligations necessary to provide service to property owners. Under the Local Government Act (administered by MAH), the board is authorized to levy taxes, tolls and other charges, within its boundaries, to pay for the costs of providing the services authorized within its letters patent as well as borrow funds. In addition, improvement districts are required to establish and make deposits into a reserve fund for the future renewal or replacement of capital assets as they age.

BRIEFING NOTE FOR DECISION

DATE: November 18, 2019

PREPARED FOR: Honourable Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations and Rural Development

ISSUE: Approval of the Terms of Reference for the five-year performance review of the Land Title and Survey Authority

RECOMMENDED OPTION:

s.13

DISCUSSION:

The attached TOR sets out the approach, process and focus of the review. Information will be gathered by a consultant from materials provided by FLNRORD and the LTSA, as well as from interviewees selected by the parties. The review will focus on the performance of both FLNRORD and the LTSA in relation to their mutual and individual rights and responsibilities set out in the Agreement. The parties will share the cost of the review.

The next steps in the performance review process include:

- The Minister of FLNRORD to approve the TOR and sign the attached letter to the LTSA;
- FLNRORD staff to work with the LTSA to competitively tender the contract for the performance review; and
- The successful consultant to work with FLNRORD and LTSA staff to complete the review.

OPTIONS:

s.13

s.13

RECOMMENDATION:

s.13

☒ Approved / Not Approved



Signature

Honourable Doug Donaldson, Minister,
Forests, Lands, Natural Resource
Operations and Rural Development

December 4, 2019

Date

Attachments:

- Attachment 1 – 2020 5-year Performance Review Terms of Reference
- Attachment 2 – Letter to LTSA Confirming Approval

PREPARED BY:

Kelly Vijandre
Senior Policy Advisory
Lands Branch
(778) 974-5848

REVIEWED BY:

	Initials	Date
DM		
Associate DM		
DMO		
ADM	CS	Nov 25 2019
Executive Director	BR	Nov 19 2019
Program Dir/Mgr.	SG	Nov 19 2019

Terms of Reference

Operating Agreement
5-Year Performance Review
Period from 2015-2019

Effective Date: November 25, 2019

Document Version: 1.0

Outline

A. Background

- a. Creation and purposes of LTSA**
- b. Role of the Province**
- c. Operating Agreement & requirement for Performance Review**
- d. Ongoing Governance and Communication**

B. 5-Year Review: Approach and Parameters

- a. Overview and Objectives**
- b. Process**
 - i. Primary Contact**
 - ii. Process**
 - 1. Materials Review**
 - 2. Interviews**
 - 3. Presentation of Preliminary Findings**
 - 4. Report Preparation**
- c. Focus of Review**
 - i. Mutual rights and responsibilities**
 - ii. LTSA rights and responsibilities**
 - iii. Province rights and responsibilities**
 - iv. Processes**
- d. Staging and Timing**
- e. Roles of the Parties**
- f. Cost Sharing and Public Communication**

Terms of Reference

Five-Year Performance Review of the LTSA and the Province

A. Background

a. Creation and purposes of LTSA

The Land Title and Survey Authority of British Columbia (LTSA) was established in 2005, under the *Land Title and Survey Authority Act (LTSA Act)*, as an independent corporation charged with responsibility for operation of British Columbia's land title and survey systems (LT&S Systems), including facilitation of Crown grant execution and carrying on such necessary or advisable activities related to land title and survey systems (Related Activities). The LTSA operates as a not-for-profit organization and is a public body under the *Freedom of Information and Protection of Privacy Act*.

The related activities the LTSA currently carries out entail:

- supporting the Province's property taxation system through daily downloads of property transfer information to BC Assessment;
- receiving, on behalf of the Province the required Returns under the *Property Transfer Tax Act (PTT Act)*;
- receiving and holding on behalf of the Province the required Returns under the regulation to the *Real Estate Development Marketing Act* which is known as the Condo and Strata Assignment Integrity Registry (or CSAIR);
- maintaining ParcelMap BC; an electronic map-based representation of all titled parcels and surveyed provincial Crown land in the Province of BC, (over 2 million parcels are displayed in ParcelMap BC).

Additionally, since 2017, the LTSA has supported the Ministry of Finance in its development of the *Land Ownership Transparency Act (LOTA)*. LOTA will create a new Provincial registry for information about indirect ownership of land in British Columbia. LOTA will also create new statutory functions for the LTSA, including administration of the new registry. The *LTSA Act* will be amended to establish administration of LOTA as one of the purposes of the LTSA. The LTSA's role in administering LOTA is governed by a separate agreement with the Province (represented by the Ministry of Finance) and will not be considered as part of this review.

b. Role of the Province

While the LTSA is an independent statutory corporation, the Province (through the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD)), is responsible for the legislative framework for British Columbia's LT&S Systems. This structure

requires the parties to work closely together and is guided by an Operating Agreement (described in more detail below).

While FLNRORD and the LTSA work closely together, the LTSA maintains many ongoing interactions and processes with other ministries and organizations (e.g. the Ministry of Finance, Ministry of Indigenous Relations and Reconciliation, Ministry of Transportation and Infrastructure and BC Assessment) in carrying out the Related Activities and in new initiatives such as LOTA.

c. Operating Agreement & Requirement for Performance Review

The LTSA must operate within the constraints of the *LTSA Act* and an Operating Agreement (restated June 15, 2015) between the LTSA and the Province as represented by FLNRORD.

The Operating Agreement sets out the rights and responsibilities of both parties as well as terms and conditions related to:

- performance obligations of the LTSA and Province;
- minimum service levels to be maintained by the LTSA in operating the LT&S Systems;
- processes for setting and increasing fees charged by the LTSA;
- processes for the LTSA's collection, repayment and setting-off of monies due to the Province; and
- provisions pertaining to dispute resolution, events of default and associated remedies.

The Operating Agreement also includes a requirement (Article 3.05) that the parties will, every five years, appoint an independent management consultant to conduct a performance review in relation to the performance of each party under the Agreement in respect of the preceding five-year period (the 5-Year Review).

The 5-year Year Review is distinct from a requirement (Article 2.03) of the Agreement that the parties will review, every 10 years, the LTSA's obligations in relation to timely delivery of the LT&S Systems and sufficiency of revenues from base fees (the 10-Year Review). The first 5-Year Review covered the period from 2005 to 2010 and was completed July 10, 2010. The second 5-Year Review (to cover the period from 2010-2015) coincided with and was incorporated into the first 10-Year review, completed March 23, 2015. This review covers the period January 20, 2015 to January 19, 2020.

d. Ongoing Governance and Communication

Delivery of the LTSA's mandate necessitates a close working relationship with the Province. Accordingly, in addition to the formal reviews mandated under the Operating Agreement, the Province and LTSA maintain a number of communication channels to enable the

Province to provide input into operational and strategic LTSA matters. These currently entail:

1. Two members of the LTSA's 11-member board of directors are selected by the board from a list of nominees provided by the Province (ss. 6 - 7 *LTSA Act*);
2. A Stakeholder Advisory Committee (SAC) created under the LTSA Bylaws (at Part 9) for the purpose of providing advice and recommendations to the LTSA includes a nominee of the Province among its 14-member (maximum) membership. SAC currently meets with the LTSA three times per year to discuss and provide input related to the effectiveness of LTSA activities, programs, services and special projects. One of these meetings includes the LTSA board of directors to ensure direct communication between SAC and the LTSA's governing body;
3. The primary contacts identified in the Operating Agreement (Article 4.02) meet approximately bi-weekly to discuss matters of mutual interest or concern. Primary contacts are currently the Vice President, Policy & Legal Services for the LTSA and the Executive Director, Crown Land Opportunities at FLNRORD;
4. The LTSA board chair and Minister of FLNRORD meet bi-annually to discuss annual business planning and reporting requirements; and
5. Employees of the LTSA and Province (primarily in the Ministries of FLNRORD, Finance and the Attorney General) meet directly to discuss matters of operational, political or strategic importance that arise from time to time.

B. 5-Year Review: Approach and Parameters

In order to complete the 2020, 5-Year Review in a manner which is collaborative, comprehensive and in keeping with the objectives established in the Operating Agreement, the parties will follow the approach and parameters set out in A – D below.

a. Overview and Objectives

1. The Parties will mutually engage an independent management consultant to undertake a review and assessment of each party's performance under the Operating Agreement for the 5-year period from January 20, 2015 to January 19, 2020 (detailed further at B and C).
2. The consultant will review and make findings about the following performance areas:
 - a) the performance of the LTSA in relation to its responsibilities described and objectives stated in the Operating Agreement, and in supporting the Province in meeting its responsibilities and objectives (detailed further in C1, C2);
 - b) the performance of the Province in relation to its responsibilities described and objectives stated in the Operating Agreement, and in supporting the LTSA in meeting its responsibilities and objectives (detailed further in C1, C3);

- c) the performance of each party related to participation in processes described in the Operating Agreement (detailed further at C4); and
- d) the performance of each party in collaborating and/or cooperating in business practices or initiatives aimed at enhancing or improving efficiencies in the LT&S Systems (an identified goal in the Operating Agreement, Recital A).

Additionally, the consultant will consider the recommendations from the 2010 5-year review and make findings with respect to how those recommendations have been addressed.

The consultant may recommend that performance areas be revised or refined and/or that additional performance areas be considered.

b. Process

- i. Primary Contact: The Primary Contacts identified in the Operating Agreement will act as principal representatives throughout the review process. The consultant will meet with the principal representatives at the commencement and thereafter at regular intervals (bi-weekly unless otherwise agreed) throughout the review process to provide status updates and seek input or instructions from the parties, as applicable.
- ii. Process: The review process will include:
 - 1. Materials Review: the parties will provide relevant records and other background material to the Consultant for review. Materials tendered will relate to that party's operations, governance and business dealings with the other as these relate to performance under the Operating Agreement over the past five years. The parties will communicate about each party's materials, in advance, to facilitate comprehensive disclosure without duplication. Materials may include:
 - LTSA: board minutes; SAC agendas / minutes; business plans; annual reports; and other records related to the operation of the LT&S Systems
 - Province: government reports, financial accounts; other records related to the LT&S Systems.

The consultant will confirm the materials reviewed and seek direction from the parties before concluding this step in the review process.

- 2. Interviews: The consultant will conduct interviews with individuals who are well-positioned to provide information on the performance of each party in the identified performance areas. The parties will exchange lists of proposed interviewees, in advance, to facilitate a comprehensive interview panel without duplication. Subject to availability and further direction of the consultant, the interview panel will include:

- LTSA board members
- LTSA executive team members
- SAC members
- Provincial representatives (from various Ministries including: FLNRORD, Finance, Attorney General, Citizens' Services, Indigenous Relations and Reconciliation, Transportation and Infrastructure, Energy and Mines).

The consultant will develop a set of interview questions and provide it to the parties for review and approval before undertaking the interviews.

The consultant will confirm the interviewee list and seek direction from the parties before concluding this step in the consultation process.

The parties will endeavor to provide joint instructions to the consultant regarding approval of the interview questions and interviewee list. If the parties cannot agree on the final interview questions or interviewee list, the consultant will proceed with the interviews as they, acting reasonably, see fit and in accordance with the terms of reference, and the consultant will deliver the final interview questions and interview list to the parties in advance of scheduling interview times.

The interviewee list and interview questions should be informed by the materials developed for the previous 5- and 10-year reviews (i.e. the previous interviewee list and list of questions).

3. Presentation of Preliminary Findings: On completion of the materials review and interviews, but before preparing a final report, the consultant will prepare and deliver a written summary of preliminary findings, organized by theme, and addressing the following:

- the written materials reviewed;
- the list of individuals interviewed, including topics covered;
- any preliminary conclusions reached in respect of the identified performance areas;
- areas which may benefit from further information or consultation; and
- recommendations, if any, to refine or revise the scope of performance areas to be addressed in the final report.
- In the spirit of collaboration, the consultant will deliver and present the preliminary findings summary to the parties jointly, with an opportunity for consideration and discussion respecting the draft findings.

The parties will endeavor to provide joint instructions to the consultant addressing all issues raised in the preliminary findings' summary. In the event the parties cannot agree upon joint instructions, the consultant will complete the performance review in accordance with the Terms of

Reference and information reviewed as of that date but may document the differing views of the parties in the final report.

4. Report Preparation: The consultant will capture the results of the performance review in the form of a written report, organized by themes, and addressing and making recommendations about the performance areas described at B, above (or as amended by mutual agreement of the parties).

c. Focus of Review

The performance review will address the following criteria identified in the Operating Agreement:

- i. Mutual rights and responsibilities:
 - a) designate a primary contact for all issues and communications related to the Agreement, administration of the *LTSA Act*, and all applicable legislation [Article 4.02];
 - b) maintain a collaborative working relationship in respect of ongoing business interactions, including those identified in Schedule B of the Operating Agreement [Article 4.03];
 - c) take steps on request of the other party for the “better or more perfect and absolute” performance of the terms and conditions of the Operating Agreement [Article 14.12];
 - d) Arrange any public announcement or communication relating to issues related to the *Land Title and Survey Authority Act* in consultation with the other party before the announcement or communication is made [Article 4.01].
 - e) Neither party is to commit or purport to commit the other party to the payment of money to any person [Article 14.01].
- ii. LTSA rights and responsibilities:
 - a) provide assurances as required to maintain the confidentiality of information received from the Province respecting changes to legislation [Article 3.01];
 - b) operate the LT&S Systems in accordance with the Operating Agreement, all applicable legislation and in keeping with required Average Processing Times (as defined) [Article 3.02];
 - c) manage LTSA records in accordance with applicable legislation [Article 3.04];
 - d) charge and retain fees and charges in amounts and for business activities permitted in the Operating Agreement, including but not limited to:

- i) remit statutory fees, taxes and other amount payable to the Province which are collected by the LTSA, the registrar or the surveyor general as agent for the Province [Articles 3.07, 6.01];
 - ii) publish and maintain an up-to-date customer fee list on the LTSA website [Article 5.02];
 - iii) set-off against payments to the Province only in accordance with the Payment Management Agreement between the Province and LTSA dated December 10, 2014 (Article 6.02).
- e) maintain proper and accurate books of account and records concerning all fee amounts it is required or authorized to collect, pay or set-off and provide access to such books and records to the Province [Articles 6.03, 6.04];
- f) operate as a not for profit entity, including limiting the use of excess revenues to permissible purposes [Article 7];
- g) meet accountability requirements in relation to:
 - i) board membership;
 - ii) public availability of records (including board minutes);
 - iii) financial audits and reporting, including public availability and reporting of annual audited financial statements at an annual public meeting;
 - iv) governance reviews;
 - v) stakeholder involvement, including establishment and maintenance of SAC;
 - vi) code of business conduct and ethics including board and officer conflict of interest disclosure procedures;
 - vii) public complaint process and procedures.
- h) The LTSA will provide written notice to the Province to advise of the adjusted CPI and the amounts of adjusted fees by February 1st of each year (note 5.05 sets out that no notice is required if no changes are to be implemented) [Article 5.04].
- i) The LTSA may charge fees for business activities beyond those explicitly noted in the Agreement [Article 5.06].
- j) The LTSA will maintain (at its own expense) insurance with insurers licensed in BC [Article 11.01].
- k) The LTSA will not perform a service or provide advice to any individual, corporation, firm, association or legal entity where such activity will, in the opinion of the Province, prevent the LTSA from fulfilling its obligations under the Operating Agreement [Article 14.03].
- l) The LTSA will provide certain services to the Province with respect to treaty settlement (survey advice and direction, research) [Schedule B Part 2].

- m) The LTSA will provide the following services to the Province of British Columbia [Schedule B Part 1]:
 - a. Electronic transmission of PIDs, Crown Grant (CG) info, Crown land survey info including Parcel Identification Numbers
 - b. Electronic images of confirmed Crown land survey plans, field notes and CGs
 - c. Unrestricted access to Parcel Map BC fabric
- iii. Province rights and responsibilities:
 - a) provide reasonable notice and consult with the LTSA in respect of changes to legislation that may impact LTSA operations [Article 3.01];
 - b) indemnify including defending in litigation the LTSA and/or Surveyor General and all persons acting under their direction, in respect of liabilities arising out of any act or omission when acting as agent or delegate of the Province or Minister [Articles 3.09 and 3.10];
 - c) access the books of account or records of the LTSA on reasonable notice and for purposes limited to inspection, copying or auditing in relation to collection, payment or setting-off of fees [Articles 6.04, 6.05];
 - d) exercise the right to participate on the SAC as contemplated in the LTSA Act and LTSA Bylaws.
 - e) provide the following services to the LTSA [Schedule B Part 1 (2)]:
 - a. Access to the Provincial network and Crown land management technology needed for the LTSA to fulfill its obligations under s. 1 of Part 1 of Schedule B;
 - b. Access to Provincial control survey database and consultation with LTSA with respect to any datum shifts, or coordinate adjustments of Provincial control or ISA monuments; and
 - c. Consultation with the LTSA on technological changes which could affect the LTSA's ability to fulfill its obligations under s. 1 of Part 1 of Schedule B.
- iv. Processes:
 - a) dispute resolution process [Article 12];
 - b) fee commissioner process and criteria [Article 5].

d. Staging and Timing:

To ensure the consultant's review is completed in a timely manner, the parties and consultant will set and meet deadlines for each of the process steps identified in B, above. Any agreed upon revisions to the process or scope of the review must not materially impact

these agreed upon deadlines or delivery of the final report. The parties will work together to set deadlines, in advance, for completion of each of the following material steps:

- materials review
- interviews
- delivery of preliminary findings
- delivery of joint instructions for final report (if agreed)
- further materials review and/or interviews (if applicable)
- delivery of final report.

e. Roles of the Parties

The LTSA and Province will support the consultant's review by:

1. Ensuring Primary Contacts (or alternatives if needed) are available to participate in status update meetings and provide direction or further instructions as needed.
2. Identifying a list of proposed individuals for interview by the consultant, providing support in coordinating interviews, and reviewing interview questions as needed.
3. Providing timely access to key documents and information.
4. Reviewing the preliminary findings summary in a timely manner and working collaboratively with the other party to submit joint instructions to the consultant for preparation of the final report.
5. Resolving any disputes that may arise in a timely, amicable manner. If a resolution cannot be achieved, the dispute will proceed to the Executive Director, Crown Land Opportunities, FLNRORD and the Vice President Policy & Legal Services, LTSA. As a last resort, resolution will be sought by the Deputy Minister, FLNRORD and the President and Chief Executive Officer, LTSA.

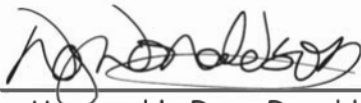
f. Cost Sharing and Public Communication

The costs of the performance review will include only the consultant's fees and reasonable expenses and will be shared jointly by the parties.

Both parties agree that, notwithstanding the Operating Agreement, public release or communication of the final report will require express consent of both parties.

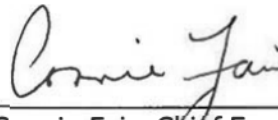
These Terms of Reference are confirmed by each of the Parties on the _____ day of _____, 2019.

On behalf of HER MAJESTY THE
QUEEN IN RIGHT OF THE PROVINCE
OF BRITISH COLUMBIA by:

A handwritten signature in black ink, appearing to read 'Doug Donaldson', written over a horizontal line.

The Honourable Doug Donaldson,
Minister of Forests, Lands and Natural
Resource Operations and Rural
Development

On behalf of the LAND TITLE AND
SURVEY AUTHORITY OF BRITISH
COLUMBIA by:

A handwritten signature in black ink, appearing to read 'Connie Fair', written over a horizontal line.

Connie Fair, Chief Executive Officer,
Land Title and Survey Authority of
British Columbia



Reference: 252227

December 4, 2019

VIA EMAIL: Connie.Fair@ltsa.ca

Ms. Connie Fair, President and CEO
Land Title and Survey Authority
Suite 200 – 1321 Blanshard Street
Victoria, British Columbia
V8W 0B6

Dear Connie:

I am writing with respect to the upcoming 5-year review of the Operating Agreement (the “Agreement”) between the Province of British Columbia and the Land Title and Survey Authority (LTSA), covering the period between January 20, 2015 and January 19, 2020. Over the past months, our two organizations have collaborated to develop an appropriate Terms of Reference for the review. As stipulated in the Agreement, the province and the LTSA will jointly appoint an independent management consultant to conduct a review in relation to the performance of the parties as described in the Agreement.

It is my pleasure to counter-sign the Terms of Reference on behalf of the province.

I look forward to seeing the results of the performance review.

Sincerely,

Doug Donaldson
Minister

pc: Chris Stagg, ADM, Rural Opportunities, Tenures and Engineering Branch
Bonnie Ruscheinski, Executive Director, Crown Land Opportunities
Craig Johnston, Vice President, Policy and Legal Services, LTSA

MEETING BULLETS

DATE: November 27, 2019

PREPARED FOR: Honourable Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations and Rural Development

REGARDING: Meeting with Simpcw First Nation regarding Canfor – Interfor Licence Transfer on November 29, 2019

SUMMARY:

- On June 3, 2019, Canfor announced the permanent closure of the Vavenby mill and entered into an agreement to sell Tree Farm Licence (TFL) 18 and Replaceable Forest Licence (RFL) A18688 to Interfor.
- TFL 18 and RFL A18688 have a combined allowable annual cut (AAC) of approximately 349,000 m³/year.
- TFL 18 has an AAC of 164,500 m³/year within the Thompson Rivers Natural Resource District and RFL A18688 has an AAC of 184,481 m³/year within the Kamloops Timber Supply Area.
- The disposition cannot proceed without minister approval.
- The *Forest Act* requires the minister to consider the effect on the marketing of fibre and the public interest, as well as the impact on First Nations rights or title.

STRATEGIC CONSIDERATION AND MESSAGES:

s.13

-
- The ministry has gathered information to identify the scope of the public interest with regard to the proposed disposition. This includes input received from a public website, correspondence to the ministry, media posts regarding the proposed disposition, and internal and external meetings held among the proponents, First Nations, local governments, stakeholders and citizens.
- Further, the ministry has received independent submissions from Canfor, Interfor and the Simpcw First Nation that present their assessments of the effect of the proposed disposition on the public interest.
- A summary of the potential effects on the public interest is being prepared.
- The ministry initiated consultation with 42 First Nations on June 19, 2019. A summary of concerns and potential infringements to rights and title is being prepared.
- Staff intend for a full decision package containing all of these summaries to be made available to the minister by mid-December.

PREPARED BY:

Steve Baumber
Senior Timber Tenures Forester
Forest Tenures Branch
(778) 974-4047

REVIEWED BY:

	Initials	Date
DM		
Associate DM		
DMO		
ADM	Richard Elliot/ OBO CS	2019-11-27
Program Dir/Mgr.	DS	2019-11-26

BRIEFING NOTE FOR INFORMATION

DATE: November 27, 2019

PREPARED FOR: John Allan, Deputy Minister, Ministry of Forests, Lands, Natural Resource Operations and Rural Development

ISSUE: Stakeholder Concerns with Lack of Provincial Action to Protect Interior Fraser Steelhead from Dying in Salmon Fisheries.

BACKGROUND:

- Interior Fraser Steelhead (IFS) are in a state of extreme conservation concern. The past three years are record low populations for a run that once was approximately 30,000 fish.
 - 227 spawners in spring of 2018 (Thompson 150; Chilcotin 77).
 - 257 spawners in spring 2019 (Thompson 175; Chilcotin 82).
 - 185 projected spawners in spring 2020 (Thompson 127; Chilcotin 58).
- Minimum population targets are >930 fish in the Thompson and >550 fish in the Chilcotin.
- There are three primary factors contributing to the decline in IFS, in no specific order:
 1. Ocean competition, particularly from Pink, Chum, and Sockeye salmon.
 2. Increased pinniped predation on smaller IFS populations.
 3. Non-selective fisheries, particularly salmon net fisheries.
- The only factor within immediate human control is bycatch mortality in salmon net fisheries.
- Decisions that impact fishery openings and closures must carefully consider the economic implications to all three sub-sectors: Recreational, Commercial and Aquaculture/Shellfish.

DISCUSSION:

IFS have a higher recovery potential than other salmonids because they can spawn multiple times, return to the ocean two to three times and adjust the amount of time in the freshwater or marine habitat.

s.13; s.16

The issue was elevated to senior officials and ministers. All parties wanted to achieve a suite of actions for population recovery that would be implemented without requiring a SARA listing. This resulted in a Joint IFS Action Plan, which Environment Canada accepted and did not list IFS.

While habitat is not a limiting factor for IFS, DFO remained committed that habitat and recreational fishery actions needed to be undertaken in order to justify any impacts to the commercial or First Nations (FN) fisheries. BC agreed that several actions would be incrementally beneficial, although only bycatch mortality over the next one to four years would have a population impact.

DFO agreed to the Action Plan including a commitment on bycatch. The Plan includes the BC recommendation: *Due to the extremely low numbers of fish remaining, and to retain a population that is still viable to recover, BC would like to see more than 95% of the run protected from potential by-catch mortality. BC would also like to see a multi-year commitment in order to support development of multi-year recovery actions.*

s.13; s.16

Stakeholders criticize that there was not a longer closure commitment and that there were DFO openings within the closure dates. There is also criticism for enacting additional freshwater recreational fishery closures in 2019 as they have far less potential impact than net fisheries and this brings BC's defense of the recreational sector into question.

Healthy fish populations and a strong fishing sector are the goals. In areas where several species co-migrate, there is an interest in shifting from non-selective methods such as gill nets, into more selective methods. The commercial sector has already incorporated some adjustments such as short set times, but bycatch mortality remains a concern. s.13; s.16

s.13; s.16

NEXT STEPS:

- Develop an IFS implementation plan with clear project priorities that can be delivered internally or through other sources such as the Habitat Conservation Trust Foundation.
- Senior Official follow up on the 2019 closure (e.g. Assistant Deputy Minister (RSD) and Regional Director General)
- Engagement with the FN Fishery Council to initiate internal cross-Nation discussion on IFS conservation goals.

Attachments:

Attachment 1: Interior Fraser Steelhead Joint Action Plan 2019

Attachment 2: Letter to Premier John Horgan from the BC Wildlife Federation - IFS and Chum Fishery

PREPARED BY:

Jennifer Davis
Director
Fish and Aquatic Habitat
(778) 679-1198

REVIEWED BY:

	Initials	Date
DM	JA	December 1 2019
Associate DM		
DMO		
ADM	TE	November 29 2019
ED	NL	November 29, 2019



Interior Fraser Steelhead

BC/Canada Action Plan

The following tables of actions were developed in collaboration between the Province of BC and the Federal Department of Fisheries and Oceans.

Improving Management & Governance.

Year 1 (2019/20)	Lead
Establish DFO-BC Executive Level Dispute Resolution Process. <ul style="list-style-type: none"> Minister. Further develop collaborative management approaches through regular Minister-level meetings as agreed upon February 2019 and an updated MOU. Executive. Schedule regular meetings for the Director/ADM committee to develop options/solutions and improved relationships. 	<ul style="list-style-type: none"> DFO/BC
Indigenous Collaborations on the Management of Interior Fraser Steelhead (IFS) <ul style="list-style-type: none"> Establish an effective partnership between the Province and Indigenous partners along the full watercourse in order to determine “system scale” solutions. 	<ul style="list-style-type: none"> BC
Public & Stakeholder Engagement Process. <ul style="list-style-type: none"> Undertake a public engagement process using Engage BC as well as discussion forums to collect the range of ideas and opinions. 	<ul style="list-style-type: none"> BC

Improve Production (Habitat)

Year 1 (2019/20)	Lead
Watershed Management <ul style="list-style-type: none"> New watershed fish-habitat assessment tool completed 2018. Apply to the Thompson and Chilcotin watersheds to identify priority issues, areas and multi-year actions. Ensure the results of the watershed monitoring are incorporated into resource management decisions, guidance and operational policy. For restoration issues, complete a watershed restoration plan with clear projects priorities and a multi-year implementation plan. Significant investments in the Habitat Program to better support habitat protection, including more staff to evaluate project and development proposals and to support a more integrated management approach. 	<ul style="list-style-type: none"> BC BC/DFO BC DFO
Habitat Recovery – Fish Passage (old road crossings). <ul style="list-style-type: none"> Fish Passage Detailed Assessment. Complete a detailed assessment and inventory of passage problems across the IFS staging and spawning areas. Direct new-funding to these priorities. At least 2 remediation projects completed (approx. \$300,000 each). 	<ul style="list-style-type: none"> BC BC
Habitat Recovery - Bonaparte River <ul style="list-style-type: none"> Fishway stabilization and repairs. Elephant Hill Fire Recovery – Complete a Fish Passage Plan and Restoration Plan for sediment blockages and other on-the-ground Actions by Dec 2019. 	<ul style="list-style-type: none"> DFO BC



Year 1 (2019/20)	Lead
<ul style="list-style-type: none"> Bonaparte River 2019 fish-passage to spawning grounds. DFO has hired a senior biologist for Kamloops as part of the DFO Resource Restoration Unit. 	<ul style="list-style-type: none"> BC - Trap and truck completed DFO
Habitat Recovery – Channelized/Lost streams <ul style="list-style-type: none"> Inventory and riparian assessment of developed streams in drought-prone areas of IFS holding and spawning habitat in order to identify remediation opportunities and prioritize work (including third party). Pilot 1-2 riparian remediation projects (municipal or agricultural). 	<ul style="list-style-type: none"> BC BC
Habitat Protection - Regulatory <ul style="list-style-type: none"> Riparian Areas Regulation (RAR) updates completion (2019) – increased accountability. RAR Effectiveness Review – Review implementation, requirements and guidance; identify options to strengthen RAR for streams with species of concern. Forest and Range Practices Act – improvements to fish and water guidance for legislative process in 2020. Identification and implementation of management actions for agricultural areas. Fisheries Act – completion of the Act updates in 2019 which strengthen the protective measures for habitat. Water Sustainability Act - Sensitive Streams. Complete the assessments and implement decisions on designations (target 2019) on all holding and spawning areas with a first priority on tributaries to the Thompson system. The Province will monitor conditions and be prepared to declare significant water shortages as required and regulate to protect critical environmental flow needs. 	<ul style="list-style-type: none"> BC BC BC BC DFO BC
Habitat Management/Protection – Drought and Water Flow Management <ul style="list-style-type: none"> Water allocation review – update the policy and procedures to ensure water flow and condition needs for IFS are met as a priority. Develop a water flow/temperature mitigation strategy. Identify drought prone areas and areas that may incur water shortages and develop a mitigation plan to address current and future climate change impacts. Assessment of potential alternative Irrigation opportunities/practices in the Thompson (AGRI, FLNRORD). Earlier activation of the BC Drought Response Plan. A Provincial Technical Drought Working Group, with representation from the Province, Environment Canada and Department of Fisheries and Oceans Canada, was initiated early (May 25-28) and the Drought Information Portal was activated. Consideration of the water needs in IFS holding and spawning areas is a priority. To support implementation, each region establishes a stream-watch list early in the year for streams that are fish-bearing and have a history of mortality-generating low flows. Under the current low flow conditions, staff have initiated additional streamflow and temperature monitoring on these streams, including IFS streams. 	<ul style="list-style-type: none"> BC BC BC BC/DFO BC



Year 1 (2019/20)	Lead
<ul style="list-style-type: none"> New regulatory tools. Immediate voluntary water conservation is being encouraged while the Province develops regulations for water usage to give priority of water rights to critical environmental flow thresholds. 	
Habitat Management / Protection – Wildfire <ul style="list-style-type: none"> New 2017 Chief Forester and ADM Stewardship guidance for wildfire salvage, ensuring critical habitat needs were equitable priority with economic interests. Review implementation and results, identify and implement improvements. Use the Watershed assessment to drive the identification and prioritization of habitat recovery/management projects. I.e. ensure hydrological stability before investing in in-stream remediation. 	<ul style="list-style-type: none"> BC BC
Data and Knowledge Management <ul style="list-style-type: none"> Partner with Pacific Salmon Foundation to put Steelhead on the Salmon Explorer. Review Chum hatchery production considering implications for Interior Fraser Steelhead recovery Review advancements in aquaculture/hatchery techniques and update the provincial policy. Develop an enhanced IFS Monitoring Strategy for implementation late 2019. Continue to refine the scientific understanding of IFS through BC-Federal science collaborations as well as incorporation of Traditional Knowledge. 	<ul style="list-style-type: none"> PSF/BC DFO BC BC BC / DFO

Reduce Mortality / Increase Survival

Year 1 (2019/20)	Lead
Recreational IFS Fishery <ul style="list-style-type: none"> Provincial Regulations in place for no IFS fishery. Update penalties including increasing fines to make them a deterrent. 	<ul style="list-style-type: none"> BC - Closure In place BC
Recreational Fishery Bycatch: Holding and Spawning Areas <ul style="list-style-type: none"> Recreational fishing closures for all fishing across holding and spawning areas. 	<ul style="list-style-type: none"> Closures In place
Recreational Fishery Bycatch: IFS Migration Route (Fraser Mainstem) <ul style="list-style-type: none"> Illegal to retain IFS in Fraser Mainstem. Recreational Fishery for other species – <ul style="list-style-type: none"> Fraser River – BC. While regulatory limits are in place, additional regulatory closures are being considered for 2019 to further reduce accidental capture. These may be additional timing restrictions or species restrictions. Fraser River – DFO. Consideration of recreational salmon fishing closures in times and areas where IFS may be intercepted (Fraser River Mainstem, Thompson and Chilcotin Rivers). The SARA reviewed sturgeon Catch and Release fishery does not materially overlap with IFS. BC is seeking additional regulatory tools and consistency in management between the tidal and non-tidal portions of the sturgeon range. 	<ul style="list-style-type: none"> BC - In place BC DFO BC / DFO
Non-Selective Fisheries – Bycatch. <ul style="list-style-type: none"> Due to the extremely low numbers of fish remaining, and to retain a population that is still viable to recover, BC would like to see more than 95% of the run 	<ul style="list-style-type: none"> BC Recommendation



Year 1 (2019/20)	Lead
protected from potential by-catch mortality. BC would also like to see a multi-year commitment in order to support development of multi-year recovery actions.	
Selective Fisheries <ul style="list-style-type: none">Invest in partnerships with First Nations in traditional selective methods.Work with industry to further advance selective fishing methods	<ul style="list-style-type: none">BC & DFODFO & BC
Monitoring and Enforcement <ul style="list-style-type: none">Increased enforcement.Guardians and Monitors – In collaboration with the First Nations Fisheries Council, improve coordination and effectiveness between provincial, federal and indigenous guardians/monitors in BC waters.	<ul style="list-style-type: none">BC / DFOBC
Predators <ul style="list-style-type: none">Technical conferences and engagement hosted by DFO on the science and impacts of pinniped predation on all salmonids. This will inform future management discussions.	<ul style="list-style-type: none">DFODFO
Stock Data/Information <ul style="list-style-type: none">Develop a proposal for integrating data systems between BC and DFO to enable collective access to the best decision-support information.	<ul style="list-style-type: none">DFO/BC



October 31st, 2019

Honourable John Horgan
122 – 2806 Jacklin Road
Victoria, BC V9B 5A4

Dear Premier Horgan,

We the undersigned implore your government to intervene on behalf of all British Columbians in the matter of averting the extinction of Interior Fraser River (IFS) steelhead. Ocean survival, climate change and interception fisheries that use gill nets are the three major factors attributed to the steep downward trend for Thompson and Chilcotin steelhead. While two of these three factors are beyond immediate control, the non-selective gill net fishery on the lower Fraser River is something that can be regulated and must be done forthwith before IFS become extinct. The DFO simply refuses to make these necessary changes and your Ministries involved in working with DFO have been entirely ineffective and dismissed by DFO.

Your government is responsible for the conservation of steelhead and sturgeon, yet you have been supportive of the DFO status quo net fisheries that are the primary reason for the demise of IFS and other weak salmon populations. Your Ministry of Agriculture and Fisheries in concert with DFO continue to advocate the chum salmon fisheries using gill nets despite these very fisheries intercepting steelhead and sturgeon with lethal consequences. The 2019 escapement estimates for the Thompson and Chilcotin steelhead are less than 100 and 40 respectively, well below extreme conservation levels and the lowest on record. Mitigative measures put in place by DFO and your Ministries have not been effective as evidenced by the continual downward trend towards zero. Despite IFS being categorized as an extreme conservation concern DFO last weekend opened the chum fishery, which is not a sustainable fishery using gill nets and the primary reason why the Marine Stewardship Council (MSC) certification was withdrawn. We need you to intervene immediately on this issue to ensure IFS do not become extinct.

We believe there are some innovative solutions that could be employed without impacting the harvest of chum salmon. Terminal and selective fishing methods were traditional methods of fishing historically used by Indigenous people on the lower Fraser River and these methods could again be used to harvest salmon with the live releasing of sturgeon and steelhead. Some First Nations have in fact expressed interest but have been thwarted by your Ministry. If your government wants to make a difference in salmon management while ensuring conservation of iconic species such as Interior Fraser River Steelhead, then we need your voice to be heard immediately.

The status of IFS is well known and being closely watched throughout North America including of course the people who live in and around the Fraser River. The BCWF and other like-minded fish conservation organizations are asking you to become the champion of salmon and steelhead conservation. This does not mean the elimination of the commercial fishing sector on the lower river. It means making long overdue changes in the way lower Fraser salmon are harvested while ensuring safe migration of steelhead and other weak salmon stocks in their long journey to their upriver spawning grounds. This is your opportunity to make a difference.



The BC Wildlife Federation is requesting a meeting with you to explore positive ways of making changes that will avert the loss of Interior Fraser River Steelhead – a circumstance that no one wants as their legacy. We would appreciate your office contacting the BC Wildlife Federation office to arrange for a meeting in November. Please contact Tina Coleman at 778-388-2762.

Yours in Conservation,

The BC Wildlife Federation
The British Columbia Federation of Drift Fishers
The British Columbia Federation of Fly Fishers
Fraser Valley Angling Guides Association
The Steelhead Society of British Columbia

BRIEFING NOTE FOR DECISION

DATE: November 28, 2019

PREPARED FOR: Honourable Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations and Rural Development

ISSUE: Provincial staff have concluded negotiations to secure Kwikwasut'inuxw Haxwa'mis support for the implementation of Ecosystem-Based Management throughout their territory in the Great Bear Rainforest.

RECOMMENDED OPTION: s.13
s.13

BACKGROUND:

- Kwikwasut'inuxw Haxwa'mis First Nation (KHFN) traditional territory is located within the Broughton Archipelago. The community is based on Gilford Island, located North of Vancouver Island and numbers approximately 300 citizens, living on and off-reserve.
- KHFN territory falls within the Wakeman and Gilford Landscape Units, chart areas for Interfor and BC Timber Sales and an important timber source for Industry.

s.16

- However, over recent months consistent provincial engagement with KHFN on a range of marine and terrestrial issues have significantly improved the working relationship.
- In June 2019, KHFN reached agreement with the Province on steps to resolve ongoing conflict with aquaculture operations within the territory. Concurrent discussions between KHFN, FLNRO and BC Timber Sales on a disposition agreement in partnership with Interfor have made significant progress, while staff efforts to support the First Nation develop an eco-tourism lodge and cultural centre have continued to move forward.

s.13; s.14; s.16

DISCUSSION:

The *Hitha'lis* Agreement represents the first step in a broader suite of engagements with the KHFN on terrestrial natural resource management, economic development and eco-tourism. This agreement supports government's efforts to build greater certainty in the Broughton Archipelago for the forest sector.

The *Hitha'lis* Agreement ("making things better" – Kwakwaka'wakw language), provides the necessary arrangements to secure KHFN operational support for the 2016 Land Use Orders and a commitment to implement Ecosystem-Based Management (EBM) in their territory. In return, the Nation will have access to \$350K in conservation and economic development support through Coast Funds and \$425K provincial funding to be distributed over two years: IFE approved \$270K (2019/20) and \$155K (2020/21); already identified as a pressure for next year. These provincial funds will enable KHFN to continue to engage with the Province on forestry and stewardship matters including initial scoping discussions with the Ministry of Indigenous Relations and Reconciliation (MIRR) towards a potential Reconciliation Agreement.

The *Hitha'lis* Agreement does not prevent KHFN from continuing to articulate its own land use vision for the territory, informed by ongoing community discussions and engagement. The agreement provides the basis for government-to-government discussions to continue to align our respective strategic land use planning process within the territory while implementing the operational elements of EBM and the GBR Land Use Orders. This balance of interests will enable both parties to move forward together and meet our respective commitments.

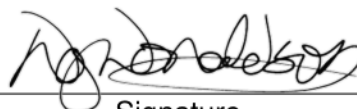
OPTIONS s.13; s.16

s.13; s.16

RECOMMENDATION: s.13

s.13

☒ Approved / Not Approved



Signature

Doug Donaldson, Minister of Forests,
Lands, Natural Resource Operations and
Rural Development

December 18, 2019

Date

Attachments/Appendices: *Hitha'lis* Agreement.

PREPARED BY:

Ben Morton
Manager, Regional Operations
Coast Area
778-974-5883

REVIEWED BY:

	Initials	Date
DM		
Associate DM	RM	December 17, 2019
DMO	AK	December 4, 2019
ADM	CS	December 3, 2019
Program Dir/Mgr.	JS	November 28, 2019

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Withheld pursuant to/removed as

s.16