

## BRIEFING NOTE FOR DECISION

**DATE:** July 14, 2020

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

**ISSUE:** Closure of the BC Forest Revitalization Trust II

### RECOMMENDED OPTION:

Termination of the BC Forest Revitalization Trust II.

### BACKGROUND:

- The BC Forestry Revitalization Trust (BCFRT) II was established on February 28, 2008 as an extension to the BCFRT created in 2003.
- The purpose is to mitigate workers and contractors negatively affected by take back of tenure from major licensees pursuant to the *BC Forestry Revitalization Act* (FRA) (2003).
- BCFRT was established with \$75,000,000, with \$50,000,000 added in 2008.
- The province contributed an additional \$872,000 in 2003 for contractor income tax liability.
- 267 mitigation payments and 136 tax refund payments have been paid till December 31, 2020.
- No further claims or tax refunds can be processed under the current terms of reference.
- The current Trust account balance is \$34,700.

### DISCUSSION:

The existing BCFRT Deed established on February 28, 2008, specifies the Trust Agreement will terminate on the 16<sup>th</sup> anniversary (2024) or if the Trustee determines that it is desirable for the Trust to terminate at an earlier date given the property has been depleted to such an extent that it is no longer useful to continue the existence of the Trust.

As of December 31, 2019, all BCFRT obligations have been met. The Trustee is recommending dissolution of the BCFRT, which will require approval of the Advisory Board comprised of representatives from licensees, contractors and the ministry.

The remaining balance will fund final accounting, legal and audits with \$25,000 to \$30,000 transferred into the Forest Service Providers Compensation Fund, consistent with provisions in Section 1.05 (3) of the Trust Deed.



**OPTIONS:**

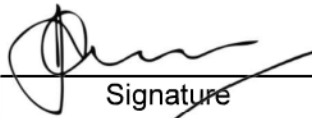
**OPTION 1.**

s.13; s.16

**RECOMMENDATION:**

- Option 1.

**Approved** / Not Approved

  
Signature

July 22, 2020  
Date

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

**PREPARED BY:**

Emma Neil, RPF  
Senior Timber Tenures Forester  
Forest Tenures Branch  
(250) 726-6249

**REVIEWED BY:**

	Initials	Date
DM	JA	July 22, 2020
Associate DM		
DMO		
ADM		
ED	RE	July 20, 2020
Program Dir/Mgr.	DK	July 14th

## BRIEFING NOTE FOR INFORMATION

**DATE:** July 20, 2020

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

**ISSUE:** Response to New Indigenous Peoples and Hunting Chapter in Conservation and Outdoor Recreation Education Manual

### BACKGROUND:

- The Province is accountable for the content contained within the Conservation Outdoor Recreation Education (CORE) manual, which provides training for new hunters in BC.
- The Province has a long-standing partnership with the BC Wildlife Federation (BCWF) to provide CORE training. The Province and the BCWF update the CORE content periodically to ensure it is current.
- A new chapter was written for the 2020-21 edition titled "Indigenous Peoples and Hunting in BC" (the Chapter). The Chapter is a facts-based summary of the origin and extent of Indigenous rights, the importance of wildlife and stewardship in Indigenous cultures, and examples of traditional Indigenous practices in BC. The Chapter does not establish new policy or laws.
- A webinar was provided by BCWF, Wildlife and Habitat Branch (WHB) staff, and an indigenous educator to approximately 35 CORE instructors and examiners on June 30, 2020. An overview of the material was provided, along with answers to several questions raised by instructors and examiners in advance of the webinar. Attendees raised concerns about their lack of involvement in developing the Chapter, as well as expectations with respect to seeking permissions to hunt on treaty lands and traditional territory.
- An error was identified in Chapter 2 "Ethics" which was also included as a question in the written exam. Specifically, a sentence states "Hunting on private property, including First Nation Reserves or Treaty lands, is a privilege and not a right". The section goes on to provide guidance for respectfully seeking permission. Permission to hunt on Treaty Lands is varied by Treaty and limited to modern treaty lands.

### DISCUSSION:

In 2017, as part of the commitment to reconciliation with First Nations in British Columbia the Provincial Government adopted the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Calls to Action of the Truth and Reconciliation Commission (TRC). Each ministry was directed to review policies, programs, and legislation to determine how to bring the principles of the declaration into action in British Columbia.

The chapter titled "Indigenous Peoples and Hunting in BC" was added to the CORE manual to support the development of relationships with Indigenous peoples that are founded on recognition of aboriginal, Treaty and Indigenous human rights based on the Calls to Actions from the TRC.

The Chapter was drafted by an independent consultant and reviewed and edited by a BCWF Working Group, BC WHB staff and aboriginal solicitors from Ministry of Attorney General. The Director of the Wildlife and Habitat Branch approved the material prior to publication.

A social media post misinterpreted and misrepresented the intent and content of the CORE manual (see Attachment 1) and subsequent media coverage confused the CORE manual with the Hunting and Trapping Regulation Synopsis that provides legal expectations for hunters.

Specific excerpts from the new CORE chapter related to the social media post state:

- With few exceptions, wherever you hunt in BC, you will be hunting on the traditional territory or treaty lands of one or several Indigenous Nations who exercise their Aboriginal rights including the right to hunt. Hunters should be mindful and respectful of this context at all times.
- There are many terms related to Aboriginal rights, and various ways they may exist on the land base. These can be very complex. A hunter should always check the Provincial Hunting and Trapping Synopsis and follow all Provincial Hunting regulations.

The Hunting and Trapping Regulations Synopsis states:

- It is the responsibility of the hunter or trapper to be aware of the status of the land they hunt and to get permission from the landowner before accessing private land.
- Indian Reserves are private land. Permission must be obtained from the local Indian business office in order to hunt on or across these lands.
- Declared Title lands are not publicly available for hunting at this time. Hunters are advised not to enter the Tsilhqot'in title area for the purpose of hunting.

## NEXT STEPS:

The WHB is working with the BCWF to provide an updated test and Frequently Asked Questions document, as well as determine options for a longer-term approach to support CORE instructors and examiners that fosters an environment of inclusion and diversity.

Follow up with the BC-First Nations Wildlife Forum is also scheduled to explore next steps in alignment with Action 19 of the Together for Wildlife Strategy "jointly develop communication and extension materials to educate and inform British Columbians about the nature of Aboriginal rights and title, modern and historic treaties, Indigenous worldviews, use of wildlife and Indigenous wildlife stewardship approaches."

## Attachment 1: Social media post regarding the Indigenous Peoples and Hunting Chapter

### PREPARED BY:

Jennifer Psyllakis  
Director, Wildlife and Habitat  
Resource Stewardship Division  
(250) 812-7797

### REVIEWED BY:

	Initials	Date
DM	JA	July 28, 2020
DMO		
ADM	DM	July 27, 2020
ED	NL	July 24, 2020
Program Dir	JP	July 21, 2020

**Attachment 1.** Social media post regarding the Indigenous Peoples and Hunting Chapter:  
Urgent notice to BC hunters

Posted online, confirmed by a few other CORE examiners.

**\*URGENT NOTICE TO BC HUNTERS:**

The new hunting CORE Manual is showing the British Columbia Government's possible intent to abolish publicly accessible hunting lands by changing the definition of land titles across the province to "Private" and "First Nations Treaty Land" only. A webinar meeting, hosted by a Provincial moderator, was held on June 30th, 2020 to prompt questions that CORE Instructors had regarding the new "Indigenous Chapter." The intent behind this meeting was to provide a medium for instructors to ask questions, most of which were in regards to what this new chapter indicates about the future of land titles in the province, and how according to the current hunting regulations, the material that would be taught in the manual would be factually incorrect. The following are quotes from the indigenous chapter of the new CORE manual: "With few exceptions, wherever you hunt in B.C., you will be hunting on the traditional territory or treaty lands of one or several Indigenous Nations..." and "Hunting on First Nation Reserves or Treaty lands, is a privilege and not a right. Permission is required." I spoke with an individual who had attended this webinar, and from their perspective it appeared to be quite clear that the First Nation representatives present were fully aware of the implications of the previously mentioned quotes. They stated that permission would have to be granted on an individual basis; a potential hunter would have to go onto the reservation of the First Nation peoples who owned the land that he/she wanted to hunt, in order to ask their permission to hunt there. That, according to the 2020 - 2022 synopsis, is incorrect. In the notes taken by these instructors, it is also mentioned that First Nations Peoples' applications for TLE (Treaty Land Entitlement) have been submitted to the Provincial Government. One quote from a CORE instructor stated "many of these TLE requests would [if approved] effectively block public access to the back country." That same instructor reiterated that "the rewrite of the CORE manual made it seem like only one ethnic group in British Columbia is concerned about conservation." There are other concerns that CORE instructors have with the newly published manual, but it appears as though our government is more inclined to use their time pandering to First Nations Peoples instead of addressing the real world implications of this language, or the clear inconsistencies between the Hunting Synopsis and the CORE manual. The manual, I have on good authority, has ALREADY been printed, despite fact that there have been applications, but no approvals for TLE as of yet. This misinformation has troubling implications; the CORE Manual is presented as a first resource to inexperienced and often naive individuals who are taking the CORE program as a means to educate themselves. Furthermore, the discrepancy between the two publications suggests that either the BC Provincial Government is hiding something about the future of access to huntable lands, or these particular First Nations Peoples being consulted are openly pushing their own agenda.

## BRIEFING NOTE FOR INFORMATION

**DATE:** July 24, 2020

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

**ISSUE:** Progress of Site C Project - River Diversion

### BACKGROUND:

- BC Hydro is preparing for the diversion of the Peace River around the Site C dam site in August 2020.
- River diversion of the Peace River is a significant milestone in the Site C Clean Energy Project and is required to construct the earth fill dam in the dry.
- BC Hydro was issued Leave to Commence Diversion on June 12, 2020 under the authority of the water licence. There are also parallel and subsequent decisions required to ensure compliance of the *Water Sustainability Act*, the water licences and associated orders, specifically around a series of monitoring and mitigation plans under Schedule A of the Water Licences.
- BC Hydro has started to introduce rockfill into the Peace River partially closing the river with a rockfill berm in preparation for the upstream and downstream cofferdams.
- Complete diversion of the Peace River will occur when the gates in two diversion tunnels will be opened.
- COVID-19 has caused challenges to the ongoing construction and schedules at Site C as the number of workers on site has been reduced and work practices have changed to adapt to new safety protocols.

### DISCUSSION:

The Comptroller of Water Rights office is working closely with BC Hydro and agencies to coordinate the documentation and reviews required to ensure decisions can be made to support BC Hydro's construction schedule. While there have been challenges with BC Hydro providing information in a timely manner required for the decisions, through coordinated efforts among BC Hydro, the agencies and the Comptroller of Water Rights office submission of information and reviews are being completed.

BC Hydro has experienced some additional challenges with the spring freshet including higher than anticipated flows in the Peace River and a full Williston Reservoir. In addition, with the spring rains they have experienced challenges with meeting BC water quality guidelines for run-off water. Some of the material on site can generate acidic run-off when exposed to air and water. The Comptroller's office and BC Hydro are working together to determine what actions can be taken onsite to better achieve compliance.

BC Hydro has implemented comprehensive COVID-19 protocols to protect people on site. Recently there has been a positive COVID-19 case detected in the work camp. This person is being cared for at the camp and is currently quarantined along with several other people (11) who may have been exposed.

Staff from the Office of the Comptroller will make a site visit in August to review the site and the diversion of the Peace River and discuss progress with BC Hydro and the Independent Engineer and Independent Environmental Monitor. Protocols will be observed to ensure staff safety while traveling and on-site. Staff will not be staying in the work camp during the visit.

**SUMMARY:**

- BC Hydro is expected to divert the Peace River around the Site C dam site in August 2020. This is a significant milestone in the construction of the project.
- The Comptroller of Water Rights Office and agencies are working together to ensure the appropriate authorizations are in place.
- The Comptroller of Water Rights Office is actively working with BC Hydro to ensure compliance of the *Water Sustainability Act* and authorizations during this milestone.

**PREPARED BY:**

Ted White  
Director  
Water Management Branch  
778-698-3981

**REVIEWED BY:**

	Initials	Date
DM	JA	July 27, 2020
Associate DM		
DMO		
ADM	DM	July 27, 2020
ED	NL	July 27, 2020
Program Dir/Mgr.	TW	July 24, 2020

## BRIEFING NOTE FOR INFORMATION

**DATE:** August 4, 2020

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

**ISSUE:** Deferral Areas Announced with Release of Old Growth Report

### BACKGROUND:

- The Old Growth Report submitted to the Minister from the independent panel recommends government act quickly to implement deferrals on old growth forests where “ecosystems are at very high and near-term risk of irreversible biodiversity loss”.
- The report recommends five criteria to consider in identifying deferral areas. Two of the criteria are objective, can be identified spatially but require field verification. The remaining criteria are more subjective and require further analysis and engagement with Indigenous Nations, industry and stakeholders.
- The report describes a process for identifying the deferrals, beginning with developing a prioritized list of potential areas “followed by on the ground verification with recognized experts”. Further, the report specified the need to conduct an economic impact analysis on the deferrals and to establish a process to mitigate impacts to tenure holders.
- The panel advises that various mechanisms could be used to implement the deferrals including:
  - Directing BC Timber Sales (BCTS) to cease development and defer selling timber in these areas;
  - Request tenure holders to voluntarily defer development;
  - Decline to authorize new permits; and
  - If necessary, establish regulatory provisions and incentives to enable the deferral.
- The report sets out an expectation that action on deferrals and Indigenous Nation engagement would be taken within six months and that a report on the status of the deferrals would be provided within one year.

### DISCUSSION:

s.12; s.13; s.16



s.12; s.13; s.16

**PREPARED BY:**

Brian Bawtinheimer  
Executive Director  
Provincial Stewardship Strategies and  
Planning Unit  
778-974-2497

**REVIEWED BY:**

	Initials	Date
DM		
Associate DM		
DMO		
ADM	DM	August 4, 2020
Executive Director	BB	August 4, 2020

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s.13 ; s.16 ; s.17

Page 11 of 22 to/à Page 13 of 22

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s.13 ; s.16

BRIEFING NOTE 257511 WAS LISTED ON  
FNR 2020 05576 BY MISTAKE THIS  
WAS A DRAFT NOTE THAT WASN'T  
COMPLETED OR SHARED WITH  
THE MINISTER

## BRIEFING NOTE FOR DECISION

**DATE:** August 7, 2020

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

**ISSUE:** Forest Revenue – 2020/21 Q1 Revised Forecast

### RECOMMENDED OPTION:

**Option 1 - Approve the 2020/21 Q1 Revised Forest Revenue Forecast by signing the attached Memorandum and Revenue Estimates Summary.**

### BACKGROUND:

- The Ministry of Finance has requested that the ministry prepare a Consolidated Revenue Fund (CRF) forecast for the 2020/21 First *Quarterly Report*, as well as the revenue estimates summary for the 2021/22 to 2025/26 fiscal years.
- The CRF Forest Revenue **Budget Forecast** for 2020/21
  - Forest revenue: \$786 million
  - Crown harvest: 46.0 Mm<sup>3</sup>
  - Provincial average rate (including BCTS): \$16.83/m<sup>3</sup>

### DISCUSSION:

s.12; s.13; s.17



s.12; s.13; s.17

**OPTIONS:**

s.12; s.13; s.17

**RECOMMENDATION:**

- **OPTION 1**

☒ Approved / Not Approved

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

August 19, 2020  
Date

**Attachments:**

1. Memorandum to Lori Wanamaker, Deputy Minister, Ministry of Finance
2. 2020/21 Forest Revenue Q1 Revised Forecast – Revenue Estimates Summary

**PREPARED BY:**

Ryan Midgley  
Manager, Reporting and Forecasting  
Timber Pricing Branch  
(778) 974-4026

**REVIEWED BY:**

	Initials	Date
DM	JA	August 19, 2020
CSNR ADM/EFO		
ADM/FPIRD	MS	August 14, 2020
ED/FPIRD	JS	August 12, 2020
TPB Director	AB	August 7, 2020
Program Dir/Mgr.	RM	August 7, 2020

File: 280-20  
Ref: 257774

**CONFIDENTIAL**

To: Lori Wanamaker  
Deputy Minister  
Ministry of Finance

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

**Re: Budget Estimates Revenue Forecast (Forests) – 2020/21**

The purpose of this memorandum is to provide you with the Forest Revenue Forecast as required for the First *Quarterly Report*, as well as the Revenue Estimates Summary for the 2021/22 to 2025/26 fiscal years.

I would like to acknowledge the efforts of your staff in the Fiscal Planning and Estimates Branch and the Economic Forecasting and Policy Analysis Branch, who have provided useful and timely advice.

If you or your staff have any questions, please contact Allan Bennett, Director, Timber Pricing Branch at 778-974-2407.

Sincerely,



John Allan  
Deputy Minister

Attachment: 2020/21 Forest Revenue Q1 Revised Forecast – Revenue Estimates Summary

pc: Trish Dohan, Assistant Deputy Minister, Corporate Services for the Natural Resource Sector  
Melissa Sanderson, Assistant Deputy Minister, Forest Policy and Indigenous Relations Division  
Dave Riley, Executive Director, Fiscal Planning Treasury Board Staff, Ministry of Finance  
Jim Schafthuizen, Executive Director, Forest Policy and Indigenous Relations Division  
Allan Bennett, Director, Timber Pricing Branch  
Melissa Kortum, Chief Financial Officer and Executive Director, Corporate Services for the Natural Resource Sector

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Withheld pursuant to/removed as

s.12 ; s.13 ; s.17

BRIEFING NOTE 257579 WAS LISTED ON  
FNR 2020 05576 BY MISTAKE THIS WAS  
A BRIEFING NOTE PREPARED FOR AN  
ASSISTANT DEPUTY MINISTER NOT A  
DEPUTY MINISTER OR MINISTER

## BRIEFING NOTE FOR DECISION

**DATE:** August 14, 2020

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

**ISSUE:** Negotiate a Forest Tenure Opportunity Agreement for Snaw-naw-as First Nation

### RECOMMENDED OPTION:

**Provide mandate to negotiate a Snaw-naw-as First Nation Forest Tenure Opportunity Agreement for a First Nations Woodland Licence in the Arrowsmith Timber Supply Area that would support an allowable annual cut of up to 5,000 cubic metres.**

### BACKGROUND:

s.16

### DISCUSSION:

s.16

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Withheld pursuant to/removed as

s.13 ; s.16



**RECOMMENDATION:**

**Option 1**

**Approved** / Not Approved

Signature

August 24, 2020

Date

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

**PREPARED BY:**

Kylie Harrison  
Timber Tenures Specialist  
Coast Area Forest Tenures  
Phone: 250-751-7183

**REVIEWED BY:**

	Initials	Date
DM	JA	August 21, 2020
Associate DM		
DMO		
ADM	CS	Aug 17/20
A/Director IRB	ST	Aug 17/20
RED - WCR	SH	Aug 14/20
A/Director	SR	Aug 13/20