

**Memorandum of Understanding Respecting Forest Harvesting,  
Recreation, and Related Activities within Planning Sub-Unit 10-4  
(Smithers Community Forest - Special Management Zone 2)**

**Dated:**

July 28, 2009

**Between:**

The Smithers Community Forest Society  
Box 3566  
Smithers British Columbia  
V0J 2N0

**And:**

The Wetzin'kwa Community Forest  
Corporation  
Box 565, Smithers  
British Columbia V0J 2N0



## **Definitions:**

- The Society means Smithers Community Forest Steering Committee as identified in the Bulkley Land and Resource Management Plan (1998) and the Bulkley Valley Sustainable Resource Management Plan (2005). This steering committee became registered as the Smithers Community Forest Society under the Society Act of BC on Nov 10, 2006.
- Smithers Community Forest means the area (approximately 4600 ha) designated in the Bulkley Land and Resource Management Plan (1998) as Planning Sub-Unit 10-4, Special Management Zone (SMZ) 2. The terms 'Smithers Community Forest' and 'Community Forest' have been used interchangeably over the years.
- Wetzin'kwa Community Forest means the area (approximately 33,000 ha) awarded as a Community Forest Agreement under Section 43.3 of the Forest Act to the Wetzin'kwa Community Forest Corporation in 2007. The Smithers Community Forest area makes up a portion of this tenure area.
- The Licensee means the Wetzin'kwa Community Forest Corporation
- Forestry includes the activities associated with forest harvesting lay-out, road building and maintenance, harvesting, silviculture, forest health.
- Education includes any activities by a community group sponsored by the Society or the Licensee.
- Recreation management agreement means an agreement entered into between the Province and a corporation or society to manage a recreation area on crown land.
- Designated Recreation Trail means the area designated as a Recreation Trail by the Ministry of Tourism Culture and the Arts under Forest and Range Practices Act of BC.

## **1.0 Context:**

### ***1.1 The Wetzin'Kwa Community Forest Corporation***

Wetzin'kwa Community Forest Corporation (WCFC) was granted a Community Forest Agreement (Licence # K2P) in 2007. The licence, located within the Wet'suwet'en traditional territory, has an annual allowable cut of 30,000 m<sup>3</sup>. The tenure is jointly held by the Town of Smithers and the Village of Telkwa.

Wetzin'kwa Community Forest Corp's goal is to manage the area for the long term economic, environmental, and social benefit of the residents of the Bulkley Valley, this includes:

- planning and management that will reflect the local communities' values,
- encouraging compatible multiple uses on the landbase by various resource users, and
- maintaining functional integrity of ecosystems on the landbase for long term sustainability and diversity of plant and animal species.

Wetzin'kwa Community Forest Corporation's forest management adheres to the following **'Core Values'**:

- to sustain a financially viable forest resources business for the long term benefit of residents in the Bulkley Valley;
- to maintain and sustain functional integrity of ecosystems;
- to protect water quality in watersheds;
- to maintain a healthy balance of all plants and animals;
- to recognize the Wet'suwet'en people and their culture;
- to establish long lasting, respectful relationships between the partners;
- to expand local small business opportunities and employment when and where feasible;
- to provide a safe and environmentally friendly work environment;
- to enhance outdoor educational and recreational opportunities;
- to increase community involvement in resource management; and
- to reflect community values in decision making

### **1.2 Smithers Community Forest Society**

The Smithers Community Forest Society is a non-profit society established under the Society Act in 2006. The Society originally functioned as the Smithers Community Forest Steering Committee. This Steering Committee is identified in the Bulkley Land and Resource Management Plan (Bulkley LRMP 1998), as the coordinating body for integrated planning within Special Management Zone 2, Sub-Unit 10-4 ("The Community Forest"), now included as part of the tenure area of the Wetzin'kwa Community Forest Corporation.

The purpose of the Society, as stated in its 2006 constitution, (within the area designated in the Bulkley Land and Resource Management Plan as Special Management Zone (SMZ) 2 Sub-Unit 10-4 (Smithers Community Forest) is to:

- Plan and integrate forest uses through public involvement;
- Create and improve recreation opportunities recognizing a diversity of compatible interests;
- Create outdoor education opportunities in a safe environment;
- Establish an area where forest management practices and forestry research can be demonstrated;
- Demonstrate integrated forest management recognizing the importance of maintaining a mix of forest habitats;
- Ensure local community watersheds are protected;
- Plan activities that minimize visual impacts on other users;
- Plan activities that minimize impacts on the natural environment of the forest;
- Maintain the diversity and abundance of existing species; and
- Designate a no-shooting zone in 2007

## **2.0 Signatory Roles**

In 2007, the award of the Community Forest Agreement to Wetzin'kwa Community Forest Corp. reflected a government decision to award responsibilities for forest resource management within the Community Forest tenure area to the Licensee. As a result some of the original Society purposes, related to forest management are now formally the responsibility of the Licensee.

### **2.1 Society**

The Society's primary role continues to be to promote opportunities related to recreation, education, and demonstration within the Smithers Community Forest (which forms a portion of the Wetzin'kwa Community Forest tenure area) and to advise the forest licensee on achieving the objectives and management direction specified for this area in the Bulkley LRMP.

### **2.2 Licensee**

The licensee's role will be to provide an avenue for the Society to discuss and provide input regarding forest management activities in the Smithers Community Forest (SMZ) 2. Input from the society, First Nations and the public along with direction provided by operational and strategic plans and applicable legislation will guide operations in the agreement area.

## **3.0 Agreement Area:**

The map attached as Appendix A defines the agreement area. The agreement area is comprised of two distinct management areas; the 'Recreation Emphasis Area' and the 'Forest Management Emphasis Area'.

### **3.1 Recreation Emphasis Area**

The recreation emphasis area includes the area to be designated under Section 56 of Forest and Range Practices Act as the "Smithers Community Forest British Columbia Recreation Trail" and comprises both hiking and cross country ski trails. The Smithers Community Forest Society has primary responsibility for the following trails within the Recreation Emphasis Area (trails coloured green on map in Appendix A):

- Harvest Demonstration Forest and Trail,
- Nature Trail,
- Seymour Ridge Trail,
- Goldeneye Trail,
- Sackungen Trail,
- Irving Fox Memorial Trail,
- Switch Back Trails,
- the Dahlie Creek Trail,
- the Dahlie Ridge Trail
- Saddle Trail,
- Waterfall Trail,
- Viewpoint Trail

### **3.2 Forest Management Emphasis Area**

The Forest Management Emphasis Area includes the area defined by the Bulkley Land and Resource Management Plan; Planning Sub-unit 10-4, Special Management Zone 2 – Smithers Community Forest, excluding the area defined by the Recreation Emphasis Area (described in Section 3.1 above).

## **4.0 Interests**

### **4.1 Wetzin'kwa Community Forest Corporation Interests**

Wetzin'kwa Community Forest Corporation has identified the following interests related to its operations and the agreement area.

- to ensure that operations within the agreement area consider the maintenance and enhancement of the recreation resource a primary goal;
- to ensure that harvesting, road building and related forest management activities conform to all legislation, regulations and operational plans;
- to ensure that WCFC operations are economically viable;
- to explore avenues to support Society activities through harvesting activities;
- to conduct operations in a manner that is safe for both workers and hikers; and
- to ensure that access to areas of WCFC operation, outside of the agreement area, is maintained. This includes existing access as well as potential future access requirements. Of particular note is the road extending north from Hudson Bay Mountain Rd. (Forest Service Roads 9112, Sections 01, 02, 03, 04, 05, 06, 07, 08 and 09 and future amendments required for planned road extension).

### **4.2 Smithers Community Forest Society**

The Smithers Community Forest Society has identified the following interests related to forest harvesting, recreation, and related activities in the agreement area:

- to actively participate in the planning of operations and projects in the agreement area and ensure the objectives and management direction specified for Sub-unit 10-4, SMZ2 (Smithers Community Forest) in the Bulkley LRMP (1998) and related documents are followed/achieved (see Appendix B: excerpts from Bulkley LRMP and related documents);
- to provide safe hiking opportunities in a natural forest environment;
- to maintain and improve the quality of the existing hiking trails;
- to plan and develop new hiking trails that will provide recreational, educational, and forest demonstration opportunities;
- to seek formal designation of additional trails within the area under Section 56 of Forest and Range Practices Act
- to develop extension materials (maps, signs, brochures) that promote public recreation and education within the Smithers Community Forest;
- to seek partnership opportunities that will see benefits from forest harvesting support Society operations;
- to support forest harvesting that is socially and environmentally responsible; and

- to support forestry and silviculture systems which are consistent with the goals of maintaining and enhancing recreational values in the agreement area.

## **5.0 Guiding Principles**

### **5.1 Recreation Emphasis Area**

Within the Recreation Emphasis Area, timber harvesting will be considered secondary to the recreation interests associated with the trails. Harvesting within this zone will be undertaken only if the signatories of this agreement determine that, harvesting, at a minimum maintains and preferably enhances recreation opportunities, that harvesting is economically viable and is undertaken in a manner consistent with interests identified in Section 4.0.

### **5.2 Forest Management Emphasis Area**

Within the Forest Management Emphasis Area, recreation opportunities will be considered secondary to timber harvesting opportunities. Recreation interests associated with the hiking trails will continue to be key considerations within this zone. Harvesting within this zone will be undertaken as part of the forest management obligations of the Wetzin'kwa Community Forest Corp and in keeping with the guidelines set out in Section 6.2 and 6.3.

## **6.0 Operational terms**

The provisions set out as *general operations* apply to the agreement area with the exception of those noted to apply only to the Recreation Emphasis Area (provisions 11, 12 and 13).

### **6.1 Recreation Emphasis Area Operations**

1. The licensee will support the establishment of the recreation emphasis area as a trail feature under Section 56 of the Forest and Range Practices Act.
2. The Society will support limited forest harvesting activities in the recreation emphasis area subject to the provisions of this agreement.
3. No harvesting or road building within 100 m of designated trails unless block size is limited to 1.5 ha **and** road surface width is limited to 5 metres when crossing trails.
4. The parties will work collaboratively to ensure that forest management activities are planned and implemented in a manner that is accommodating of both parties' interests.
5. The Society supports the use of trails wide enough for the purpose of access for Forestry activities but does not support the use of existing hiking trails for forestry access unless it is limited to activities such as probing or cruising that will not remove trees.
6. Maintain the existing hiking trails in recreation area for non motorized use.
7. Utilize forest harvesting and silviculture systems that minimize aesthetic impacts (e.g. small openings, under-story retention, patch retention, retention of species, retention of standing dead where it doesn't pose a wind fall hazard and does not contravene 'Worksafe BC' regulations

8. Designing forest harvesting and silviculture systems (within the vicinity of hiking trails) that proactively address windfall hazards
9. The Licensee will use all reasonable<sup>1</sup> efforts to avoid Forestry activities in areas that will result in closures of identified hiking trails.
10. No motorized access to the hiking trail system except for operational requirements like harvesting, road, or ski trail construction.
11. The Society will maintain existing trail signs.
12. The Licensee will repair trails and trail signs when they are impacted by harvesting or road crossings.
13. The Licensee will make all reasonable<sup>1</sup> efforts to ensure hiking trails used for log hauling and/or skidding will be left free of debris and rutting on completion of Forestry activities
14. The Licensee will make all reasonable<sup>1</sup> efforts to ensure debris piles adjacent to trails or staging areas will be burned or removed as soon as practicable.
15. The Licensee and its contractors will avoid tree marking (paint, tree blazes) which will leave a lasting visual affect to trail users.
16. Flagging, used to mark block boundaries within the visible distance from the designated trails will be removed after harvest is complete.
17. The Licensee will avoid creating new access points on to the trails. Where creation of new access is unavoidable due to operational Forestry reasons the Licensee will make all reasonable<sup>1</sup> efforts to ensure the access point will be decommissioned preventing motorized access on completion of operations.
18. The Licensee will provide the Society with a minimum of 45-days notice of any planned harvesting or road building activities.
19. Road Permit 9112 Sections 01, 02, 03, 04, 05, 06, 07, 08 and 09 as well as the extension of this road along the area occupied by Dahlie Creek trail provide important access for the Licensee to portions of their tenure. For this reason the road permit and Dahlie Creek Trail extension are exempt from points 3, 5 and 10 (above) if no practicable access alternatives exist.

## **6.2 Forest Management Emphasis Area Operations**

1. The parties will meet, at a minimum, on an annual basis to review planned operations for both the Society and the Licensee and ensure that planned operations are in keeping with the Bulkley LRMP objectives and management direction for the Smithers Community Forest area.
2. The parties will seek operational opportunities that are of mutual benefit, examples include:
  - i. maintenance and improvement of existing trails/access structures for both hiking and harvesting activities.
  - ii. development of new trails/access structures that are located and constructed in a manner that promotes both hiking and harvesting activities.

---

<sup>1</sup> Reasonable efforts is equated to 'commercially reasonable efforts' and refer to efforts which use a standard of reasonableness defined by what a similar person would do as judged by the standards of the applicable business community.

3. The Licensee will explore opportunities to incorporate educational opportunities with the Society into its planning and timber management activities.
4. It is not intended that operations within the forest management emphasis area require approval of the Society, rather, that opportunities to address Society interests and advice are accommodated and incorporated when possible.

### **6.3 General Operations**

1. The Licensee will be responsible for all signage regarding Forestry activities and safety.
2. The Society will be responsible for communication with its members regarding Forestry activities.
3. The Licensee will not be responsible, financially or otherwise, for the identification and removal of danger trees outside of its own operations.

## **7.0 Overlap areas with other recreation users**

It is recognized that the Bulkley Valley Cross Country Ski Club has interests within the agreement areas set out in a separate MoU. Within any overlap areas the ski club has primary responsibility for ski trails and the Smithers Community Forest Society has primary responsibility for designated hiking, naturalist, and forest demonstration trails. The ski club and the Smithers Community Forest Society will collaborate on overlapping trails to ensure the management objectives for the trails are consistent.

## **8.0 Implementation of the Agreement**

1. The District Manager, Ministry of Forests and Range will be made aware of this agreement to inform decision-making with respect to Forestry activities and operations.
2. The agreement will be reviewed on an annual basis and adjusted as required to ensure that it is meeting both parties interests
3. In the event of a dispute the following steps will be taken to resolve the issue:
  - i. the parties will define the issue, ideally seeking a common issue statement;
  - ii. the parties will clarify their individual interests related to the defined issue;
  - iii. the parties will explore potential options seeking to meet the range of identified interests;
  - iv. where there is disagreement on issues related to the objectives and management direction described in the Bulkley Land and Resource Management Plan and related documents (see Appendix B), guidance and interpretation will be sought from the Bulkley Valley Community Resources Board in order to find agreement.

## 8.0 Approval

Signed on behalf of Wetzin'kwa  
Community Forest Corporation

Signed on behalf of the Smithers Community  
Forest Society

---

**Signature**

---

**Signature**

---

*William Golding, RPF, RPBio*

---

*Allen Banner, RPF, RPBio*

**Name**

**Name**

---

*General Manager  
Wetzin'kwa Community Forest Corp.*

---

*Director*

**Position**

**Position**

---

**Date**

---

**Date**

---

**Signature**

---

*Dean Daly, RPF*

**Name**

---

*Board Chair  
Wetzin'kwa Community Forest Corp.*

**Position**

---

**Date**

## Appendix B. Excerpts from the Bulkley Land and Resource Management Plan and Related Planning Documents relevant to Planning Sub-Unit 10-4, Special Management Zone 2 –Community Forest

### Excerpt From Bulkley Land and Resource Management Plan (1998):

#### 2.2.2.2 Special Management 2 (SM2)

Areas designated as SM2 Zones allow industrial activity. Industrial activities will be carried out sensitively to ensure that impacts on identified values, such as visual quality, wildlife habitat, recreation or sensitive soils, are minimized. Where impacts occur they will be mitigated through agency review and approval processes.

These SM2 areas will be included in landscape level planning with resultant detailed management prescriptions for each zone. These plans will be presented to the Board, agencies and public for review prior to implementation.

### Planning Unit 10: Hudson Bay Mountain

#### Sub-Unit 10-4: Community Forest (SM2)

**Objective:** To provide community recreation and education in a demonstration forest. Any plan for this area must follow the Smithers Community Forest Steering Committee Plan.

| Management Category | Specific Direction  |
|---------------------|---|
| Biodiversity        | ➔ Incorporate and maintain a desired mix of habitats into the long-term plan. |
| Access              | ➔ Develop a road and trail network compatible with other uses.                |
| Timber Management   | Provide small scale demonstration harvesting and                              |

|                                |  |
|--------------------------------|--|
|                                | silviculture activities.   |
| Water Quality                  | Ensure local community watersheds are protected.   |
| Fish and Wildlife Habitat      | Maintain diversity and abundance of existing species.<br>Well used, easily accessed portions of this area shall be designated as a no shooting zone. |
| Visual Quality                 | Plan activities to minimize visual impacts on other users.   |
| Outdoor Recreation and Tourism | Create and improve opportunities, recognizing a diversity of compatible interests.   |
| Subsurface Resources           | Maintain opportunities for development of coal deposits.   |
| Future Planning Processes      | Agencies will cooperate with the Smithers Community Forest Steering Committee in future planning.  |

**Excerpt From Bulkley Land and Resource Management Plan Higher Level Plan Order:**

**Order Establishing Resource Management Zones and Resource Management Zone Objectives within the area covered by the *Bulkley Land and Resource Management Plan, March 1998* Pursuant to Sections 3(1) and 3(2) of the *Forest Practices Code of British Columbia Act* (the Act)  
Special Management Zones 2**

Pursuant to section 3(2) of the Act, the provisions in Appendix 4 are Resource Management Zone objectives for Special Management Zones 2.

## **APPENDIX 4 - OBJECTIVES FOR SPECIAL MANAGEMENT ZONES 2 (SMZ2)**

### **29) Community Forest Resource Management Zone (Sub-unit 10-4)**

Maintain:

- water quality for domestic consumption,
  - the diversity and abundance of existing species,
  - a desired mix of habitats for biodiversity,
  - recreational and educational opportunities and
  - visual quality within view of Highway 16 and recreation focus points
- by developing timber in a manner which minimizes the effects on these values.

### **Excerpt From Bulkley Valley Sustainable Resource Management Plan (2005):**

#### **2.3 Special Management Zone 2 Areas**

Allow timber harvesting in Special Management Zone (SMZ) 2 areas where compatible with maintaining the desired set of resource objectives established by this plan.

##### **Strategies**

1. Timber harvesting may occur within the Ski Smithers Controlled Recreation Area (CRA) as prescribed in its approved Master Plan. However, where there are deviations from other objectives in this plan, the Master Plan must address those deviations, and must provide opportunity for public review and comment. Any operations that link to areas outside of the CRA must conform to FRPA standards and regulations.
2. The Smithers Community Forest will provide small scale demonstration harvesting and silviculture activities, following direction from a public steering committee, and its Master Plan approved by the Ministry of Forests (MOF), District Manager.
3. Manage timber harvesting to integrate with skiing and hiking recreational opportunities and be sensitive to these activities (e.g. temporary harvesting access roads will be rehabilitated and may be converted to trails, gates or barriers may be installed to prevent motorized access where appropriate).
4. Conduct normal silviculture obligations, but basic silviculture may be exempted if wildlife, recreation, or visual values are at risk from reforestation impacts. Any exemptions from a Forest Development Plan or a Forest Stewardship Plan must be clear, in writing, and signed-off by the appropriate authorities.
5. Consider Woodlots and Community Forests as a priority tenure in the SMZ 2 areas.