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**Re: Cancellations of Conservation Lands email response September 13, 2023.**

Thank you for your reply to our letter of concern regarding the conservation lands cancellation. In response to your statement that misleading information has been circulated, this discredits well-respected former conservation land personnel and organizations that have raised the issue with the cancellation of conservation lands. The mistruths perpetuated by the Skeena Regional Office are affecting the credibility of both Minister Cullen & Minister Ralston and their senior executive.

You mention that the Ministry of Water, Land, and Resource Stewardship took over the administration of the Conservation Lands Program and is leading the establishment of newly administered conservation lands. To date, our requests for meetings with the Skeena Regional Office to learn about the potential establishment of newly administered conservation lands have gone unanswered.

Thank you for confirming the distinction between administered conservation lands and non-administered conservation lands, and *“Administered conservation lands are lands over which legal administration and management authority have been acquired by way of: pt. 4 Crown Transfer of Administration under section 106 of the Land Act, or similar legal mechanism.”* Provincial protocol to establish administered conservation lands is a transfer of authority from the Land Act to the Wildlife Act, not outright cancellation of Land Act conservation lands before deciding which lands should be transferred.

You state *“For clarity, no ‘cancellation’ of administered conservation lands, those set aside for conservation purposes, has occurred.”* Hubert Hill in the Bulkley Valley was acquired by the province, but only designated an S.16 under the Land Act; it was not placed as “administered” conservation lands and was cancelled, despite being purchased by the province for conservation purposes and its significance to the Wet’suwet’en.

Concerning your statement that the Lands were cancelled “consistent with Land Act policy,” and government conservation personnel were engaged in the process of transfer of authority. The cancellation blindsided the Conservation Lands Program, Indigenous nations such as the Wet’suwet’en, conservation groups, the Bulkley Valley Community Resources Board, and the Kalum Plan Implementation Committee, who represent the public interest in strategic land use plan implementation.

In response to your comment *“Reserves, except for Section 15 Order-in-Council reserves, are intended to be temporary, lasting only for 5 to 10 years.”* Len Vanderstar, former Provincial Government Conservation Lands Biologist explains, *“As a conservation lands biologist, it took me 10 years to persuade BC Lands to establish Land Act S.17 designations for the Bulkley Valley Wildlife Habitat Management Areas (WHMAs) (Higher Level Plan Order for the WHMAs was set out in 2000; Land S.17 designations for them did not occur until 2010), then cancelled in 2019 while the Ecosystems Section was engaged in discussions regarding the transfer of authority, thus undermining the efforts of the Conservation Lands Program.”*



You state, “...no land use objectives or guidance was varied or rescinded through what has been characterized as a ‘cancellation of conservation lands.’” This is incorrect as the S.17 & S.16 Land Act designations established authority over Land Tenures and activities that could not be established or readily established under other statutes. For example, motorized recreational activity was not permitted within the WHMAs and special conditions on aggregate extraction were established under the Land Act.

In your response, you state, “With the completion of planning processes, the Land Act temporary identification of reserves not selected for designation are to be removed under policy; however, due to resourcing issues, this was delayed and did not take place for much of the Skeena Region”. This is misinformation. All the WHMAs were in the process of transfer of authority well after the completion of the Bulkley LRMP so that they could become administered conservation lands. In addition, non-administered conservation lands established for candidate protected areas were cancelled, despite there being no land use planning processes covering their geographical area.

You state that “in 2016, FOR began to reassess the growing number of outdated and unnecessary reserves covering large areas of the Skeena Region (approximately 1,600 reserves). These decisions, that were recently made, reconcile the work completed through the public planning processes.” Yet it is interesting to note that valued Stewart estuaries, Prince Rupert Greenbelt, and Pine Creek (Atlin) non-administered conservation lands were cancelled. Pine Creek now has a run-of-river proposal and there is a perception that Port expansion aspirations may have had a bearing on the other cancellations. Klinger Lk. F&W Reserve in the Nadina Natural Resource District was established through a planning process in the 1980s and was part of the transfer of authority process at the time of Land Act cancellations. How is this reconciling public planning processes?

Concerning your comment, “if such non-administered Land Act reserves were to remain on the land in perpetuity, this designation does not limit commercial forestry.” An agreement was established on how forestry and range practices were to be conducted in the Bulkley Valley WHMAs. This was complied with and based on Land & Resource Plan direction. BC Timber Sales now sees these areas from a timber basket perspective and not from a conservation perspective. Laying out 20 blocks in the Tye Mtn. WHMA demonstrates this point. Section.6.3 (p. 33) of the Bulkley Valley SRMP states: “Ensure the protection of wildlife and wildlife habitat in Wildlife Habitat Management Areas (WHMAs) while allowing forestry, grazing, recreation, and infrastructure development where compatible with wildlife and habitat conservation objectives.” The agreed-upon management direction clearly states: “The primary objective for WHMAs and Fish & Wildlife reserves is to provide wildlife habitat attributes for wintering ungulates, passerines and other birds, and small mammals. Habitat maintenance or enhancement of these land parcels will drive land stewardship activities such as forestry or ranging of livestock. The proposed management conditions attached reflect this objective while recognizing some potentially compatible uses.” WHMAs and F&W Reserves were established with conservation in mind, and not to be treated as integrated management zones; this was a clear consensus decision by the Bulkley Community Resources Board during the establishment of the Bulkley LRMP.

You state that, “the Office of the Ombudsperson remains satisfied that several opportunities were provided by conservation staff to provide their rationale or recommendations on these cancellations, in accordance with the cancellation process of s.16 and s.17 designations.” The Office of the Ombudsperson’s report is faulty since it only inquired with the Authorizations Manager (B.C. Lands) regarding consultations and never spoke with conservation personnel. The only opportunity for conservation staff to consult was in 2016 when conservation personnel submitted their rationale for



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retention of the bulk of conservation lands under the Land Act; there is no documentation supporting “several opportunities”. **This is a mistruth and the Ombudsperson report needs to be re-opened to clarify this.**

When you say “if you wish to further review specific details of this work, Provincial agencies adhere to the strict requirements of the Freedom of Information and Privacy Act (FOIPA). All information related to the process of reviewing these reserves in the Skeena Region, the rationales provided by agencies, and the decisions rendered are available to members of the public.” Unfortunately, despite numerous requests by public members and groups regarding what got cancelled and associated rationales, Skeena Regional Office refused to provide these details, forcing an expensive set of FOIs to get to the bottom of this over this past year. This should not have been a Freedom of Information set of requests since there were no “HARMS” associated with it.

Sincerely,

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