

NISGA'A LISIMS GOVERNMENT

WILP SI'AYUUKHL NISGA'A

**NISGA'A FOREST
AMENDMENT ACT, 2010**

Wilp Si'ayuukhl Nisga'a enacted this legislation on _____.

Signed _____
Mitchell Stevens, President of the Nisga'a Nation

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Definition added to section 1 of Nisga'a Forest Act

1. Section 1 of the Nisga'a Forest Act is amended by adding the following definition:

“Nisga'a partnership” means a partnership between the Nisga'a Nation and a Nisga'a Corporation; .

Part 8.1 added to Nisga'a Forest Act

2. The following Part is added to the Nisga'a Forest Act after Part Eight and before Part Nine:

Part 8.1 – Ecosystem Restoration and Carbon Rights**Definitions**

- 56.1** In this Part:

“ecosystem restoration contractor” means, in relation to an ecosystem restoration and carbon rights agreement, the person entering into the agreement with the executive;

“ecosystem restoration and carbon rights agreement” means an ecosystem restoration and carbon rights agreement entered into under section 56.2;

“ecosystem restoration area” means, in relation to an ecosystem restoration and carbon rights agreement, the area of Nisga'a Lands to which the agreement applies;

“ecosystem restoration plan” means a plan for carrying out an ecosystem restoration project, including, but not limited to, stocking standards, mapping standards, silviculture treatment and site preparation methods, replanting prescriptions, including planting stock species, age and provenance, post-planting assessment methods and stand tending work to be undertaken;

“ecosystem restoration project” means a project to restore an ecosystem restoration area to a functional woodland state in accordance with an ecosystem restoration plan approved by the director;

“greenhouse gas emissions” means human induced emissions to the atmosphere of gases known or suspected to contribute to climate change;

“sequestered” means, in relation to an ecosystem restoration and carbon rights agreement, sequestered in the trees planted in the ecosystem restoration area by or

on behalf of the ecosystem restoration contractor in accordance with the ecosystem restoration plan approved by the director.

Designation of Nisga'a Corporations and Nisga'a partnerships

56.2 The executive may enter into an ecosystem restoration and carbon rights agreement with a Nisga'a Corporation or Nisga'a partnership designated by regulation.

Ecosystem restoration and carbon rights agreement

56.3 An ecosystem restoration and carbon rights agreement

- (a) may have a term of up to 100 years,
- (b) may apply to an ecosystem restoration area of up to 300 hectares,
- (c) must require the ecosystem restoration contractor to submit to the director for approval an ecosystem restoration plan for an ecosystem restoration project to be undertaken on the ecosystem restoration area,
- (d) may confer on the ecosystem restoration contractor the exclusive right, during the term of the agreement, to claim, sell, assign or otherwise dispose of any or all of the entitlements, benefits, allowances, allocations and credits that may from time to time be available in relation to the carbon sequestered under the agreement, including as an offset of the greenhouse gas emissions of any person pursuant to a greenhouse gas reduction or mitigation program, whether voluntary or regulated by an international, Canadian or British Columbia governmental authority or body,
- (e) may specify the terms and conditions under which the ecosystem restoration contractor may claim, sell, assign or otherwise dispose of all or any part of the ecosystem restoration contractor's rights and obligations under the agreement,
- (f) must provide that the trees planted in the ecosystem restoration area by or on behalf of the ecosystem restoration contractor in accordance with the ecosystem restoration plan approved by the director will be the property of the Nisga'a Nation,

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- (g) may require the ecosystem restoration contractor to pay to the Nisga'a Nation such fees or other amounts as are set out in the agreement or determined by the executive from time to time, and
- (h) may include other terms and conditions, consistent with this Act and the regulations, that the executive considers necessary or advisable.

Director approval of ecosystem restoration plan

56.4 The director may, in the director's discretion, approve an ecosystem restoration plan for the purposes of an ecosystem restoration and carbon rights agreement if the director is satisfied that the plan, if implemented, will

- (a) restore the ecosystem restoration area to a functional woodland state,
- (b) promote the restoration of biodiversity in the ecosystem restoration area, and
- (c) minimize deleterious impacts on the environment through the observance of appropriate forest practices.

Timber harvesting on an ecosystem restoration area

56.5 Nothing in an ecosystem restoration and carbon rights agreement will authorize an ecosystem restoration contractor to harvest any timber on an ecosystem restoration area except as may be required to implement the applicable ecosystem restoration plan approved by the director.

Ecosystem restoration a forest practice

56.6 For the purposes of Part 5 of the Act,

- (a) the implementation of an ecosystem restoration project will be deemed to be a forest practice, and
- (b) an ecosystem restoration plan approved by the director will be deemed to be an approved operational plan. .