

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF FORESTS

Land Act

Ministerial Order No.

I, Bruce Ralston, K.C., Minister of Forests, order that the Great Bear Rainforest Order signed by the Minister of Forests, Lands and Natural Resource Operations on January 21, 2016 is repealed and the attached Great Bear Rainforest Land Use Objectives Order is made.

June 9, 2023

Date



Minister of Forests

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: Land Act, R.S.B.C. 1996, c. 245, s. 93.4

Other: _____

Great Bear Rainforest Land Use Objectives Order

Preamble

It is the goal of the Province, through land use objectives and other measures, to implement ecosystem-based management within the Great Bear Rainforest area. The Province is committed to implementing ecosystem-based management in a manner that maintains ecosystem integrity and improves human well-being concurrently. Ecosystem integrity is being maintained when adverse effects to ecological values and processes are minimal or unlikely to occur. A high level of human well-being is being achieved when the quality of life in communities is equal to or better than the Canadian average.

In addition, the Land Use Objectives Regulation, B.C. Reg. 357/2005, requires an appropriate balance of social, economic and environmental benefits.

This order is an update to the 2016 Great Bear Rainforest Order. The intent is to further improve protection and maintenance of First Nation forest and cultural values; achieve further progress toward long-term protection and maintenance of aquatic ecosystems, biodiversity and wildlife; and continue providing for stable social and economic benefits, including carbon benefits, for First Nations and other citizens dependent upon the area, ensuring worker safety and maintaining stable access to forest lands that support viable commercial forestry opportunities.

For the purpose of this order, the intent in relation to maintenance of ecological integrity is to reserve or support recovery of an amount of old forest in each ecosystem equal to 70% of the range of natural variation (RONV), with a few minor exceptions, and to distribute this old forest across the land base through a landscape reserve design process. In relation to the contribution commercial forestry makes towards human well-being, the intent is to maintain 550,000 hectares of managed forest and an allowable annual cut (AAC) of 2.5 million m³ until December 31, 2026.

In relation to First Nations human well-being, the intent is to protect and conserve First Nations forest and cultural values, improve the long-term stewardship of Indigenous heritage features and Indigenous forest resources in the area, and provide enhanced access to opportunities for forestry-related carbon benefits and commercial forestry.

This order is one component of a larger framework of government-to-government strategic arrangements that is designed to contribute to reconciliation of First Nations interests with the Province of British Columbia. Toward that end, the requirements for First Nation engagement and involvement in the implementation of this order are clarified, as is the process through which engagement with First Nations can create opportunities for more flexible and stable access to commercial forestry opportunities.

The implementation of ecosystem-based management will be monitored and, if monitoring results determine that ecosystem integrity is not being maintained or that human well-being is not being improved, this order may be reviewed and amended. Progress will be assessed in terms of ecological and human well-being performance indicators such as maintenance of high levels of old forest representation (i.e., 70% of the RONV) and increases in employment levels (i.e., equal to or better than the Canadian average). Implementation of this order will be guided by a set of ecosystem-based management implementation guidance and policy documents.

This preamble is provided for context and background and does not form part of the order.

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Great Bear Rainforest Land Use Objectives Order

Part 1 – Great Bear Rainforest

Division 1 - General

1. Relationship with *Forest and Range Practices Act* objectives

- (1) Pursuant to section 93.4 of the *Land Act*, the following Part 1 objectives are established as land use objectives for the purposes of the *Forest and Range Practices Act*, and apply as specified in each section to the area shown in Schedule A (order area).
- (2) A person required to prepare a woodlot licence plan is not required to specify results or strategies for the objectives established in this order for land that is subject to a woodlot licence.
- (3) A person required to prepare a forest stewardship plan is not required to specify results or strategies for the objectives established in this order for land that is subject to a community forest agreement.
- (4) Results or strategies specified in a forest stewardship plan may apply to more than one objective contained in this order.
- (5) This order establishes land use objectives in accordance with section 93.4 of the *Land Act*, and nothing in, under or arising out of this order abrogates or derogates from any Indigenous rights, Indigenous title or treaty rights of any applicable First Nations and does not relieve the Province of any obligation to consult with any applicable First Nation.

2. Definitions

- (1) In this order:

"applicable First Nation" means any First Nation with an asserted or established Indigenous right, Indigenous title, or treaty right to the area under consideration;

"blue-listed plant community" means a plant community listed in Schedule O that is sufficiently established;

"contemporary culturally modified tree" means a tree that was modified less than eighty years ago by First Nations people as part of their cultural use of the tree;

"First Nation engagement" means reasonable efforts to communicate, share information, engage in dialogue, and identify and work to resolve issues and concerns brought forward by applicable First Nations;

"historical culturally modified tree" means a tree that was modified more than eighty years ago by First Nations people as part of their cultural use of the tree;

"Indigenous forest resource" means a forest plant resource listed in Schedule J, or other forest plant resource identified by First Nations during First Nation engagement, that is utilized for food, social, medicinal or ceremonial purposes;

"Indigenous forest values" means Indigenous forest resources, Indigenous heritage features, historical culturally modified trees, contemporary culturally modified trees, monumental

cedar and cultural cedar stands, western yew trees, and any other forest features that are of importance to First Nations;

"Indigenous heritage feature" means an artefact, feature, or site of the general types listed in Schedule I, other than a contemporary culturally modified tree or a historical culturally modified tree, that is known, is found, or is identified during First Nation engagement and is important to the cultural practices, knowledge or heritage of a First Nation;

"Indigenous tree use" means the present and future use of monumental cedar, other cedar or other tree species to fulfil the food, social, medicinal, spiritual and ceremonial needs of the applicable First Nation, including use of trees for such things as shelter, transportation, tools, fuel, and art;

"landscape reserve" means an area in a landscape unit where commercial harvesting is not permitted;

"landscape reserve design" means a system of landscape reserves in a landscape unit that is designed to meet requirements for old forest representation, and simultaneously contribute to protection of Indigenous heritage features, Indigenous forest resources and other land use objectives;

"landscape unit" means a landscape unit within the order area shown in Schedule A;

"managed forest" means the area of productive forest that is available for commercial timber harvest planning;

"minimum old forest retention level" means the minimum percentage of the total forest area in a site series group to be retained as old forest for the order area shown in Column B of Schedule G;

"monumental cedar" means a large old western redcedar tree or a large old yellow cedar tree that has the attributes necessary to fulfil the Indigenous tree use needs of the applicable First Nation primarily for totem poles, canoes, or long beams and poles to build longhouses, community halls or similar community structures;

"occurrence" means a single patch, or polygon, within which a red-listed plant community or a blue-listed plant community has been mapped;

"old forest" means any of the following:

- (a) a stand of trees 250 years or older;
- (b) a structurally complex stand composed mainly of late successional or climax species where older seral remnants may still be present in the upper canopy, and that typically includes
 - (i) standing snags,
 - (ii) rotting logs on the ground, and
 - (iii) a patchy to well-developed understory;
- (c) a stand of trees younger than 250 years, of an ecosystem that has reached the late successional or climax stage for the ecosystem;

"old forest representation target" means a long term old forest representation target for a site

series group for the order area shown in Column A in Schedule G;

"protected and reserved forest" means the area of productive forest that is included in protected areas and identified in landscape reserve designs;

"qualified professional" means an applied scientist or technologist, acting alone or together with another professional, if

- (a) the individual is registered and in good standing in British Columbia with an appropriate professional association constituted under an Act, is acting under that association's code of ethics and is subject to disciplinary action by that association, and
- (b) the individual is acting within that individual's area of expertise;

"red-listed plant community" means a plant community listed in Schedule N that is sufficiently established;

"site series" means sites capable of producing the same late seral or climax plant communities within a biogeoclimatic subzone or variant;

"site series group" means a site series or site series group listed in Schedule S;

"sufficiently established" means one of the following:

- (a) a plant community occurrence within an old forest stand;
 - (b) a low bench floodplain ecosystem, a mid bench floodplain ecosystem, or a high bench floodplain ecosystem;
 - (c) a mature forest that has structures and understory approaching those of an old forest.
- (2) Words and expressions used but not defined in this order have the meaning given to them in the *Forest and Range Practices Act*, the *Forest Act*, the *Range Act*, the *Heritage Conservation Act*, and the regulations made under those Acts, unless the context indicates otherwise.
- (3) Where an objective refers to an area shown on a schedule and the area is also defined by a spatial dataset, the boundaries of the area as defined by the spatial dataset apply in the event of any inconsistency. A complete list of spatial datasets is contained in the Ecosystem Based Management Data Centre.

Division 2 - First Nations

3. Objective for First Nation information sharing and engagement

- (1) For the purpose of implementing and achieving the intent of the objectives in this [land use] order, conduct First Nation engagement with applicable First Nations.

Division 3 - Biodiversity

4. Objectives for old forest maintenance and recovery

- (1) Maintain landscape level biodiversity as follows:

- (a) for each site series group in the order area, maintain a distribution of forest stand ages that will achieve the old forest representation targets listed in Column A in Schedule G by no later than 2264;
 - (b) for each site series group in the order area, retain an amount of old forest equal to or greater than the order area minimum old forest retention levels listed in Column B in Schedule G;
 - (c) for the purposes of paragraphs (a) and (b), for each site series group in a landscape unit, retain a minimum of 30% of the total forest area of the site series group as old forest.
- (2) Despite subsection (1)(c), alteration or harvesting of old forest in a site series group in a landscape unit may occur where less than 30% of the total forest area of the site series group in the landscape unit is old forest, provided that
- (a) within the landscape unit area
 - (i) the alteration or harvesting is required for road access or other infrastructure, or to address a safety concern, where there is no practicable alternative, or
 - (ii) the lesser of 20% of the total forest area or the minimum old forest retention level specified in Schedule F is maintained as old forest,
 - (b) the aggregate area of old forest in the order area harvested under paragraph (a) after January 28, 2016 does not exceed 18,650 hectares, and
 - (c) the plans to alter or harvest old forest in a site series group in a landscape unit have been developed through a process of First Nation engagement with applicable First Nations.
- (3) Where there is not enough old forest available to meet the targets in subsection (1)(b) and (c), or as a result of subsection (2), recruit forest to meet the old forest requirements by no later than 2264.

5. Objectives for landscape reserve designs

- (1) For each landscape unit in the order area, a landscape reserve design must be prepared by a qualified professional that addresses the minimum old forest retention levels specified in section 4(1)(c) and (2), and, to the extent practicable, contributes to
 - (a) the old forest representation targets specified in section 4(1)(a) and (b),
 - (b) the protection and stewardship of Indigenous forest values,
 - (c) the protection, connectivity and stewardship of red-listed plant communities, blue-listed plant communities, rare and at-risk ecosystems, habitat important for species at risk, ungulate winter range, and habitat for regionally important wildlife including, but not limited to, mountain goats, grizzly bears, black bears, northern goshawks, tailed frogs, and marbled murrelets, and
 - (d) the protected and reserved forest area and the managed forest area specified in section 6(1).
- (2) For the purposes of subsection (1)(a), the provisions of section 16 (1) and (2) of Part 3 apply.
- (3) No commercial timber harvesting is permitted in a landscape reserve design.

- (4) For the purposes of subsection (1),
 - (a) complete landscape reserve designs prior to declaring areas or applying for a cutting authority, and
 - (b) to the extent practicable, complete landscape reserve designs in all landscape units by December 31, 2026.
- (5) Despite subsection (3), thinning and silvicultural treatments are permitted in landscape reserve designs to expedite recovery to old forest structural characteristics, provided that the proposed treatments are developed through a process of First Nation engagement with applicable First Nations.
- (6) A landscape reserve design may be altered or modified to address new information, provided that the alteration or modification
 - (a) is developed by a qualified professional,
 - (b) maintains or improves outcomes pursuant to subsection (1), and
 - (c) is developed through a process of First Nation engagement with applicable First Nations.

6. Objectives for managed forest and protected and reserved forest

- (1) Identify and maintain in the order area
 - (a) a managed forest area of 550,032 hectares, and
 - (b) a protected and reserved forest area that
 - (i) continues to grow older over time subject to natural disturbance and non-forest tenure activity, and
 - (ii) has an area of at least 3,108,876 hectares.

Part 2 – Central and North Coast

Division 1 - General

1. Relationship with *Forest and Range Practices Act* objectives

- (1) Pursuant to section 93.4 of the *Land Act*, the following Part 2 objectives are established as land use objectives for the purposes of the *Forest and Range Practices Act*, and apply to the area shown in Schedule B (Central and North Coast Area) as specified in each section.

2. Definitions

- (1) In this Part:

"active fluvial unit" means an active floodplain, where water flows over land in a normal flood event, and includes low and medium benches and the hydrogeomorphic zone of an active fan;

"applicable First Nation" means any First Nation with Indigenous rights, Indigenous title, or treaty rights within an area under consideration;

"bear den" means a den identified by a qualified professional that is suitable for winter hibernation or maternity;

"blue-listed plant community" means a plant community listed in Schedule O that is sufficiently established;

"cedar stewardship area" means an area identified in Schedule Q, or a similar area that is identified by First Nations through First Nation engagement that is for the purpose of maintaining, enhancing and providing access to cedar for cultural use;

"contemporary culturally modified tree" means a tree that was modified less than eighty years ago by First Nations people as part of their cultural use of the tree;

"cultural cedar stand" means three or more monumental cedars or contemporary culturally modified trees where each tree is within 30 metres of another monumental cedar or contemporary culturally modified tree;

"cutblock" means an area within which a tenure holder is authorized to harvest timber, as identified in a cutting permit, timber sale licence or other cutting authority;

"development area" means an area in a watershed defined by the boundaries shown on a site plan or multiple site plans where an annual or multi-year project of timber harvesting and road construction is planned or carried out, and includes any stand retention, management zones, reserve zones, mapped reserves or other areas where timber harvesting is restricted or managed pursuant to this order or the *Forest and Range Practices Act* and the regulations made under that Act;

"First Nation engagement" means reasonable efforts to communicate, share information, engage in dialogue, and identify and work to resolve issues and concerns brought forward by applicable First Nations;

"forested swamp" means a forested mineral wetland or a forested peatland with standing or gently flowing nutrient rich water in pools or channels where the water table is usually at or near the surface of the wetland or peatland, but does not include poorly drained areas transitional to uplands where folisolic growing substrate (follic material derived from the

litter of trees and lesser vegetation of upland sites) occupies 50% or more of the site or hydromorphic organic matter (organic material accumulated under saturated conditions) and wetland species (hydrophytes) occupy less than 50% of the site area;

"functional riparian forest" means forest adjacent to streams and other aquatic features, that provides hydrologic, hydrogeomorphic and ecological hydriparian functions and has trees of adequate size to resist channel bank erosion, supply functional large wood and contribute to slope stability;

"historical culturally modified tree" means a tree that was modified eighty or more years ago by First Nations people as part of their cultural use of the tree;

"important fisheries watershed" means a watershed area identified in Schedule E, but does not include watersheds composed entirely of S5 or S6 streams flowing directly to the ocean;

"Indigenous forest resource" means a forest plant resource listed in Schedule J, or other forest plant resource identified by First Nations during First Nation engagement, that is utilized for food, social, medicinal, or ceremonial purposes;

"Indigenous forest values" means Indigenous forest resources, Indigenous heritage features, historical culturally modified trees, contemporary culturally modified trees, monumental cedar and cultural cedar stands, western yew trees, and other forest features that are of importance to First Nations;

"Indigenous heritage feature" means an artefact, feature or site of the general types listed in Schedule I, other than a contemporary culturally modified tree or a historical culturally modified tree, that is known, identified during First Nation engagement or found through field inventories and assessments, and is important to the cultural practices, knowledge or heritage of the applicable First Nation;

"Indigenous tree use" means the present and future use of monumental cedar, other cedar or other tree species to fulfil the food, social, medicinal, spiritual and ceremonial needs of the applicable First Nation, including use of trees for such things as shelter, transportation, tools, fuel, and art;

"management zone" means an area referred to in this order for the protection of a feature and that specifies direction on the alteration, removal, recruitment, or management of trees;

"monumental cedar" means a large old western redcedar tree or a large old yellow cedar tree that has the attributes necessary to fulfil the Indigenous tree use needs of the applicable First Nation primarily for totem poles, canoes, or long beams and poles to build longhouses, community halls or similar community structures;

"natural boundary" means the visible high water mark, or bankfull width, of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself;

"old forest" means any of the following:

- (a) a stand of trees 250 years or older;
- (b) a structurally complex stand composed mainly of late successional or climax

species where older seral remnants may still be present in the upper canopy, and that typically includes

- (i) standing snags,
 - (ii) rotting logs on the ground, and
 - (iii) a patchy to well-developed understory;
- (c) a stand of trees younger than 250 years, of an ecosystem that has reached the late successional or climax stage for the ecosystem;

"qualified professional" means an applied scientist or technologist, acting alone or together with another professional, if

- (a) the individual is registered and in good standing in British Columbia with an appropriate professional association constituted under an Act, is acting under that association's code of ethics and is subject to disciplinary action by that association, and
- (b) the individual is acting within that individual's area of expertise;

"red-listed plant community" means a plant community listed in Schedule N that is sufficiently established;

"reserve zone" means an area referred to in this order where commercial timber harvesting and road building are not permitted unless otherwise specified in the order;

"stand retention" means small patches of trees and understory vegetation that are located in a cutblock or contiguous to a cutblock;

"sufficiently established" means any of the following:

- (a) a plant community occurrence within an old forest stand;
- (b) a low bench floodplain ecosystem, a mid bench floodplain ecosystem, or a high bench floodplain ecosystem;
- (c) a mature forest that has structures and understory approaching those of an old forest.

"tree length" means either of the following:

- (a) in old forest stands, a distance equal to the measured height of the tallest old trees within a required reserve zone or management zone, as applicable;
- (b) the potential old tree height indicated in Schedule H for the predominant field-identified site series within a required reserve zone or management zone, as applicable;

"type 1 aquatic habitat" means any of the following:

- (a) a reach of a watercourse and, if present, its active fluvial unit, with a continuous channel bed that is greater than 1.5 metres in width, with an average gradient less than or equal to 5% and that is known to be, or has potential to be, inhabited by

fish;

- (b) a lake greater than 0.25 hectares, or a marsh or fen wetland greater than 0.25 hectares, known to be inhabited by fish or connected within 500 metres by a perennial or seasonal stream to fish habitat described in paragraph (a);
- (c) an estuary or marine interface zone connected by a perennial or seasonal stream to fish habitat described in paragraph (a) or (b), or associated with a shellfish bed;
- (d) herring spawn areas, kelp beds, eel grass beds, and other highly productive nearshore habitat used by valued marine invertebrates for reproduction and rearing;

"type 2 aquatic habitat" means any of the following:

- (a) S1 to S3 stream reaches that are not type 1 aquatic habitat;
- (b) S4 stream reaches that are known to be, or have potential to be, inhabited by fish and are directly connected to type 1 aquatic habitat or to S1 to S3 streams that are type 2 aquatic habitat;
- (c) lakes greater than 0.25 hectares that are not type 1 aquatic habitat;
- (d) marsh or fen wetlands greater than 0.25 hectares that are not type 1 aquatic habitat;

"upland stream area" means the forested portion of a watershed planning unit that does not contain type 1 aquatic habitat or type 2 aquatic habitat;

"watershed planning unit" means a watershed or watershed sub-unit that is used as a unit of analysis for watershed assessments and planning forest retention in upland stream areas.

Division 2 – First Nations

3. Objective for First Nation information sharing and engagement

- (1) For the purpose of implementing and achieving the intent of the objectives in this order, conduct First Nation engagement with applicable First Nations.

4. Objective for identification of Indigenous forest values

- (1) Prior to undertaking road construction or timber harvesting, identify, through field reconnaissance or field assessments and First Nation engagement as appropriate, Indigenous forest values that may be altered or adversely impacted by road construction, timber harvesting, or other site development activity.

5. Objective for Indigenous forest resources

- (1) Avoid road construction, timber harvesting and other site development activities in areas and sites that contain Indigenous forest resources, to the extent practicable.
- (2) Despite subsection (1), areas or sites containing Indigenous forest resources may be harvested or altered, provided that measures to identify and manage, or provide access to, the Indigenous forest resources have been developed through a process of First Nation engagement with applicable First Nations.

6. Objectives for Indigenous heritage features

- (1) Protect Type 1 Indigenous heritage features.
- (2) Adjacent to Type 1 Indigenous heritage features, maintain a reserve zone with a minimum width of 200 metres and an outer edge designed to minimize risk of windthrow to protect the Type 1 Indigenous heritage feature.
- (3) Despite subsections (1) and (2), a Type 1 Indigenous heritage feature and its reserve zone may be modified with the support of, or lack of objection from, the applicable First Nations.
- (4) Despite subsections (2) and (3), a reserve zone may be modified if
 - (a) The modification is required for road access or other infrastructure, or to address a safety concern, and there is no practicable alternative,
 - (b) alternative measures are implemented to avoid, mitigate or otherwise address impacts on the Type 1 Indigenous heritage feature, and
 - (c) the alternative measures have been developed through a process of First Nation engagement with applicable First Nations.
- (5) Protect Type 2 Indigenous heritage features.
- (6) Adjacent to Type 2 Indigenous heritage features, maintain a reserve zone with a minimum width of 1.5 tree lengths measured from the edge of the feature and an outer edge designed to minimize risk of windthrow to protect the Type 2 Indigenous heritage feature.
- (7) Despite subsections (5) and (6), a Type 2 Indigenous heritage feature and its reserve zone may be modified with the support of, or lack of objection from, the applicable First Nations.
- (8) Despite subsections (6) and (7), the reserve zone may be modified if
 - (a) the modification is required for road access or other infrastructure, or to address a safety concern, and there is no practicable alternative,
 - (b) alternative measures are implemented to avoid, mitigate or otherwise address impacts on the Type 2 Indigenous heritage feature, and
 - (c) the alternative measures have been developed through a process of First Nation engagement with applicable First Nations.

7. Objectives for historical culturally modified trees

- (1) Protect historical culturally modified trees.
- (2) Adjacent to historical culturally modified trees, maintain a management zone of sufficient width and design to protect the historical culturally modified trees from site-specific local hazards and windthrow.
- (3) Despite subsections (1) and (2), historical culturally modified trees and their management zones may be altered or harvested if
 - (a) the alteration or harvesting is required for road access or other infrastructure, or to address a safety concern, and there is no practicable alternative, or

- (b) protection of all historical culturally modified trees in the cutblock area would make harvesting economically unviable,

provided that the plans to alter or harvest the historical culturally modified trees have been developed through a process of First Nation engagement with applicable First Nations.

8. Objectives for Indigenous tree use

- (1) Maintain a volume and quality, specified during First Nation engagement, of western redcedar, yellow cedar and other tree species to support the applicable First Nations' Indigenous tree use.
- (2) In cedar stewardship areas, maintain, and recruit as necessary, monumental cedar, western redcedar and yellow cedar, specified during First Nation engagement, to support the applicable First Nations' Indigenous tree use needs.
- (3) Within development areas, retain monumental cedar and cultural cedar stands with windfirm buffers, specified during First Nation engagement, to support the applicable First Nations' Indigenous tree use.
- (4) Despite subsection (3), a monumental cedar and its windfirm buffer, or a cultural cedar stand, may be altered or harvested if
 - (a) the alteration or harvesting is required for road access or other infrastructure, or to address a safety concern, and there is no practicable alternative,
 - (b) it has been determined by the applicable First Nation that the monumental cedar or cultural cedar stand is not suitable or is not required for a cultural cedar use, or
 - (c) the monumental cedar or cedar from the cultural cedar stand will be provided to the applicable First Nation,provided that
 - (d) retention of all monumental cedar and cultural cedar stands in the cutblock area would make harvesting economically unviable, and
 - (e) the plans to alter or harvest the monumental cedar or cultural cedar stands have been developed through a process of First Nation engagement with applicable First Nations.
- (5) Within a cutblock, for the first 15% of the pre-harvest stand retained in stand retention as specified in section 17(1), design stand retention to maintain mature and old western redcedar and yellow cedar representative of the pre-harvest stand.

9. Objectives for retention of western yew

- (1) Retain western yew trees.
- (2) Despite subsection (1), western yew trees may be altered or harvested if
 - (a) alteration or harvesting is required to accommodate operational requirements for road and bridge construction and there is no practicable alternative, or
 - (b) the retention of all western yew trees in a cutblock would make harvesting economically unviable,

provided that

- (c) measures are implemented to provide for use of the altered or harvested western yew trees by applicable First Nations, and
 - (d) the plans to alter or harvest the western yew trees have been developed through a process of First Nation engagement with applicable First Nations.
- (3) Where practicable, include western yew trees in stand retention.
- (4) All areas retained or managed in accordance with subsection (1), (2) or (3) must be documented and the documentation submitted by the licensee as digital spatial data at the end of each calendar year to the applicable First Nations and the Province of British Columbia.

Division 3 - Aquatic Habitat

10. Objectives for important fisheries watersheds

- (1) Within each of the important fisheries watersheds shown in Schedule E, prior to declaring areas or applying for a cutting authority, ensure that
- (a) a watershed assessment or similar assessment of watershed sensitivity to forest development disturbance is completed by a qualified professional,
 - (b) an amount, type and distribution of forest cover sufficient to sustain natural hydrological and fluvial processes within the watershed is maintained,
 - (c) the effectiveness of the management strategies implemented pursuant to paragraph (b) are monitored, and
 - (d) the watershed assessment and monitoring strategies have been developed through a process of First Nation engagement with applicable First Nations.
- (2) Despite subsection (1), forest stewardship plan holders may apply for a cutting authority in an important fisheries watershed if
- (a) a preliminary watershed assessment indicates there will be no adverse impact on fish habitat, stream flow quality or quantity, or other watershed health indicators, and
 - (b) First Nations support, or do not object to, the application.

11. Objectives for type 1 aquatic habitat

- (1) Protect and maintain type 1 aquatic habitats by, within or adjacent to cutblocks and roads, but excluding stream crossings, maintaining an adjacent reserve zone with a minimum width of 1.5 tree lengths and an outer edge designed to minimize risk of windthrow.
- (2) Despite subsection (1), the width of a reserve zone may be decreased at specific locations to address site characteristics and values, provided that
- (a) the decrease is no more than 0.5 tree lengths, and
 - (b) there is no net loss of reserve zone area required by subsection (1) within or adjacent to the cutblock.

- (3) Despite subsections (1) and (2), the width of the reserve zone may be decreased, at specific locations to address site characteristics and values, by more than 0.5 tree lengths, provided that
 - (a) there is no net loss of the reserve zone area required by subsection (1),
 - (b) assessments have been prepared by a qualified professional that specify measures
 - (i) to maintain the geomorphic and hydroriparian characteristics of the stream channel,
 - (ii) to maintain the life cycle needs of fish in affected stream reaches,
 - (iii) to maintain local terrestrial habitat needs and linkages to other reserves, and
 - (iv) to minimize loss of trees in the reserve zone from windthrow,
 - (c) the measures required by paragraph (b) are implemented, and
 - (d) the plans to decrease the width of the reserve zone have been developed through a process of First Nation engagement with applicable First Nations.
- (4) Where some or all of the forest required by subsections (1), (2) and (3) has been previously altered or harvested, to the extent practicable, recruit or create functional riparian forest in the reserve zone in the shortest time practicable.

12. Objectives for type 2 aquatic habitat

- (1) Maintain the natural ecological function of type 2 aquatic habitat other than stream crossings by, within or adjacent to cutblocks and roads, retaining 90% of the forest in an adjacent management zone with a minimum width of 1.5 tree lengths and an outer edge designed to minimize risk of windthrow.
- (2) Despite subsection (1), the width of the management zone in any cutblock may be decreased by up to 0.5 tree lengths to address site characteristics and values, provided there is no net loss of management zone area within the cutblock.
- (3) Despite subsections (1) and (2), the width of the management zone may be increased or decreased by more than 0.5 tree lengths and alteration or harvesting within the management zone may occur, provided that
 - (a) there is no net loss of management zone area required by subsection (1) in the cutblock,
 - (b) an assessment has been prepared by a qualified professional that specifies measures
 - (i) to maintain the geomorphic and hydroriparian characteristics of the stream channel,
 - (ii) to maintain the life cycle needs of fish in affected stream reaches,
 - (iii) to maintain local terrestrial habitat needs and linkages to other reserves, and
 - (iv) to minimize loss of trees in the management zone from windthrow,
 - (c) the measures required by paragraph (b) are implemented, and
 - (d) the plans to increase or decrease the width of the management zone have been developed through a process of First Nation engagement with applicable First Nations.

- (4) Where some or all of the forest required by subsection (1), (2) or (3) has been previously altered or harvested, to the extent practicable, recruit or create functional riparian forest in the management zone in the shortest time practicable.

13. Objectives for forested swamps

- (1) Maintain the ecological characteristics and function of forested swamps.
- (2) Adjacent to forested swamps greater than 0.25 hectares, retain 70% of the functional riparian forest in a management zone with a minimum width of 1.5 tree lengths and an outer edge designed to minimize risk of windthrow.
- (3) Despite subsection (2), the width of the management zone adjacent to a forested swamp may be decreased by up to 0.5 tree lengths to address site-specific characteristics and values.
- (4) Despite subsections (2) and (3), the width of the management zone may be decreased by more than 0.5 tree lengths and additional harvesting within the management zone may occur, provided that
 - (a) a forested swamp assessment has been prepared by a qualified professional that specifies measures
 - (i) to maintain local terrestrial habitat needs and linkages to other reserves, and
 - (ii) to minimize loss of trees in the management zone from windthrow,
 - (b) the measures in paragraph (a) are implemented, and
 - (c) the plans to decrease the width of the management zone have been developed through a process of First Nation engagement with applicable First Nations.
- (5) Where some or all of the forest within the management zone required by subsection (2), (3) or (4) has been previously altered or harvested, to the extent practicable, recruit or create functional riparian forest in the management zone in the shortest time practicable.

14. Objectives for upland stream areas

- (1) Maintain the hydrologic and hydrogeomorphic processes in watershed planning units within the range of natural variation by maintaining a minimum of 70% of the forest in the upland stream area as functional riparian forest.
- (2) For the purposes of subsection (1), to the extent practicable, preferentially retain the functional riparian forest to create windfirm reserve zones and management zones adjacent to streams in the upland stream area that
 - (a) are located upstream from type 1 aquatic habitat and type 2 aquatic habitat,
 - (b) have sensitive hydrogeomorphic attributes,
 - (c) are stream reaches with known tailed frog habitat, or
 - (d) have unique microclimate or other rare ecological characteristics.
- (3) Despite subsections (1) and (2), an alternative plan to maintain hydrologic and hydrogeomorphic

processes in a watershed planning unit within the range of natural variability may be prepared as a result of a watershed assessment conducted by a qualified professional, consistent with professional practice guidelines, provided that

- (a) the effectiveness of strategies implemented in accordance with the plan under this subsection is monitored,
- (b) the watershed assessment and plan are updated to reflect the results of such monitoring, and
- (c) the strategy has been developed through a process of First Nation engagement with applicable First Nations.

15. Objectives for active fluvial units

- (1) Reserve all forest on active fluvial units.
- (2) Adjacent to active fluvial units, retain a minimum of 90% of the forest in a management zone with an average width of 1.5 tree lengths.
- (3) Despite subsections (1) and (2), forest on an active fluvial unit may be altered or harvested, and less than 90% of the forest in the management zone may be retained, to allow for road access or other infrastructure, or to address a safety concern, provided that
 - (a) there is no practicable alternative to access a development area,
 - (b) an active fluvial unit assessment has been prepared by a qualified professional that
 - (i) specifies measures to maintain stream flow patterns, flow capacity and geomorphic stability of the active fluvial unit for roads or other infrastructure, or
 - (ii) where the removal of four or more live trees is proposed for safety reasons, provides an assessment of the potential impact on geomorphic stability,
 - (c) the measures in paragraph (b) are implemented in a manner that will maintain the flow patterns, flow capacity and geomorphic stability of the active fluvial unit, and
 - (d) the plans to alter or harvest an active fluvial unit or retain less than 90% of the forest in the management zone have been developed through a process of First Nation engagement with applicable First Nations.
- (4) Where some or all of the forest required to be retained by subsections (1), (2) and (3) has been previously altered or harvested, to the extent practicable, recruit or create functional riparian forest on the active fluvial unit in the shortest time practicable.

Division 4 - Biodiversity

16. Objectives for red-listed plant communities and blue-listed plant communities

- (1) Protect each occurrence of a red-listed plant community during a primary forest activity in accordance with Schedule N.
- (2) Despite subsection (1), up to 5% of each occurrence of a red-listed plant community may be disturbed if

- (a) there is no practicable alternative for road access or other infrastructure, or to address a safety concern, and
 - (b) the plans to disturb the red-listed plant community have been developed through a process of First Nation engagement with applicable First Nations.
- (3) Despite subsections (1) and (2), more than 5% of a red-listed plant community occurrence smaller than one hectare may be disturbed if it is necessary for critical road access, provided that
- (a) the total disturbance of that red-listed plant community in a landscape unit does not exceed 5%, and
 - (b) the plans to disturb the red-listed plant community have been developed through a process of First Nation engagement with applicable First Nations.
- (4) Reserve a minimum of 70% of each occurrence of a blue-listed plant community during a primary forest activity or reserve a minimum of 70% of the total area of each blue-listed plant community within a landscape unit in accordance with Schedule O.

17. Objectives for stand retention

- (1) Maintain forest structure and diversity at the stand level by
 - (a) maintaining a minimum of 15% of the cutblock area as stand retention,
 - (b) distributing stand retention throughout the cutblock,
 - (c) maintaining more than 15% retention as necessary, considering cutblock size, landscape unit context and immediate landscape context, and
 - (d) managing windthrow.
- (2) To the extent practicable, include the following within stand retention:
 - (a) Indigenous forest values;
 - (b) habitat elements important for restoration of old forest;
 - (c) habitat elements important for wildlife.

Division 5 - Wildlife

18. Objectives for grizzly bear habitat

- (1) Maintain 100% of class 1 grizzly bear habitat
 - (a) shown in Schedule D, or
 - (b) identified in the field by a qualified professional.
- (2) Maintain a minimum of 50% of class 2 grizzly bear habitat
 - (a) shown in Schedule D, or
 - (b) identified in the field by a qualified professional, and

that provides a mix of habitat type, seasonal value, and distribution within a watershed or landscape unit.

- (3) Despite subsection (1), class 1 grizzly bear habitat may be altered or harvested, provided that
 - (a) a qualified professional
 - (i) completes an assessment that identifies the characteristics of the habitat and linkages, where appropriate, to other grizzly bear habitat, and
 - (ii) confirms that the alteration or harvesting will result in no net loss of class 1 grizzly bear habitat and connectivity and no functional loss of habitat connectivity,
 - (b) measures are implemented that will ensure the alteration or harvesting will not cause a material adverse impact to the suitability of the class 1 grizzly bear habitat, and
 - (c) the plans to alter or harvest class 1 grizzly bear habitat have been developed through a process of First Nation engagement with applicable First Nations.
- (4) Despite subsection (1), class 1 grizzly bear habitat may be altered or harvested for road access or other infrastructure, or to address a safety concern, provided that
 - (a) there is no practicable alternative for road access or other infrastructure, or the alteration or harvesting is required to address a safety concern,
 - (b) the road right-of-way clearing width is the minimum safe width necessary to accommodate the road,
 - (c) measures are implemented that, to the extent practicable, will ensure the alteration or harvesting will not cause a material adverse impact to the suitability of the class 1 grizzly bear habitat, and
 - (d) the plans to alter or harvest class 1 grizzly bear habitat have been developed through a process of First Nation engagement with applicable First Nations.
- (5) All identified grizzly bear habitat polygons must be documented and the documentation submitted to the applicable First Nations and the Province of British Columbia at the end of each calendar year.

19. Objectives for grizzly bear dens

- (1) Protect grizzly bear dens.
- (2) Adjacent to grizzly bear dens, maintain a reserve zone with a minimum width of 50 metres.
- (3) Despite subsections (1) and (2), alteration or removal of a grizzly bear den or its reserve zone, or both, may occur, provided that
 - (a) the alteration or removal is required for road access or other infrastructure, or to address a safety concern, and there is no practicable alternative,
 - (b) the alteration or removal does not occur during the winter hibernation season, and
 - (c) the plans to alter or remove a grizzly bear den or reserve zone have been developed through a process of First Nation engagement with applicable First Nations.

- (4) Adjacent to any reserve zone required by subsection (2), maintain a management zone with an average width of 1.0 tree lengths, measured from the outer edge of the reserve zone, to protect the integrity of the reserve zone.
- (5) Within the management zone required by subsection (4), alteration or removal of trees may occur outside of the winter hibernation season to
 - (a) accommodate operational requirements for road and bridge construction, where there is no practicable alternative,
 - (b) accommodate road maintenance and deactivation, the removal of danger trees, and brushing and clearing within the right-of-way, for safety purposes, on any existing road under active tenure, or
 - (c) mitigate the impact of windthrow,

provided that the plans to alter or remove trees have been developed through a process of First Nation engagement with applicable First Nations.
- (6) All found grizzly bear dens must be documented and the documentation submitted to the applicable First Nations and the Province of British Columbia at the end of each calendar year.

20. Objectives for black bear dens

- (1) Protect black bear dens.
- (2) Adjacent to black bear dens, maintain a reserve zone with a minimum width of 30 metres.
- (3) Despite subsections (1) and (2), alteration or removal of a black bear den or its reserve zone, or both, may occur, provided that
 - (a) the alteration or removal is required for road access or to address a safety concern and there is no practicable alternative;
 - (b) the alteration or removal does not occur during the winter hibernation season; and
 - (c) the plans to alter or remove a black bear den or reserve zone have been developed through a process of First Nation engagement with applicable First Nations.
- (4) Adjacent to any reserve zone required by subsection (2), maintain a management zone of sufficient width and design to protect the integrity of the bear den and the reserve zone.
- (5) Within the management zone required by subsection (4), alteration or removal of trees may occur outside of the winter hibernation season to
 - (a) accommodate operational requirements for road and bridge construction, where there is no practicable alternative,
 - (b) accommodate road maintenance and deactivation, the removal of danger trees, and brushing and clearing within the right-of-way, for safety purposes, on any existing road under active tenure, or
 - (c) mitigate the impact of windthrow,

provided that the plans to alter or remove trees have been developed through a process of First

Nation engagement with applicable First Nations.

- (6) Where practicable, include suitable future and additional black bear denning habitat in management zones and in stand retention.
- (7) All found black bear dens must be documented and the documentation submitted to the applicable First Nations and the Province of British Columbia at the end of each calendar year.

21. Objectives for Kermode habitat

- (1) To maintain Kermode bear habitat, within managed forest in the Kermode stewardship areas shown in Schedule R,
 - (a) where practicable, thin or harvest mid seral stands to create patchy openings and less canopy closure to encourage shrub growth, and
 - (b) maintain critical black bear habitat.
- (2) Despite subsection (1)(b), up to 5% of a critical black bear habitat occurrence may be altered if there is no practicable alternative for road access or other infrastructure, or to address a safety concern, provided that the plans to alter critical black bear habitat have been developed through a process of First Nation engagement with applicable First Nations.

Part 3 – South Central Coast

Division 1 - General

1. Relationship with *Forest and Range Practices Act* objectives

- (1) Pursuant to section 93.4 of the *Land Act*, the following Part 3 objectives are established as land use objectives for the purposes of the *Forest and Range Practices Act*, and apply to the areas shown in Schedule C (South Central Coast Area) as specified in each section.

2. Definitions

- (1) In this Part:

"active fluvial unit" means an active floodplain, where water flows over land in a normal flood event, and includes low and medium benches and the hydrogeomorphic zone of an active fan;

"applicable First Nation" means any First Nation with Indigenous rights or Indigenous title or treaty rights within the area under consideration;

"bear den" means a den identified by a qualified professional that is suitable for winter hibernation or maternity;

"blue-listed plant community" means a plant community listed in Schedule O that is sufficiently established;

"cedar stewardship area" means an area identified in Schedule Q, or a similar area that is identified by First Nations through First Nation engagement, that is for the purpose of maintaining, enhancing and providing access to cedar for cultural use;

"contemporary culturally modified tree" means a tree that was modified less than eighty years ago by First Nations people as part of their cultural use of the tree;

"cultural cedar stand" means three or more monumental cedars, contemporary culturally modified trees or historical culturally modified trees where each tree is within 30 metres of another monumental cedar, contemporary culturally modified tree or historical culturally modified tree;

"cutblock" means an area within which a tenure holder is authorized to harvest timber, as identified in a cutting permit, timber sale licence or other cutting authority;

"development area" means an area in a watershed defined by the boundaries shown on a site plan or multiple site plans where an annual or multi-year project of timber harvesting and road construction is planned or carried out, and includes any stand retention, management zones, reserve zones, mapped reserves or other areas where timber harvesting is restricted or managed pursuant to this order or the *Forest and Range Practices Act* and the regulations made under that Act;

"First Nation engagement" means reasonable efforts to communicate, share information, engage in dialogue, and identify and work to resolve issues and concerns brought forward by applicable First Nations;

"forested swamp" means a forested mineral wetland or a forested peatland with standing or gently flowing nutrient-rich water in pools or channels where the water table is usually at

or near the surface of the wetland or peatland, but does not include poorly drained areas transitional to uplands where folisolic growing substrate (folic material derived from the litter of trees and lesser vegetation of upland sites) occupies 50% or more of the site or hydromorphic organic matter (organic material accumulated under saturated conditions) and wetland species (hydrophytes) occupy less than 50% of the site area;

"functional riparian forest" means forest adjacent to streams and other aquatic features, that provides hydrologic, hydrogeomorphic and ecological hydriparian functions and has trees of adequate size to resist channel bank erosion, supply functional large wood and contribute to slope stability;

"historical culturally modified tree" means a tree that was modified eighty or more years ago by First Nations people as part of their cultural use of the tree;

"important fisheries watershed" means a watershed area identified in Schedule E, but does not include watersheds composed entirely of S5 or S6 streams flowing directly to the ocean;

"Indigenous forest resource" means a forest plant resource listed in Schedule J, or other forest plant resource identified by First Nations during First Nation engagement, that is utilized for food, social, medicinal or ceremonial purposes;

"Indigenous forest values" means Indigenous forest resources, Indigenous heritage features, historical culturally modified trees, contemporary culturally modified trees, monumental cedar and cultural cedar stands, western yew trees, and other forest features that are of importance to First Nations;

"Indigenous heritage feature" means an artefact, feature, or site of the general types listed in Schedule I, other than a contemporary culturally modified tree or a historical culturally modified tree, that is known, identified during First Nation engagement or found through field inventories and assessments, and is important to the cultural practices, knowledge or heritage of the applicable First Nation;

"Indigenous tree use" means the present and future use of monumental cedar, other cedar or other tree species to fulfil the food, social, medicinal, spiritual and ceremonial needs of the applicable First Nation, including use of trees for shelter, transportation, tools, fuel, and art;

"management zone" means an area referred to in this order for the protection of a feature and that specifies direction on the alteration, removal, recruitment or management of trees;

"monumental cedar" means a large old western redcedar tree or a large old yellow cedar tree that has the attributes necessary to fulfil the Indigenous tree use needs of the applicable First Nation primarily for totem poles, canoes, or long beams and poles to build longhouses, community halls or similar community structures;

"natural boundary" means the visible high water mark, or bankfull width, of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself;

"old forest" means any of the following:

- (a) a stand of trees 250 years or older;

- (b) a structurally complex stand composed mainly of late successional or climax species, where older seral remnants may still be present in the upper canopy, and that typically includes
 - (i) standing snags,
 - (ii) rotting logs on the ground, and
 - (iii) a patchy to well-developed understory;
- (c) a stand of trees younger than 250 years, of an ecosystem that has reached the late successional or climax stage for the ecosystem;

"qualified professional" means an applied scientist or technologist, acting alone or together with another professional, if

- (a) the individual is registered and in good standing in British Columbia with an appropriate professional association constituted under an Act, is acting under that association's code of ethics and is subject to disciplinary action by that association, and
- (b) the individual is acting within that individual's area of expertise;

"red-listed plant community" means a plant community listed in Schedule N that is sufficiently established;

"reserve zone" means an area referred to in this order where commercial timber harvesting and road building are not permitted unless otherwise specified in the order;

"stand retention" means small patches of trees and understory vegetation that are located in a cutblock or contiguous to a cutblock;

"sufficiently established" means any of the following:

- (a) a plant community occurrence within an old forest stand;
- (b) a low bench floodplain ecosystem, a mid bench floodplain ecosystem, or a high bench floodplain ecosystem;
- (c) a mature forest that has structures and understory approaching those of an old forest;

"temporary old forest reserve" means a temporary spatially defined old forest reserve outside of landscape reserve designs where timber harvesting will not take place during the period of time that the temporary old forest reserve, or portion thereof, is in effect;

"tree length" means the following:

- (a) in old forest stands,
 - (i) a distance equal to the measured height of the tallest old trees within a required reserve zone or management zone, as applicable, at time of harvest, or
 - (ii) the potential old tree height indicated in Schedule H for the predominant field-identified site series within the reserve zone or management zone, as applicable;
- (b) in stands younger than 250 years,

- (i) a distance equal to the measured height of the tallest trees within a required reserve zone or management zone, as applicable, at time of harvest, or
- (ii) the potential mature tree height indicated in Schedule H for the predominant field-identified site series within the reserve zone or management zone, as applicable;

"type 1 aquatic habitat" means any of the following:

- (a) a reach of a watercourse and, if present, its active fluvial unit, with a continuous channel bed that is greater than 1.5 metres in width, with an average gradient less than or equal to 5% and that is known to be, or has potential to be, inhabited by fish;
- (b) a lake greater than 0.25 hectares, or a marsh or fen wetland greater than 0.25 hectares, known to be inhabited by fish or connected within 500 metres by a perennial or seasonal stream to fish habitat described in paragraph (a);
- (c) an estuary or marine interface zone connected by a perennial or seasonal stream to fish habitat described in paragraph (a) or (b), or associated with a shellfish bed;
- (d) herring spawn areas, kelp beds, eel grass beds, and other highly productive nearshore habitat used by valued marine invertebrates for reproduction and rearing;

"type 2 aquatic habitat" means any of the following:

- (a) S1 to S3 stream reaches that are not type 1 aquatic habitat;
- (b) S4 stream reaches that are known to be, or have potential to be, inhabited by fish and are directly connected to type 1 aquatic habitat or to S1 to S3 streams that are type 2 aquatic habitat;
- (c) lakes greater than 0.25 hectares that are not type 1 aquatic habitat;
- (d) marsh or fen wetlands greater than 0.25 hectares that are not type 1 aquatic habitat;

"upland stream area" means the forested portion of a watershed planning unit that does not contain type 1 aquatic habitat or type 2 aquatic habitat;

"watershed planning unit" means a watershed or watershed sub-unit that is used as a unit of analysis for watershed assessments and planning forest retention in upland stream areas.

Division 2 - First Nations

3. Objective for First Nation information sharing and engagement

- (1) For the purpose of implementing and achieving the intent of the objectives in this order, conduct First Nation engagement with applicable First Nations.

4. Objective for identification of Indigenous forest values

- (1) Prior to undertaking road construction or timber harvesting, through field reconnaissance or field assessments and First Nation engagement as appropriate, identify Indigenous forest values that may be altered or adversely impacted by road construction, timber harvesting, or other site

development activity.

5. Objective for Indigenous forest resources

- (1) Avoid road construction, timber harvesting and other site development activities in areas and sites that contain Indigenous forest resources, to the extent practicable.
- (2) Despite subsection (1), areas or sites containing Indigenous forest resources may be harvested or altered, provided that measures to identify and manage, or provide access to, the Indigenous forest resources have been developed through a process of First Nation engagement with applicable First Nations.

6. Objectives for Indigenous heritage features

- (1) Protect Type 1 Indigenous heritage features.
- (2) Adjacent to Type 1 Indigenous heritage features, maintain a reserve zone with a minimum width of 200 metres and an outer edge designed to minimize risk of windthrow to protect the Type 1 Indigenous heritage feature.
- (3) Despite subsections (1) and (2), a Type 1 Indigenous heritage feature and its reserve zone may be modified with the support of, or lack of objection from, the applicable First Nations.
- (4) Despite subsections (2) and (3), a reserve zone may be modified when
 - (a) the modification is required for road access or other infrastructure or to address a safety concern, and there is no practicable alternative,
 - (b) alternative measures are implemented to avoid, mitigate or otherwise address impacts on the Type 1 Indigenous heritage feature, and
 - (c) the alternative measures have been developed through a process of First Nation engagement with applicable First Nations.
- (5) Protect Type 2 Indigenous heritage features.
- (6) Adjacent to Type 2 Indigenous heritage features, maintain a reserve zone with a minimum width of 1.5 tree lengths measured from the edge of the feature and an outer edge designed to minimize risk of windthrow and to protect the Type 2 Indigenous heritage feature.
- (7) Despite subsections (5) and (6), a Type 2 Indigenous heritage feature and its reserve zone may be modified with the support of, or lack of objection from, the applicable First Nations.
- (8) Despite subsections (6) and (7), the reserve zone may be modified when
 - (a) the modification is required for road access, other infrastructure, or to address a safety concern and there is no practicable alternative,
 - (b) alternative measures are implemented to avoid, mitigate or otherwise address impacts on the Type 2 Indigenous heritage feature, and
 - (c) the alternative measures have been developed through a process of First Nation engagement with applicable First Nations.

7. Objectives for historical culturally modified trees

- (1) Protect historical culturally modified trees.
- (2) Adjacent to historical culturally modified trees, maintain a management zone of sufficient width and design to protect the historical culturally modified trees from site-specific local hazards and windthrow.
- (3) Despite subsections (1) and (2), historical culturally modified trees and their management zones may be altered or harvested if
 - (a) the alteration or harvesting is required for road access or other infrastructure, or to address a safety concern, and there is no practicable alternative, or
 - (b) protection of all historical culturally modified trees in the cutblock area would make harvesting economically unviable,provided that the plans to alter or harvest the historical culturally modified trees have been developed through a process of First Nation engagement with applicable First Nations.

8. Objectives for Indigenous tree use

- (1) Maintain a volume and quality, specified during First Nation engagement, of western redcedar, yellow cedar and other tree species to support the applicable First Nations' present and future Indigenous tree use.
- (2) In cedar stewardship areas, maintain, and recruit as necessary, monumental cedar, western redcedar and yellow cedar, specified during First Nation engagement, to support the applicable First Nations' Indigenous tree use needs.
- (3) Within development areas, retain monumental cedar and cultural cedar stands with windfirm buffers, specified during First Nation engagement, to support the applicable First Nations' Indigenous tree use.
- (4) Despite subsection (3), a monumental cedar and its windfirm buffer, or a cultural cedar stand, may be altered or harvested if
 - (a) the alteration or harvesting is required for road access or other infrastructure, or to address a safety concern, and there is no practicable alternative,
 - (b) it has been determined by the applicable First Nation that the monumental cedar or cultural cedar stand is not suitable or is not required for a cultural cedar use, or
 - (c) the monumental cedar or cedar from the cultural cedar stand will be provided to the applicable First Nation,provided that
 - (d) retention of all monumental cedar and cultural cedar stands in the cutblock area would make harvesting economically unviable, and
 - (e) the plans to alter or harvest the monumental cedar or cultural cedar stands have been developed through a process of First Nation engagement with applicable First Nations.

- (5) Within a cutblock, for the first 15% of the pre-harvest stand retained in stand retention as specified in section 18(1), design stand retention to maintain mature and old western redcedar and yellow cedar representative of the pre-harvest stand.

9. Objectives for retention of western yew

- (1) Retain western yew trees.
- (2) Despite subsection (1), western yew trees may be altered or harvested if
 - (a) alteration or harvesting is required to accommodate operational requirements for road and bridge construction and there is no practicable alternative, or
 - (b) the retention of all western yew trees in a cutblock would make harvesting economically unviable,
provided that
 - (c) measures are implemented to provide for use of the altered or harvested western yew trees by applicable First Nations, and
 - (d) the plans to alter or harvest the western yew trees have been developed through a process of First Nation engagement with applicable First Nations.
- (3) Where practicable, include western yew trees in stand retention.
- (4) All areas retained or managed in accordance with subsection (1), (2) or (3) must be documented and the documentation submitted by the licensee as digital spatial data at the end of each calendar year to the applicable First Nation and the Province of British Columbia.

Division 3 - Aquatic Habitat

10. Objectives for important fisheries watersheds

- (1) Within each of the important fisheries watersheds shown in Schedule E, prior to declaring areas or applying for a cutting authority, ensure that
 - (a) a watershed assessment or similar assessment of watershed sensitivity to forest development disturbance is completed by a qualified professional,
 - (b) an amount, type and distribution of forest cover sufficient to sustain natural hydrological and fluvial processes within the watershed is maintained,
 - (c) the effectiveness of the management strategies implemented pursuant to paragraph (b) is monitored, and
 - (d) the watershed assessment and management strategies have been developed through a process of First Nation engagement with applicable First Nations.
- (2) Despite subsection (1), forest stewardship plan holders may apply for a cutting authority in an important fisheries watershed if
 - (a) a preliminary watershed assessment indicates no adverse impact on fish habitat, stream flow quality and quantity, or other watershed health indicators, and

(b) applicable First Nations support, or do not object to, the application.

11. Objectives for type 1 aquatic habitat

- (1) Protect and maintain type 1 aquatic habitat other than stream crossings by, within or adjacent to cutblocks and roads, maintaining an adjacent reserve zone with a minimum width of 1.5 tree lengths and an outer edge designed to minimize risk of windthrow.
- (2) Despite subsection (1), the width of a reserve zone may be decreased at specific locations to address site characteristics and values, provided that
 - (a) the decrease is no more than 0.5 tree lengths, and
 - (b) there is no net loss of reserve zone area required by subsection (1) within or adjacent to the cutblock.
- (3) Despite subsections (1) and (2), the width of the reserve zone may be decreased by more than 0.5 tree lengths provided that
 - (a) there is no net loss of reserve zone area required by subsection (1),
 - (b) assessments have been prepared by a qualified professional that specify measures
 - (i) to maintain the geomorphic and hydroriparian characteristics of the stream channel,
 - (ii) to maintain the life cycle needs of fish in affected stream reaches,
 - (iii) to maintain local terrestrial habitat needs and linkages to other reserves, and
 - (iv) to minimize loss of trees in the reserve zone from windthrow,
 - (c) the measures in paragraph (b) are implemented, and
 - (d) the plans to decrease the width of the reserve zone have been developed through a process of First Nation engagement with applicable First Nations.
- (4) Despite subsections (1), (2) and (3), for type 1 aquatic habitat that is not on an active fluvial unit, a forest stewardship plan may provide for riparian reserve zones in accordance with Schedule K, provided that
 - (a) there has been First Nation engagement with applicable First Nations resulting in the support of, or lack of objection from, the applicable First Nations,
 - (b) indicators to be tracked have been identified and strategies are in place to evaluate the effectiveness of the recommended riparian strategies, and
 - (c) the indicators and strategies in paragraph (b) have been developed through a process of First Nation engagement with applicable First Nations.
- (5) Despite subsections (1), (2) and (3), for the lower portion of the Klinaklini River and its tributaries identified in Schedule P, and for the lower portion of Viner Creek identified in Schedule P, maintain a reserve zone with a width of 100 metres on each side of the natural boundary, unless there is no practicable alternative for future road access or other infrastructure, or to address a safety concern, except with respect to existing road access and infrastructure.

- (6) Where some or all of the forest required under subsection (1) or (2) has been previously altered or harvested, to the extent practicable, recruit or create functional riparian forest in the reserve zone in the shortest time practicable.

12. Objectives for type 2 aquatic habitat

- (1) Maintain the natural ecological function of type 2 aquatic habitat except for stream crossings by, within or adjacent to cutblocks and roads, retaining 90% of the forest in an adjacent management zone with a minimum width of 1.5 tree lengths and an outer edge designed to minimize risk of windthrow.
- (2) Despite subsection (1), the width of the management zone in any cutblock may be decreased by up to 0.5 tree lengths to address site characteristics and values, provided there is no net loss of management zone area within the cutblock.
- (3) Despite subsections (1) and (2), the width of the management zone may be increased or decreased by more than 0.5 tree lengths and alteration or harvesting within the management zone may occur, provided that
 - (a) there is no net loss of management zone area required by subsection (1) in the cutblock,
 - (b) an assessment has been prepared by a qualified professional that specifies measures
 - (i) to maintain the geomorphic and hydri-riparian characteristics of the stream channel,
 - (ii) to maintain the life cycle needs of fish in affected stream reaches,
 - (iii) to maintain local terrestrial habitat needs and linkages to other reserves, and
 - (iv) to minimize loss of trees in the management zone from windthrow,
 - (c) the measures required by paragraph (b) are implemented, and
 - (d) the plans to increase or decrease the width of the management zone by more than 0.5 tree lengths and have alteration or harvesting within the management zone have been developed through a process of First Nation engagement with applicable First Nations.
- (4) Despite subsections (1), (2) and (3), for type 2 aquatic habitat that is not on an active fluvial unit, a forest stewardship plan may provide for riparian management zones in accordance with Schedule K, provided that
 - (a) there has been First Nation engagement with applicable First Nations resulting in the support of, or lack of objection from, the applicable First Nations,
 - (b) indicators to be tracked have been identified and strategies are in place to evaluate the effectiveness of the recommended riparian strategies, and
 - (c) the indicators and strategies in paragraph (b) have been developed through a process of First Nation engagement with applicable First Nations.
- (5) Where some or all of the forest required in subsection (1) or (4) has been previously altered or harvested, to the extent practicable, recruit or create functional riparian forest in the management zone or riparian management area in the shortest time practicable.

13. Objectives for forested swamps

- (1) Maintain the ecological characteristics and function of forested swamps.
- (2) Adjacent to forested swamps greater than 0.25 hectares, retain 70% of the functional riparian forest in a management zone with a minimum width of 1.5 tree lengths and an outer edge designed to minimize risk of windthrow.
- (3) Despite subsection (2), the width of the management zone adjacent to a forested swamp may be decreased by up to 0.5 tree lengths to address site-specific characteristics and values.
- (4) Despite subsections (2) and (3), the width of the management zone may be decreased by more than 0.5 tree lengths and additional harvesting within the management zone may occur, provided that
 - (a) a forested swamp assessment has been prepared by a qualified professional that specifies measures
 - (i) to maintain local terrestrial habitat needs and linkages to other reserves, and
 - (ii) to minimize loss of trees in the management zone from windthrow,
 - (b) the measures in paragraph (a) are implemented, and
 - (c) the plans to decrease the width of the management zone and have additional harvesting within the management zone have been developed through a process of First Nation engagement with applicable First Nations.
- (5) Where some or all of the forest within the management zone required by subsection (2), (3) or (4) has been previously altered or harvested, to the extent practicable, recruit or create functional riparian forest in the management zone in the shortest time practicable.

14. Objectives for upland stream areas

- (1) Maintain the hydrologic and hydrogeomorphic processes in watershed planning units within the range of natural variation by maintaining a minimum of 70% of the forest in the upland stream area as functional riparian forest.
- (2) For the purposes of subsection (1), to the extent practicable, preferentially retain the functional riparian forest to create windfirm reserves and management zones adjacent to streams in the upland stream area that
 - (a) are located upstream from type 1 aquatic habitat or type 2 aquatic habitat,
 - (b) have sensitive hydrogeomorphic attributes,
 - (c) are stream reaches with known tailed frog habitat, or
 - (d) have unique microclimate or other rare ecological characteristics.
- (3) Despite subsections (1) and (2), an alternative plan to maintain hydrologic and hydrogeomorphic processes in a watershed planning unit within the range of natural variability may be prepared as a result of a watershed assessment conducted by a qualified professional, consistent with professional practice guidelines, provided that

- (a) the effectiveness of strategies implemented in accordance with the plan under this subsection is monitored,
- (b) the watershed assessment and plan are updated to reflect the results of such monitoring, and
- (c) the strategy has been developed through a process of First Nation engagement with applicable First Nations.

15. Objectives for active fluvial units

- (1) Reserve all forest on active fluvial units.
- (2) Adjacent to active fluvial units, retain a minimum of 90% of the forest in a management zone with an average width of 1.5 tree lengths.
- (3) Despite subsections (1) and (2), forest on an active fluvial unit may be altered or harvested, and less than 90% of the forest in the management zone may be retained, to allow for road access or to address a safety concern, provided that
 - (a) there is no practicable alternative to access a development area,
 - (b) an active fluvial unit assessment has been prepared by a qualified professional that
 - (i) specifies measures to maintain stream flow patterns and flow capacity and geomorphic stability of the active fluvial unit for roads or other infrastructure, or
 - (ii) where the removal of four or more live trees is proposed for safety reasons, provides an assessment of the potential impact on geomorphic stability,
 - (c) the measures in paragraph (b) are implemented in a manner that will maintain the flow patterns, flow capacity and geomorphic stability of the active fluvial unit, and
 - (d) the plans to alter or harvest an active fluvial unit or to retain less than 90% of the forest in the management zone have been developed through a process of First Nation engagement with applicable First Nations.
- (4) Where some or all of the forest required to be retained by subsections (1) and (2) has been previously altered or harvested, to the extent practicable, recruit or create functional riparian forest on the active fluvial unit in the shortest time practicable.

Division 4 - Biodiversity

16. Objectives for old forest maintenance and recovery

- (1) Pursuant to section 4 (1) and (2) of Part 1, for each site series group in the South Central Coast area shown in Schedule C, up to 10% of the area required to meet the old forest representation targets specified in section 4 (1)(a) of Part 1 can be met
 - (a) in forest in a higher-level site series group in the same biogeoclimatic variant specified in Schedule L, or
 - (b) in forest in an equal or higher-level site series group in a different biogeoclimatic variant in any of the four landscape units specified in schedule M,

where this results in an improved outcome for ecological integrity and Indigenous forest values.

- (2) Pursuant to section 4 (1) and (2) of Part 1, for each site series group in the South Central Coast area shown in Schedule C, up to 10% of the area required to meet the minimum old forest retention level specified in section 4 (1)(c) or (2)(a) of Part 1 can be met
 - (a) in forest that is not old forest
 - (i) in the same site series group, or
 - (ii) in a higher level site series group specified in Schedule L, or
 - (b) in old forest in a higher level site series group specified in Schedule L

where this results in an improved outcome for ecological integrity and Indigenous forest values.

- (3) Pursuant to section 4 (1)(c) and (2)(a) of Part 1, for each site series group in the South Central Coast area where less than 30% of the site series group in a landscape unit is old forest, promote the restoration of landscape level biodiversity by reserving a minimum of 30% of the forest area in the site series group in a landscape reserve design.
- (4) Despite subsection (3), the minimum amount of forest area of a site series group retained in a landscape reserve design may be reduced to enable flexibilities in subsections (1)(a) and (b) and (2)(b), where this results in an improved outcome for ecological integrity and Indigenous forest values.
- (5) For the purposes of sections 4 and 5 of Part 1, where because of harvest history or landscape characteristics, or where it is not practicable to meet minimum old forest retention levels in a landscape reserve design,
 - (a) forest that is not old forest may be included in the landscape reserve design, and
 - (b) temporary old forest reserves may be established outside of the landscape reserve design, with an area sufficient to meet the landscape unit minimum old forest retention levels.

17. Objectives for red-listed plant communities and blue-listed plant communities

- (1) Protect each occurrence of a red-listed plant community during a primary forest activity in accordance with Schedule N.
- (2) Despite subsection (1), up to 5% of each occurrence of a red-listed plant community may be disturbed if
 - (a) there is no practicable alternative for road access or other infrastructure, or to address a safety concern, and
 - (b) the plans to disturb the red-listed plant community have been developed through a process of First Nation engagement with applicable First Nations.
- (3) Despite subsections (1) and (2), more than 5% of a red-listed plant community occurrence smaller than one hectare may be disturbed if it is necessary for critical road access, provided that
 - (a) the total disturbance of that red-listed plant community in a landscape unit does not exceed 5%, and

- (b) the plans to further disturb the red-listed plant community have been developed through a process of First Nation engagement with applicable First Nations.
- (4) Reserve a minimum of 70% of each occurrence of a blue-listed plant community during a primary forest activity or reserve a minimum of 70% of the total area of each blue-listed plant community within a landscape unit in accordance with Schedule O.

18. Objectives for stand retention

- (1) Maintain forest structure and diversity at the stand level by
 - (a) maintaining a minimum of 15% of a cutblock area as stand retention,
 - (b) distributing stand retention throughout the cutblock,
 - (c) maintaining more than 15% retention as necessary, considering cutblock size, landscape unit context and immediate landscape context, and
 - (d) managing windthrow.
- (2) To the extent practicable, include the following within stand retention:
 - (a) Indigenous forest values;
 - (b) habitat elements important for restoration of old forest;
 - (c) habitat elements important for wildlife.

Division 5 - Wildlife

19. Objectives for grizzly bear habitat

- (1) Maintain 100% of class 1 grizzly bear habitat
 - (a) shown in Schedule D, or
 - (b) identified in the field by a qualified professional.
- (2) Maintain a minimum of 50% of class 2 grizzly bear habitat
 - (a) shown in Schedule D, or
 - (b) identified in the field by a qualified professional, and
that provides a mix of habitat type, seasonal value, and distribution within a watershed or landscape unit.
- (3) Despite subsection (1), class 1 grizzly bear habitat may be altered or harvested, provided that
 - (a) a qualified professional
 - (i) completes an assessment that identifies the characteristics of the habitat and linkages, where appropriate, to other grizzly bear habitat, and
 - (ii) confirms that the alteration or harvesting will result in no net loss of class 1 grizzly

habitat and connectivity and no functional loss of habitat connectivity,

- (b) measures are implemented that will ensure the alteration or harvesting will not cause a material adverse impact to the suitability of the class 1 grizzly bear habitat, and
 - (c) the plans to alter or harvest class 1 grizzly bear habitat have been developed through a process of First Nation engagement with applicable First Nations.
- (4) Despite subsection (1), class 1 grizzly bear habitat may be altered or harvested for road access or other infrastructure, or to address a safety concern, provided that
- (a) there is no practicable alternative for road access or other infrastructure, or the alteration or harvesting is required to address a safety concern,
 - (b) that the road right-of-way clearing width is the minimum safe width necessary to accommodate the road,
 - (c) measures are implemented that, to the extent practicable, will ensure the alteration or harvesting will not cause a material adverse impact to the suitability of the class 1 grizzly bear habitat, and
 - (d) the plans to alter or harvest class 1 grizzly bear habitat have been developed through a process of First Nation engagement with applicable First Nations.
- (5) All identified grizzly bear habitat polygons must be documented and the documentation submitted to the applicable First Nations and the Province of British Columbia at the end of each calendar year.

20. Objectives for grizzly bear dens

- (1) Protect grizzly bear dens.
- (2) Adjacent to grizzly bear dens, maintain a reserve zone with a minimum width of 50 metres.
- (3) Despite subsections (1) and (2), alteration or removal of a grizzly bear den or its reserve zone, or both, may occur, provided that
 - (a) the alteration or removal is required for road access or to address a safety concern and there is no practicable alternative,
 - (b) the alteration or removal does not occur during the winter hibernation season, and
 - (c) the plans to alter or remove a grizzly bear den or reserve zone have been developed through a process of First Nation engagement with applicable First Nations.
- (4) Adjacent to any reserve zone required by subsection (2), maintain a management zone with an average width equal to 1.0 tree lengths, measured from the outer edge of the reserve zone, to protect the integrity of the reserve zone.
- (5) Within the management zone required by subsection (4), alteration or removal of trees may occur outside of the winter hibernation season to
 - (a) accommodate operational requirements for road and bridge construction, if there is no practicable alternative,

(b) accommodate road maintenance and deactivation, the removal of danger trees, and brushing and clearing within the right-of-way, for safety purposes, on any existing road under active tenure, or

(c) mitigate the impact of windthrow,

provided that the plans to alter or remove trees have been developed through a process of First Nation engagement with applicable First Nations.

(6) All found grizzly bear dens must be documented and the documentation submitted to the applicable First Nations and the Province of British Columbia at the end of each calendar year.

21. Objectives for black bear dens

(1) Protect black bear dens.

(2) Adjacent to black bear dens, maintain a reserve zone with a minimum width of 30 metres.

(3) Despite subsections (1) and (2), alteration or removal of a black bear den or its reserve zone, or both, may occur, provided that

(a) alteration or removal is required for road access or to address a safety concern and there is no practicable alternative,

(b) the alteration or removal does not occur during the winter hibernation season, and

(c) the plans to alter or remove a black bear den or reserve zone have been developed through a process of First Nation engagement with applicable First Nations.

(4) Adjacent to any reserve zone required by subsection (2), maintain a management zone of sufficient width and design to protect the integrity of the black bear den and the reserve zone.

(5) Within the management zone required by subsection (4), alteration or removal of trees may occur outside of the winter hibernation season to

(a) accommodate operational requirements for road and bridge construction, if there is no practicable alternative,

(b) accommodate road maintenance and deactivation, the removal of danger trees, and brushing and clearing within the right-of-way, for safety purposes, on any existing road under active tenure, or

(c) mitigate the impact of windthrow,

provided that the plans to alter or remove trees have been developed through a process of First Nation engagement with applicable First Nations.

(6) Where practicable, include suitable future and additional black bear denning habitat in management zones and in stand retention.

(7) All found black bear dens must be documented and the documentation submitted to the applicable First Nations and the Province of British Columbia at the end of each calendar year.

Part 4 – Transition

1. Application of this order

- (1) This order and the land use objectives in this order take effect on the date that notice of this order is published in the Gazette, Part I.
- (2) The applicable period under section 8(2)(b) of the *Forest and Range Practices Act* is eight months, starting on the date this order comes into effect as specified in subsection (1).

Schedules to this Order

- Schedule A - Great Bear Rainforest Order Area (Landscape Units Covered by this Order)**
- Schedule B - Central and North Coast Area**
- Schedule C - South Central Coast Area**
- Schedule D - Grizzly Bear Habitat**
- Schedule E - Important Fisheries Watersheds**
- Schedule F - Site Series Group Minimum Old Forest Retention Levels Less Than 20% (by Landscape Unit)**
- Schedule G - Old Forest Targets (Order Area)**
- Schedule H - Potential Tree Height**
- Schedule I - Indigenous Heritage Features (Type 1 and Type 2)**
- Schedule J - Indigenous Forest Resources**
- Schedule K - South Central Coast Sec. 11(4), 12(4) Alternate Option**
- Schedule L - Section 16(1), 16(2) Matrix Site Series Groups**
- Schedule M - Section 16(1) Matrix Site Series Groups**
- Schedule N - Red-Listed Plant Communities**
- Schedule O - Blue-Listed Plant Communities**
- Schedule P - Klinaklini River, Viner Creek Reserve Zones**
- Schedule Q - Cedar Stewardship Areas**
- Schedule R - Kermode Stewardship Areas**
- Schedule S - Site Series Groups**