

Great Bear Rainforest Order

Great Bear Rainforest 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 requires an appropriate balance of social, economic and environmental benefits.

This order replaces the 2007 South Central Coast and Central and North Coast land use orders, as amended in 2009 and 2013. The intent is to 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 provide 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 specific intent in relation to maintenance of forested ecosystems is to establish a Natural Forest of 3,108,876 ha and to maintain old forest representation of each ecosystem at 70% of the range of natural variation (RONV) across the order area, with a few minor exceptions. In relation to the contribution commercial forestry makes towards human wellbeing, the intent of this order is to establish a Managed Forest area of 550,032 hectares and an AAC of 2.5 million m³ for the area until March 31, 2025.

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 aboriginal heritage features and aboriginal forest resources in the area, and provide enhanced access to opportunities for 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 enable more flexible 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 the Canadian average). Implementation of this order will be guided by a Background and Intent document.

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

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Ministry of Forests, Lands and Natural Resource Operations

Ministerial Order

Great Bear Rainforest

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 to the areas specified in each section as 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 the following tenures:
 - (a) a community forest agreement; and
 - (b) non-replaceable Forest Licences A49542, A49543, A34862, and A88640
- (4) Results or strategies specified in a forest stewardship plan may apply to more than one objective contained in this order.
- (5) This ministerial order establishes land use objectives in accordance with section 93.4 of the *Land Act*, and nothing in, under or arising out of this ministerial order abrogates or derogates from any aboriginal rights, aboriginal 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:

"aboriginal 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;

"aboriginal 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;

"aboriginal interests" means the asserted or proven aboriginal rights or aboriginal title or the treaty rights of an Applicable First Nation in the order area;

"aboriginal tree use" means the use of Monumental Cedar, other cedar or other tree species to fulfill the domestic needs of the Applicable First Nation for such things as shelter, transportation, tools, fuel, and art, but does not include the use of Monumental Cedar, other cedar or other tree species for purposes of commercial production or sale;

- "applicable first nation"** means any first nation with an asserted or established aboriginal right, aboriginal title or treaty right to the area under consideration;
- "average operational landbase netdown"** means the area-weighted average percentage of the aspatial timber harvesting land base netdown percentages for a Site Series Group in a landscape unit;
- "blue-listed plant community"** means a plant community listed in Schedule O that is Sufficiently Established and meets the age, stand structure and area criteria described in Schedule O;
- "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 resolve issues with Applicable First Nations and includes provision and consideration of all relevant information about potential impacts on Aboriginal Interests;
- "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;
- "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 which is designed to meet requirements for Old Forest representation, and simultaneously contribute to protection of Aboriginal Heritage Features, Aboriginal 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 or will be available for timber harvest;
- "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 fulfill the Aboriginal 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 forest"** means the area of productive forest that is not Managed Forest;
- "old forest"** means any of the following:
- (a) a stand of trees 250 years or older;
 - (b) an old, structurally complex stand comprised mainly of climax species where older seral remnants may still be present in the upper canopy and typically have:
 - (i) standing snags;
 - (ii) rotting logs on the ground; and
 - (iii) patchy understories; or
 - (c) a stand of trees that has reached the climax state for the ecosystem it is found in where trees naturally cycle at an age less than 250 years.
- "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;
- "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 organization 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 and meets the age, stand structure and area criteria described in Schedule N;

"restoration zone" means a zone established within a Restoration Landscape Unit Landscape Reserve Design that is established for the purpose of restoration of old forest structural attributes;

"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, a Red-Listed Plant Community or Blue-Listed Plant Community most commonly associated with late mature or Old Forest stand characteristics, with the exception of floodplains, or a Red-Listed Plant Community or Blue-Listed Plant Community found in a stand not defined as Old Forest but with a complex, open stand structure, along with a quantity and distribution of indicator plants for the listed community, that constitutes an element occurrence with a good or better viability rank.

"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;

"type 1 restoration landscape unit" means a Landscape Unit listed as a Type 1 Restoration Landscape Unit in Schedule H; and

"type 2 restoration landscape unit" means a Landscape Unit listed as a Type 2 Restoration Landscape Unit in Schedule H.

- (2) Words and expressions 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 thereunder, 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:
<ftp://ftp.geobc.gov.bc.ca/publish/Regional/Nanaimo/CoastImplementation/EBMDataCentre/Objectives/ScheduleData/>

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 ecological representation

- (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 and
 - (c) For the purposes of subsections (1)(a) and (1)(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), 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) alteration or harvesting is required for road access, 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; and
 - (b) The aggregate area of Old Forest in the order area harvested under subsection (2)(a) following the date of establishment of this order does not exceed 18,650 hectares.
- (3) For each Site Series Group listed in Schedule L, in the Landscape Units listed in Schedule K, up to 5% of the area required to meet the minimum Old Forest requirements specified in subsection (1)(c) or (2)(a)(ii) can be met in forest that is not Old Forest where this results in an improved ecological outcome.
- (4) Where there is not enough Old Forest available to meet the targets in subsections (1)(b) and (1)(c), or as a result of subsection (2), recruit forest to meet the Old Forest requirements by no later than 2264.
- (5) Despite subsections (1)(c) and (2)(a)(ii), for each Site Series Group listed in Schedule L, up to 5% of the area required to meet the minimum Old Forest requirements specified in subsections (1)(c) or (2)(a)(ii) may be met in Old Forest in a higher level Site Series Group in the same variant.
- (6) Despite subsections (1)(c), (2)(a)(ii), and (5), for each Site Series Group listed in Schedule M, and despite subsection (1)(a) for each Site Series Group in the CWHxm2, CWHdm and CWHmm1 biogeoclimatic variants, up to 5% of the combined area of each Site Series Group in the Thurlow, Fulmore, Gray and Estero Landscape Units required under subsections (1)(c) and (2) to meet the target for that Site Series Group may be met in an equal or higher level Site Series Group listed in Schedule M in any of the four Landscape Units.

5. Objectives for Landscape Reserve Designs

- (1) For each Landscape Unit in the order area, prepare a Landscape Reserve Design that:
- (a) addresses the Minimum Old Forest Retention Levels specified in sections 4(1)(c) and 4(2), the Old Forest Representation Targets specified in sections 4(1)(a) and 4(1)(b) and the Managed Forest area specified in section 6(1)(a); and
 - (b) to the extent practicable simultaneously contributes to the protection and stewardship of:
 - (i) Aboriginal Heritage Features, Aboriginal Forest Resources, and Aboriginal Tree Use; and
 - (ii) Red-Listed Plant Communities, Blue-Listed Plant Communities, habitat important for species at risk, ungulate winter range, and habitat for regionally important wildlife including, but not limited to, mountain goats, grizzly bears, northern goshawks, tailed frogs, and marbled murrelets.
- (2) For the purposes of subsection (1)(a), when preparing a Landscape Reserve Design, the provisions in

sections 4(3), 4(5) and 4(6) shall 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 within five years of the date of establishment of this order in those Landscape Units where harvesting is occurring or planned to commence within 5 years; or
 - (b) complete Landscape Reserve Designs prior to declaring areas or prior to the application for a road permit or cutting permit in those Landscape Units where harvesting is currently not occurring or is not planned to commence within 5 years.
- (5) Despite subsection (1)(a), for each Site Series Group in a Landscape Unit, a percentage of the Old Forest Representation Targets specified in section 4(1)(a) equivalent to 75% of the Average Operational Landbase Netdown for that Site Series Group is not required to be spatially defined until 2264.
- (6) Holders of licenses or tenures with an allowable annual cut of less than 20,000 cubic metres per year are exempt from subsections (1) and (4).
- (7) For the purposes of subsection (1), where because of harvest history or landscape characteristics or where 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) establish Temporary Old Forest Reserves outside of the Landscape Reserve Design, with an area sufficient to meet the Landscape Unit Minimum Old Forest Retention Level.
- (8) Despite subsection (3), thinning and silvicultural treatments are permitted in Landscape Reserve Designs to expedite restoration to Old Forest structural characteristics.
- (9) Old Forest in a Site Series Group within a Temporary Old Forest Reserve established under subsection (7)(b) may be harvested when:
 - (a) in the Type 1 Restoration Landscape Units referenced in section 7(1)(a), there has been sufficient recruitment of Old Forest in that Site Series Group to meet Old Forest Representation Targets within a Landscape Reserve Design; or
 - (b) in any Landscape Unit not referenced in section 7(1)(a), an equivalent area of younger forest in that Site Series Group in a Landscape Reserve Design in that Landscape Unit becomes Old Forest.
- (10) A Landscape Reserve Design may be altered or modified to address new information provided that:
 - (a) a Qualified Professional develops an alternative Landscape Reserve Design;
 - (b) the alternative Landscape Reserve Design meets the requirements of subsections (1) and (5); and
 - (c) any area removed from the altered Landscape Reserve:
 - (i) where none of the flexibility provisions in sections 4(3), 4(5) and 4(6) apply, is replaced with an equivalent area of forest in the same Site Series Group, and that is in the same seral stage or has similar stand structural characteristics; or
 - (ii) where a flexibility provision in section 4(3), 4(5) or 4(6) applies, is replaced with an equivalent area of forest, consistent with that flexibility provision.

6. Objectives for Managed Forest and Natural Forest

- (1) Identify and maintain in the order area:

- (a) an area of Managed Forest of 550,032 hectares that is or will be available for timber harvest; and
- (b) a Natural Forest area that continues to grow older over time subject to natural disturbance and non - forest tenure activity, and has an area of 3,108,876 hectares.

7. Objectives for Restoration Zones and Restoration Landscape Units

- (1) Restore landscape level biodiversity in Landscape Units with extensive past forest development activity by:
 - (a) Within Landscape Reserve Designs in each Type 1 Restoration Landscape Unit listed in Schedule H, designating a minimum of 30% of each Site Series Group as a Restoration Zone within two years of the date of establishment of this order, or as soon as practicable thereafter; and
 - (b) Within Landscape Reserve Designs in each Type 2 Restoration Landscape Unit listed in Schedule H, designating a minimum of 30% of each Site Series Group as a Restoration Zone prior to any development activity that will result in more than 30% of the Landscape Unit area being within Site Series Groups containing less than 30% total Old Forest.
- (2) For the purposes of subsections (1)(a) and (1)(b), when designating a Restoration Zone within a Landscape Reserve Design, the provisions in sections 4(3), 4(5) and 4(6) shall apply.
- (3) The boundaries of a Restoration Zone may be altered or modified to address new information, provided that:
 - (a) a Qualified Professional develops an alternative Landscape Reserve Design;
 - (b) the alteration or modification is required to address an operational access, infrastructure or safety issue and there is no practicable alternative;
 - (c) the alteration or modification maintains or improves ecological outcomes;
 - (d) any area removed from the Restoration Zone:
 - (i) where none of the flexibility provisions in sections 4(3), 4(5) and 4(6) apply, is replaced with an equivalent area of forest in the same Site Series Group, and that is in the same seral stage or has similar stand structural characteristics; or
 - (ii) where a flexibility provision in section 4(3), 4(5) or 4(6) applies, is replaced with an equivalent area of forest, consistent with that flexibility provision;
 - (e) any area removed from the Restoration Zone for safety reasons that does not also maintain or improve ecological outcomes must be replaced with an equivalent area of forest, consistent with the flexibility provisions in sections 4(3), 4(5) and 4(6); and
 - (f) the boundary alteration for an individual Restoration Zone in a Landscape Unit does not exceed 10 hectares in a calendar year.
- (4) Despite subsection (3)(f), a boundary alteration for an individual Restoration Zone in a Landscape Unit may exceed 10 hectares per year provided that a documented rationale for the alteration is prepared by a Qualified Professional.

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 areas specified in each section as shown in Schedule B (Central and North Coast Area).

2. Definitions

- (1) In this Part 2:

"aboriginal 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;

"aboriginal 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;

"aboriginal interests" means the asserted or proven aboriginal rights or aboriginal title or the treaty rights of an Applicable First Nation in the order area;

"aboriginal tree use" means the use of Monumental Cedar, other cedar or other tree species to fulfill the domestic needs of the Applicable First Nation for such things as shelter, transportation, tools, fuel, and art, but does not include the use of Monumental Cedar, other cedar or other tree species for purposes of commercial production or sale;

"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 an asserted or established aboriginal right, aboriginal title or treaty right to the area under consideration;

"bear den" means a den identified by a Qualified Professional that is suitable for winter hibernation and maternity;

"blue-listed plant community" means a plant community listed in Schedule O that is Sufficiently Established and meets the age, stand structure and area criteria described in Schedule O;

"cedar stewardship area" means an area identified in Schedule Q, or a similar area that is identified by first nations through First Nations 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 license 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;

"equivalent clearcut area" means an indicator that quantifies the percentage of the forested portion of a watershed that has been altered by harvesting, fires, insects or disease and has not recovered to a state of Hydrologically Effective Greenup;

"first nation engagement" means reasonable efforts to communicate, share information, engage in dialogue, and identify and resolve issues with Applicable First Nations and includes provision and consideration of all relevant information about potential impacts on Aboriginal Interests;

"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, not including poorly drained areas transitional to uplands where folisolic growing substrate (that is, 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 that has reached Hydrologically Effective Greenup and that also contains some large trees adjacent to streams to provide for large organic debris;

"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;

"hydrologically effective greenup" means the height, stocking density and crown closure at which the hydrologic conditions of a harvested site are restored to near pre-harvest conditions with the re-growth of new forest at the site

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

"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 fulfill the Aboriginal 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) an old, structurally complex stand comprised mainly of climax species where older seral remnants may still be present in the upper canopy and typically have:
 - (i) standing snags;
 - (ii) rotting logs on the ground; and
 - (iii) patchy understories; or

- (c) a stand of trees that has reached the climax state for the ecosystem it is found in where trees naturally cycle at an age less than 250 years.

"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 organization 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 and meets the age, stand structure and area criteria described in Schedule N;

"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, a Red-Listed Plant Community or Blue-Listed Plant Community most commonly associated with late mature or Old Forest stand characteristics, with the exception of floodplains, or a Red-Listed Plant Community or Blue-Listed Plant Community found in a stand not defined as Old Forest but with a complex, open stand structure, along with a quantity and distribution of indicator plants for the listed community, that constitutes an element occurrence with a good or better viability rank;

"tree length" means a distance equal to the measured or potential height of the dominant trees at Old Forest condition in the forest stands within or adjacent to a feature;

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

- (a) a reach of a watercourse and its active floodplain 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 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, connected by a perennial or seasonal stream to fish habitat described in (a);
- (c) an estuary or marine interface zone connected by a perennial or seasonal stream to fish habitat described in (a) or (b); or
- (d) herring spawn areas, kelp 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, with an average gradient less than or equal to 5%, that are known to be inhabited by fish and are directly connected to Type 1 Aquatic Habitat or S1 to S3 streams that are Type 2 Aquatic Habitat;
- (c) lakes greater than 0.25 hectares that are not Type 1 Aquatic Habitat; or
- (d) marsh and fen wetlands greater than 0.25 hectares that are not Type 1 Aquatic Habitat.

"upland stream" means a stream reach that is not Type 1 aquatic habitat and not Type 2 Aquatic Habitat; and

"watershed planning unit" means a watershed or watershed sub-unit that is used as a unit of analysis for calculating Functional Riparian 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 land use order conduct First Nation Engagement with Applicable First Nations.

4. Objective for identification of Aboriginal Forest Resources and Aboriginal Heritage Features

- (1) In Development Areas, through field reconnaissance or field assessments and First Nation Engagement as appropriate in areas proposed for road building or harvesting, identify Aboriginal Forest Resources, Aboriginal Heritage Features, Historical Culturally Modified Trees, Contemporary Culturally Modified Trees, Monumental Cedar and Cultural Cedar Stands.

5. Objective for Aboriginal Forest Resources

- (1) Maintain or enhance Aboriginal Forest Resources in a sufficient quantity and manner necessary to support Applicable First Nations' present and future stewardship and use of those resources.
- (2) Despite subsection (1), Aboriginal Forest Resources may be harvested or altered in order to meet silvicultural obligations, provided there has been First Nation Engagement with Applicable First Nations.

6. Objectives for Aboriginal Heritage Features

- (1) In Development Areas, protect Type 1 Aboriginal Heritage Features.
- (2) Adjacent to Type 1 Aboriginal Heritage Features, maintain a Reserve Zone with a minimum width of 200 metres, measured from the edge of the Type 1 Aboriginal Heritage Feature, to protect the Type 1 Aboriginal Heritage Feature.
- (3) Despite subsections (1) and (2), the Type 1 Aboriginal Heritage Feature and the Reserve Zone may be modified with the support of, or lack of objection from, the Applicable First Nations.
- (4) Despite subsections (2) and (3), the Reserve Zone may be modified when:
 - (a) alternative measures are implemented to avoid, mitigate or otherwise address impacts on the Type 1 Aboriginal Heritage Feature;
 - (b) there has been First Nation Engagement with Applicable First Nations regarding the alternative measures; and
 - (c) the modification is required for road access, other infrastructure, or to address a safety concern and there is no practicable alternative.
- (5) In Development Areas, protect Type 2 Aboriginal Heritage Features.
- (6) Adjacent to Type 2 Aboriginal Heritage Features, maintain a Reserve Zone with a minimum width of 1 Tree Length measured from the edge of the feature, and a Management Zone with an average minimum width of 0.5 Tree Lengths measured from the outer edge of the Reserve Zone to protect the Type 2 Aboriginal Heritage Feature from site-specific local hazards and windthrow.
- (7) Despite subsections (5) and (6), the Type 2 Aboriginal Heritage Feature and its Reserve Zone and Management Zone may be modified with the support of, or lack of objection from, the Applicable First Nation.

- (8) Despite subsections (5), (6) and (7) , the Type 2 Aboriginal Heritage Feature may be altered or removed and the Reserve Zone and Management Zone may be modified when:
- (a) alternative measures are implemented to avoid, mitigate or otherwise address impacts on the Type 2 Aboriginal Heritage Feature;
 - (b) there has been First Nation Engagement with Applicable First Nations regarding the alternative measures; and
 - (c) the alteration or removal is required for road access, other infrastructure, or to address a safety concern and there is no practicable alternative.

7. Objectives for Historical Culturally Modified Trees

- (1) In Development Areas, 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), the Historical Culturally Modified Tree and the Management Zone may be modified with the support of, or lack of objection from, the Applicable First Nation.
- (4) Despite subsections (1), (2) and (3), a Historical Culturally Modified Tree and the adjacent Management Zone may be altered or harvested if there has been First Nation Engagement with Applicable First Nations; and
 - (a) alteration or harvesting is required for road access, other infrastructure, or to address a safety concern and there is no practicable alternative; or
 - (b) protection of all of the Historical Culturally Modified Trees in the cutting permit area or timber sale licence area would make harvesting economically unviable.

8. Objectives for Aboriginal Tree Use

- (1) Maintain a sufficient volume and quality of western redcedar, yellow cedar and other tree species to support the Applicable First Nations' present and future Aboriginal Tree Use.
- (2) In Cedar Stewardship Areas, maintain, and recruit as necessary, Monumental Cedar, western redcedar and yellow cedar in a quantity sufficient to support the Applicable First Nations' present and future Aboriginal Tree Use.
- (3) Within Development Areas, retain Monumental Cedar with windfirm buffers, and Cultural Cedar Stands, in a quantity sufficient to support the Applicable First Nations' present and future Aboriginal Tree Use.
- (4) Despite subsection (3), a Monumental Cedar and its windfirm buffer, or a Cultural Cedar Stand, may be altered or harvested provided that there has been First Nation Engagement with Applicable First Nations; and
 - (a) it has been determined that the Monumental Cedar or Cultural Cedar Stand is not suitable or is not required for a cultural cedar use;
 - (b) the Monumental Cedar or Cultural Cedar Stand will be provided to the Applicable First Nation;
 - (c) the harvesting is required for road access, other infrastructure, or to address a safety concern and there is no practicable alternative; or
 - (d) retention of all of the Monumental Cedar and Cultural Cedar Stands in the Cutblock area would make harvesting economically unviable.
- (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) In Development Areas, 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 and measures are implemented to provide for use of the altered or harvested western yew trees by Applicable First Nations.
- (3) Where practicable, include western yew trees in Stand Retention.
- (4) All areas retained or managed in accordance with subsections (1), (2) and (3) must be documented and submitted 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) Maintain hydrological and fluvial processes in watersheds within the range of natural variation by maintaining an Equivalent Clearcut Area of less than 20% in each of the Important Fisheries Watersheds shown in Schedule E.
- (2) Despite subsection (1), an Equivalent Clearcut Area of more than 20% may be maintained provided that:
 - (a) there has been First Nation Engagement with Applicable First Nations;
 - (b) a coastal watershed assessment or similar assessment of watershed sensitivity to forest development disturbance is completed by a Qualified Professional;
 - (c) an amount, type and distribution of forest cover sufficient to sustain natural hydrological and fluvial processes within the watershed is maintained; and
 - (d) the effectiveness of the management strategies implemented pursuant to subsection (2)(c) are monitored.

11. Objectives for Type 1 Aquatic Habitat

- (1) Protect and maintain Type 1 Aquatic Habitats by, in a Development Area, maintaining an adjacent Reserve Zone with a minimum width of 1.5 Tree Lengths and do not alter or harvest the forest in the Reserve Zone unless there is no practicable alternative.
- (2) Despite subsection (1), the width of the Reserve Zone may be decreased at specific locations to address site characteristics and values, provided that:
 - (a) a decrease is no more than 0.5 Tree Lengths; and
 - (b) there is no net loss of Reserve Zone area required in subsection (1) in the Development Area.
- (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 has been First Nation Engagement with Applicable First Nations;

- (b) there is no net loss of Reserve Zone area required in subsection (1) in the Development Area;
 - (c) an aquatic habitat assessment has been prepared by a Qualified Professional that specifies measures:
 - (i) to maintain the geomorphic and hydriparian 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; and
 - (d) the measures in subsection (3)(c) are implemented.
- (4) Despite subsections (1), (2) and (3), for the lower portion of the Kimsquit River and its tributaries identified in Schedule P maintain a Reserve Zone with a width of 150 metres on each side of the Natural Boundary, unless there is no reasonable or practicable alternative for future road access, other infrastructure, or to address a safety concern. Existing road access and infrastructure is exempt from this reserve provision.
- (5) Where some or all of the forest required in subsections (1) and (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 by, in a Development Area, retaining 90% of the forest in an adjacent Management Zone with a minimum width of 1.5 Tree Lengths.
- (2) Despite subsection (1), the width of the Management Zone in any Development Area may be decreased by up to 0.5 Tree Lengths to address site characteristics, provided there is no net loss of Management Zone area within the Development Area.
- (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 has been First Nation Engagement with Applicable First Nations;
 - (b) there is no net loss of Management Zone area required in subsection (1) in the Development Area;
 - (c) an aquatic habitat assessment has been prepared by a Qualified Professional that specifies measures:
 - (i) to maintain the geomorphic and hydriparian 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; and
 - (d) measures in subsection (3)(c) are implemented.
- (4) Where some or all of the forest required in subsections (1), (2) and (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) Within Development Areas, 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.
- (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 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) there has been First Nation Engagement with Applicable First Nations;
 - (b) 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; and
 - (c) measures in subsection (4)(b) are implemented.
- (5) Where some or all of the forest within the Management Zone required in subsections (2), (3) and (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 hydrological and fluvial processes in the portion of Watershed Planning Units occupied by Upland Streams.
- (2) For the purposes of subsection (1), in the portion of the Watershed Planning Unit where Upland Streams occur, maintain a minimum of 70% of the forest as Functional Riparian Forest.
- (3) For the purposes of subsection (2), preferentially allocate the Functional Riparian Forest to encompass:
 - (a) Upland Streams that flow into Type 1 Aquatic Habitat and Type 2 Aquatic Habitat and that pose a moderate to high risk of sediment transport;
 - (b) Upland Stream reaches with unique microclimate or other rare ecological or sensitive geomorphological characteristics;
 - (c) Upland Stream reaches with known tailed frog habitat; and
 - (d) other Upland Streams that flow into Type 1 Aquatic Habitat and Type 2 Aquatic Habitat;
- (4) Despite subsection (2), in the portion of the Watershed Planning Unit where Upland Streams occur, less than 70% of the forest may be maintained as Functional Riparian Forest provided that:
 - (a) there has been First Nation Engagement with Applicable First Nations;
 - (b) a coastal watershed assessment or similar assessment of watershed sensitivity to forest development disturbance is completed by a Qualified Professional;
 - (c) an amount, type and distribution of forest cover sufficient to sustain natural hydrological and fluvial processes within the portion of the watershed where Upland Streams occur is maintained; and
 - (d) the effectiveness of the management strategies implemented pursuant to subsection (4)(c) are monitored.

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 has been First Nation Engagement with Applicable First Nations;
 - (b) no practicable alternative to access a Development Area is available;
 - (c) 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 4 or more live trees is proposed for safety reasons, provides an assessment of the potential impact on geomorphic stability; and
 - (d) the measures in subsection (3)(c) are implemented in a manner that will maintain the flow patterns, flow capacity and geomorphic stability of the Active Fluvial Unit.
- (4) Where some or all of the forest required to be retained in 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 Red-Listed Plant Communities and Blue-Listed Plant Communities

- (1) Protect each occurrence of a Red-Listed Plant Community during a primary forest activity as per Schedule N.
- (2) Despite subsection (1), up to 5% of each occurrence of a Red-Listed Plant Community may be disturbed if there is no practicable alternative for road access, other infrastructure or to address a safety concern.
- (3) 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 as per Schedule O.

17. Objectives for Stand Retention

- (1) Maintain forest structure and diversity at the stand level:
 - (a) by maintaining a minimum of 15% of the Cutblock area as Stand Retention; and
 - (b) in Cutblocks 20 hectares or greater in size, by distributing a minimum of 50% of the Stand Retention within the Cutblock except in:
 - (i) second growth stands where a windthrow hazard assessment indicates a moderate or higher biophysical hazard for windthrow; and
 - (ii) Old Forest stands where local knowledge has identified the potential for catastrophic inflow or outflow winds
- (2) To the extent practicable, include the following within Stand Retention:
 - (a) Aboriginal Forest Resources that are maintained or enhanced by retention in a mature or older forest;
 - (b) habitat elements important for species at risk, ungulate winter range, and regionally important

- wildlife;
- (c) representation of ecosystems and plant communities listed in Schedule N and Schedule O;
- (d) Functional Riparian Forest adjacent to Active Fluvial Units, Forested Swamps, fen and marsh wetlands and Upland Streams with unique features or moderate or higher risk of sediment transport;
- (e) western redcedar and yellow cedar for future Aboriginal Tree Use;
- (f) western yew;
- (g) within restoration landscape units, remnant patches of Old Forest in Site Series Groups where less than 30% of the total forest area is Old Forest ; and
- (h) wildlife trees and coarse woody debris.

Division 5 - Wildlife

18. Objectives for grizzly bear habitat

- (1) Maintain 100% of class 1 grizzly bear habitat shown in Schedule D; and
- (2) Maintain 50% of class 2 grizzly bear habitat shown in Schedule D.
- (3) Despite subsection (1), class 1 grizzly bear habitat polygons shown in Schedule D may be altered or harvested, provided that:
 - (a) there has been First Nation Engagement with Applicable First Nations;
 - (b) 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; and
 - (c) 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.
- (4) Despite subsection (1), class 1 grizzly bear habitat polygons may be altered or harvested for road access or to address a safety concern, provided that:
 - (a) there has been First Nation Engagement with Applicable First Nations;
 - (b) there is no other practicable alternative for road access or other infrastructure, or the alteration or harvesting is required to address a safety concern;
 - (c) the road right-of-way clearing width is the minimum safe width necessary to accommodate the road; and
 - (d) 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.

19. Objectives for grizzly and black Bear Dens

- (1) Protect grizzly Bear Dens and black 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) a black Bear Den; or
 - (b) a grizzly Bear Den or its Reserve Zone, or both,
- may occur, provided that:
- (c) there has been First Nation Engagement with Applicable First Nations;
 - (d) the alteration or removal is required for road access or to address a safety concern and there is no practicable alternative; and
 - (e) the alteration or removal does not occur during the winter hibernation season.
- (4) In addition to subsections (1) and (2), adjacent to any Reserve Zone required in subsection (2), maintain a Management Zone with an average width equal to 1.0 Tree Length, measured from the outer edge of the Reserve Zone, to protect the integrity of the Reserve Zone.
- (5) Within the Management Zone required under 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 no practicable alternative exists;
 - (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.
- (6) All found Bear Dens must be documented and this documentation must be submitted to the Applicable First Nations and the Province of British Columbia at the end of each calendar year.

20. Objectives for Kermode habitat

- (1) To maintain Kermode bear habitat, within the Kermode stewardship areas shown in Schedule R:
- (a) Maintain a maximum of 30% early seral forest and 40% mid seral forest;
 - (b) Maintain a maximum 70% crown closure within managed stands by the declaration of free-growing; and
 - (c) do not alter critical black bear habitat.
- (2) Despite subsection (1)(c), 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 there has been 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 specified in each section as shown in Schedule C (South Central Coast Area).

2. Definitions

- (1) In this Part 3:

"aboriginal 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;

"aboriginal 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;

"aboriginal interests" means the asserted or proven aboriginal rights or aboriginal title or the treaty rights of an Applicable First Nation in the order area;

"aboriginal tree use" means the use of Monumental Cedar, other cedar or other tree species to fulfill the domestic needs of the Applicable First Nation for such things as shelter, transportation, tools, fuel, and art, but does not include the use of Monumental Cedar, other cedar or other tree species for purposes of commercial production or sale;

"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 an asserted or established aboriginal right, aboriginal title or treaty right to the area under consideration;

"bear den" means a den identified by a Qualified Professional that is suitable for winter hibernation and maternity;

"blue-listed plant community" means a plant community listed in Schedule O that is Sufficiently Established and meets the age, stand structure and area criteria described in Schedule O;

"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;

"critical spawning and rearing area" means a highly productive or potentially highly productive fish habitat, where alteration to the structure and composition of the area is reasonably likely to reduce the reproductive success for invertebrates, and anadromous and resident fish species;

"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 license 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;

"equivalent clearcut area" means an indicator that quantifies the percentage of the forested portion of a watershed that has been altered by harvesting, fires, insects or disease and has not recovered to a state of Hydrologically Effective Greenup;

"first nation engagement" means reasonable efforts to communicate, share information, engage in dialogue, and identify and resolve issues with Applicable First Nations and includes provision and consideration of all relevant information about potential impacts on Aboriginal Interests;

"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, not including poorly drained areas transitional to uplands where folisolic growing substrate (that is, 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 that has reached Hydrologically Effective Greenup and that also contains some large trees adjacent to streams to provide for large organic debris;

"high value fish habitat" means Critical Spawning And Rearing Areas for anadromous and non-anadromous fish that are any of the following:

- (a) Estuaries that have eel grass beds or salmonid and eulachon rearing areas;
- (b) wet flood plains that are main channel salmonid and eulachon spawning habitat or off channel habitat used for rearing and spawning;
- (c) marine interface areas that are shallow intertidal areas, kelp beds, herring spawning areas, or shellfish beds;
- (d) High Value Fish Stream Channels; or
- (e) marsh, fen wetlands, or portions of lakes larger than .25 hectares with known sockeye salmon lakeshore spawning activity;

"high value fish stream channel" means a fish stream channel with typically all of the following characteristics:

- (a) spawning quality non-compacted gravel substrate;
- (b) stream is prone to moving laterally beyond its active channel;
- (c) riparian vegetation is critical to limit bank erosion and channel widening;
- (d) highly productive fish habitat;
- (e) large woody debris is important for channel structure and habitat features; and
- (f) sensitive to disturbance of adjacent riparian forest;

"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;

"hydrologically effective greenup" means the height, stocking density and crown closure at which the hydrologic conditions of a harvested site are restored to near pre-harvest conditions with the re-growth of new forest at the site;

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

"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 fulfill the Aboriginal 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) an old, structurally complex stand comprised mainly of climax species where older seral remnants may still be present in the upper canopy and typically have:
 - (i) standing snags;
 - (ii) rotting logs on the ground; and
 - (iii) patchy understories; or
- (c) a stand of trees that has reached the climax state for the ecosystem it is found in where trees naturally cycle at an age less than 250 years.

"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 organization 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 and meets the age, stand structure and area criteria described in Schedule N;

"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, a Red-Listed Plant Community or Blue-Listed Plant Community most commonly associated with late mature or Old Forest stand characteristics, with the exception of floodplains, or a Red-Listed Plant Community or Blue-Listed Plant Community found in a stand not defined as Old Forest but with a complex, open stand structure, along with a quantity and distribution of indicator plants for the listed community, that constitutes an element occurrence

with a good or better viability rank;

"**tree length**" means a distance equal to the height of the dominant trees at time of harvest in the forest stands within or adjacent to a feature; and

"**upland stream**" means a stream with a slope greater than 5% and that is classified as an S4, an S5 or an S6 stream.

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.

4. Objective for identification of Aboriginal Forest Resources and Aboriginal Heritage Features

- (1) In Development Areas, through field reconnaissance or field assessments and First Nation Engagement as appropriate in areas proposed for road building or harvesting, identify Aboriginal Forest Resources, Aboriginal Heritage Features, Historical Culturally Modified Trees, Contemporary Culturally Modified Trees, Monumental Cedar and Cultural Cedar Stands.

5. Objective for Aboriginal Forest Resources

- (1) Maintain or enhance Aboriginal Forest Resources in sufficient quantity and manner to support Applicable First Nations' present and future stewardship and use of those resources.
- (2) Despite subsection (1), Aboriginal Forest Resources may be harvested or altered in order to meet silvicultural obligations, provided there has been First Nation Engagement with Applicable First Nations.

6. Objectives for Aboriginal Heritage Features

- (1) In Development Areas, protect Type 1 Aboriginal Heritage Features.
- (2) Adjacent to Type 1 Aboriginal Heritage Features, maintain a Reserve Zone with a minimum width of 200 metres, measured from the edge of the Type 1 Aboriginal Heritage Feature, to protect the Type 1 Aboriginal Heritage Feature.
- (3) Despite subsections (1) and (2), the Type 1 Aboriginal Heritage Feature and the Reserve Zone may be modified with the support of, or lack of objection from, the Applicable First Nation.
- (4) Despite subsections (2) and (3), the Reserve Zone may be modified when:
 - (a) alternative measures are implemented to avoid, mitigate or otherwise address impacts on the Type 1 Aboriginal Heritage Feature;
 - (b) there has been First Nation Engagement with Applicable First Nations regarding the alternative measures; and
 - (c) the modification is required for road access, other infrastructure, or to address a safety concern and there is no practicable alternative.
- (5) In Development Areas, protect Type 2 Aboriginal Heritage Features.
- (6) Adjacent to Type 2 Aboriginal Heritage Features, maintain a Reserve Zone with a minimum width of 1 Tree Length measured from the edge of the feature, and a Management Zone with an average minimum width of 0.5 Tree Lengths measured from the outer edge of the Reserve Zone to protect the Type 2 Aboriginal Heritage Feature from site-specific local hazards and windthrow.

- (7) Despite subsections (5) and (6), the Type 2 Aboriginal Heritage Feature and its Reserve Zone and Management Zone may be modified with the support of, or lack of objection from, the Applicable First Nation.
- (8) Despite subsections (5), (6) and (7) , the Type 2 Aboriginal Heritage Feature may be altered or removed and the Reserve Zone and Management Zone may be modified when:
 - (a) alternative measures are implemented to avoid, mitigate or otherwise address impacts on the Type 2 Aboriginal Heritage Feature;
 - (b) there has been First Nation Engagement with Applicable First Nations regarding the alternative measures; and
 - (c) the alteration or removal is required for road access, other infrastructure, or to address a safety concern and there is no practicable alternative.

7. Objectives for Historical Culturally Modified Trees

- (1) In Development Areas, 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), the Historical Culturally Modified Tree and the Management Zone may be modified with the support of, or lack of objection from, the Applicable First Nation.
- (4) Despite subsections (1), (2) and (3), a Historical Culturally Modified Tree and the Management Zone may be altered or harvested if there has been First Nation Engagement with Applicable First Nations; and
 - (a) alteration or harvesting is required for road access, other infrastructure, or to address a safety concern and there is no practicable alternative; or
 - (b) protection of all of the Historical Culturally Modified Trees in the cutting permit area or timber sale licence area would make harvesting economically unviable.

8. Objectives for Aboriginal Tree Use

- (1) Maintain a sufficient volume and quality of western redcedar, yellow cedar and other tree species to support the Applicable First Nations' present and future Aboriginal Tree Use.
- (2) In Cedar Stewardship Areas, maintain, and recruit as necessary, Monumental Cedar, western redcedar and yellow cedar in a quantity sufficient to support the Applicable First Nations' present and future Aboriginal Tree Use.
- (3) Within Development Areas, retain Monumental Cedar with windfirm buffers and Cultural Cedar Stands in a quantity sufficient to support the Applicable First Nations' Aboriginal Tree Use.
- (4) For the purposes of subsection (3), a Monumental Cedar and its windfirm buffer, or a Cultural Cedar Stand, may be altered or harvested provided that there has been First Nation Engagement with Applicable First Nations; and
 - (a) it has been determined that the Monumental Cedar or Cultural Cedar Stand is not suitable or is not required for a cultural cedar use;
 - (b) the Monumental Cedar or Cultural Cedar Stand will be provided to the Applicable First Nation;
 - (c) the harvesting is required for road access, other infrastructure, or to address a safety concern and there is no practicable alternative; or

- (d) retention of all of the Monumental Cedar and Cultural Cedar Stands in the Cutblock area would make harvesting economically unviable.
- (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) In Development Areas, 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 and measures are implemented to provide for use of the altered or harvested western yew trees by Applicable First Nations.
- (3) Where practicable, include western yew trees in Stand Retention.
- (4) All areas retained or managed in accordance with subsections (1), (2) and (3) must be documented and submitted 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) Maintain hydrological and fluvial processes in watersheds within the range of natural variation by maintaining an Equivalent Clearcut Area of less than 20% in each of the Important Fisheries Watersheds shown in Schedule E.
- (2) Despite subsection (1), an Equivalent Clearcut Area of more than 20% may be maintained provided that:
 - (a) there has been First Nation Engagement with Applicable First Nations;
 - (b) a coastal watershed assessment or similar assessment of watershed sensitivity to forest development disturbance is completed by a Qualified Professional;
 - (c) an amount, type and distribution of forest cover sufficient to sustain natural hydrological and fluvial processes within the watershed is maintained; and
 - (d) the effectiveness of the management strategies implemented pursuant to subsection (2)(c) are monitored.

11. Objectives for High Value Fish Habitat

- (1) Protect and maintain High Value Fish Habitat by, in a Development Area, maintaining an adjacent Reserve Zone with a minimum width of 1.5 Tree Lengths and do not alter or harvest the forest in the Reserve Zone unless there is no practicable alternative.
- (2) Despite subsection (1), the width of the Reserve Zone may be decreased at specific locations to address site characteristics and values, provided that:
 - (a) a decrease is no more than 0.5 Tree Lengths; and
 - (b) there is no net loss of the total minimum Reserve Zone area in the Development Area.
- (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 has been First Nation Engagement with Applicable First Nations;
 - (b) there is no net loss of Reserve Zone area required in subsection (1) in the Development Area;
 - (c) an aquatic habitat 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 Reserve Zone from windthrow; and
 - (d) the measures in subsection (3)(c) are implemented.
- (4) 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, other infrastructure, or to address a safety concern. Existing road access and infrastructure is exempt from this reserve provision.
- (5) Where some or all of the forest required under subsections (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 possible.

12. Objectives for aquatic habitat that is not High Value Fish Habitat

- (1) Maintain the natural ecological function of aquatic habitat that is not High Value Fish Habitat by, adjacent to the following aquatic habitat in a Development Area:
- (a) S1 to S3 streams that are not High Value Fish Habitat;
 - (b) lakes greater than 0.25 hectares; and
 - (c) marsh and fen wetlands greater than 0.25 hectares;
- retaining 90% of the forest in a Management Zone with a minimum width of 1.5 Tree Lengths.
- (2) Despite subsection (1), the width of the Management Zone in any Development Area may be decreased by up to 0.5 Tree Lengths to address site characteristics, provided there is no net loss of Management Zone area within the Development Area.
- (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 has been First Nation Engagement with Applicable First Nations;
 - (b) there is no net loss of Management Zone area required in (1) in the Development Area;
 - (c) a fish habitat 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 Reserve Zone from windthrow; and

- (d) measures in subsection (3)(c) are implemented.
- (4) Despite subsections (1), (2) and (3), a forest stewardship plan may comply with the provisions for the management of riparian management areas in accordance with the *Forest and Range Practices Act* and the regulations made thereunder, including Part 4, Division 3 of the Forest Planning and Practices Regulation, as of December 31, 2014, for S1 to S3 streams and for lakes, and marsh and fen wetlands greater than 0.25 hectares.
- (5) Alteration or harvest within the riparian management area described in subsection (4) may occur, provided that:
 - (a) there has been First Nation Engagement with Applicable First Nations;
 - (b) Functional Riparian Forest sufficient to maintain stream bank stability and stream channel integrity is retained;
 - (c) indicators to be tracked have been identified to evaluate the effectiveness of the recommended riparian strategies; and
 - (d) the effectiveness of representative riparian strategies using identified indicators is evaluated.
- (6) Where some or all of the forest required in subsections (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) Within Development Areas, 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.
- (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 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) there has been First Nation Engagement with Applicable First Nations;
 - (b) 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; and
 - (c) measures in subsection (4)(b) are implemented.
- (5) Where some or all of the forest within the Management Zone required in subsections (2), (3) and (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 hydrological and fluvial processes in the portion of Important Fisheries Watersheds shown in Schedule E that is occupied by Upland Streams.
- (2) For the purposes of subsection (1), within the Important Fisheries Watersheds shown in Schedule E, in the portion of the watershed where Upland Streams occur, maintain a minimum of 70% of the forest as

Functional Riparian Forest.

- (3) For the purposes of subsection (2), preferentially allocate the Functional Riparian Forest to encompass:
 - (a) Upland Streams that flow into High Value Fish Habitat and fish habitat that is not High Value Fish Habitat and that pose a moderate to high risk of sediment transport;
 - (b) Upland Stream reaches with unique microclimate or other rare ecological or sensitive geomorphological characteristics;
 - (c) Upland Stream reaches with known tailed frog habitat; and
 - (d) other Upland Streams that flow into High Value Fish Habitat and fish habitat that is not High Value Fish Habitat;
- (4) Despite subsection (2), in the portion of the Important Fisheries Watershed where Upland Streams occur, less than 70% of the forest may be maintained as Functional Riparian Forest provided that:
 - (a) there has been First Nation Engagement with Applicable First Nations;
 - (b) a coastal watershed assessment or similar assessment of watershed sensitivity to forest development disturbance is completed by a Qualified Professional;
 - (c) an amount, type and distribution of forest cover sufficient to sustain natural hydrological and fluvial processes within the portion of the watershed where Upland Streams occur is maintained; and
 - (d) the effectiveness of the management strategies implemented pursuant to subsection (4)(c) are monitored.

15. Objectives for Active Fluvial Units

- (1) Retain a minimum of 90% of the Functional Riparian Forest on Active Fluvial Units.
- (2) Despite subsection (1), less than 90% of the forest on an Active Fluvial Unit may be retained to allow for road access or to address a safety concern, provided that:
 - (a) there has been First Nation Engagement with Applicable First Nations;
 - (b) no practicable alternative to access a Development Area is available;
 - (c) 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 4 or more live trees is proposed for safety reasons, provides an assessment of the potential impact on geomorphic stability; and
 - (d) the measures in subsection (2)(c) are implemented in a manner that will maintain the flow patterns and flow capacity and geomorphic stability of the Active Fluvial Unit.
- (3) Where some or all of the forest required to be retained in subsection (1) 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 as per Schedule N.

- (2) Despite subsection (1), up to 5% of each occurrence of a Red-Listed Plant Community may be disturbed if there is no practicable alternative for road access, other infrastructure or to address a safety concern.
- (3) 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 as per Schedule O.

17. Objectives for Stand Retention

- (1) Maintain forest structure and diversity at the stand level:
 - (a) by maintaining a minimum of 15% of a Cutblock area as Stand Retention; and
 - (b) in Cutblocks 20 hectares or greater in size, by distributing a minimum of 50% of the Stand Retention within the Cutblock, except in:
 - (i) second growth stands where a windthrow hazard assessment indicates a moderate or higher biophysical hazard for windthrow; and
 - (ii) Old Forest stands where local knowledge has identified the potential for catastrophic inflow or outflow winds.
- (2) To the extent practicable, include the following within Stand Retention:
 - (a) Aboriginal Forest Resources that are maintained or enhanced by retention in a mature or older forest
 - (b) habitat elements important for species at risk, ungulate winter range, and regionally important wildlife;
 - (c) representation of ecosystems and plant communities listed in Schedule N and Schedule O;
 - (d) Functional Riparian Forest adjacent to Active Fluvial Units, Forested Swamps, fen and marsh wetlands and Upland Streams with unique features or moderate or higher risk of sediment transport;
 - (e) western redcedar and yellow cedar for future Aboriginal Tree Use;
 - (f) western yew;
 - (g) within restoration landscape units, remnant patches of Old Forest in Site Series Groups where less than 30% of the total forest area is Old Forest; and
 - (h) wildlife trees and coarse woody debris.

Division 5 - Wildlife

18. Objectives for grizzly bear habitat

- (1) Maintain 100% of class 1 grizzly bear habitat shown in Schedule D.
- (2) Despite subsection (1), class 1 grizzly bear habitat polygons may be altered or harvested, provided that:
 - (a) there has been First Nation Engagement with Applicable First Nations;
 - (b) 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; and

- (c) 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.
- (3) Despite subsection (1), class 1 grizzly bear habitat polygons may be altered or harvested for road access or to address a safety concern, provided that:
 - (a) there has been First Nation Engagement with Applicable First Nations;
 - (b) there is no other practicable alternative for road access or other infrastructure, or the alteration or harvesting is required to address a safety concern;
 - (c) that the road right-of-way clearing width is the minimum safe width necessary to accommodate the road; and
 - (d) 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.

19. Objectives for grizzly and black Bear Dens

- (1) Protect grizzly Bear Dens and black 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) a black Bear Den; or
 - (b) a grizzly Bear Den or its Reserve Zone, or both,
 may occur, provided that:
 - (c) there has been First Nation Engagement with Applicable First Nations;
 - (d) the alteration or removal is required for road access or to address a safety concern and there is no practicable alternative; and
 - (e) the alteration or removal does not occur during the winter hibernation season if the den is occupied.
- (4) In addition to subsections (1) and (2), adjacent to any Reserve Zone required in subsection (2), maintain a Management Zone with an average width equal to 1.0 Tree Length, measured from the outer edge of the Reserve Zone, to protect the integrity of the Reserve Zone.
- (5) Within the Management Zone required under 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 no practicable alternative exists;
 - (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.
- (6) All found Bear Dens must be documented and this documentation must be 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.
- (2) The applicable period under section 8(2)(b) of the *Forest and Range Practices Act* is six months, starting on the date this order comes into effect as specified in subsection (1).



JAN 21 2016

Steve Thomson, Minister
Ministry of Forests, Lands and Natural Resource Operations

Date

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 - Restoration Landscape Units (Type 1 and Type 2)**
- Schedule I - Aboriginal Heritage Features (Type 1 and Type 2)**
- Schedule J - Aboriginal Forest Resources**
- Schedule K - Section 4(3) Landscape Units**
- Schedule L - Section 4(3), 4(5) Matrix Site Series Groups**
- Schedule M - Section 4(6) Matrix Site Series Groups**
- Schedule N - Red-Listed Plant Communities**
- Schedule O - Blue-Listed Plant Communities**
- Schedule P - Kimsquit River, Klinaklini River, Viner Creek Reserve Zones**
- Schedule Q - Cedar Stewardship Areas**
- Schedule R - Kermode Stewardship Areas**
- Schedule S - Site Series Groups**