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# FOREST ACT BULLETIN

June 10, 2021

## Ministerial Order for Old Growth Designated Areas

Order in Council 500 of 2020 and  
Old Growth Designated Area No. 1 under Section 169 of the *Forest Act* (Part 13 Designation Order)

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DATE:

DATE of previous FOREST ACT BULLETIN #6 September 17, 2020

### 1.0 Legislative Reference:

1. Part 13 *Forest Act*.
2. Order in Council 500 for Old Growth Order Designation Area No 1 Regulation [https://www.bclaws.ca/civix/document/id/oic/oic\\_cur/0500\\_2020](https://www.bclaws.ca/civix/document/id/oic/oic_cur/0500_2020)
3. Ministerial Order M232 for Old Growth Order Designated Area No 1 BC Reg. #228/2020 [https://www.bclaws.gov.bc.ca/civix/document/id/mo/mo/m0232\\_2021](https://www.bclaws.gov.bc.ca/civix/document/id/mo/mo/m0232_2021)
4. Ministerial Order M233 for the Fairy Creek Watershed Designated Area No 1 BC Reg # 148/2021 [https://www.bclaws.gov.bc.ca/civix/document/id/mo/mo/m0233\\_2021](https://www.bclaws.gov.bc.ca/civix/document/id/mo/mo/m0233_2021)

### 2.0 Purpose:

To ensure harvesting operations within the Old Growth Designated Areas and Fairy Creek watershed is consistent with the Ministerial Order.

### 3.0 Background:

On September 11, 2020, Order in Council 500 of 2020 took effect, establishing the Old Growth Designated Area No. 1 under Section 169 of the *Forest Act* (Part 13 Designation Order). The map of Old Growth Designated Area No. 1 has a file name Old\_Growth\_PT13\_No1\_20200722 with GEOBC. Subsequently, the Minister of Forests, Land, Natural Resource Operations and Rural Opportunities (FLNRORD) issued an Old Growth Part 13 Designated Area Order in relation to nine of the areas designated under the Part 13 Designation Order that will be in effect until August 31, 2022 (the Minister's Order).

On June 9, 2021, Order in Council 333 of 2021 took effect, establishing the Ferry Creek Watershed Designated Area No 1 under Section 169 of the *Forest Act*. The map of the Ferry Creek Watershed Designated Area No. 1 has a file name Fairy\_Creek\_PT13\_20210607 with GEOBC. Subsequently the Minister of FLNRORD repealed Ministerial Order 338 and issued Order 232 and 233. The Minister's Order applies to all areas designated under the Part 13 Designation Orders including the central Walbran Old Growth Area and the Ferry Creek Watershed. The purpose of the Minister's orders is to ensure that old growth timber in the designated areas, an area totalling 355,088 hectares, are protected from forestry activities while the Province undertakes consultations respecting long-term management of old growth may proceed.

#### **4.0 List of old-growth areas subject to Minister's Order 232:**

1. Clayoquot Sound: 260,578 hectares. Renowned for its beauty and range of resource values, typical forests of the very wet Coastal Western Hemlock zone, with western hemlock, western red cedar, yellow cedar, balsam, berries, ferns and moss.
2. Crystalline Creek: 9,595 hectares. A tributary of the south fork of the Spillimacheen River, an intact watershed with wetland complexes and old and mature forests.
3. H'Kusam: 1,050 hectares. Pronounced kew-sum, this easily accessible area contains outstanding examples of culturally modified trees and intact stands of old-growth cedar.
4. Incomappleux Valley: 40,194 hectares. Inland rainforest with intact riparian habitats, more than 250 lichen species, lowland forests and old-growth forests estimated to be between 800 and 1,500 years old.
5. McKelvie Creek: 2,231 hectares. Intact valley of old-growth temperate rainforest and intact watershed providing rich wildlife and salmon habitat.
6. Seven Sisters: 4,510 hectares. A complete elevation sequence of forested ecosystems, with a blend of coastal, interior and northern features, habitat for many red- and blue-listed wildlife species.
7. Skagit-Silver Daisy: 5,745 hectares. Largely intact transition forest between coastal and interior types, with species representative of both, including sub-alpine fir, western and mountain hemlock, western red and yellow cedar and Douglas fir, home to wildlife including spotted owls.
8. Stockdale Creek: 11,515 hectares. Old and mature forests in an intact watershed, an important wildlife corridor with high-value grizzly bear habitat.
9. Upper Southgate River: 17,321 hectares. Coastal rainforest providing a rich habitat for wildlife and multiple species of salmon.
10. Central Walbran: 1,150 hectares old and mature forest providing habitat for flora and fauna.

#### **Ferry Creek Watershed subject to Ministerial Order 233**

1. Ferry Creek Watershed: 1,199 hectares. Old growth and mature forests providing rich habitat for marbled murrelet and other land and aquatic species.

Maps of these old-growth areas immediately subject to the Minister's Order, can be found at: [ftp://ftp.geobc.gov.bc.ca/sections/outgoing/dss/GeoBC\\_Digital\\_Media/PART13/Old\\_Growth\\_P T13\\_No1\\_20200722/](ftp://ftp.geobc.gov.bc.ca/sections/outgoing/dss/GeoBC_Digital_Media/PART13/Old_Growth_P T13_No1_20200722/)

## **5.0 Interpretation and Practice Requirements:**

The Minister's authority to issue the Minister's Orders 232 and 233 is in accordance with Section 170 (2) of the *Forest Act* which is within Part 13 of the Act.

The Minister's Orders effectively suspends all harvesting rights under the *Forest Act* and *Forest and Range Practices Act* within the designated areas where the forest cover projected stand age (i.e. projected Vegetation Resource Inventory (VRI) stand age as of "today") as determined by FLNRORD is greater than 212 years for the natural disturbance type 1, 2, and 4, and greater than 119 for the natural disturbance type 3. Licensees are required to stop all active timber falling operations within these areas immediately. District Managers and Licensees should work together to ensure notification is provided to the District Manager for all cutting authorities when and where operations have been suspended.

The Minister's Orders also directs decision makers not to issue harvesting authorities in the designated areas where the forest cover projected stand age is greater than 212 years for the natural disturbance type 1, 2, and 4, and greater than 119 for the natural disturbance type 3. The cutting authorities in the 10 Designated Areas and Fairy Creek Watershed Zone B listed in Section 4 (above) that are not suspended or for which new authorities may be issued are for the following circumstances:

- Harvest of second growth, or the removal of previously felled old growth.
- Free use permits for indigenous or personal use (i.e. firewood or single Christmas Tree) (section 48 (1), (a.1), (b), (g) or (h) of the *Forest Act*).
- Salvage activities under licence to cut issued under section 47.6 (2)(d) of the *Forest Act* that pertains to the cutting, damage or destruction of standing timber described in section 2 (1) of the Licence to Cut Regulation or a cutting permit, timber sale licence or forestry licence to cut referred to in section 72 (2) of the *Forest Act*, as that permit or licence pertains to the cutting, damage or destruction of standing Damaged Timber .
- Maintenance and deactivation of existing roads.

The cutting authorities in the Fairy Creek Watershed Zone A listed in Section 4 (above) that are not suspended or for which new authorities may be issued are for the following circumstances:

- Free use permits for indigenous or personal use (i.e. firewood or single Christmas Tree) (section 48 (1) (g) or (h) of the *Forest Act*).
- The holder of road permit R05412 is permitted to remove timber felled prior to the effective date of the MO 233. Maintenance and deactivation of existing roads.

The Minister's Orders does not apply to the cutting, damage or destruction of timber under the *Park Act*, *Wildfire Act*, or the *Transportation Act*.

Holders of licences or permits effected by the Minister's Orders are advised to seek their own legal advice on the interpretation of the order.

The attached diagram (Figure 1) illustrates an example of the area that would not be permitted for harvest with the designated area. The hatched area represents a stand of trees within the one cut block of a cutting permit that must not be harvested as it contains trees that are greater than 212/119 years of age according to the VRI. If the holder of the cutting authority wishes to proceed with harvesting of the surrounding trees outside the suspended harvest area, licensees are advised to contact the local forest district to discuss the specific harvest proposal.

## 6.0 Roles and Responsibilities:

Licensees: must suspend all operations within Old Growth Designated Area that the projected stand age is 212 years today for Natural Disturbance Type 1, 2, and 4 or 119 years today for Natural Disturbance Type 3.

Forest Tenures Branch staff: support and continue to provide guidance on the interpretation of this legislation to stakeholder including FLNRORD staff

Area Tenures staff: communication to District staff

District/Compliance and Enforcement staff: compliance and enforcement of the Minister's Orders

District Manager/Regional Executive Director ensure consistency with the Minister's Orders

Other Agency staff, including FLNRORD Branch staff: continue to evaluate the implementation of the Minister's Orders

## 7.0 Attachments/References:

1. Figure 1: Example of a suspended area within a cutting permit located in a Old Growth Designated Area
2. maps on file with GeoBC, Ministry of Forests, Lands, Natural Resource Operations and Rural Development, with the file name "Old\_Growth\_PT13\_No1\_20200722" and "Fairy Creek PT13 20210607"  
[ftp://ftp.geobc.gov.bc.ca/sections/outgoing/dss/GeoBC\\_Digital\\_Media/PART13/Old\\_Growth\\_PT13\\_No1\\_20200722/](ftp://ftp.geobc.gov.bc.ca/sections/outgoing/dss/GeoBC_Digital_Media/PART13/Old_Growth_PT13_No1_20200722/)
3. [ftp://ftp.geobc.gov.bc.ca/sections/outgoing/dss/GeoBC\\_Digital\\_Media/PART13/Fairy\\_Creek\\_PT13\\_20210607/](ftp://ftp.geobc.gov.bc.ca/sections/outgoing/dss/GeoBC_Digital_Media/PART13/Fairy_Creek_PT13_20210607/)
4. The spatial data for all Designated Areas is available via the BC Data Catalog in this dataset: <https://catalogue.data.gov.bc.ca/dataset/fadm-designated-areas> Biogeoclimatic layer including Natural Disturbance Type <https://catalogue.data.gov.bc.ca/dataset/bec-map>