

A Framework for Landscape Reserve Design in the Great Bear Rainforest

Background

In March 2006 a number of First Nations and the Province entered into Strategic Land Use Planning Agreements (SLUPAs)¹, a Coastal First Nations-BC Land and Resource Protocol (LRP)² and a Nanwakolas-BC Land Use Planning Agreement in Principle (AIP)³ wherein they agreed to implement Ecosystem-Based Management (EBM) in the Central and North Coast area (“the Great Bear Rainforest” or “GBR Plan Area”). Signatory First Nations and the Province then took steps to implement EBM on a government to government (G2G) basis including, among other things, establishment of new protected areas and land use objectives under provincial legislation.

In March 2009 First Nations that were signatory to the LRP and the AIP and the Province agreed to a definition of Full Implementation of EBM. This definition identified the establishment of landscape reserves as a key component of full implementation.

A framework and planning method for the preparation of strategic landscape reserve designs (SLRDs) was agreed to in April 2009. Over the next two years planners and technical teams prepared an initial set of designed and modelled strategic landscape reserve designs (SLRDs) for the landscape units in the GBR Plan Area. These initial SLRDs had no legal or regulatory standing and were implemented as guidance and information for operational planning.

From 2014-2016 a review was conducted of the Land Use Orders (LUOs) in the GBR. As an outcome of this review and related G2G discussions, signatory First Nations and the Province have agreed to rescind the existing LUOs and replace them with a new 2016 Great Bear Rainforest (GBR) Land Use Order (LUO).⁴ The new unified GBR LUO contains an objective which establishes a legal requirement to complete landscape reserves designs (LRDs) for each landscape unit in the GBR Plan Area.

Purpose

This document presents a governance and general process framework for LRD development and implementation in the GBR Plan Area. The following sections summarize:

- The scope, legal and policy context for LRD planning;
- LRD planning governance and responsibilities;
- The goals, principles and considerations for LRD planning;

¹ Strategic Land Use Planning Agreements have been signed by the following First Nations: Wuikinuxv, Nuxalk, Heiltsuk, Kitasoo-Xai'xais, Haisla, Gitga'at, Metlakatla, Gitxaala, Kitselas, Kitsumkalum, Ulkatcho, Lax Kw'alaams, Homalco, Kwiakah and Gwawaenuk.

² The LRP was signed by First Nations involved in the Coastal First Nations

³ The AIP was signed by First Nations involved in the Nanwakolas Council

⁴ The new GBR LUO was established on January 28, 2016

- Key deliverables of LRD planning; and
- LRD development and implementation process.

This document also provides a compendium of relevant LRD definitions (see Appendix 1) and a graphic overview of the LRD development process (see Appendix 2).

A companion document, the 2016 Landscape Reserve Design Methodology (<https://www.for.gov.bc.ca/tasb/SLRP/plan17.html>) provides detailed technical guidance regarding development of individual LRDs. Additional information regarding implementation of the GBR LUO can be found in the GBR LUO Background and Intent document.

Scope and Context

This framework for LRD development and implementation applies to the landscape units that fall within or which overlap with the boundaries of the area covered by the GBR LUO. As specified in the GBR LUO, all holders of licenses or tenures with an annual allowable cut of more than 20,000 m³ per year are required, for the landscape units they will be operating in, to develop and implement LRDs..

The strategic, legal and policy context for LRD development in the GBR LUO area includes:

- Coordination and oversight of EBM implementation including LRD development by First Nation-Provincial G2G forums⁵;
- Provincial Crown and forest licensee obligations for First Nation consultation, information sharing and engagement;
- First Nation-Provincial strategic land use and economic agreements (which among other things identify commitments and policies intended to support First Nations access to carbon credits and other economic opportunities);
- Regulatory, policy and technical direction for EBM including the GBR LUO and associated Ministerial direction;
- This LRD framework and the LRD Methodology.

Governance and Responsibilities

LRD development and implementation occurs within the First Nation-Provincial G2G governance framework established by applicable SLUPAs, the LRP, the AIP, and Reconciliation Protocols:

- LRD direction, process and effectiveness oversight, and major issue resolution by the First Nation-Provincial G2G EBM forums (i.e., the Nanwakolas-BC and CFN-BC Reconciliation Protocol Governance Forums);

⁵ These include the Coastal First Nations-BC Reconciliation Protocol Governance Forum and the Nanwakolas-BC EBM Forums

- LRD technical oversight, quality assurance, and planning issue resolution by Nanwakolas-FLNR and CFN-FLNR G2G collaborative EBM Implementation Technical Teams as assigned by the First Nation-Provincial G2G EBM forums;
- LRD process coordination, coordination of LRD implementation and information tracking of LRDs in the GBR LUO area by a multi-party Operational Implementation Committee (OPIC) involving representatives from Licensees, applicable First Nation and Provincial technical representatives to the extent desired; and
- Development of specific LRDs by LRD Technical Teams which involve planners from relevant forest licensees⁶, Applicable First Nations to the extent desired and other licensees working with Lead Qualified Professionals⁷.

Relevant G2G agreements and applicable terms of reference provide additional information on the structure, roles and responsibilities of each of the above intergovernmental and multi-party groups.

LRD Goals, Principles, and Considerations

The goal of the LRD process is to prepare and implement landscape reserve designs that identify how the biodiversity, First Nation, wildlife and managed forest objectives of the GBR LUO can most effectively be addressed on the ground in each landscape unit and across the GBR Plan Area.

LRDs are an intermediate level planning product that provide a bridge between strategic and site level planning over time. They are prepared in the context of broader strategic land use designations (i.e., conservancies, BMTAs, ecological reserves, etcetera) and in advance of more detailed resource development and site level planning. They are intended to inform and provide guidance to, and create a more transparent and stable planning environment for, commercial forestry development area and operational planning and management activities.

Guiding principles for the LRD development process include:

- Mutual respect and good faith collaboration,
- Transparency of interests and information,
- Providing reasonable opportunity for input;
- Fair and equitable outcomes at the appropriate scale; and
- Maintenance of confidentiality when required.

Key considerations guiding the development of LRDs include:

- Protect and maintain First Nation traditional heritage features and traditional forest resources;

⁶ Relevant licensees will include all licensees which have interests in the landscape unit.

⁷ The Thurlow, Fulmore and Gray LRD work will be undertaken collaboratively with the Province, First Nations, JSP and affected licensees.

- Address targets for old forest ecosystems, focusing to the extent possible on ecosystems and habitats that have high value, or are rare or at risk;
- Seek to maximize maintenance of the ecological function of the features included within the reserve (e.g., maintain landscape connectivity and interior forest condition);
- Achieve the 2.5 million m³ AAC for 10 years (2026), the Managed Forest target and on-the-ground commercial harvest opportunities;
- Seek to address other resource related economic opportunities (e.g. carbon credits, renewable energy, commercial recreation etc.);
- Seek to simultaneously capture multiple cultural and ecological values in the same location; and
- Where required restore representative old forest by recruiting stands as outlined in the LRD Methodology in order to recover old forest characteristics considering age, productivity and structural complexity.

As identified in the GBR LUO, the specific legal requirement of LRD development and implementation is to identify landscape reserves that:

- a) Address Minimum Old Forest Retention Levels, Old Forest Representation Targets and the Managed Forest area; and
- b) To the extent practicable simultaneously contribute to the protection and stewardship of:
 - I. Aboriginal Heritage Features, Aboriginal Forest Resources, Aboriginal Tree Use and western yew; and
 - II. Red-Listed and 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.

Key Deliverables

LRD maps, digital products and associated technical information for the GBR plan area can be thought of as a map-based and indicators-based “visual tracking and reporting system” that will show and report out on how the GBR LUO objectives including the ecological representation targets and managed forest targets are being addressed by the LRD process.

Core outputs of the LRD process for each landscape unit include:

- Map and digital GIS products (pdf’s and shapefiles) identifying the location of reserves in the LRD;
- A report summarizing the LRD process including stakeholder engagement and the key attributes of the LRD in relation to landscape level and plan area considerations and requirements; and

LRD Preparation and Implementation Process

The 2016 Landscape Reserve Design Methodology provides a detailed guide to the preparation of individual LRDs.

Appendix 2 of this document provides a graphical overview of the overall LRD preparation, implementation and monitoring process. Key steps include:

1. Initiate the LRD Technical Team comprised of representatives from Licensees with an interest in the landscape unit or group of landscape units. Invite relevant technical staff from Applicable First Nations or regional groups comprised of Applicable First Nations to participate. Jointly select Lead Qualified Professional.
2. Identify and prioritize landscape units or appropriate groups of landscape units (trading groups) and establish a communication strategy, work plans, and timelines.
3. Lead Professional collates and integrates common EBM datasets and other landscape-specific information. The LRD Technical Team prepares any required confidentiality agreements⁸. The LRD Technical Team and/or Lead undertake engagement with Applicable First Nations who are not participating directly in the LRD Technical Team and also initiate contact to gather input from relevant Licensees and stakeholders.
4. Lead Professional and LRD Technical Team prepare a first iteration of the LRD following the 2016 LRD Methodology.
5. The Lead circulates this first iteration LRD to Applicable First Nations, Licensees and stakeholders for review, comment and input.
6. The Lead reviews and discusses input received with the LRD Technical Team, assesses the design for deficiencies as per the LRD Methodology, and as required adjusts the design to produce a final iteration of the proposed LRD.
7. Final iterations of proposed LRDs are circulated for a final round of review and comment to LRD Technical Team representatives.

If there are outstanding deficiencies or issues with the LRD, the LRD Technical Team refers the final iteration of the proposed LRD to the OPIC along with a written description of remaining issues and potential solutions. The OPIC discusses issues and solutions and provides recommendations to the Lead to guide development of a final LRD. Deficiencies or issues which cannot be resolved by the OPIC including policy issues are forwarded to the First Nation-Provincial G2G forums for resolution.

⁸ Confidentiality agreements may be required for First Nation cultural and licensee business information.

The OPIC provides completed final LRDs to relevant First Nation-Provincial G2G forums⁹. If issues are identified at any time by the G2G Forums, the LRD may be referred back to the OPIC and LRD Technical Team along with recommendations for resolution of the identified issues. In addition, G2G review of final LRDs can occur at any time to address any known or newly identified issues and new information. Such G2G reviews may consist of process, issue and consistency checks, along with appropriate follow-up.

G2G Forums or their technical teams may periodically undertake a Quality Assurance process to assess LRD process effectiveness and identify design deficiencies. LRDs that do not pass Quality Assurance will be referred back to OPIC along with recommendations for resolution of any identified design deficiencies.

Effectiveness Review

G2G Forums may periodically review the effectiveness of LRDs in meeting overarching EBM goals, GBR LUO objectives and plan area and landscape unit LRD considerations using the LRD Review Framework (to be developed) and the LRD Methodology (Appendix 2 and 3).

The preamble of the GBR LUO provides for ongoing monitoring of EBM implementation. A review of completed LRDs which reveals potential or actual gaps in meeting key GBR LUO objectives including managed forest and timber supply targets may trigger G2G review of the GBR LUO and the LRD methodology.

Guidance and Linkages

Background reports and documents that can inform LRD preparation and implementation includes but is not limited to (see <https://www.for.gov.bc.ca/tasb/SLRP/plan17.html>):

- Existing Strategic Landscape Reserve Designs;
- Strategic land use planning agreements;
- Applicable First Nation land use plans;
- The EBM Planning Handbook;
- Applicable EBM Working Group reports;
- The 2016 GBR LUO Background and Intent; and
- The 2016 LRD Methodology.

⁹ This includes the Coastal First Nations-BC Reconciliation Protocol Governance Forum and the Nanwakolas-BC EBM Forums

Appendix 1 – Key Definitions

The following definitions in the GBR LUO and other relevant documents underpin LRD planning:

"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;

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

"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;

"focal species" means the species at risk and regionally important wildlife referenced in Objective 4 in the GBR LUO , including but not limited to mountain goat, grizzly bear, northern goshawk, tailed frog and marbled murrelet;

"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 on 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 .

"natural forest" means the area of productive forest that is not Managed Forest.

"operational planning" means forest stewardship planning and other operational level planning that guides forest harvesting operations; and **"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.

Appendix 2 – LRD Development Process

