

Haida Gwaii Land Use Objectives Order

December 2009

Draft for Public Review

Haida Gwaii

Land Use Objectives Order

Preamble

A community based strategic land use planning process led by the Council of the Haida Nation and the Province of British Columbia (the “Parties”) was initiated in September of 2003. This process was based on protocol agreements signed in April of 2001 where the Parties committed to the cooperative development of a strategic land use plan that would be guided by an ecosystem based management framework. On December 12, 2007, the Strategic Land Use Agreement was signed and work began in earnest, to protect areas of critical significance and to establish forest management objectives for cultural, aquatic, biodiversity and wildlife values.

This Land Use Objectives Order establishes legal objectives for forest based values to support implementation of ecosystem based management. These objectives protect important Haida cultural values, support ecosystem integrity and provide environmental benefits by maintaining the diversity and abundance of organisms on Haida Gwaii. Human well-being will be maintained through policies and initiatives designed to achieve socioeconomic benefits, including carbon values, and timber harvest levels that will support a viable forest industry.

As set out in the Strategic Land Use Agreement, this Order does not change or affect the positions that the Council of the Haida Nation or the Province have regarding their jurisdiction, responsibilities and/or decision-making authority. It is acknowledged that higher level discussions between these Parties are taking place to explore the potential of shared decision-making in the future. Both Parties are committed to considering amendments to this Land Use Order in accordance with the results of these discussions.

The implementation of ecosystem based management will be monitored and, if monitoring results determine that ecosystem integrity or Haida cultural values are not being maintained, this order may be reviewed and amended.

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

Ministry of Agriculture and Lands

Ministerial Order

Haida Gwaii

Part 1 - Interpretation

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

- (1) Pursuant to section 93.4 of the *Land Act*, the following objectives are established as land use objectives for the purposes of the *Forest and Range Practices Act*, and apply to the landscape units shown on the map attached as Schedule 1.
- (2) In accordance with section 5 of the Land Use Objective Regulation (B.C. Reg. 357/2005), subsection 8 (2) of this order is disclosed as being in conflict with the objective made in section 10 of the *Forest Planning and Practices Regulation* (B.C. Reg. 14/2004) under the *Forest and Range Practices Act*, for the area shown on Schedule 1, since this order applies to all culturally modified trees modified prior to 1920 within the area shown on Schedule 1.
- (3) This ministerial order establishes land use objectives in accordance with section 93.4 of the *Land Act*, and does not define, amend, recognize, affirm, deny or limit the aboriginal rights, aboriginal title, or treaty rights of the Haida Nation and does not relieve the Province of any obligation to consult with the Haida Nation.

2. Definitions

- (1) In this order:

“**active fluvial unit**” means an active floodplain, where water flows over land in a 1 in 100 year flood event, and includes low and medium benches and the zone of an active fan where active hydrogeomorphic processes are currently evident or would likely be initiated if harvesting and/or road building were to occur;

“**active Great Blue Heron nest**” means any heron nest, unless monitoring confirms that the nest has not been used in the last three consecutive breeding seasons;

“adaptive management plan” means a monitoring or research initiative that is developed and implemented during the operational planning and primary forestry activity phase to examine the outcomes of management strategies and practices that vary from default requirements, the results of which will inform the development of future management strategies and practices;

“bioregion” means all lands commonly referred to as Haida Gwaii or the Queen Charlotte Islands, or both;

“Black Bear den” means a cavity within a tree, a snag, a stump or a log, greater than 0.80 meters in diameter which shows evidence of use by Black Bears for winter hibernation;

“blue-listed ecological community” means any ecological community that is shown on Schedule 13 as blue-listed;

“cedar stewardship area” means an area shown as a cedar stewardship area in Schedule 3;

“common site series” means a Biogeoclimatic Ecosystem Classification system site series listed as common in Schedule 10;

“cultural cedar stands” means three or more culturally modified trees, monumental cedar, or a combination thereof, within a 0.25 hectare area that has a minimum width of 25 meters;

“culturally modified tree” means, for the purposes of this Order, a tree that was modified prior to 1920 by Haida people as part of their cultural use;

“development area” means a specific location where a primary forest activity is planned or carried out, including any associated reserves;

“digital spatial data” means information in the form of a Geographic Information System feature class format, shapefile format, or coverage;

“equivalent clearcut area” means an indicator which expresses, as a percentage of an entire watershed, the degree to which regenerating forest stands are hydrologically similar to clearcuts, relative to the hydrologic status of the original stands;

“forested swamp” means a forested mineral wetland or a forested peatland that is represented by the Western redcedar – Sitka spruce / skunk cabbage ecological community;

“functional riparian forest” means mature and old forest adjacent to streams and other aquatic features that contribute to the functioning of aquatic ecosystems. These functions include, but are not limited to filtration of sediment from runoff, stabilization of banks, regulation of water temperatures, and provision of a continual source of large organic debris to the stream channel or other features;

“Haida traditional forest feature” means a Haida traditional forest feature listed in Schedule 2;

“Haida traditional heritage feature” means a Haida traditional heritage feature listed in Schedule 2;

“hydrologically recovered” means the point at which regenerated forest stands have hydrologic properties similar to the pre-harvest hydrologic properties of the stands, with hydrologic responses within the range of natural variability.

“intergovernmental process” means a collaborative process agreed upon by British Columbia and the Haida Nation, pursuant to s. 35(1) of the *Constitution Act*, 1982, that includes, but is not limited to information-sharing by a person required to prepare a forest stewardship plan, or consultation by the Province, or both, and when requested by the Haida Nation, includes the provision to the Haida Nation of any applicable:

- (a) watershed assessment;
- (b) ecosystem inventory assessment;
- (c) adaptive management plan
- (d) site specific information; and
- (e) other information relevant to the objectives in this Order;

“management zone” means an area that has limits specified in this order for the alteration or removal of trees;

“Marbled Murrelet nesting habitat” means areas shown as Class 1 and Class 2 Marbled Murrelet nesting habitat on Schedule 11;

“mature forest” means a forest older than 80 years in a Coastal Western Hemlock zone and older than 120 years in a Mountain Hemlock zone, or structural stage 6;

“monumental cedar” means a visibly sound western redcedar or yellow-cedar tree that is greater than 100 centimeters in diameter at breast height and has a log length of 7 meters or longer above the flare with at least one face that is suitable for cultural use;

“Northern Saw-whet Owl core nesting area” means a patch of mature or old forest below 300 meters in elevation with a minimum size of 10 hectares that is capable of supporting nesting habitat for the Northern Saw-whet Owl;

“old forest” means a forest older than 250 years or structural stage 7;

“qualified professional” means a person who:

- (a) is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association’s code of ethics and subject to disciplinary action by that association; and,
- (b) is acting within his or her area of expertise and scope of practice;

“rare site series” means a Biogeoclimatic Ecosystem Classification system site series listed as rare in Schedule 10;

“red-listed ecological community” means any ecological community that is shown on Schedule 13 as red-listed;

“reserve zone” means an area adjacent to a feature that is reserved from harvest, unless harvest limits are otherwise specified in this order;

“restricted activity zone” means an area adjacent to a feature where primary forest activity and auditory machine disturbance is restricted for a specified period during the calendar year;

“tree length” means the maximum potential height that dominant trees in a stand could achieve or have achieved given the productivity of the growing site;

“Type I fish habitat” means areas shown as Type I fish habitat on Schedule 4 or any area that includes;

- (a) a watercourse and its active floodplain with a continuous channel bed that:
 - i. is less than or equal to 5% gradient and is known to be, or has the potential to be, inhabited by fish or;
 - ii. enters a watercourse described in subsection (a) and has the capability to transport gravel to that watercourse;
- (b) lakes and wetlands greater than 1.0 hectare connected to fish habitat described in section 1 by seasonal or perennial flows;
- (c) estuaries and marine interface zones connected to fish habitat described in section 1;

“Type II fish habitat” means areas shown as Type II fish habitat on Schedule 4 or any area that includes:

- (a) a watercourse and its active floodplain with a continuous channel bed that is not classified as Type I fish habitat and;
 - i. is greater than 5% gradient and is known to be, or has the potential to be, inhabited by fish; or
 - ii. enters a watercourse described in subsection (a) and has the capability to transport gravel to that watercourse;
- (b) lakes and wetlands greater than 1.0 hectares not covered under Type I fish habitat;

“upland stream area” means those portions of a watershed sub-unit that are predominantly drained by streams that are not Type I fish habitat or Type II fish habitat;

“watershed sensitivity” means the probability of hydrologic change which is outside of the range of natural variation due to external influence and which has the likelihood of having a negative consequence to social, economic or environmental values;

“western yew patch” means five or more western yew trees where any one tree is within 5 meters of two or more other yew trees;

- (2) Words and expressions not defined in this order have the meanings given to them in the *Forest and Range Practices Act*, the *Forest Act*, the *Heritage Conservation Act*, the *Range 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 source spatial dataset, the boundaries of the area as defined by the source spatial dataset will apply. All source spatial datasets are available in:
<ftp://ftpnan.env.gov.bc.ca/pub/outgoing/dist/HaidaGwaii/Objectives/data/>

Part 2 – Cultural Objectives

3. Objectives for cultural feature identification

- (1) Identify cultural features referred to in sections 4, 5 and 8 by conducting a pre-harvest survey, which must be completed by a person who has been certified by the Council of the Haida Nation.

4. Objectives for Haida traditional heritage features

- (1) Protect all Haida traditional heritage features.
- (2) Adjacent to Class 1 Haida traditional heritage features, maintain a reserve zone with a minimum width equal to 500 meters as measured from the edge of the Haida traditional heritage feature, in order to protect the feature.
- (3) Adjacent to Class 2 Haida traditional heritage features, maintain a reserve zone with an average width equal to 100 meters, as measured from the edge of the Haida traditional heritage feature, in order to protect the feature.
- (4) The width of the reserve zone in subsection (3) above for any one Haida traditional heritage feature may be decreased by up to 0.5 tree lengths from the outer edge of the reserve zone to address site specific values, provided there is no net loss of reserve zone area within the development area.
- (5) Haida traditional heritage features and reserve zones identified or retained in accordance with subsections (1), (2), (3), and (4) must be documented and submitted as digital spatial data at the end of each calendar year to the Council of the Haida Nation and the Province of British Columbia.

- (6) Where some or all of the forest within the reserve zone required under subsection (2) or (3) has been previously altered or harvested, to the extent practicable, recruit mature forest in that reserve zone.

5. Objectives for Haida traditional forest features

- (1) Protect all Class 1 Haida traditional forest features.
- (2) Adjacent to Class 1 Haida traditional forest features, maintain a reserve zone with an average width equal to 2.0 tree lengths, as measured from the edge of the Haida traditional forest feature, in order to protect the feature.
- (3) For the purposes of subsection (2), the width of the reserve zone in any one location may be decreased by up to 0.5 tree lengths from the outer edge of the reserve zone to address site specific values, provided there is no net loss of reserve zone area within the development area.
- (4) Protect a minimum of 50% of all Class 2 Haida traditional forest features that occur within a development area.
- (5) For the purposes of subsection (4), provide sufficient stand level retention to protect the integrity of the Haida traditional forest feature.
- (6) To the extent practicable, protect occurrences of Class 3 Haida traditional forest features in stand level retention.
- (7) Haida traditional forest features, reserve zones and stand level retention referred to in subsections (1), (2), (3), (4), (5) and (6) must be documented and submitted as digital spatial data at the end of each calendar year to the Council of the Haida Nation and the Province of British Columbia.
- (8) Where some or all of the forest within the reserve zone required under subsection (2) has been previously altered or harvested, to the extent practicable, recruit mature forest in that reserve zone.

6. Objectives for cedar retention

- (1) Retain 15% of a development area's pre-harvest volume of western redcedar or yellow-cedar within stand level retention areas that are a minimum of 1 hectare in size, where:
 - (a) the development area is greater than 10 hectares and the combined western redcedar and yellow-cedar component of pre-harvest stand composition is greater than 30%; or,

- (b) the development area is equal to or less than 10 hectares and the combined western redcedar and yellow-cedar component of the pre-harvest stand composition is greater than 60%.
- (2) Locate stand level retention areas to maintain a range of diameters and age classes representative of the pre-harvest stand.
- (3) Any development area with a pre-harvest western redcedar or yellow-cedar species composition greater than 20% must be regenerated to have an ecologically and culturally suitable proportion of cedar in free growing stands.
- (4) Stand level retention areas referred to in subsection (1) must be documented and submitted as digital spatial data at the end of each calendar year to the Council of the Haida Nation and the Province of British Columbia.

7. Objectives for western yew retention

- (1) Within development areas, protect all western yew patches with stand-level retention.
- (2) Despite subsection (1), western yew patches may be altered or removed to accommodate the operational requirements for road or bridge construction, where no practicable alternative exists.
- (3) Where practicable, include individual western yew trees in stand-level retention.
- (4) All areas retained or managed in accordance with subsection (1) must be documented and submitted as digital spatial data at the end of each calendar year to the Council of the Haida Nation and the Province of British Columbia.

8. Objectives for culturally modified trees and monumental cedar

- (1) Protect all cultural cedar stands to support the Haida Nation's present and future cultural use.
- (2) Protect all culturally modified trees to support the Haida Nation's present and future cultural use.
- (3) Protect all monumental cedar greater than 120 centimeters at breast height to support the Haida Nation's present and future cultural use.
- (4) In development areas where no cultural cedar stands exist, up to 90% of the monumental cedar that are less than 120 centimeters in diameter may be harvested, provided that at least 1 monumental cedar is retained and it is confirmed through information sharing or consultation with the Haida Nation that any monumental cedar identified for harvesting:

- (a) is not required for a cultural cedar use;
 - (b) will be made available to the Haida Nation; or,
 - (c) is required for road access, other infrastructure, or to address a safety concern.
- (5) Where information-sharing or consultation under sub-section (4) with the Haida Nation identifies a material adverse impact to a monumental cedar that is identified as being required for cultural use by the Haida Nation, and there is no practicable alternative, identify specific measures to address or seek to accommodate the material adverse impact.
- (6) For the purposes of subsections (1), (2), (3) and (4), adjacent to cultural cedar stands, culturally modified trees and monumental cedar protected or retained, maintain a reserve zone with an average width equal to 0.5 tree lengths.
- (7) Despite subsection (6), the area of the reserve zone may be reduced, provided that:
- (a) an intergovernmental process is completed;
 - (b) alteration or harvesting is required for road access, other infrastructure, or to address a safety concern, where no practicable alternative exists; and
 - (c) the integrity of the cultural cedar stand, culturally modified tree or monumental cedar is maintained.
- (8) Adjacent to reserve zones specified in subsection (6) and (7), maintain a management zone with an average width equal to 1.0 tree length, in order to protect the integrity of the reserve zone.
- (9) Within the management zone specified in subsection (8), maintain or recruit in the shortest possible timeframe at least 90% of the forest as mature and old forest.
- (10) Despite subsection (8) and (9), the area of the management zone may be reduced, provided that:
- (a) an intergovernmental process is completed;
 - (b) alteration or harvesting is required for road access, other infrastructure, or to address a safety concern, where no practicable alternative exists; or
 - (c) the reduction is required to address other operational constraints.

- (11) All areas retained or managed in accordance with subsections (6), (7), (8) and (10) must be documented and submitted as digital spatial data at the end of each calendar year to the Council of the Haida Nation and the Province of British Columbia.

9. Objectives for cedar stewardship areas

- (1) Maintain cedar stewardship areas to provide a supply of cedar for present and future cultural use.
- (2) Despite subsection (1), 10% of the total area of cedar stewardship areas is available for commercial harvesting, of which up to 250 hectares may be harvested each decade, provided that:
 - (a) an intergovernmental process is completed;
 - (b) an adaptive management plan is developed and implemented;
 - (c) the distribution of harvest is proportional across landscape units shown in Schedule 1; and,
 - (d) a pre-harvest survey of cultural values by the Council of the Haida Nation has been completed.

Part 3 - Aquatic Habitats

10. Objectives for Type I fish habitat

- (1) Protect all forest within Type I fish habitat.
- (2) In the event of any inconsistency between the location of Type I fish habitat as shown in Schedule 4 and the actual location of Type I fish habitat identified in the field, the latter shall apply.
- (3) Adjacent to Type I fish habitat, maintain a reserve zone with a minimum width of 2.0 tree lengths as measured from the edge of the habitat.
- (4) Despite subsection (3), the width of the reserve zone in any one development area may be increased or decreased by up to 0.5 tree lengths from the outer edge of the reserve zone to address site specific values, provided there is no net loss of reserve zone area within the development area.

- (5) Within individual watershed units delineated in Schedule 5, up to 5% of the total natural amount the mature and old forest in reserve zones may be altered or removed if:
 - (a) an intergovernmental process is completed; and
 - (b) necessary to:
 - i. accommodate the operational requirements for road or bridge construction where no practicable alternative exists;
 - ii. accommodate road maintenance and deactivation, removal of danger trees or brushing and clearing within the right-of-way on existing roads under tenure for safety purposes, where no practicable alternative exists; or,
 - iii. mitigate windthrow impact.
- (6) All areas retained or managed in accordance with subsections (3) and (4) must be documented and submitted as digital spatial data at the end of each calendar year to the Council of the Haida Nation and the Province of British Columbia.
- (7) Where some or all of the forest within the reserve zone required under subsection (3) has been previously altered or harvested, to the extent practicable, recruit functional riparian forest in that reserve zone.

11. Objectives for Type II fish habitat

- (1) Protect all forest within Type II fish habitat.
- (2) In the event of any inconsistency between the location of Type II fish habitat as shown in Schedule 4 and the actual location of Type II fish habitat identified in the field, the latter shall apply.
- (3) Adjacent to Type II fish habitat, maintain a reserve zone with a minimum width of 1.0 tree length as measured from the edge of the habitat.
- (4) Within individual watershed units delineated in Schedule 5, up to 5% of the total natural amount of mature and old forest in reserve zones may be altered or removed if:
 - (a) necessary to accommodate the operational requirements for road or bridge construction where no practicable alternative exists; or,

- (b) necessary to accommodate road maintenance and deactivation, removal of danger trees or brushing and clearing within the right-of way on existing roads under tenure for safety purposes.
- (5) Adjacent to any reserve zone maintain a management zone with an average width of 0.5 tree lengths, to protect the integrity of the reserve zone.
- (6) Within the management zone specified in subsection (5), maintain or recruit in the shortest possible timeframe at least 80% of the forest as mature and old forest.
- (7) Despite subsections (3) and (5), the combined area of the reserve zone and management zone may be reduced, provided that:
 - (a) an intergovernmental process is completed;
 - (b) the reduction is no more than 20% of the total area of reserve zone and management zone within the applicable watershed unit as delineated in Schedule 5;
 - (c) sufficient functional riparian forest is retained; and,
 - (d) an adaptive management plan is developed and implemented.
- (8) Areas retained or managed in accordance with subsections (3), (4) and (5) must be documented and submitted as digital spatial data at the end of each calendar year to the Council of the Haida Nation and the Province of British Columbia.
- (9) Where some or all of the forest within the reserve zone required under subsection (3) has been previously altered or harvested, to the extent practicable, recruit functional riparian forest in that reserve zone.

12. Objectives for active fluvial units

- (1) Protect all forest within active fluvial units.
- (2) Adjacent to active fluvial units, maintain a reserve zone with a minimum width of 1.0 tree length as measured from the edge of the unit.
- (3) Within individual watershed units delineated in Schedule 5, up to 5% of the total natural amount of mature and old forest in reserve zones may be altered or removed if:
 - (a) necessary to accommodate the operational requirements for road or bridge construction where no practicable alternative exists; or,

- (b) necessary to accommodate the road maintenance and deactivation, removal of danger trees or brushing and clearing within the right-of way on existing roads under tenure for safety purposes.
- (4) Adjacent to any reserve zone maintain a management zone with an average width of 0.5 tree length, to protect the integrity of the reserve zone.
- (5) Within the management zone specified in subsection (4), maintain or recruit in the shortest possible timeframe at least 80% of the forest as mature and old forest.
- (6) Despite subsections (2) and (4), the combined area of the reserve zone and management zone may be reduced, provided that:
 - (a) an intergovernmental process is completed;
 - (b) the reduction is no more than 20% of the total area of the reserve zone and management zone within the applicable watershed unit as delineated in Schedule 5;
 - (c) sufficient functional riparian forest is retained; and,
 - (d) an adaptive management plan is developed and implemented.
- (7) Areas retained or managed in accordance with subsections (2), (3) and (4) must be documented and submitted as digital spatial data at the end of each calendar year to the Council of the Haida Nation and the Province of British Columbia.
- (8) Where some or all of the forest within the reserve zone required under subsection (2) has been previously altered or harvested, to the extent practicable, recruit functional riparian forest in that reserve zone.

13. Objectives for upland stream areas

- (1) Within each watershed sub-unit shown in Schedule 6, retain a minimum of 70% of the forest in the upland stream areas as hydrologically recovered.
- (2) In upland stream areas, retain sufficient amounts of forest along streams to protect unique microclimate or other rare ecological or geomorphological characteristics.
- (3) Despite subsection (1), less than 70% may be retained, provided that:
 - (a) an intergovernmental process is completed;
 - (b) an assessment of watershed sensitivity to forest development and disturbance is completed by a qualified professional;

- (c) an amount, type and distribution of forest cover that is sufficient to sustain natural hydrological and fluvial processes, based on the assessment in subsection (3)(b) is maintained; and,
- (d) an adaptive management plan is developed and implemented.

14. Objectives for sensitive watersheds

- (1) Within the sensitive watersheds as shown in Schedule 7, the following maximum rates of harvest apply:
 - (a) 5% of the watershed area harvested in a 5-year period for watersheds greater than or equal to 500 hectares;
 - (b) 10% of the watershed area harvested in a 10-year period for watersheds less than 500 hectares.
- (2) Despite subsection (1), no harvesting is permitted in sensitive watersheds with an equivalent clearcut area that is equal to or greater than 20%.
- (3) Despite subsections (1) and (2), a rate of harvest that exceeds the specified limits may be maintained, provided that:
 - (a) an intergovernmental process is completed;
 - (b) an assessment of watershed sensitivity to past, current and proposed forest development and disturbance is completed by a qualified professional;
 - (c) an amount, type and distribution of forest cover that is sufficient to sustain natural hydrological and fluvial processes, based on the assessment in subsection (2)(b) is maintained; and
 - (d) an adaptive management plan is developed and implemented.

Part 4 – Biodiversity

15. Objectives for forested swamps

- (1) All forested swamps are reserved from harvest.
- (2) Adjacent to forested swamps greater than 0.25 hectare, maintain a management zone with an average width equal to 1.5 tree lengths, to protect the integrity of the forested swamp.

- (3) Within the management zone referred to in (2), maintain or recruit in the shortest possible timeframe at least 70% of the forest as mature and old forest.
- (4) Despite subsections (2) and (3), the amount of mature and old forest retained in the management zone may be reduced to 60% provided that:
 - (a) an intergovernmental process is completed;
 - (b) the amount of mature and old forest to be retained is sufficient to maintain the integrity of the forested swamp; and,
 - (c) an adaptive management plan is developed and implemented.
- (5) Where some or all of the forest within the management zone required under subsection (2) has been previously altered or harvested, to the extent practicable, recruit mature forest in that management zone.
- (6) Areas retained to meet subsection (2) must be documented and submitted as digital spatial data at the end of each calendar year to the Council of the Haida Nation and the Province of British Columbia.

16. Objectives for ecological representation

- (1) For each common and rare site series in a Landscape unit, retain an amount of old forest equal to or greater than the targets listed in Schedule 10 and ensure that individual areas retained are greater than 200 meters in width.
- (2) Where practicable, include within old forest retention areas identified in subsection (1), habitat for local species at risk or regionally important wildlife species including, but not limited to:
 - (a) Queen Charlotte Goshawk nesting and foraging habitat;
 - (b) Marbled Murrelet nesting habitat, Great Blue Heron nesting habitat, and Northern Saw-whet Owl core nesting habitat; and,
 - (c) Black Bear dens and denning habitat.
- (3) The target areas specified in Schedule 10 to meet subsection (1) may be reduced, provided that:
 - (a) an intergovernmental process is completed;
 - (b) an ecosystem inventory assessment has been completed to a higher Provincial standard than the existing inventory; and,

- (c) an adaptive management plan is developed and implemented.
- (4) Areas retained to meet subsection (1) must be documented and submitted as digital spatial data at the end of each calendar year to the Council of the Haida Nation and the Province of British Columbia.
- (5) If there is insufficient old forest available to meet the targets in subsection (1) recruit forest to meet representation requirements within 250 years.

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

- (1) Protect each occurrence of a red-listed and blue-listed ecological community.
- (2) Despite subsection (1), up to 5% of each site level occurrence of a red-listed ecological community may be disturbed to address access or safety constraints.
- (3) Despite subsection (1) up to 30% of the area of each type of blue-listed ecological community may be harvested, provided that:
 - (a) an intergovernmental process is completed; and
 - (b) an adaptive management plan is developed and implemented.
- (4) Areas retained to meet subsection (3) must be documented and submitted as digital spatial data at the end of each calendar year to the Council of the Haida Nation and the Province of British Columbia.

Part 5 – Wildlife

18. Objectives for Black Bear dens

- (1) Protect all Black Bear dens with a minimum 20 meter reserve zone.
- (2) Despite subsection (1), alteration or removal of a Black Bear den or its reserve zone may be permitted outside of the winter hibernation season, provided that:
 - (a) an intergovernmental process is completed; and,
 - (b) it is required for road access or to address a safety concern.
- (3) Adjacent to any reserve zone set out in subsection (1), maintain a management zone with an average width equal to 1.0 tree length as measured from the outer edge of the reserve zone, to protect the integrity of the reserve zone.

- (4) To the extent practicable, maintain suitable western redcedar and yellow-cedar in management zones, for long term Black Bear den recruitment.
- (5) Within the management zone referred to in subsection (3), alteration or removal of trees in the management zone is permitted outside of the winter hibernation season to:
 - (a) accommodate the operational requirements for road or bridge construction where no practicable alternative exists;
 - (b) accommodate the road maintenance and deactivation, or removal of danger trees or brushing and clearing within the right-of-way on existing roads under active tenure for safety purposes, where no practicable alternative exists; or,
 - (c) mitigate windthrow impact.
- (6) All existing and newly discovered Black Bear dens must be documented and submitted to the Council of the Haida Nation and the Province of British Columbia at the end of each calendar year.
- (7) Where practicable, within stand-level retention, include trees, snags, stumps and logs, that are greater than 0.80 meters in diameter, for the recruitment of future denning habitat.

19. Objectives for Marbled Murrelet nesting habitat

- (1) Maintain an amount of Marbled Murrelet nesting habitat within each landscape unit equal to or greater than the targets listed in Schedule 9.
- (2) Marbled Murrelet habitat referred to in subsection (1) must conform to areas shown in Schedule 11 or must be identified as Class 1 or 2 Marbled Murrelet nesting habitat by a qualified professional.

20. Objectives for Queen Charlotte Goshawk habitat

- (1) All Queen Charlotte Goshawk reserves shown in Schedule 12 are reserved from harvest.
- (2) For Queen Charlotte Goshawk nesting areas not included in the reserves shown in Schedule 12, maintain a reserve zone of a minimum of 200 hectares with a minimum distance of 700 meters from the nest site to the edge of the reserve, to protect the integrity of the nest site.

- (3) Report the location of all new Queen Charlotte Goshawk nest sites to the Province of British Columbia when discovered.
- (4) Maintain a restricted activity zone with an area equal to or greater than the reserves or areas set out in subsections (1) and (2), to protect the nest area from disturbance during the breeding season.
- (5) Where some or all of the forest within Queen Charlotte Goshawk nesting area reserves has been previously altered or harvested, to the extent practicable, recruit mature and old forest in that reserve zone.

21. Objectives for Great Blue Heron nesting habitat

- (1) Protect active Great Blue Heron nest sites with a reserve zone with a minimum size of 45 hectares and with a minimum distance of 350 meters to the edge of the reserve from any nest site.
- (2) Adjacent to any reserve zone set out in subsection (1), maintain a restricted activity zone of a minimum of 150 meters from the outer edge of the reserve zone during the Great Blue Heron breeding season.
- (3) Report the location of all new Great Blue Heron nest sites to the Province of British Columbia when discovered.

22. Objectives for Northern Saw-whet Owl nesting habitat

- (1) All Northern Saw-whet Owl reserves shown in Schedule 12 are reserved from harvest.
- (2) For Northern Saw-whet Owl nest sites not included in the reserves shown in Schedule 12, maintain a reserve zone of a minimum of 10 hectares.
- (3) Where practicable, maintain Northern Saw-whet Owl core nesting areas across the landscape with a maximum inter-patch spacing distance of 1,400 meters.
- (4) Report the location of any new Northern Saw-whet Owl nest sites to the Province of British Columbia when discovered.

Part 6 – Forest Reserves

23. Areas reserved to meet landscape level objectives

- (1) The areas contained in forest reserves shown in Schedule 8 are reserved from harvest, except as provided for in 23(3).
- (2) Despite subsection (1), the area of an individual forest reserve polygon may be reduced by up to 5% if necessary to:
 - (a) accommodate the operational requirements for road or bridge construction where no practicable alternative exists;
 - (b) accommodate the road maintenance and deactivation, removal of danger trees, or brushing and clearing within the right-of-way on existing roads under active tenure for safety purposes; or,
 - (c) mitigate windthrow impact.
- (3) Any portion of a forest reserve may be moved to another location adjoining any other forest reserve within the same landscape unit if:
 - (a) an intergovernmental process is completed;
 - (b) all targets listed for the applicable landscape unit in Schedules 9 and 10 are met;
 - (c) the portion is no larger than 5 hectares and is located along the perimeter of the forest reserve;
 - (d) the relocation does not result in any forest reserve polygons that are less than 5 hectares in size;
 - (e) there is no net loss of forest reserve area; and,
 - (f) it follows the recommendations of an assessment completed by a qualified professional.
- (4) Forest reserve variances made in accordance with subsections (2) and (3) must be documented and submitted as digital spatial data at the end of each calendar year to the Council of the Haida Nation and the Province of British Columbia.

Part 7 – Transition

24. 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 period of time 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).

Schedules to this Order

- Schedule 1 Landscape Units covered by this Order
- Schedule 2 Haida Traditional Features
- Schedule 3 Cedar Stewardship Areas
- Schedule 4 Type I and Type II Fish Habitat
- Schedule 5 Watershed units
- Schedule 6 Upland Stream Area watershed sub-units
- Schedule 7 Sensitive Watersheds
- Schedule 8 Forest Reserves
- Schedule 9 Marbled Murrelet Nesting Habitat Targets
- Schedule 10 Ecological Representation Targets by Landscape Unit
- Schedule 11 Marbled Murrelet Nesting Habitat
- Schedule 12 Queen Charlotte Goshawk and Northern Saw-whet Owl Reserves
- Schedule 13 Red-Listed and Blue-Listed Ecological Communities