

# Great Bear Rainforest Order

May 2022

Draft for Public Review

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

For the purpose of this order, the intent in relation to maintenance of ecological integrity is to reserve or support recovery of an amount of old forest in each ecosystem equal to 70% of the range of natural variation (RONV), with a few minor exceptions, and to distribute this old forest across the land base through a landscape reserve design process. In relation to the contribution commercial forestry makes towards human wellbeing, the intent is to maintain 550,000 hectares of Managed Forest and an AAC of 2.5 million m<sup>3</sup> 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 Indigenous heritage features and Indigenous forest resources in the area, and provide enhanced access to opportunities for forestry-related carbon benefits and commercial forestry.

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

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

## Contents

Great Bear Rainforest Order	1
Preamble	1
Part 1 – Great Bear Rainforest	4
Division 1 - General	4
1. Relationship with <i>Forest and Range Practices Act</i> Objectives	4
2. Definitions	4
Division 2 – First Nations	6
3. Objective for First Nation information sharing and engagement	6
Division 3 - Biodiversity	6
4. Objectives for Old Forest maintenance and recovery	6
5. Objectives for Landscape Reserve Designs	7
6. Objectives for Managed Forest and Protected and Reserved Forest	7
Part 2 – Central and North Coast	9
Division 1 - General	9
1. Relationship with <i>Forest and Range Practices Act</i> Objectives	9
2. Definitions	9
Division 2 - First Nations	12
3. Objective for First Nation information sharing and engagement	12
4. Objective for identification of Indigenous Forest Values	12
5. Objective for Indigenous Forest Resources	12
6. Objectives for Indigenous Heritage Features	12
7. Objectives for Historical Culturally Modified Trees	13
8. Objectives for Indigenous Tree Use	13
9. Objectives for retention of western yew	14
Division 3 - Aquatic Habitat	14
10. Objectives for Important Fisheries Watersheds	14
11. Objectives for Type 1 Aquatic Habitat	14
12. Objectives for Type 2 Aquatic Habitat	15
13. Objectives for Forested Swamps	16
14. Objectives for Upland Stream Areas	16
15. Objectives for Active Fluvial Units	17
Division 4 - Biodiversity	17
16. Objectives for Red-Listed Plant Communities and Blue-Listed Plant Communities	17
17. Objectives for Stand Retention	18
Division 5 - Wildlife	18
18. Objectives for grizzly bear habitat	18

19. Objectives for grizzly Bear Dens	19
20. Objectives for black Bear Dens	20
21. Objectives for Kermode habitat	20
Part 3 – South Central Coast	21
Division 1 - General	21
1. Relationship with <i>Forest and Range Practices Act</i> Objectives	21
2. Definitions	21
Division 2 - First Nations	24
3. Objective for First Nation information sharing and engagement	24
4. Objective for identification of Indigenous Forest Resources and Indigenous Heritage Features	24
5. Objective for Indigenous Forest Resources	24
6. Objectives for Indigenous Heritage Features	24
7. Objectives for Historical Culturally Modified Trees	25
8. Objectives for Indigenous Tree Use	25
9. Objectives for retention of western yew	26
Division 3 - Aquatic Habitat	26
10. Objectives for Important Fisheries Watersheds	26
11. Objectives for Type 1 Aquatic Habitat	27
12. Objectives for Type 2 Aquatic Habitat	28
13. Objectives for Forested Swamps	29
14. Objectives for Upland Stream Areas	29
15. Objectives for Active Fluvial Units	30
Division 4 - Biodiversity	30
16. Objectives for Old Forest maintenance and recovery	30
17. Objectives for Red-Listed Plant Communities and Blue-Listed Plant Communities	31
18. Objectives for Stand Retention	32
Division 5 - Wildlife	32
19. Objectives for grizzly bear habitat	32
20. Objectives for grizzly Bear Dens	33
21. Objectives for black Bear Dens	33
Part 4 - Transition	35
1. Application of this order	35
Schedules to this Order	36

# Ministry of Forests, Lands, Natural Resource Operations and Rural Development

## 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) Results or strategies specified in a forest stewardship plan may apply to more than one objective contained in this order.
- (4) 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 Indigenous rights, Indigenous title or treaty rights of any Applicable First Nations and does not relieve the Province of any obligation to consult with any Applicable First Nation.

#### 2. Definitions

- (1) In this order:

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

**"blue-listed plant community"** means a plant community listed in Schedule O that is Sufficiently Established;

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

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

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

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

**"Indigenous forest values"** means an Indigenous Forest Resource, Indigenous Heritage Feature, Historical Culturally Modified Trees, Contemporary Culturally Modified Trees, Monumental

Cedar and Cultural Cedar Stands, western yew trees, and other forest features that are of importance to First Nations;

**"Indigenous heritage feature"** means an artefact, feature, or site of the general types listed in Schedule I, other than a Contemporary Culturally Modified Tree or a Historical Culturally Modified Tree, that is known, is found, or is identified during First Nation Engagement and is important to the cultural practices, knowledge or heritage of a First Nation;

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

**"landscape reserve"** means an area in a Landscape Unit where commercial harvesting is not permitted;

**"landscape reserve design"** means a system of Landscape Reserves in a Landscape Unit which is designed to meet requirements for Old Forest representation, and simultaneously contribute to protection of Indigenous Heritage Features, Indigenous Forest Resources and other land use objectives;

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

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

**"minimum old forest retention level"** means the minimum percentage of the total forest area in a Site Series Group to be retained as Old Forest for the order area shown in Column "B" of Schedule G.

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

**"occurrence"** means a single patch (or polygon) within which a Red-Listed Plant Community or a Blue-Listed Plant Community has been mapped;

**"old forest"** means any of the following:

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

**"old forest representation target"** means a long term Old Forest Representation Target for a Site Series Group for the order area shown in Column "A" in Schedule G;

**"protected and reserved forest"** means the area of productive forest that is included in protected areas and Landscape Reserve Designs;

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

- (a) the individual is registered and in good standing in British Columbia with an appropriate professional 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;

**"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 either of the following:

- (a) a plant community occurrence within an Old Forest stand; or
  - (b) a low bench floodplain ecosystem, a mid bench floodplain ecosystem, or a high bench floodplain ecosystem.
- (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 Old Forest maintenance and recovery**

- (1) Maintain landscape level biodiversity as follows:
  - (a) For each Site Series Group in the order area, maintain a distribution of forest stand ages that will achieve the Old Forest Representation Targets listed in Column "A" in Schedule G by no later than 2264;
  - (b) For each Site Series Group in the order area, retain an amount of Old Forest equal to or greater than the order area Minimum Old Forest Retention Levels listed in Column "B" in Schedule G; 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), alteration or harvesting of Old Forest in a Site Series Group in a Landscape Unit may occur where less than 30% of the total forest area of the Site Series Group in the Landscape Unit is Old Forest, provided that:
  - (a) Within the Landscape Unit area:
    - (i) the alteration or harvesting is required for road access, 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) after January 28, 2016 does not exceed 18,650 hectares; and
- (c) the plans to alter or harvest Old Forest in a Site Series Group in a Landscape Unit have been developed through a process of First Nation Engagement with Applicable First Nations.
- (3) Where there is not enough Old Forest available to meet the targets in 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. Objectives for Landscape Reserve Designs**

- (1) For each Landscape Unit in the order area, a Qualified Professional will prepare a Landscape Reserve Design that addresses the Minimum Old Forest Retention Levels specified in sections 4(1)(c) and 4(2), and, to the extent practicable contributes to:
  - (a) the Old Forest Representation Targets specified in sections 4(1)(a) and 4(1)(b);
  - (b) the protection and stewardship of Indigenous Forest Values;
  - (c) the protection, connectivity and stewardship of Red-listed Plant Communities, Blue-Listed Plant Communities, rare and at-risk ecosystems, habitat important for species at risk, ungulate winter range, and habitat for regionally important wildlife including, but not limited to, mountain goats, grizzly bears, black bears, northern goshawks, tailed frogs, and marbled murrelets; and
  - (d) the Protected and Reserved Forest area and the Managed Forest area specified in section 6(1).
- (2) For the purposes of subsection (1)(a), when preparing a Landscape Reserve Design, the provisions in Part 3, sections 16, subsections (1) and (2) 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 prior to declaring areas or prior to applying for a cutting authority; and
  - (b) To the extent practicable, complete Landscape Reserve Designs in all landscape units within 2 years.
- (5) Despite subsection (3), thinning and silvicultural treatments are permitted in Landscape Reserve Designs to expedite recovery to Old Forest structural characteristics.
- (6) A Landscape Reserve Design may be altered or modified to address new information provided that the alteration or modification:
  - (a) is developed by a Qualified Professional;
  - (b) maintains or improves outcomes pursuant to subsection (1) and;
  - (c) has been developed through a process of First Nation Engagement with Applicable First Nations.

#### **6. Objectives for Managed Forest and Protected and Reserved Forest**

- (1) Identify and maintain in the order area:
  - (a) a Managed Forest area of 550,032 hectares, and



- (b) a Protected and Reserved Forest area that:
  - (i) continues to grow older over time subject to natural disturbance and non - forest tenure activity; and
  - (ii) has an area of (at least) 3,108,876 hectares.

DRAFT

## 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:

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

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

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

**"blue-listed plant community"** means a plant community listed in Schedule O that is Sufficiently Established;

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

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

**"cultural cedar stand"** means three or more Monumental Cedars or Contemporary Culturally Modified Trees where each tree is within 30 metres of another Monumental Cedar or Contemporary Culturally Modified Tree;

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

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

**"forested swamp"** means a forested mineral wetland or a forested peatland with standing or gently flowing nutrient rich water in pools or channels where the water table is usually at or near the surface of the wetland or peatland. "Forested swamp" does not include 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 adjacent to streams and other aquatic features, that provide hydrologic, hydrogeomorphic and ecological hydriparian functions and have trees of adequate size to resist channel bank erosion, supply functional large wood and contribute to slope stability;

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

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

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

**"Indigenous forest values"** means an Indigenous Forest Resource, Indigenous Heritage Feature, Historical Culturally Modified Trees, Contemporary Culturally Modified Trees, Monumental Cedar and Cultural Cedar Stands, western yew trees, and other forest features that are of importance to First Nations;

**"Indigenous heritage feature"** means an artefact, feature, or site of the general types listed in Schedule I, other than a Contemporary Culturally Modified Tree or a Historical Culturally Modified Tree, that is known, is identified during First Nation Engagement or is found through field inventories and assessments, and is important to the cultural practices, knowledge or heritage of the Applicable First Nation;

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

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

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

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

**"old forest"** means any of the following:

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

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

- (a) the individual is registered and in good standing in British Columbia with an appropriate professional 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;

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

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

**"sufficiently established"** means any of the following:

- (a) a plant community occurrence within an Old Forest stand; or
- (b) a low bench floodplain ecosystem, a mid bench floodplain ecosystem, or a high bench floodplain ecosystem.

**"tree length"** means either of the following:

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

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

- (a) a reach of a watercourse and 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, known to be inhabited by fish or connected within 500 metres 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 associated with a shellfish bed; or
- (d) herring spawn areas, kelp beds, eel grass beds, and other highly productive nearshore habitat used by valued marine invertebrates for reproduction and rearing.

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

- (a) S1 to S3 stream reaches that are not Type 1 Aquatic Habitat;
- (b) S4 stream reaches that are known to be inhabited by fish and are directly connected to Type 1 Aquatic Habitat or to S1 to S3 streams that are Type 2 Aquatic Habitat;
- (c) lakes greater than 0.25 hectares that are not Type 1 Aquatic Habitat; or
- (d) marsh and fen wetlands greater than 0.25 hectares that are not Type 1 Aquatic Habitat.

**"upland stream area"** means the forested portion of a watershed planning unit that does not contain Type 1 Aquatic Habitat or Type 2 Aquatic Habitat; and

**"watershed planning unit"** means a watershed or watershed sub-unit that is used as a unit of analysis for watershed assessments and planning forest retention in 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 Indigenous Forest Values**

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

### **5. Objective for Indigenous Forest Resources**

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

### **6. Objectives for Indigenous Heritage Features**

- (1) Protect Type 1 Indigenous Heritage Features.
- (2) Adjacent to Type 1 Indigenous Heritage Features, maintain a Reserve Zone with an outer edge designed to minimize risk of windthrow and a minimum width of 200 metres to protect the Type 1 Indigenous Heritage Feature.
- (3) Despite subsections (1) and (2), the Type 1 Indigenous 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) the modification is required for road access, other infrastructure, or to address a safety concern and no practicable alternative exists;
  - (b) alternative measures are implemented to avoid, mitigate or otherwise address impacts on the Type 1 Indigenous Heritage Feature; and
  - (c) the alternative measures have been developed through a process of First Nation Engagement with Applicable First Nations.
- (5) Protect all Type 2 Indigenous Heritage Features.
- (6) Adjacent to Type 2 Indigenous Heritage Features, maintain a Reserve Zone with an outer edge designed to minimize risk of windthrow and a minimum width of 1.5 Tree Lengths measured from the edge of the feature, to protect the Type 2 Indigenous Heritage Feature.
- (7) Despite subsections (5) and (6), the Type 2 Indigenous Heritage Feature and its Reserve Zone may be modified with the support of, or lack of objection from, the Applicable First Nations.

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

**7. Objectives for Historical Culturally Modified Trees**

- (1) Protect Historical Culturally Modified Trees.
- (2) Adjacent to Historical Culturally Modified Trees, maintain a Management Zone of sufficient width and design to protect the Historical Culturally Modified Trees from site-specific local hazards and windthrow.
- (3) Despite subsections (1) and (2), a Historical Culturally Modified Tree and the adjacent Management Zone may be altered or harvested if:
  - (a) the 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 Cutblock area would make harvesting economically unviable;provided that the plans to alter or harvest the Historical Culturally Modified Trees have been developed through a process of First Nation Engagement with Applicable First Nations.

**8. Objectives for Indigenous Tree Use**

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

- (e) the plans to alter or harvest the Monumental Cedar and Cultural Cedar Stands have been developed through a process of First Nation Engagement with Applicable First Nations.
- (5) Within a Cutblock, for the first 15% of the pre-harvest stand retained in Stand Retention as specified in section 17(1), design Stand Retention to maintain mature and old western redcedar and yellow cedar representative of the pre-harvest stand.

**9. Objectives for retention of western yew**

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

**Division 3 - Aquatic Habitat**

**10. Objectives for Important Fisheries Watersheds**

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

**11. Objectives for Type 1 Aquatic Habitat**

- (1) Protect and maintain Type 1 Aquatic Habitats by, within or adjacent to Cutblocks and roads, but

excluding stream crossings, maintaining an adjacent Reserve Zone with a minimum width of 1.5 Tree Lengths and an outer edge designed to minimize risk of windthrow.

- (2) Despite subsection (1), the width of 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) within or adjacent to the cutblock.
- (3) Despite subsections (1) and (2), the width of the Reserve Zone may be decreased, at specific locations to address site characteristics and values, by more than 0.5 Tree Lengths provided that:
  - (a) there is no net loss of Reserve Zone area required in subsection (1);
  - (b) assessments have been prepared by a Qualified Professional that specify 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.
  - (c) the measures in subsection (3)(b) are implemented; and
  - (d) the plans to decrease the width of the Reserve Zone, at specific locations to address site characteristics and values, by more than 0.5 Tree Lengths, have been developed through a process of First Nation Engagement with Applicable First Nations.
- (4) 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, within or adjacent to Cutblocks and roads, but not stream crossings, retaining 90% of the forest in an adjacent Management Zone with an outer edge designed to minimize risk of windthrow and a minimum width of 1.5 Tree Lengths.
- (2) Despite subsection (1), the width of the Management Zone in any cutblock may be decreased by up to 0.5 Tree Lengths to address site characteristics, provided there is no net loss of Management Zone area within the cutblock.
- (3) Despite subsections (1) and (2), the width of the Management Zone may be increased or decreased by more than 0.5 Tree Lengths and alteration or harvesting within the Management Zone may occur provided that:
  - (a) there is no net loss of Management Zone area required in subsection (1) in the cutblock;
  - (b) an 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 Management Zone from windthrow.
  - (c) measures in subsection (3)(b) are implemented; and



- (d) the plans to increase or decrease the width of the Management Zone by more than 0.5 Tree Lengths and have alteration or harvesting within the Management Zone, have been developed through a process of First Nation Engagement with Applicable First Nations.
- (4) 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) Adjacent to Forested Swamps greater than 0.25 hectares, retain 70% of the Functional Riparian Forest in a Management Zone with an outer edge designed to minimize risk of windthrow and 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) A Forested Swamp assessment has been prepared by a Qualified Professional that specifies measures:
    - (i) to maintain local terrestrial habitat needs and linkages to other reserves; and
    - (ii) to minimize loss of trees in the Management Zone from windthrow;
  - (b) measures in subsection (4)(a) are implemented; and
  - (c) the plans to decrease the width of the Management Zone by more than 0.5 Tree Lengths and have additional harvesting within the Management Zone, have been developed through a process of First Nation Engagement with Applicable First Nations.
- (5) Where some or all of the forest within the Management Zone required 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 hydrologic and hydrogeomorphic processes in Watershed Planning Units within the range of natural variation by maintaining a minimum of 70% of the forest in the Upland Stream Area as Functional Riparian Forest.
- (2) For the purposes of subsection (1), to the extent practicable, preferentially retain the Functional Riparian Forest to create windfirm reserve zones and management zones adjacent to streams in the Upland Stream Area that:
  - (a) are located upstream from Type 1 Aquatic Habitat and Type 2 Aquatic Habitat;
  - (b) have sensitive hydrogeomorphic attributes;
  - (c) are stream reaches with known tailed frog habitat; or
  - (d) have unique microclimate or other rare ecological characteristics.
- (3) Despite subsections (1) and (2), an alternative plan to maintain hydrologic and hydrogeomorphic processes in a Watershed Planning Unit within the range of natural variability may be prepared as a result of a watershed assessment conducted by a Qualified Professional, and consistent with

professional practice guidelines, provided that:

- (a) the effectiveness of the strategy implemented pursuant to subsection (3) is monitored according to a monitoring strategy designed by the qualified professional;
- (b) the watershed assessment and plan are updated to reflect the results of such monitoring; and
- (c) the strategies have been developed through a process of First Nation engagement with Applicable First Nations.

#### **15. Objectives for Active Fluvial Units**

- (1) Reserve all forest on Active Fluvial Units.
- (2) Adjacent to Active Fluvial Units, retain a minimum of 90% of the forest in a Management Zone with an average width of 1.5 Tree Lengths.
- (3) Despite subsections (1) and (2), forest on an Active Fluvial Unit may be altered or harvested, and less than 90% of the forest in the Management Zone may be retained, , to allow for road access or to address a safety concern, provided that:
  - (a) no practicable alternative to access a Development Area is available;
  - (b) an Active Fluvial Unit assessment has been prepared by a Qualified Professional that:
    - (i) specifies measures to maintain stream flow patterns and flow capacity and geomorphic stability of the Active Fluvial Unit for roads or other infrastructure; or
    - (ii) where the removal of 4 or more live trees is proposed for safety reasons, provides an assessment of the potential impact on geomorphic stability;
  - (c) the measures in subsection (3)(b) are implemented in a manner that will maintain the flow patterns, flow capacity and geomorphic stability of the Active Fluvial Unit; and
  - (d) the plans to alter or harvest an Active Fluvial Unit or retain less than 90% of the forest in the Management Zone have been developed through a process of First Nation Engagement with Applicable First Nations.
- (4) Where some or all of the forest required to be retained 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:
  - (a) there is no practicable alternative for road access, other infrastructure or to address a safety concern; and
  - (b) the plans to disturb the Red-Listed Plant Community have been developed through a process of First Nation Engagement with Applicable First Nations.
- (3) Despite subsections (1) and (2), more than 5% of a Red-Listed Plant Community occurrence smaller than one hectare may be disturbed if it is necessary for critical road access, provided that:

- (a) the total disturbance of that Red-Listed Plant Community in a landscape unit does not exceed 5%; and
  - (b) the plans to further disturb the Red-Listed Plant Community have been developed through a process of First Nation Engagement with Applicable First Nations.
- (4) Reserve a minimum of 70% of each occurrence of a Blue-Listed Plant Community during a primary forest activity or reserve a minimum of 70% of the total area of each Blue-Listed Plant Community within a Landscape Unit as per Schedule O.

**17. Objectives for Stand Retention**

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

**Division 5 - Wildlife**

**18. Objectives for grizzly bear habitat**

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

that provides a mix of habitat type, seasonal value, and distribution within a watershed or landscape unit.
- (3) Despite subsection (1), class 1 grizzly bear habitat may be altered or harvested, provided that:
  - (a) a Qualified Professional:
    - (i) completes an assessment that identifies the characteristics of the habitat and linkages, where appropriate, to other grizzly bear habitat; and
    - (ii) confirms that the alteration or harvesting will result in no net loss of class 1 grizzly bear habitat and connectivity and no functional loss of habitat connectivity;
  - (b) measures are implemented that will ensure the alteration or harvesting will not cause a material adverse impact to the suitability of the class 1 grizzly bear habitat; and
  - (c) the plans to alter or harvest class 1 grizzly bear habitat have been developed through a process of

First Nation Engagement with Applicable First Nations.

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

#### **19. Objectives for grizzly Bear Dens**

- (1) Protect grizzly Bear Dens.
- (2) Adjacent to grizzly Bear Dens, maintain a Reserve Zone with a minimum width of 50 metres.
- (3) Despite subsections (1) and (2), alteration or removal of a grizzly Bear Den or its Reserve Zone, or both, may occur, provided that:
  - (a) alteration or removal is required for road access or to address a safety concern and there is no practicable alternative;
  - (b) the alteration or removal does not occur during the winter hibernation season; and
  - (c) the plans to alter or remove a grizzly Bear Den or Reserve Zone have been developed through a process of First Nation Engagement with Applicable First Nations.
- (4) 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,provided that the plans to alter or remove trees in a Management Zone have been developed through a process of First Nation Engagement with Applicable First Nations.
- (6) All found grizzly 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 black Bear Dens**

- (1) Protect black Bear Dens.
- (2) Adjacent to black Bear Dens, maintain a Reserve Zone with a minimum width of 30 metres.
- (3) Despite subsections (1) and (2), alteration or removal of a black Bear Den or its Reserve Zone, or both, may occur, provided that:
  - (a) alteration or removal is required for road access or to address a safety concern and there is no practicable alternative;
  - (b) the alteration or removal does not occur during the winter hibernation season; and
  - (c) the plans to alter or remove a black Bear Den or Reserve Zone have been developed through a process of First Nation Engagement with Applicable First Nations.
- (4) In addition to subsections (1) and (2), adjacent to any Reserve Zone required in subsection (2), maintain a Management Zone of sufficient width and design to protect the integrity of the Bear Den and the Reserve Zone.
- (5) Within the Management Zone required 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,provided that the plans to alter or remove trees in a Management Zone have been developed through a process of First Nation Engagement with Applicable First Nations.
- (6) Where practicable, include suitable future and additional black bear denning habitat in management zones and in stand level retention.
- (7) All found black 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.

## **21. Objectives for Kermode habitat**

- (1) To maintain Kermode bear habitat, within Managed Forest in the Kermode stewardship areas shown in Schedule R:
  - (a) where practicable, thin or harvest mid seral stands to create patchy openings and less canopy closure to encourage shrub growth; and
  - (b) do not alter critical black bear habitat.
- (2) Despite subsection (1)(b), up to 5% of a critical black bear habitat occurrence may be altered if there is no practicable alternative for road access or other infrastructure, or to address a safety concern, provided the plans to alter critical black bear habitat have been developed through a process of First Nation Engagement with Applicable First Nations.

## Part 3 – South Central Coast

### Division 1 - General

#### 1. Relationship with *Forest and Range Practices Act* Objectives

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

#### 2. Definitions

- (1) In this Part 3:

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

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

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

**"blue-listed plant community"** means a plant community listed in Schedule O that is Sufficiently Established;

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

**"contemporary culturally modified tree"** means a tree that was modified no more 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 or Historical Culturally Modified Trees where each tree is within 30 metres of another Monumental Cedar or Contemporary Culturally Modified Tree or Historical Culturally Modified Tree;

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

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

**"forested swamp"** means a forested mineral wetland or a forested peatland with standing or gently flowing nutrient rich water in pools or channels where the water table is usually at or near the surface of the wetland or peatland. "Forested swamp" does not include 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 adjacent to streams and other aquatic features, that provide hydrologic, hydrogeomorphic and ecological hydriparian functions and have trees of adequate size to resist channel bank erosion, supply functional large wood and contribute to slope stability;

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

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

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

**"Indigenous forest values"** means an Indigenous Forest Resource, Indigenous Heritage Feature, Historical Culturally Modified Trees, Contemporary Culturally Modified Trees, Monumental Cedar and Cultural Cedar Stands, western yew trees, and other forest features that are of importance to First Nations;

**"Indigenous heritage feature"** means an artefact, feature, or site of the general types listed in Schedule I, other than a Contemporary Culturally Modified Tree or a Historical Culturally Modified Tree, that is known, is identified during First Nation Engagement or is found through field inventories and assessments, and is important to the cultural practices, knowledge or heritage of the Applicable First Nation;

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

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

**"monumental cedar"** means a large old western redcedar tree or a large old yellow cedar tree, sometimes referred to as a large cultural cedar tree, that has the attributes necessary to fulfill the Indigenous Tree Use needs of the Applicable First Nation primarily for totem poles, canoes, or long beams and poles to build longhouses, community halls or similar community structures;

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

**"old forest"** means any of the following:

- (a) a stand of trees 250 years or older;
- (b) a structurally complex stand composed mainly of late successional or climax species, where older seral remnants may still be present in the upper canopy, and which typically includes:
  - (i) standing snags;
  - (ii) rotting logs on the ground; and
  - (iii) a patchy to well-developed understorey; or

- (c) a stand of trees younger than 250 years, of an ecosystem that has reached the late successional or climax stage for the ecosystem.

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

- (a) the individual is registered and in good standing in British Columbia with an appropriate professional 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;

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

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

**"sufficiently established"** means any of the following:

- (a) a plant community occurrence within an Old Forest stand; or
- (b) a low bench floodplain ecosystem, a mid bench floodplain ecosystem, or a high bench floodplain ecosystem.

**"temporary old forest reserve"** means a temporary spatially defined Old Forest reserve outside of Landscape Reserve Designs where timber harvesting will not take place during the period of time that the Temporary Old Forest Reserve, or portion thereof, is in effect;

**"tree length"** means the following:

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

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

- (a) a reach of a watercourse and 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, known to be inhabited by fish or connected within 500 metres 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 associated with a shellfish bed; or
- (d) herring spawn areas, kelp beds, eel grass beds, and other highly productive nearshore habitat used by valued marine invertebrates for reproduction and rearing.

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

- (a) S1 to S3 stream reaches that are not Type 1 Aquatic Habitat;
- (b) S4 stream reaches that are known to be inhabited by fish and are directly connected to Type 1 Aquatic Habitat or to S1 to S3 streams that are Type 2 Aquatic Habitat;
- (c) lakes greater than 0.25 hectares that are not Type 1 Aquatic Habitat; or
- (d) marsh and fen wetlands greater than 0.25 hectares that are not Type 1 Aquatic Habitat.

**"upland stream area"** means the forested portion of a watershed planning unit that does not contain Type 1 Aquatic Habitat or Type 2 Aquatic Habitat; and

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

## **Division 2 - First Nations**

### **3. Objective for First Nation information sharing and engagement**

- (1) For the purpose of implementing and achieving the intent of the objectives in this land use order conduct First Nation Engagement with Applicable First Nations.

### **4. Objective for identification of Indigenous Forest Resources and Indigenous Heritage Features**

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

### **5. Objective for Indigenous Forest Resources**

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

### **6. Objectives for Indigenous Heritage Features**

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

## **7. Objectives for Historical Culturally Modified Trees**

- (1) Protect Historical Culturally Modified Trees.
- (2) Adjacent to Historical Culturally Modified Trees, maintain a Management Zone of sufficient width and design to protect the Historical Culturally Modified Trees from site specific local hazards and windthrow.
- (3) Despite subsections (1) and (2), a Historical Culturally Modified Tree and the Management Zone may be altered or harvested if:
  - (a) the 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 Cutblock area would make harvesting economically unviable;

Provided that the plans to alter or harvest the Historical Culturally Modified Trees have been developed through a process of First Nation Engagement with Applicable First Nations.

## **8. Objectives for Indigenous Tree Use**

- (1) Maintain a volume and quality, specified during First Nation Engagement, of western redcedar, yellow cedar and other tree species to support the Applicable First Nations' present and future Indigenous Tree Use.
- (2) In Cedar Stewardship Areas, maintain, and recruit as necessary, Monumental Cedar, western redcedar and yellow cedar, specified during First Nation Engagement, to support the Applicable First Nations'

present and future Indigenous Tree Use.

- (3) Within Development Areas, retain Monumental Cedar and Cultural Cedar Stands with windfirm buffers specified during First Nation Engagement, to support the Applicable First Nations' Indigenous Tree Use.
- (4) Despite subsection (3), a Monumental Cedar and its windfirm buffer, or a Cultural Cedar Stand, may be altered or harvested provided that there has been First Nation Engagement with Applicable First Nations; and
  - (a) the harvesting is required for road access, other infrastructure, or to address a safety concern and there is no practicable alternative;
  - (b) it has been determined that the Monumental Cedar or Cultural Cedar Stand is not suitable or is not required for a cultural cedar use; or
  - (c) the Monumental Cedar or cedar from the Cultural Cedar Stand will be provided to the Applicable First Nation;provided that:
  - (d) retention of all Monumental Cedar and Cultural Cedar Stands in the Cutblock area would make harvesting economically unviable; and
  - (e) the plans to alter or harvest the Monumental Cedar and Cultural Cedar Stands have been developed through a process of First Nation Engagement with Applicable First Nations.
- (5) Within a Cutblock, for the first 15% of the pre-harvest stand retained in Stand Retention as specified in section 17(1), design Stand Retention to maintain mature and old western redcedar and yellow cedar representative of the pre-harvest stand.

#### **9. Objectives for retention of western yew**

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

### **Division 3 - Aquatic Habitat**

#### **10. Objectives for Important Fisheries Watersheds**

- (1) Within each of the Important Fisheries Watersheds shown in Schedule E, prior to declaring areas or applying for a cutting authority, ensure:

- (a) a watershed assessment or similar assessment of watershed sensitivity to forest development disturbance is completed by a Qualified Professional;
  - (b) an amount, type and distribution of forest cover sufficient to sustain natural hydrological and fluvial processes within the watershed is maintained;
  - (c) the effectiveness of the management strategies implemented pursuant to subsection (1)(b) are monitored; and
  - (d) the watershed assessment and monitoring strategies have been developed through a process of First Nation Engagement.
- (2) Despite subsection (1), forest stewardship plan holders may apply for a cutting authority in an Important Fisheries Watershed when:
- (a) a preliminary watershed assessment indicates no adverse impact on fish habitat, stream flow quality and quantity, and other watershed health indicators, and
  - (b) First Nations support, or do not object to, the application.

#### **11. Objectives for Type 1 Aquatic Habitat**

- (1) Protect and maintain Type 1 Aquatic Habitat by, within or adjacent to a cutblock and roads, but excluding stream crossings, maintaining an adjacent Reserve Zone with a minimum width of 1.5 Tree Lengths and an outer edge designed to minimize risk of windthrow.
- (2) Despite subsection (1), the width of 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) within or adjacent to the cutblock.
- (3) Despite subsections (1) and (2), the width of the Reserve Zone may be decreased by more than 0.5 Tree Lengths provided that:
  - (a) there is no net loss of Reserve Zone area required in subsection (1);
  - (b) assessments have been prepared by a Qualified Professional that specify 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;
  - (c) the measures in subsection (3)(b) are implemented; and
  - (d) the plans to decrease the width of the Reserve Zone, at specific locations to address site characteristics and values, by more than 0.5 Tree Lengths, have been developed through a process of First Nation Engagement with Applicable First Nations.
- (4) Despite subsections (1), (2) and (3) for Type 1 Aquatic Habitat that is not high value fish habitat, a forest stewardship plan may comply with the provisions for riparian reserve zones and riparian management zones 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 March 11, 2021, provided that:
  - (a) there has been First Nation Engagement with Applicable First Nations resulting in the support of, or

- lack of objection from, the Applicable First Nations;
  - (b) all of the forest in the riparian management zone is retained;
  - (c) adjacent to lakes, marshes, and fen wetlands, Functional Riparian Forest is retained;
  - (d) indicators to be tracked have been identified and strategies are in place to evaluate the effectiveness of the recommended riparian strategies; and
  - (e) the indicators and strategies pursuant to subsection (4)(d) have been developed through a process of First Nation Engagement with Applicable First Nations.
- (5) Despite subsections (1), (2), and (3), for the lower portion of the Klinaklini River and its tributaries identified in Schedule P, and for the lower portion of Viner Creek identified in Schedule P, maintain a Reserve Zone with a width of 100 metres on each side of the Natural Boundary, unless there is no practicable alternative for future road access, other infrastructure, or to address a safety concern. Existing road access and infrastructure is exempt from this reserve provision.
- (6) Where some or all of the forest required under 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 possible.

## 12. Objectives for Type 2 Aquatic Habitat

- (1) Maintain the natural ecological function of Type 2 Aquatic Habitat by, within or adjacent to cutblocks and roads, but not stream crossings, retaining 90% of the forest in an adjacent Management Zone with an outer edge designed to minimize risk of windthrow and a minimum width of 1.5 Tree Lengths.
- (2) Despite subsection (1), the width of the Management Zone in any cutblock may be decreased by up to 0.5 Tree Lengths to address site characteristics, provided there is no net loss of Management Zone area within the cutblock.
- (3) Despite subsections (1) and (2), the width of the Management Zone may be increased or decreased by more than 0.5 Tree Lengths and alteration or harvesting within the Management Zone may occur provided that:
- (a) there is no net loss of Management Zone area required in subsection (1) in the cutblock;
  - (b) an 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 Management Zone from windthrow;
  - (c) measures in subsection (3)(b) are implemented; and
  - (d) the plans to increase or decrease the width of the Management Zone by more than 0.5 Tree Lengths and have alteration or harvesting within the Management Zone, have been developed through a process of First Nation Engagement with Applicable First Nations.
- (4) Despite subsections (1), (2) and (3) for Type 2 Aquatic Habitat that is not high value fish habitat, a forest stewardship plan may comply with the provisions for riparian management zones 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 March 11, 2021, provided that:
- (a) there has been First Nation Engagement with Applicable First Nations resulting in the support of, or lack of objection from, the Applicable First Nations;

- (b) adjacent to S1, S2 and S3 streams, all of the forest in the riparian management zone is retained;
  - (c) adjacent to S4 streams, lakes, marshes, and fen wetlands, Functional Riparian Forest is retained;
  - (d) indicators to be tracked have been identified and strategies are in place to evaluate the effectiveness of the recommended riparian strategies; and
  - (e) the indicators and strategies pursuant to subsection (4)(d) have been developed through a process of First Nation Engagement with Applicable First Nations.
- (5) 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) Adjacent to Forested Swamps greater than 0.25 hectares, retain 70% of the Functional Riparian Forest in a Management Zone with an outer edge designed to minimize risk of windthrow and 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) A Forested Swamp assessment has been prepared by a Qualified Professional that specifies measures:
    - (i) to maintain local terrestrial habitat needs and linkages to other reserves; and
    - (ii) to minimize loss of trees in the Management Zone from windthrow;
  - (b) measures in subsection (4)(b) are implemented; and
  - (c) the plans to decrease the width of the Management Zone by more than 0.5 Tree Lengths and have additional harvesting within the Management Zone, have been developed through a process of First Nation Engagement with Applicable First Nations.
- (5) Where some or all of the forest within the Management Zone required 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 hydrologic and hydrogeomorphic processes in watershed planning units within the range of natural variation by maintaining a minimum of 70% of the forest in the Upland Stream Area as Functional Riparian Forest.
- (2) For the purposes of subsection (1), to the extent practicable, preferentially retain the Functional Riparian Forest to create windfirm reserves and management zones adjacent to streams in the Upland Stream Area that:
  - (a) are located upstream from Type 1 Aquatic Habitat and Type 2 Aquatic Habitat;
  - (b) have sensitive hydrogeomorphic attributes;
  - (c) are stream reaches with known tailed frog habitat; or

- (d) have unique microclimate or other rare ecological characteristics.
- (3) Despite subsections (1) and (2), an alternative plan to maintain hydrologic and hydrogeomorphic processes in a Watershed Planning Unit with the range of natural variability may be prepared as a result of a watershed assessment conducted by a Qualified Professional, consistent with professional practice guidelines, provided that:
  - (a) the effectiveness of the strategy implemented pursuant to subsection (3) is monitored according to a monitoring strategy designed by the qualified professional;
  - (b) the watershed assessment and plan is updated to reflect the results of such monitoring; and
  - (c) the strategies have been developed through a process of First Nation engagement with Applicable First Nations

**15. Objectives for Active Fluvial Units**

- (1) Reserve all forest on Active Fluvial Units
- (2) Adjacent to Active Fluvial Units, retain a minimum of 90% of the forest in a Management Zone with an average width of 1.5 Tree Lengths.
- (3) Despite subsections (1) and (2), forest on an Active Fluvial Unit may be altered or harvested, and less than 90% of the forest in the Management Zone may be retained, , to allow for road access or to address a safety concern, provided that:
  - (a) no practicable alternative to access a Development Area is available;
  - (b) an Active Fluvial Unit assessment has been prepared by a Qualified Professional that:
    - (i) specifies measures to maintain stream flow patterns and flow capacity and geomorphic stability of the Active Fluvial Unit for roads or other infrastructure; or
    - (ii) where the removal of 4 or more live trees is proposed for safety reasons, provides an assessment of the potential impact on geomorphic stability;
  - (c) the measures in subsection (3)(b) are implemented in a manner that will maintain the flow patterns and flow capacity and geomorphic stability of the Active Fluvial Unit; and
  - (d) the plans to alter or harvest an Active Fluvial Unit to retain less than 90% of the forest in the Management Zone have been developed through a process of First Nation Engagement with Applicable First Nations.
- (4) Where some or all of the forest required to be retained 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 Old Forest maintenance and recovery**

- (1) Pursuant to Part 1, section 4, subsections (1) and (2), for each site series group in the South Central Coast area, up to ten percent of the area required to meet the Old Forest Representation Targets specified in Part 1, section 4, subsection (1)(a) can be met:
  - (a) in forest in a higher level Site Series Group in the same biogeoclimatic variant specified in schedule L and in the same landscape unit; or
  - (b) in forest in an equal or higher level site series group in a different Biogeoclimatic variant in any of the four landscape units specified in schedule M;

where this results in an improved outcome for ecological integrity and Indigenous Cultural Values.

- (2) Pursuant to Part 1, section 4, subsections (1) and (2), for each Site Series Group in the South Central Coast area shown in Schedule C, up to ten percent of the area required to meet the Minimum Old Forest Retention Level specified in Part 1, section 4, subsections (1)(c) or (2)(a) can be met:
  - (a) in forest that is not Old Forest in the same Site Series Group; or;
  - (b) in Old Forest in a higher level site series group specified in Schedule L

where this results in an improved outcome for ecological integrity and Indigenous Cultural Values.

- (3) Pursuant to Part 1, section 4, subsections (1)(c) and (2)(a), for each Site Series Group in the South Central Coast area where less than 30 percent of the Site Series Group in a Landscape Unit is Old Forest, promote the restoration of landscape level biodiversity by reserving a minimum of 30 percent of the forest area in the SSG in a Landscape Reserve Design.
- (4) Despite subsection (3), the minimum amount of forest area of a Site Series Group retained in a Landscape Reserve Design may be reduced to enable flexibilities in subsections (1)(a), (1)(b) and (2)(b), where this results in an improved outcome for ecological integrity and Indigenous Cultural Values.
- (5) For the purposes of Part 1, sections 4 and 5, where because of harvest history or landscape characteristics, or where it is not practicable to meet Minimum Old Forest Retention Levels in a Landscape Reserve Design:
  - (a) forest that is not Old Forest may be included in the Landscape Reserve Design; and
  - (b) establish Temporary Old Forest Reserves outside of the Landscape Reserve Design, with an area sufficient to meet the Landscape Unit Minimum Old Forest Retention Levels.

#### **17. Objectives for Red-Listed Plant Communities and Blue-Listed Plant Communities**

- (1) Protect each occurrence of a Red-Listed Plant Community during a primary forest activity as per Schedule N.
- (2) Despite subsection (1), up to 5% of each occurrence of a Red-Listed Plant Community may be disturbed if:
  - (a) there is no practicable alternative for road access, other infrastructure or to address a safety concern; and
  - (b) the plans to disturb the Red-Listed Plant Community have been developed through a process of First Nation Engagement with Applicable First Nations.
- (3) Despite subsections (1) and (2), more than 5% of a Red-Listed Plant Community occurrence smaller than one hectare may be disturbed if it is necessary for critical road access, provided that:
  - (a) the total disturbance of that Red-Listed Plant Communities in a landscape unit does not exceed 5%; and
  - (b) the plans to further disturb the Red-Listed Plant Community have been developed through a process of First Nation Engagement with Applicable First Nations.
- (4) Reserve a minimum of 70% of each occurrence of a Blue-Listed Plant Community during a primary forest activity or reserve a minimum of 70% of the total area of each Blue-Listed Plant Community within a Landscape Unit as per Schedule O.



## **18. Objectives for Stand Retention**

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

## **Division 5 - Wildlife**

## **19. Objectives for grizzly bear habitat**

- (1) Maintain 100% of class 1 grizzly bear habitat:
  - (a) shown in Schedule D; or
  - (b) identified in the field by a Qualified Professional.
- (2) Maintain a minimum of 50% of class 2 grizzly bear habitat:
  - (a) shown in Schedule D or
  - (b) identified in the field by a Qualified Professional; and  
that provides a mix of habitat type, seasonal value, and distribution within a watershed or landscape unit.
- (3) Despite subsection (1), class 1 grizzly bear habitat may be altered or harvested, provided that:
  - (a) a Qualified Professional:
    - (i) completes an assessment that identifies the characteristics of the habitat and linkages, where appropriate, to other grizzly bear habitat; and
    - (ii) confirms that the alteration or harvesting will result in no net loss of class 1 grizzly habitat and connectivity and no functional loss of habitat connectivity;
  - (b) measures are implemented that will ensure the alteration or harvesting will not cause a material adverse impact to the suitability of the class 1 grizzly bear habitat; and
  - (c) the plans to alter or harvest class 1 grizzly bear habitat have been developed through a process of First Nation Engagement with Applicable First Nations.
- (4) Despite subsection (1), class 1 grizzly bear habitat may be altered or harvested for road access or to address a safety concern, provided that:
  - (a) there is no other practicable alternative for road access or other infrastructure, or the alteration or harvesting is required to address a safety concern;
  - (b) that the road right-of-way clearing width is the minimum safe width necessary to accommodate the road; and

- (c) measures are implemented that, to the extent practicable, will ensure the alteration or harvesting will not cause a material adverse impact to the suitability of the class 1 grizzly bear habitat.
  - (d) the plans to alter or harvest class 1 grizzly bear habitat have been developed through a process of First Nation Engagement with Applicable First Nations.
- (5) All identified grizzly bear habitat polygons must be documented and 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 grizzly Bear Dens**

- (1) Protect grizzly Bear Dens.
- (2) Adjacent to grizzly Bear Dens, maintain a Reserve Zone with a minimum width of 50 metres.
- (3) Despite subsections (1) and (2), alteration or removal of a grizzly Bear Den or its Reserve Zone, or both, may occur, provided that:
  - (a) alteration or removal is required for road access or to address a safety concern and there is no practicable alternative;
  - (b) the alteration or removal does not occur during the winter hibernation season; and
  - (c) the plans to alter or remove a grizzly Bear Den or Reserve Zone have been developed through a process of First Nation Engagement with Applicable First Nations.
- (4) 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,

provided that the plans to alter or remove trees in a Management Zone have been developed through a process of First Nation Engagement with Applicable First Nations.
- (6) All found grizzly 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.

**21. Objectives for black Bear Dens**

- (1) Protect black Bear Dens.
- (2) Adjacent to black Bear Dens, maintain a Reserve Zone with a minimum width of 30 metres.
- (3) Despite subsections (1) and (2), alteration or removal of a black Bear Den or its Reserve Zone, or both, may occur, provided that:
  - (a) alteration or removal is required for road access or to address a safety concern and there is no practicable alternative;
  - (b) the alteration or removal does not occur during the winter hibernation season; and

- (c) the plans to alter or remove a black Bear Den or Reserve Zone have been developed through a process of First Nation Engagement with Applicable First Nations.
- (4) In addition to subsections (1) and (2), adjacent to any Reserve Zone required in subsection (2), maintain a Management Zone of sufficient width and design to protect the integrity of the Bear Den and the Reserve Zone.
- (5) Within the Management Zone required 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,provided that the plans to alter or remove trees in a Management Zone have been developed through a process of First Nation Engagement with Applicable First Nations.
- (6) Where practicable, include suitable future and additional black bear denning habitat in management zones and in stand level retention.
- (7) All found black 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).

\_\_\_\_\_  
\_\_\_\_\_, Minister  
Ministry of Forests

\_\_\_\_\_  
Date

DRAFT

## 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 - Tree Heights
- Schedule I - Indigenous Heritage Features (Type 1 and Type 2)
- Schedule J - Indigenous Forest Resources
- Schedule K - Repealed
- 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 - Klinaklini River, Viner Creek Reserve Zones
- Schedule Q - Cedar Stewardship Areas
- Schedule R - Kermodé Stewardship Areas
- Schedule S - Site Series Groups