

Proposed Amendments to the Great Bear Rainforest Land Use Order (2016)

Background and Summary

The Great Bear Rainforest (GBR) land use orders, first developed and enacted in 2007 and then amended in 2009, were the culmination of many years of collaborative land use planning involving the B.C. government, First Nations, and stakeholders.

The 2016 GBR Land Use Order (GBRLUO) and the 2017 *Great Bear Rainforest (Forest Management) Act* (GBR Act), enacted as an outcome of the 2014 GBR review and government-to-government (G2G) discussions between First Nations and the BC government, established a more complete legal framework for implementation of Ecosystem-Based Management (EBM) in the GBR. The GBRLUO and the *GBR Act* protected or reserved 85% of the forested land-base from commercial harvesting, introduced stronger requirements for the stewardship of cultural and ecological values, increased levels of carbon sequestration and the production of carbon offsets, and established a requirement to maintain a managed forest land base of 550,000 hectares to support commercial forestry activity.

The 2016 GBRLUO is built upon the principle of continuous improvement with monitoring and periodic reviews required in 2021, 2026 and then every ten years. In 2020, the 5-year review of GBRLUO implementation effectiveness began, led by technical representatives from Coastal First Nations (CFN), Nanwakolas Council (Nanwakolas) and the BC government. This government-to-government team worked to review commissioned reports and implementation data along with information provided by BC Timber Sales, major forest companies (Interfor, Western Forest Products, Mosaic) and environmental groups (Sierra Club, Greenpeace and Stand.Earth). Based on this review, the G2G technical team developed a package of proposed changes organized around four key themes:

- **First Nations:** Increased oversight by First Nations of forest planning and harvest activity and stronger protection and stewardship of Indigenous cultural heritage and use of forest resources.
- **Aquatic Habitat:** Strengthened requirements for protection of important fisheries watersheds, maintenance of watershed health, and stewardship of fish-bearing rivers and streams and other important aquatic habitats and riparian forests.
- **Biodiversity:** Improvements in the way Landscape Reserve Designs¹ (LRDs) are being created to enable First Nations to take a stronger role in their development and expedite the protection of important forest values including rare and at-risk old growth.
- **Wildlife:** Increased requirements for the protection and stewardship of habitat for regionally important wildlife, particularly in relation to grizzly bears, Kermode (Spirit) bears and black bears.

¹ LRDs map and protect the old growth targets within the GBRLUO, consider a wide range of cultural and ecological values and direct where logging activity can occur.

SUMMARY OF PROPOSED AMENDMENTS

General

Several definitions in the Order were changed or refined, such as, “Aboriginal” changing to “Indigenous” throughout the Order. Updates were also made to “Indigenous Heritage Feature”, “Functional Riparian Forest” and “Type 1 Aquatic Habitat” definitions.

A new “Tree Length” table and methodology was provided with two height options – the measured height of tallest trees, and a table of potential tree heights by site series. This guidance will support the field identification of appropriate size buffers around important habitat features.

GBRLUO objectives now apply to the two Community Forest Agreements in the Bella Coola area. This change, subject to further discussion with the agreement holders, would leave woodlot licences as the only tenure excluded from the legal obligations of EBM objectives in the GBR.

First Nations

To strengthen First Nations engagement on Indigenous Forest Resources, Indigenous Heritage Features, Culturally Modified Trees, Monumental Cedar and others, updated requirements include seeking First Nation support through information sharing prior to harvesting activities.

Schedule I: Indigenous Heritage Features (IHF) Type 1 and Type 2 classifications were updated with middens and rock art being moved into Type 1 under village/seasonal sites. This reflects the current best practice.

A new definition and objective for the identification of Indigenous Forest Values was added, which allows for broader identification of Indigenous interests over time.

Aquatic Habitat

Important Fisheries Watersheds

Important Fisheries Watersheds (IFW) are areas known to include important habitat for salmon and other fish species. IFWs now require that an assessment be completed by a qualified professional to assess the overall health of the watershed and identify any potential impacts from proposed developments prior to the submission of harvest applications. These changes reflect the importance of all IFWs and improve upon the limitations of Equivalent Clearcut Area (ECA) which was used as a watershed condition measure. The IFW schedule boundaries have been aligned with the Freshwater Atlas heights of land.

Type 1 and 2 Aquatic Habitat

Aquatic habitats include wetlands, lakes and water courses ranging from ephemeral and intermittent streams to major river systems. Adjacent trees and vegetation contribute to the quality of the habitat and are largely managed in a forestry operation setting. In the GBRLUO, there are two major categories of aquatic habitats embedded within the objectives: Type 1 focuses on habitat zones most important for fish spawning and rearing; and, Type 2 includes fish-bearing streams that have secondary importance for fish habitat. Objectives for Type 1 and Type 2 Aquatic Habitat have largely been aligned between the Central and North Coast (CNC) and South-Central Coast (SCC), reflecting the significant importance of aquatic habitat for all First Nations and the province. Type 1 and Type 2 aquatic habitat objectives, which are typically associated with stronger stewardship requirements and

easier field interpretations, will now apply to the SCC. This inclusion replaces the 2016 SCC objectives for high value fish habitat and non-high value fish habitat. A *Forest and Range Practices Act (FRPA)* flexibility provision in the SCC is conditionally available (subject to First Nations support) in Type 1 Aquatic Habitat and Type 2 Aquatic Habitat for any habitat that is not considered “high value fish habitat”. Since fish tend to occupy streams < 20% grade, an earlier 5% slope limit for S4 streams in the Type 2 definition was removed resulting in increased protections for smaller stream types and more fish habitat preserved.

Upland Stream Areas

Uplands stream areas are important in protecting the water quality of nearby fish habitat/streams by acting as a filter for sediment-laden surface water. Several changes were made in wording and requirements to the Upland Stream Area objective to clarify the attributes and values considered during the development of reserve and management zones around upland streams. A Watershed Planning Unit layer will be provided as guidance.

Biodiversity

General terminology and definitions regarding old forest were revised. The definitions for “Old Forest” and “Sufficiently Established” were changed to align with the Old Forest, Red and Blue Listed Plant Community Field Guide. Part 1 Objective 4, “objectives for ecological representation” is now “objectives for Old Forest maintenance and recovery” and the definition for “Natural Forest” is now “Protected and Reserved Forest”. The definition and objective for “Temporary Old Forest Reserve” were moved from Part 1 to Part 3.

Landscape Reserve Designs (LRD) are detailed watershed and landscape level plans that consider a wide range of cultural and ecological values and direct where logging activity can occur. The LRD process has been updated to reflect the feedback over the last five years. More flexibility was introduced into the GBR LRD process to support effective ecological design principles and better accommodate Indigenous values.

The 18,650-hectare limit on drawdown below 30 percent may be adjusted based on updated data to improve the tracking of this limited flexibility provision. The Average Operational Landbase Netdown requirement which, due to limitations in the mapping resolution of the timber harvesting land base that allowed a specified portion of the LRD to be spatialized in the future, was removed. The objective now uses a “to the extent practicable” allowance to preserve some design flexibility.

GBRLUO details specific to the South-Central Coast (SCC) were combined and moved to Part 3 – South Central Coast. One of the major sections included flexibility to meet Old Forest Representation Targets and Minimum Old Forest Retention Levels in the heavily harvested SCC landscape units. Greater flexibility was added to allow highly productive second growth forest to be used in LRDs in place of low productivity old forest where that change leads to an overall improved outcome for ecological integrity and Indigenous Values.

The specific objectives for Restoration Zones and Restoration Landscape Units were removed. However, the overall intent was maintained by integrating the objective into the biodiversity objectives for the SCC and adding a revised objective that includes the requirement to reserve a minimum of 30% of the forest of each Site Series Group (SSG) in the LRD.

Provincially, each species and ecosystem are assigned to a Conservation Data Centre red, blue or yellow list to help set conservation priorities and provide a simplified view of the status of species and ecosystems in BC. For Red-Listed and Blue-Listed Plant Communities listed in the GBRLUO, the exception to disturb more than 5% of a plant community was added only for situations where the

disturbance is less than 1 hectare. The intent is to limit the use of this exception to those smaller plant communities where it is most needed to address access constraints.

Stand retention is an important component of sustainable forest management for maintaining biological diversity. For the Stand Retention objective, the list of features to include in Stand Retention was refined. The minimum stand retention area was altered to extend beyond 15% for larger cut blocks based on the landscape context. Further language was added to minimize the potential for windthrow.

Wildlife

Grizzly Bear Habitat

Grizzly Bear habitat, beyond that identified in Schedule D, can be now located in the field by a Qualified Professional and included in ongoing management. Class 2 Grizzly Bear habitat polygons will be expanded to the South Central Coast, and new Class 1 and Class 2 Grizzly Bear habitat was added to the Central and North Coast.

Grizzly and Black Bear Dens

Grizzly Bear dens and Black Bear dens were split into two separate objectives to better address the different reserve requirements for each species. A new management zone requirement was added to provide more substantive protection for black bear dens when identified in the field.

Great Bear Rainforest Review: Next Steps

In addition to reviewing the 2016 GBRLUO, the province will be working in G2G partnership with First Nations and seeking input from stakeholders on the development of policy guidance to provide further direction on the implementation of EBM in the Great Bear Rainforest. This advice will include an EBM Guidance Manual for licensees, a handbook to guide identification of Indigenous Heritage Features, and an updated and refined technical guide for development of landscape reserve designs.

Following public engagement and First Nations government-to-government discussions, a final version of the GBRLUO will be prepared. Any additional policy documents will also be completed at that time. Once approved, the final package will be available online at:

<https://www2.gov.bc.ca/gov/content/industry/crown-land-water/land-use-planning/regions/west-coast/great-bear-rainforest/great-bear-rainforest-legal-direction-agreements>.

Consistent with our legislative and First Nations commitments, another government-to-government review of the GBRLUO's effectiveness will be conducted in 2026/27 with potential amendments developed for further review.