

**OLD GROWTH MANAGEMENT AREA (OGMA)
AMENDMENT POLICY
- SKEENA REGION -**

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Introduction

The legal establishment of OGMA's under section 93.4 of the Land Act fixes the boundaries for the purpose of planning and establishes what activities are permissible within them for agreement holders under the Forest Act and Forest and Range Practices Act. The leading issue with this approach is how to deal with operational incursions into OGMA's and boundary adjustments where the Forest and Range Practices Act does not exempt agreement holders from requiring a Forest Stewardship Plan and/or being consistent with the OGMA objective.

Background

There are several reasons why amendments are expected. Firstly, due to limitations on resources, rigorous field checking of OGMA forest condition and boundaries may not have been done. Adjustments to some OGMA's are therefore expected so that boundaries can be aligned with intended physical features such as roads, cut block edges, streams, ridges or other metes and bounds. (The scale at which OGMA's were originally captured can be an issue as well, so adjustments could be needed to bring the boundaries closer to operational scale – i.e. 1:20 000 or greater)

Secondly, natural disturbance agents such as fire and forest insects have already caused mortality among some contributing forest stands leading to proposals for harvest within OGMA's. Some incursions into OGMA's are therefore expected to address legitimate forest health problems or to recover economic value from highly damaged timber.

Thirdly, the selection of an OGMA may not have accounted for operational impacts to timber harvesting and thus an OGMA may need to be amended to allow for continued forest operations. For example the location of an OGMA may limit access to timber beyond the OGMA.

There may also be situations where there is new data or information (increased operability, new and/or more accurate vegetation inventory, BEC, TUS or wildlife mapping) that would warrant adjusting OGMA's to improve their usefulness.

Where OGMA's are amended replacement of the amended area is required. The parameters of the replacement process must address maintenance of both biodiversity and timber availability.

Discussion

OGMA boundaries must currently be approved by the Minister of Agriculture and Lands or the Minister's delegated decision maker. It should be noted that the legal limits of harvesting or road construction within an OGMA only apply to activities that are subject to a result/strategy in a Forest Stewardship Plan (FSP), including small scale salvage. However, the purposes for which flexibility might be applied can provide a framework to Ministry of forests and Range (MOFR) officials as they issue and administer these harvesting tenures.

The legal requirements of OGMA's do not apply to companies or individuals involved in the following activities:

- First Nation traditional use;
- Mineral exploration and development
- Oil and gas exploration and development
- Commercial and non-commercial recreational use;
- Gathering of non-timber forest products;
- Any other uses for which a lease or license is issued under the *Land Act*; and
- Activities exempted under FRPA.

Once OGMA's are established there may be instances where, for reasons listed above, amendments to individual OGMA's may be necessary. This policy provides a responsive decision-making process that allows OGMA's to be amended, without unduly straining government resources. The process also

provides a degree of operational flexibility to the proponent requesting an amendment. This is accomplished most simply by classifying amendments to OGMA's into minor or major, and establishing the roles of the proponent and government for the two classes of amendments.

Purpose

This policy will guide proponents of OGMA amendments by identifying where and when amendments can occur and establishing the process requirements for submission of OGMA amendment request (refer to Appendix 1).

Context

This policy was developed to ensure that due consideration is given to the amount of old growth retained across the landscape over time. It acknowledges the influence of natural disturbance agents as part of biodiversity, and also acknowledges the need to adhere to identified timber supply impacts as determined through regional land use plans or as otherwise specified in government regulations and/or policy.

This policy is designed for areas with spatially located and legally established OGMA's.

Guiding Principles

- Old growth management is a 'coarse filter' tool, and therefore is most appropriately managed at the landscape level.
- Amendment and replacement of OGMA's is considered in the context of landscape level biodiversity.
- Not all OGMA's disturbed by natural processes will be replaced. Natural succession should be left to occur within OGMA's.
- There is to be no net loss of OGMA area. Replacement is necessary where salvage harvesting of an OGMA occurs or where an OGMA is made available for harvesting.
- Selection of replacement OGMA's are to mirror the area of OGMA being amended. For example if an area of an OGMA to be amended is a rich site with large trees with tight crown canopies every effort is to be made to find a replacement area that has these same attributes.
- Decisions pertaining to the approval of OGMA amendments or identified replacement OGMA's rests with government.
- Subject to Section 25, 26 and 27 of the Forest and Range Practices Act harvesting within an OGMA due to a forest health issue is only permitted when there is a significant threat to the health of the adjacent forest.
- The review and approval of OGMA amendments and replacement will be done twice yearly to optimize administrative efficiency and to allow for replacement of several small parts with one larger whole. "One offs" where legal replacement occurs immediately should be rare.

In many cases the original process to locate OGMA's was largely a computerized process that only considered a small number of attributes (typically landscape unit, BEC variant, age, and whether or not the area is within the timber harvesting land base). This kind of process did not explicitly consider other attributes that contribute value to an OGMA (such as crown closure, presence of snags or other structural attributes), so it is unbiased with respect to those attributes. Such a process should produce a set of OGMA's that covers the range of conditions found across the landscape. Amendments that seek to replace entire OGMA's will not be accepted unless they meet the attributes of the original OGMA (refer to Key Criteria for replacement Areas section below) because the replacement areas may introduce bias into the range of conditions covered.

Policy

The amendment and replacement of OGMA areas will occur within a landscape context. The cumulative total of disturbed OGMA areas is monitored within a biogeoclimatic unit¹ within the landscape unit. Recognizing the various reasons that OGMA amendments may be required and the need to maintain operational flexibility within the OGMA amendment process a specified amount of harvesting disturbance is permitted within OGMA, subject to the process requirements listed below.

Proponents of OGMA amendment requests are responsible for preparing necessary information on the OGMA to be amended and its replacement area. The Integrated Land Management Bureau (ILMB) will undertake a review of submitted amendments requests twice a year. OGMA amendments that are deemed to significantly amend a legally established OGMA (considered within this policy as a major amendment) will require the Minister of Agriculture and Lands or the Minister’s delegated decision approval prior to the amendment being allowed to proceed.

ILMB will review landscapes on a variable period determined by the rate of disturbance to assess the state of old growth retention within OGMA. For example a very large fire could trigger review in the same season. Conversely, smaller cumulative disturbances need only be assessed according to a multi-year review period of OGMA status. Once the threshold is exceeded, a review of salvage opportunities and replacements may be initiated.

Minor and Major Amendments

There are two categories of OGMA amendments; minor and major. Minor amendments are established to provide operational effectiveness while still maintaining the effectiveness of old forest conservation within each landscape unit. Minor amendments are relatively small in size and allow the proponent of an amendment to modify existing OGMA without approval by the Minister of Agriculture and Lands or the Minister’s delegated decision maker. Table 1 indicates the size limits that define minor amendments.

Note: *The following criteria only apply where legal orders do not specify size criteria.*

Table 1. Size of Minor OGMA Amendments

Size of OGMA	1 – 200 ha	201 – 1000 ha	> 1000 ha
Minor Amendment Limits	Up to 10% or 10 ha of OGMA (whichever is less)	Up to 5% or 25 ha of OGMA (whichever is less)	Up to 2.5% of OGMA

If the proponent’s OGMA amendment **exceeds** the area/percentage listed in Table 1 the amendment is considered to be a “major amendment”. In accordance with Section 93.6 of the Land Act major OGMA amendments constitute a significant amendment to the legal order establishing the OGMA and as such require the amendment to undergo a public review process (refer to the Consultation and Communication Section below).

Size limits that identify minor and major amendments apply to one single amendment or successive small amendments to an individual OGMA. For example, two successive amendments of 5 ha can be undertaken on a 100 ha OGMA. The total area would not exceed the 10 ha or 10% (whichever is less) target and thus would be considered a minor amendment. Should another 2 ha amendment to the same OGMA be needed, that amendment would be considered a major amendment and would require approval by the Minister of Agriculture and Lands or the Minister’s delegated decision maker. In essence the combined total of amendments (12 ha) would exceed the minor amendment target.

¹ Biogeoclimatic unit may be either a subzone or variant, depending on the original criteria for establishment.

Submission and Review of OGMA Amendment Requests

ILMB will review major OGMA amendments twice each fiscal year. Table 2 indicates the time frame when OGMA amendments will be reviewed by ILMB.

Table 2. Submission periods for OGMA amendment requests and their associated review periods.

Date OGMA Amendment is received by ILMB	OGMA Amendment Review Period
September 1 – March 31	April 1 – April 30
April 1 – August 31	September 1 – September 30

Subject to a major amendment request meeting all information requirements, First Nations consultation being completed and stakeholder and public concerns being addressed approval of major amendments should be received by the proponent by May 31 and October 31 of each year.

OGMA amendment requests that are incomplete or inaccurate will be returned to the proponent during the review period. The proponent can resubmit the OGMA amendment request once the noted issues have been addressed. The resubmitted request will be reviewed during the next review period. Should ILMB be required to undertake the information sharing component of consultation with First Nations with claimed or established rights and title in the area being amended, or consultation with other stakeholders, the proponent will be notified of the status of amendment approval once the process(es) have concluded. While every attempt will be made to expedite these processes in a timely fashion, there is no set timeline for their completion.

***Note:** Minor amendments may be submitted at any time throughout the calendar year. Minor amendments must be submitted and received by ILMB, Skeena Region prior to the amendment taking place. Minor amendments are not to take place until First Nations consultation has been completed.*

Amendment Preparation

Subject to existing legal orders or strategic plan direction, all OGMA amendments must comply with the Old Growth Management Area Amendment Policy and must meet the intent of maintaining old growth management targets within the Skeena Region. OGMA amendments for every minor and major amendment must be supported by the following information and must be submitted to ILMB, Skeena Region, to be in compliance with this policy:

- A rationale, consistent with criteria listed in the ‘Rationale for Amendment’ section above that describes why an amendment is necessary.
 - Documentation that a Category A, 196(1), 196(2) or other proposed block or cutting permit was approved prior to an OGMA Order being established and lies over top of that OGMA (if applicable);
- Digital spatial information and a hardcopy or printable electronic map (e.g. PDF format), at an appropriate scale, depicting the particular OGMA to be amended, a label on the map identifying the size of the original OGMA, and the area (labelled on the map) of that OGMA that is to be amended (e.g. SW corner, E edge, etc). The map must also contain digital line work for the proposed road or block overlapping with the OGMA, including the road or block number. One map is required for each individual OGMA amendment, no matter how small. If available, the appropriate OGMA number is to be clearly identified on the map. If a number is not available, a suitable map inset or geographic reference must be supplied to locate the OGMA in question.
- Digital spatial information and a hardcopy or printable electronic map (e.g. PDF format), at an appropriate scale, depicting the replacement OGMA or the area replacing the requested amendment area (can be an area added to existing OGMA meeting the acceptable criteria listed below). If available, the appropriate OGMA number is to be clearly identified on the map. If a

number is not available, a suitable map inset or geographic reference must be supplied to locate the OGMA in question.

- An indication that the replacement area or replacement OGMA has been field verified for consistency with the existing OGMA. The proponent must clearly identify how the replacement area meets or exceeds criteria that were used in establishing the original OGMA area. Considerations for data to be included in the rationale are listed in the “Key Criteria for Replacement Areas” and “Location of Replacement Area” sections below.
- Other digital and hardcopy maps showing overlap with other resource values as appropriate (e.g. First Nations traditional use sites/areas, wildlife habitat, visuals, etc).
- A written record of consultation with affected stakeholders (e.g. other forest licensees).
- A written record of information sharing efforts with First Nations. Where a First Nation indicates to a proponent their support for a proposed amendment the ILMB is to be notified of this support in writing (the First Nations support must be in writing). Note: Should a First Nation have issues with, or reject outright, the proposed amendment presented by the licensee, the ILMB will initiate formal government-to-government consultation to determine the First Nation’s interests and/or concerns regarding the OGMA amendment and will seek to address those issues and/or concerns.
- Sign off by an RPF, RFT or RPBio.

Note: Submitted digital maps are to conform to the digital data standards listed in Appendix 2.

Subject to existing legal orders or strategic plan direction the criteria for amending an OGMA may vary depending on the criteria initially used to establish the original OGMA and on the data/information that is available. It is therefore very important that the proponent has a strong case for an amendment, using the best data/information available and to supplement this with appropriate new data/information where practicable.

Proponents of minor amendments are not to proceed with the amendment where information listed above is, not in order, is lacking or is inaccurate and are not to proceed until this information is received by ILMB, Skeena Region.

Major OGMA amendments that are submitted for approval will not be considered until the review period. If during the review period it is found that information listed above is not in order the amendment request will be rejected. The proponent will be notified of the amendment request status and may choose to resubmit for the next review period provided the necessary information has been included.

Rationale for Amendment

Valid reasons for amending an OGMA include:

- Access issues that were overlooked or unknown during the initial OGMA delineation, where no practicable alternative exists (e.g. an OGMA is blocking access to timber that is outside an OGMA);
- An approved harvest area was in place prior to an OGMA being established over top of the harvest area (e.g. a Category ‘A’, 196(1) or 196(2) or other proposed block was in place before the OGMA was established. *This case may arise if the approved harvest area was overlooked or unknown during the initial OGMA delineation*
- Preserving First Nations traditional and cultural use (e.g. a First Nation identifies a specific cultural site where amending a nearby OGMA area may cover / preserve the site);
- To address a compelling forest health issue (e.g. Where a forest pest or disease is established in an OGMA and spreads to the point where it threatens to damage surrounding forests) ;
- Operational information that was not available when the OGMA was established (e.g. an edge of an OGMA is locate where a harvest operation, such as a backline for cable logging, needs to be based);

- New data and information that would improve the usefulness of an OGMA (i.e. new resource inventories, First Nations cultural sites, wildlife mapping); or,

If the proponent's rationale for requesting a minor amendment is not consistent with one or more of the rationale above, the amendment request is not to proceed.

Major OGMA amendment request that are not consistent with one or more of the rationale above will be rejected. The proponent will be notified of the amendment request status and may choose to resubmit for the next review period provided the necessary information has been included.

Replacement Area

Key Criteria for Establishing Replacement Areas

The proponent must assess whether or not the proposed replacement area meets or exceeds criteria that was used in establishing the original area. Field verification of the replacement area is therefore required. As a minimum, replacement areas are to mirror the portion of the OGMA being amended as close as possible (i.e. similar ecological site series). The criteria used to evaluate the replacement OGMA or replacement area includes:

- Landscape Unit;
- Ecological unit - BEC zone, variant, or site series (or surrogate) consistent with what was used in the original establishment process;
- Area (hectares) – Size of replacement area must be equal to or greater than the area of OGMA being amended.
- Age of stand;
- Landbase classification (Timber Harvesting Land Base, Partially Contributing, Non-Contributing, other);
- Interior forest condition (if original OGMA contained interior forest condition and is altered because of amendment); and,
- High value wildlife habitat.
- Stand level attributes (if stand level attributes were used as key criteria in the original OGMA establishment).

The proponent's assessment of the replacement OGMA or replacement area is to be made in the context of cumulative impacts to fish, wildlife, biodiversity and to timber supply, and not strictly on an individual criterion basis.

If the replacement OGMA does not meet the necessary criteria, the amendment request may not be considered and may be returned to the proponent. The proponent may choose to resubmit the request provided the necessary information has been included.

The proponent's judgement will be required to determine appropriate choices in different landscapes but key criteria will be those described above.

Location of Replacement Area

Replacement areas should be selected in the following priority manner.

- First priority for establishing a replacement area is to attach the replacement area to the OGMA that is being amended (e.g. remove SE portion, add new area to the SW portion of the same OGMA).
- Second priority is to find a replacement area that adjoins another OGMA (replacement area must be similar to the area of OGMA being amended).
- Third priority is to establish a new OGMA. Any new OGMA must be consistent with criteria used to establish the original OGMA being amended (e.g. interior forest conditions or high

value grizzly bear, moose or goat winter range, First Nations site, etc.) and must be at least 25 ha in size. Every effort is to be taken to create OGMA's that are circular in shape (avoid long narrow OGMA's).

Note: In the event that an amendment to an OGMA splits the original OGMA into two separate units, each separate OGMA must be a minimum of 25 ha in size. In some cases the minimum OGMA size will be unobtainable. In these cases, the proponent is to provide a rationale explaining why the minimum size was unobtainable.

Consultation and Communication

The extent of consultation and communication will differ depending on the size and extent of the amendment being requested. The Minor Amendment and Major Amendment Sections below describe these processes.

Minor Amendments

No public review period is required for minor amendments; however it is **recommended** that proponents make an attempt to seek and incorporate any interests and/or mitigate issues that are raised by the public.

The proponent is responsible for making reasonable efforts to address and resolve any significant comments that arise from the consultations with affected stakeholders (other forest licensees, tenure holders, etc.).

The proponent needs to be aware that unresolved issues brought forward by affected stakeholders may result in the amendment being returned to the proponent. The proponent may choose to resubmit provided the issue(s) in question have been addressed.

Major Amendments

Major Amendments require a minimum 30 day public review period to allow the general public to identify any interests and/or issues they have with the proposed amendment. ILMB will initiate the public review process at the start of each amendment review period.

The public review process commences with a two week advertisement in a local newspaper. As a minimum, the advertisement will briefly describe:

- The OGMA or portion of an OGMA being amended;
- The replacement OGMA or replacement area being proposed;
- The process that individuals can follow to obtain more information about the proposed OGMA amendment (inquiries are to be directed to ILMB);
- The process that individuals are to follow to submit comments/concerns about the proposed amendment (submissions to be directed to ILMB).

Where suitable, other media should will also be used to inform the public of the intent to amend an OGMA.

The proponent will be responsible for making reasonable efforts to address and resolve any significant comments or issues that arise from consultations with affected public and/or stakeholders (other forest licensees, tenure holders, etc.).

The proponent needs to be aware that unresolved issues brought forward by affected stakeholders may result in the amendment being returned to the proponent. The proponent may choose to resubmit provided the issue(s) in question have been addressed.

First Nations Consultation

First Nations consultation must be undertaken when a proponent requests a minor amendment to OGMA containing cultural heritage values or when a proponent requests a major amendment to an OGMA.

The proponent is to make reasonable efforts to share information on the proposed amendment with First Nations if the First Nation has claimed or established rights and title on: (a) the OGMA to be amended; (b) the replacement area or the replacement OGMA. Information sharing is to focus on providing the First Nations with as much information as necessary so they may understand the reasons for the proposed amendment. Proponents are to use this information sharing as a means to understand and mitigate any spatial and/or temporal issues/concerns the First Nations may have with the proposed amendment as well as the replacement area or replacement OGMA. The proponent must document all correspondence with affected First Nations. Should an agreement be reached, documentation must be forwarded to ILMB in support of this agreement. ILMB will confirm this agreement with the First Nation and the proponent prior to granting the proponent approval to proceed.

In the event that the proponent's efforts to undertake information sharing with a First Nation with claimed or established interests fails to reach its intended goal, the matter is to be referred to ILMB. If the proponent chooses not to undertake information sharing with the First Nations with claimed or established interests, or attempts to provide information to a respective First Nation and the First Nation chooses not to respond to the request or engage in information sharing, ILMB will undertake the information sharing phase of consultation on behalf of the proponent. Consultation with all First Nations having claimed or established interests in areas where OGMA amendments are being proposed will commence at the start of the review period.

The proponent is not to undertake minor amendments in OGMA having First Nations cultural values until ILMB confirms or completes First Nation consultations and grants the proponent approval to proceed. OGMA amendment approval in this case is subject to the results of government-to-government consultation.

OGMAs that Overlap with other Legal Objectives

Established UWR (Ungulate Winter Range) and WHA (Wildlife Habitat Area) Orders identify provisions for consideration of exemption from general wildlife measures by authority provided in Section 92(1) of the *Forest Planning and Practices Regulation, Forest and Range Practices Act* (FRPA). An outline of considerations for exemption and associated recommendations are generally provided with the Orders. The UWR and WHA Orders are accessed at the following websites:

<http://www.env.gov.bc.ca/wld/frpa/uwr/index.html>

<http://www.env.gov.bc.ca/wld/frpa/iwms/index.html>

Where overlaps exist with OGMA (Old Growth Management Area) and UWR and WHA, concurrent OGMA amendment and UWR and WHA exemption requests from proponents are preferred to facilitate focused and timely consideration. This is also the case where overlaps exist with OGMA and other Ministry of Environment (MoE) authorities under FRPA. A list of MoE authorities are accessed at the following website:

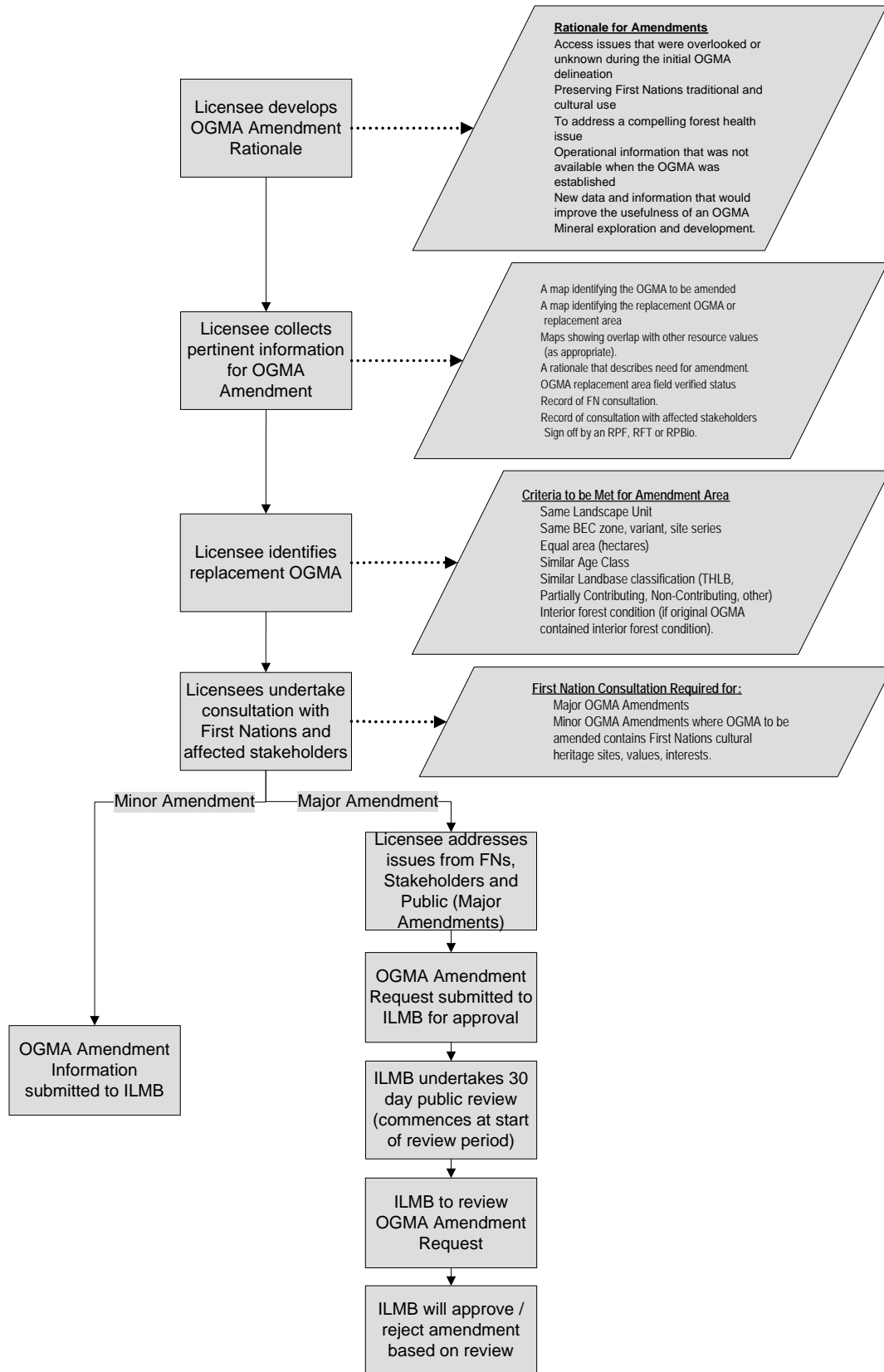
<http://www.env.gov.bc.ca/wld/frpa/index.html>

One such authority is the *Forest Planning and Practices Regulation* Section 7 Notices. The FRPA General Bulletin Number 6 “Wildlife Habitat Objectives: Considerations Respecting the Content of Forest Stewardship Plans” outlines primary considerations for addressing the objective for wildlife in the *Forest Planning and Practices Regulation*, Section 7(1), and other wildlife objectives set by government that are applicable for the purposes of the *Forest and Range Practices Act*. The FRPA General Bulletin Number 6 and *Forest Planning and Practices Regulation* Section 7(2) Notices are accessed at the following websites:

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http://www.for.gov.bc.ca/hth/timten/FRPA_implementation/Bulletins.htm
<http://www.env.gov.bc.ca/wld/frpa/notices/index.html>

Appendix 1 - OGMA Amendment Process - Skeena Region -



Appendix 2 – Digital Data Standards for OGMA Amendments

Spatial Data Deliverables:

A. General:

1. The georeferenced spatial data is to be delivered in shapefile format.
NOTE; ensure that all component files of the shapefile are included (especially metadata).
2. Each shapefile must completely cover the amendment area.
3. The spatial data will be supplied in Albers projection, NAD83, units metres. This may require a reprojection of the data, a datum shift, or both. The Albers parameters to use are those of the BC Government standard:

Projection:	Albers Conic Equal Area
Central Meridian:	-126.0 degrees
First standard parallel:	50.0 degrees
Second standard parallel:	58.5 degrees
Latitude of reference:	45.0 degrees
False Easting:	1,000,000 meters
False Northing:	0 meters

Any datum shift must be performed using the Canadian National Transformation (CNT) matrix.
4. Attribute data will be supplied:
 - a) within the DBF file of the shapefile

B. Metadata File:

Each shapefile received should be accompanied by a shapefile_name.txt metadata document that includes all of the fields listed below as a minimum. Additional key values and information can be obtained from the ILMB meta content web page: <http://srmwww.gov.bc.ca/gis/arcmetadata.html>

The table should have two items (columns):

1. KEY: character, 16 wide (i.e.: KEY,16,16,C).
2. VALUE: character, 170 wide (i.e.: VALUE, 170,170,C).

There should be at least four records in the table, with key values of:

- TITLE - Short name for this data
- DESCRIPTION - What kind of data is it?
- SOURCE & CONTACT - Where did this data come from?
- RESOLUTION/SCALE DIGITIZED AT - example 1:20k vs. 1:250k
- PRODUCTION_DATE - When was it first created as a shapefile?
- SUPPORTING INFORMATION/TABLES – Key query attributes

C. Polygon Features:

Shapefiles must be topologically clean. Each polygon must contain exactly one unique polygon label. All polygon boundary lines must be broken where they intersect and all endpoints must meet exactly.