

# **Haida Gwaii Land Use Objectives Order**

## **Background**

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

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

This Order does not change or affect the positions that the Council of the Haida Nation or the Province have regarding their jurisdiction, responsibilities and/or decision-making authority. However, the recently enacted *Haida Gwaii Reconciliation Act* does contain a provision that will enable the Haida Gwaii Management Council to establish new land use objectives, once the Council determines that amendments are necessary to this Order and the relevant section of that *Act* is brought into force.

The implementation of ecosystem-based management will be monitored and, if monitoring indicates that the objectives for ecosystem integrity, Haida cultural values or socio-economic considerations included in the SLUA are not being met, this Order may be reviewed and replaced by new land use objectives established by the Haida Gwaii Management Council.

# Ministry of Natural Resource Operations

## Land Use Objectives Order

### Haida Gwaii

#### Part 1 - Interpretation

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

- (1) Pursuant to section 93.4 of the *Land Act*, the following objectives are established as land use objectives for the purposes of the *Forest and Range Practices Act*, and apply to the landscape units shown on the map attached as Schedule 1.
- (2) In accordance with section 5 of the Land Use Objectives Regulation (B.C. Reg. 357/2005), subsection 9 (2) of this Order is disclosed as being in conflict with the objective made in section 10 of the *Forest Planning and Practices Regulation* (B.C. Reg. 14/2004) under the *Forest and Range Practices Act*, for the area shown on the map attached Schedule 1, since this Order applies to all culturally modified trees modified prior to 1920, within the area shown in Schedule 1.
- (3) This Order establishes land use objectives in accordance with section 93.4 of the *Land Act*, and does not define, amend, recognize, affirm, deny or limit the aboriginal rights, aboriginal title, or treaty rights of the Haida Nation and does not relieve the Province of any obligation or duty to consult and accommodate the Haida Nation.
- (4) Results or strategies specified in a forest stewardship plan may apply to more than one objective contained in this Order.

##### 2. Definitions

- (1) In this Order:

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

**“adaptive management plan”** means a monitoring or research initiative that is developed and implemented during the operational planning, timber harvesting, silviculture treatment, or road construction, including maintenance and deactivation phases, to examine the outcomes of management strategies and practices that vary from default requirements, the results of which will inform the development of future management strategies and practices;

**“bioregion”** means all lands commonly referred to as Haida Gwaii;

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

**“blue-listed ecological community”** means any ecological community that is listed in Schedule 13 as blue-listed;

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

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

**“cultural cedar stands”** means three or more culturally modified trees, monumental cedar, or a combination thereof, where each tree is within 50 meters of another tree;

**“cultural feature”** means any Haida traditional forest feature, Haida traditional heritage feature, culturally modified tree or monumental cedar;

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

**“development area”** means a specific location defined by boundaries shown on a site plan where timber harvesting is planned or carried out, and includes any stand level 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 thereunder;

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

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

- “forested swamp”** means a forested mineral wetland or a forested peatland that is represented by the Western redcedar – Sitka spruce / skunk cabbage ecological community;
- “functional riparian forest”** means mature forest and old forest adjacent to streams and other aquatic features that all contribute to the functioning of aquatic ecosystems through the filtration of sediment from runoff, the stabilization of banks, the regulation of water temperatures, the provision of a continual source of large organic debris to the stream channel and through other means;
- “Great Blue Heron nest”** means any heron nest, unless monitoring confirms that the nest has not been used in the last three consecutive breeding seasons;
- “Haida traditional forest feature”** means a Haida traditional forest feature listed in Schedule 2;
- “Haida traditional heritage feature”** means a Haida traditional heritage feature listed in Schedule 2;
- “hydrologically recovered”** means the point at which regenerated forest stands have hydrologic properties similar to the pre-harvest hydrologic properties of the stands, with hydrologic responses within the range of natural variability;
- “intergovernmental process”** means a collaborative process at the technical and operational level pursuant to the Kunst’aa guu – Kunst’aayah Reconciliation Protocol dated December 11, 2009, or means another collaborative process agreed upon by the Haida Nation and the Province of British Columbia;
- “management zone”** means an area that has restrictions specified in this Order on the alteration or removal of trees;
- “mapped reserves”** means the areas shown on the maps attached as Schedule 8 and Schedule 12, where timber harvesting may not occur, unless harvest limits are otherwise specified in this Order;
- “Marbled Murrelet nesting habitat”** means areas shown as Class 1 and Class 2 Marbled Murrelet nesting habitat on the map attached as Schedule 11;
- “mature forest”** means a forest older than 80 years in a Coastal Western Hemlock zone and older than 120 years in a Mountain Hemlock zone, or means a forest classed as structural stage 6;
- “monumental cedar”** means a visibly sound western redcedar or yellow-cedar tree that is greater than 100 centimeters in diameter at breast height and has a log length of 7

meters or longer above the flare with at least one face that is suitable for cultural use;

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

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

**“qualified professional”** means a person who:

(a) is registered and in good standing in British Columbia with an appropriate professional organization constituted under a British Columbia statute, who is acting under that association’s code of ethics and is subject to disciplinary action by that association; and

(b) is acting within his or her area of expertise and scope of practice;

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

**“red-listed ecological community”** means any ecological community that is listed in Schedule 13 as red-listed;

**“reserve zone”** means an area referred to in this Order where timber harvesting may not occur, unless harvest limits are otherwise specified in this Order;

**“restricted activity zone”** means an area where timber harvesting, silviculture treatments, road construction (including maintenance and deactivation) and auditory machine disturbance are restricted for specified periods during the calendar year;

**“stand level retention”** means small intact patches of trees and understory vegetation that are located in a development area to assist in meeting the land use objectives in this Order;

**“tree length”** means a horizontal distance equal to:

(a) in old forest stands, the tree height as indicated in column B of Schedule 5 for the predominant site series adjacent to the feature or the measured height of the tallest old trees adjacent to the feature; or

(b) in young or mature stands, the tree height as indicated in column A of Schedule 5 for the predominant site series adjacent to the feature, or the measured height of the tallest mature trees adjacent to the feature;

**“Type I fish habitat”** means areas shown as Type I fish habitat on the map attached as Schedule 4 or any area that includes:

- (a) a reach of a watercourse and its active floodplain with a continuous channel bed that is greater than 1.5 metres in width, is less than or equal to 5% in gradient and is known to be, or has the potential to be, inhabited by fish;
- (b) a lake or wetland greater than 1.0 hectare connected by a perennial or seasonal stream to fish habitat described in (a); or
- (c) an estuary or marine interface zone connected by a perennial or seasonal stream to fish habitat described in (a);

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

- (a) a reach of a watercourse and its active floodplain with a continuous channel bed that is not classified as Type I fish habitat and is known to be, or has the potential to be, inhabited by fish; or
- (b) a lake or wetland greater than 1.0 hectare that is not classified as Type I fish habitat and is connected by a perennial or seasonal stream to fish habitat described in (a);

**“upland stream”** means a stream reach that is not Type I fish habitat or Type II fish habitat;

**“upland stream area”** means those portions of a watershed sub-unit that are outside of reserve zones and management zones adjacent to Type I fish habitat and Type II fish habitat;

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

**“watershed sub-unit”** means an area shown on the map attached as Schedule 6;

**“western yew patch”** means five or more western yew trees where each yew tree is within 5 meters of another yew tree;

**“winter hibernation season”** means the period between November 1<sup>st</sup> and May 15<sup>th</sup> when Black Bear dens may be in use for hibernation;

- (2) Words and expressions not defined in this Order have the meanings given to them in the *Forest and Range Practices Act*, the *Forest Act*, the *Heritage Conservation Act*, the *Range Act* and the regulations made thereunder, unless the context indicates otherwise.

- (3) Where an objective refers to an area shown on a schedule and the area is also defined by a source spatial dataset, the boundaries of the area as defined by the source spatial dataset will apply. All source spatial datasets are available in:  
<ftp://ftpnan.env.gov.bc.ca/pub/outgoing/dist/HaidaGwaii/Objectives/data/>
- (4) Within individual development areas, mapped reserves, reserve zones, management zones and stand level retention may be used to meet more than one land use objective.
- (5) Mapped reserves, reserve zones, management zones and stand level retention used to meet land use objectives for one development area cannot be used to meet land use objectives for any other development area.

## **Part 2 – Cultural Objectives**

### **3. Objectives for cedar stewardship areas**

- (1) Maintain cedar stewardship areas to provide a supply of cedar for present and future cultural use.
- (2) Despite subsection (1), up to 10% of the total area of cedar stewardship areas may be harvested for commercial purposes, of which up to 250 hectares may be harvested in a 10 year period, provided that:
  - (a) an intergovernmental process is completed;
  - (b) cultural values within the specific cedar stewardship area proposed for harvesting are identified in accordance with section 4; and
  - (c) the distribution of harvest is proportional to the occurrence of cedar stewardship areas within a given landscape unit.

### **4. Objectives for cultural feature identification**

- (1) Identify cultural features referred to in sections 5, 6 and 9 by conducting a field assessment prior to undertaking road construction or timber harvesting. The field assessment is to be completed by a person who has been certified by the Council of the Haida Nation.

## 5. Objectives for Haida traditional heritage features

- (1) Protect all Class 1 Haida traditional heritage features.
- (2) Adjacent to Class 1 Haida traditional heritage features, maintain a reserve zone with a minimum width equal to 500 meters, measured from the edge of the Class 1 Haida traditional heritage feature, in order to protect that feature.
- (3) Despite subsection (2), the area of the reserve zone may be reduced, provided that
  - (a) an intergovernmental process is completed; and
  - (b) the reduction is required for road access, other infrastructure, or to address a safety concern, and no practicable alternative exists.
- (4) Protect all Class 2 Haida traditional heritage features.
- (5) Adjacent to Class 2 Haida traditional heritage features, maintain a reserve zone with an average width equal to 100 meters, measured from the edge of the Class 2 Haida traditional heritage feature, in order to protect that feature.
- (6) Despite subsections (4) and (5), a Class 2 Haida traditional heritage feature or adjacent reserve zone may be altered, removed or reduced, provided that:
  - (a) an intergovernmental process is completed; and
  - (b) the alteration, removal or reduction is required for road access, other infrastructure, or to address a safety concern, and no practicable alternative exists.
- (7) The width of the reserve zone for any one Haida traditional heritage feature may be decreased by up to 0.5 tree length from the outer edge of the reserve zone to address site specific values, provided there is no net loss of reserve zone area within the development area.
- (8) Haida traditional heritage features and reserve zones identified or retained in accordance with subsections (1) to (7) must be documented and submitted as digital spatial data at the end of each calendar year to the Council of the Haida Nation and the Province of British Columbia.
- (9) Where some or all of the forest within the reserve zones required for Class 1 and Class 2 Haida traditional heritage features has been previously altered or harvested, provide for the recruitment of mature forest and old forest in that reserve zone through natural processes and voluntary management intervention.



## **6. Objectives for Haida traditional forest features**

- (1) Protect the integrity of all Class 1 Haida traditional forest features.
- (2) Adjacent to a Class 1 Haida traditional forest feature, maintain a reserve zone with an average width equal to 1.0 tree length, measured from the Haida traditional forest feature, in order protect the integrity of that feature.
- (3) Adjacent to reserve zones specified in subsection (2), maintain a management zone with an average width equal to 1.0 tree length, in order to protect the integrity of the reserve zone.
- (4) For the purposes of subsection (3), the width of the management zone in any one location may be decreased by up to 0.5 tree length from the outer edge of the management zone to address site specific values, provided there is no net loss of management zone area specified in subsection (3) within the development area.
- (5) Despite subsection 4, the area of the management zone may be reduced, provided that:
  - (a) an intergovernmental process is completed;
  - (b) it is necessary for road access, other infrastructure, or to address a safety concern; and
  - (c) the integrity of the Class 1 Haida traditional forest feature is maintained.
- (6) Protect the integrity of a minimum of 50% of all Class 2 Haida traditional forest features that occur within a development area.
- (7) For the purposes of subsection (6), provide sufficient stand level retention to maintain the integrity of the Class 2 Haida traditional forest features.
- (8) Where practicable, protect occurrences of Class 3 Haida traditional forest features in stand level retention.
- (9) Haida traditional forest features, reserve zones, management zones and stand level retention required under subsections (1) to (8) must be documented and submitted as digital spatial data at the end of each calendar year to the Council of the Haida Nation and the Province of British Columbia.
- (10) Where some or all of the forest within the stand level retention, reserve zones and management zones required under subsections (2) to (8) has been previously altered or harvested, provide for the recruitment of mature forest and old forest through natural processes and voluntary management intervention.

## **7. Objectives for western redcedar and yellow-cedar retention**

- (1) Within individual development areas, retain a minimum of 15% of the combined pre-harvest composition of western redcedar and yellow-cedar with a minimum area of 1 hectare, where:
  - (a) the development areas are greater than 10 hectares and the combined western redcedar and yellow-cedar component of pre-harvest stand composition is greater than 30%; or,
  - (b) the development areas are equal to or less than 10 hectares and the combined western redcedar and yellow-cedar component of the pre-harvest stand composition is greater than 60%.
- (2) For the purpose of subsection (1), retain areas that are greater than 1 hectare in size and contain a range of diameters of western redcedar and yellow-cedar representative of the pre-harvest stands.
- (3) Where the pre-harvest western redcedar and yellow-cedar species composition is greater than 20% in the total harvested area, regenerate the area to establish a composition of western redcedar and yellow-cedar that are equivalent to the pre-harvest composition.
- (4) All areas retained in accordance with subsection (1) must be documented and submitted as digital spatial data at the end of each calendar year to the Council of the Haida Nation and the Province of British Columbia.

## **8. Objectives for western yew retention**

- (1) Within development areas, protect all western yew patches with stand level retention.
- (2) Despite subsection (1), western yew patches may be altered or removed to accommodate operational requirements for road and bridge construction, where no practicable alternative exists.
- (3) Where practicable, also include individual western yew trees in stand level retention that do not constitute a western yew patch.
- (4) All areas retained or managed in accordance with subsections (1) to (3) must be documented and submitted as digital spatial data at the end of each calendar year to the Council of the Haida Nation and the Province of British Columbia.

## **9. Objectives for culturally modified trees and monumental cedar**

- (1) Protect all cultural cedar stands to support the Haida Nation's present and future cultural use.
- (2) Protect all culturally modified trees to support the Haida Nation's present and future cultural use.
- (3) Protect all monumental cedar greater than 120 centimeters diameter at breast height to support the Haida Nation's present and future cultural use.
- (4) Despite subsections (1), (2) and (3), cultural cedar stands, culturally modified trees and monumental cedar may be altered or removed, provided that:
  - (a) an intergovernmental process is completed;
  - (b) the alteration or removal is required for road access, other infrastructure, or to address a safety concern, and no practicable alternative exists; and
  - (c) any culturally modified tree or monumental cedar harvested will be provided to the Haida Nation.
- (5) Monumental cedar not located within cultural cedar stands and not the size described under subsection (3), may be harvested provided that the greater of 10% or 1 monumental cedar is retained within the development area, and it is confirmed through the intergovernmental process that:
  - (a) the monumental cedar is not required for a cultural cedar use; or
  - (b) harvesting the monumental cedar is required for road access, other infrastructure, or to address a safety concern, and the monumental cedar will be made available to the Haida Nation or other specific measures will be identified.
- (6) For the purposes of subsections (1) to (5), adjacent to cultural cedar stands, culturally modified trees and monumental cedar that are protected or retained, maintain a reserve zone with a minimum width equal to 0.5 tree length.
- (7) Despite subsection (6), the area of the reserve zone may be reduced, provided that:
  - (a) an intergovernmental process is completed;
  - (b) alteration or harvesting is required for road access, other infrastructure, or to address a safety concern, where no practicable alternative exists; and

- (c) the integrity of the cultural cedar stand, culturally modified tree or monumental cedar is maintained.
- (8) Adjacent to reserve zones specified in subsection (6), maintain a management zone with an average width equal to 1.0 tree length, in order to protect the integrity of the reserve zone, measured from the outer boundary of the reserve zone.
- (9) Within the management zone specified in subsection (8), maintain or recruit, in the shortest possible timeframe, at least 90% of the forest as mature forest and old forest through natural processes and voluntary management intervention.
- (10) Despite subsections (8) and (9), the area of the management zone may be reduced, provided that:
  - (a) an intergovernmental process is completed;
  - (b) the reduction is necessary to address operational constraints or a safety concern, and
  - (c) the integrity of the reserve zone is maintained.
- (11) All areas retained or managed in accordance with subsections (1) to (10) must be documented and submitted as digital spatial data at the end of each calendar year to the Council of the Haida Nation and the Province of British Columbia.

### **Part 3 - Aquatic Habitats**

#### **10. Objectives for Type I fish habitat**

- (1) Protect all forest within Type I fish habitat.
- (2) In the event of any inconsistency between the location of Type I fish habitat as shown on Schedule 4 and the actual location of Type I fish habitat identified in the field, the location of Type I fish habitat identified in the field shall apply.
- (3) Adjacent to Type I fish habitat, maintain a reserve zone with a minimum width of 2.0 tree lengths, measured from the outer edge of the Type I fish habitat.
- (4) Despite subsection (3), the width of the reserve zone in any one development area may be increased or decreased by up to 0.5 tree length measured from the outer edge

- of the reserve zone to address site specific values, provided there is no net loss of reserve zone area within the development area.
- (5) Within an individual development area, up to 5% of the total area of the reserve zone may be altered or removed, provided that:
    - (a) the integrity of the Type I fish habitat is maintained; and
    - (b) the alteration or removal is required for road and bridge construction, or to address a safety concern, and there is no practicable alternative.
  - (6) Within an individual development area, up to 5% of the total area of reserve zone may be altered or removed for purposes other than those referred to in subsection (5)(b), provided that an intergovernmental process is completed.
  - (7) All areas retained, managed or varied in accordance with subsections (1) to (6) must be documented and submitted as digital spatial data at the end of each calendar year to the Council of the Haida Nation and the Province of British Columbia.
  - (8) Where some or all of the forest within the Type I fish habitat and reserve zones required under subsections (1) and (3) has been previously altered or harvested, provide for the recruitment of functional riparian forest in the Type I fish habitat and reserve zones through natural processes and voluntary management intervention.

## **11. Objectives for Type II fish habitat**

- (1) Protect all forest within Type II fish habitat.
- (2) In the event of any inconsistency between the location of Type II fish habitat as shown on Schedule 4 and the actual location of Type II fish habitat identified in the field, the latter shall apply.
- (3) Adjacent to Type II fish habitat, maintain a reserve zone with a minimum width of 1.0 tree length, measured from the outer edge of the Type II fish habitat.
- (4) Within an individual development area, up to 5% of the total area of the reserve zone may be altered or removed, provided the integrity of the Type II fish habitat is maintained.
- (5) Adjacent to reserve zones required under subsection (3), maintain a management zone with an average width of 0.5 tree length, to protect the integrity of the reserve zone.
- (6) Within an individual development area, the area of the management zone required under subsection (5) may be reduced by up to 20%.

- (7) Despite subsections (3) to (6), the combined area of the reserve zone and management zone may be reduced further, provided that:
  - (a) an intergovernmental process is completed;
  - (b) the total amount of mature forest and old forest in the reserve zone and management zone within the development area is reduced by no more than 20%;
  - (c) the integrity of Type II fish habitat is maintained; and
  - (d) an adaptive management plan is developed and implemented.
- (8) Areas retained, managed or varied in accordance with subsections (1) to (7) must be documented and submitted as digital spatial data at the end of each calendar year to the Council of the Haida Nation and the Province of British Columbia.
- (9) Where some or all of the forest within the Type II fish habitat and reserve zones required under subsections (1) and (3) has been previously altered or harvested, provide for the recruitment of functional riparian forest in the Type II fish habitat and reserve zones through natural processes and voluntary management intervention.

## **12. Objectives for active fluvial units**

- (1) Protect all forest within active fluvial units.
- (2) Adjacent to the active fluvial units, maintain a management zone with a minimum width of 1.5 tree lengths, measured from the outer edge of the active fluvial unit, to maintain the integrity of the active fluvial unit.
- (3) Within an individual development area, the total amount of mature forest and old forest in the management zone may be reduced by up to 10%.
- (4) Despite subsection (3), within an individual development area, the total amount of mature forest and old forest in the management zone may be reduced by an additional 10%, provided that:
  - (a) sufficient functional riparian forest is retained to protect the integrity of the active fluvial unit; and
  - (b) an adaptive management plan is developed and implemented.
- (5) Areas retained, managed or varied in accordance with subsections (1) to (4) must be documented and submitted as digital spatial data at the end of each calendar year to the Council of the Haida Nation and the Province of British Columbia.

- (6) Where some or all of the forest within the active fluvial unit and management zone required under subsections (1) and (2) has been previously altered or harvested, provide for the recruitment of functional riparian forest in the active fluvial unit and management zone through natural processes and voluntary management intervention.

### **13. Objectives for upland stream areas**

- (1) Within each watershed sub-unit shown on the map attached as Schedule 6, retain a minimum of 70% of the forest in the upland stream areas as hydrologically recovered.
- (2) For upland streams that are direct tributaries to Type I fish habitat or Type II fish habitat, retain sufficient vegetation to maintain stream bank and channel stability.
- (3) In upland stream areas with incised channels and steep gradients, retain a sufficient amount of trees and understory vegetation to maintain riparian plant communities that are dependent on high humidity micro-climates.
- (4) Despite subsection (1), less than 70% of the forest in the upland stream area may be retained, provided that:
  - (a) an intergovernmental process is completed;
  - (b) an assessment of watershed sensitivity to forest development and disturbance is completed by a qualified professional;
  - (c) an amount, type and distribution of forest cover that is sufficient to sustain natural hydrological and fluvial processes, based on the assessment in subsection (4)(b) is maintained; and
  - (d) an adaptive management plan is developed and implemented.

### **14. Objectives for sensitive watersheds**

- (1) Within the sensitive watersheds shown on the map attached as Schedule 7, the following rates of harvest apply:
  - (a) for watersheds equal to, or greater than, 500 hectares, up to 5% of the watershed area may be harvested in a 5-year period;
  - (b) for watersheds less than 500 hectares, up to 10% of the watershed area may be harvested in a 10-year period.
- (2) Despite subsection (1), no harvesting may occur in sensitive watersheds with an equivalent clearcut area that is equal to or greater than 20%.

- (3) Despite subsections (1) and (2), a rate of harvest or an equivalent clearcut area that exceeds the specified limits may be maintained, provided that:
  - (a) an intergovernmental process is completed;
  - (b) an assessment of watershed sensitivity to past, current and proposed forest development and disturbance is completed by a qualified professional;
  - (c) an amount, type and distribution of forest cover that is sufficient to sustain natural hydrological and fluvial processes, based on the assessment in subsection (3)(b) is maintained; and
  - (d) an adaptive management plan is developed and implemented.

## **Part 4 – Biodiversity**

### **15. Objectives for forested swamps**

- (1) Protect all forested swamps greater than 0.25 hectares.
- (2) Adjacent to forested swamps greater than 0.25 hectares, maintain a management zone with an average width equal to 1.5 tree lengths to protect the integrity of the forested swamp.
- (3) Within the management zone required under subsection (2), maintain at least 70% of the forest as mature forest and old forest.
- (4) Despite subsections (2) and (3), the amount of mature forest and old forest retained in the management zone may be reduced to 60%, provided that:
  - (a) the amount of mature forest and old forest to be retained is sufficient to maintain the integrity of the forested swamp; and
  - (b) an adaptive management plan is developed and implemented.
- (5) Where previous alteration or harvesting has reduced the amount of mature forest and old forest below the levels required under subsection (3) or (4), provide for the recruitment of mature forest and old forest in that management zone through natural processes and voluntary management intervention.



- (6) Areas retained to meet the requirements in subsections (1) and (2), must be documented and submitted as digital spatial data at the end of each calendar year to the Council of the Haida Nation and the Province of British Columbia.

## **16. Objectives for ecological representation**

- (1) For each common site series and each rare site series in a landscape unit, retain an amount of old forest equal to or greater than the landscape unit targets listed in Schedule 10.
- (2) Where practicable, include within old forest retention areas retained to meet the requirements in subsection (1), habitat for local species at risk and regionally important wildlife species including, but not limited to:
  - (a) Northern Goshawk nesting and foraging habitat;
  - (b) Marbled Murrelet nesting habitat, Great Blue Heron nesting habitat, and Northern Saw-whet Owl core nesting areas; and
  - (c) Black Bear dens and denning habitat.
- (3) Areas retained to meet the requirements in subsection (1), must be documented and submitted as digital spatial data at the end of each calendar year to the Council of the Haida Nation and the Province of British Columbia.
- (4) If there is insufficient old forest available to meet the targets in subsection (1), identify and retain, and recruit where necessary, through natural processes and voluntary management intervention, forest stands to meet representation requirements in the shortest possible timeframe.

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

- (1) Protect each occurrence of a red-listed and blue-listed ecological community that is a minimum of 0.25 hectares in size.
- (2) Despite subsection (1), up to 5% of the area of each type of red-listed ecological community occurring in a development area may be altered or harvested if required for road access or to address a safety concern.
- (3) Despite subsection (1), up to 30% of the area of each blue-listed ecological community occurring in a development area may be altered or harvested if required for road access or to address a safety concern.

- (4) Despite subsection (1), 30% of the area of each blue-listed ecological community occurring in a development area may be altered or harvested for purposes other than those described under subsection (3), provided that an intergovernmental process is completed.
- (5) Areas retained to meet the requirements in subsections (1) to (4), must be documented and submitted as digital spatial data at the end of each calendar year to the Council of the Haida Nation and the Province of British Columbia.

## **Part 5 – Wildlife**

### **18. Objectives for Black Bear dens**

- (1) Protect all Black Bear dens within a reserve zone, measuring at least 20 meters in width, around the Black Bear den.
- (2) Despite subsection (1), alteration or removal of a Black Bear den or its reserve zone, or both, may occur, provided that:
  - (a) an intergovernmental process is completed;
  - (b) the alteration or removal is required for road access or to address a safety concern; and
  - (c) the alteration or removal does not occur during the winter hibernation season.
- (3) Adjacent to any reserve zone required in subsection (1), 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.
- (4) Where practicable, maintain suitable western redcedar and yellow-cedar in management zones, for long term Black Bear den recruitment.
- (5) Within the management zone required under subsection (3), 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.
- (6) All existing and newly discovered Black Bear dens must be documented and submitted to the Council of the Haida Nation and the Province of British Columbia at the end of each calendar year.
- (7) Where practicable, include trees, snags, stumps and logs that are greater than 0.80 meters in diameter within stand level retention, for the recruitment of future denning habitat.

#### **19. Objectives for Marbled Murrelet nesting habitat**

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

#### **20. Objectives for Northern Goshawk habitat**

- (1) Protect all Northern Goshawk reserves shown on the map attached as Schedule 12.
- (2) When a Northern Goshawk nest is discovered that is not located in a reserve shown on Schedule 12:
  - (a) report the location to the Province of British Columbia and to the Council of the Haida Nation upon discovery;
  - (b) maintain a restricted activity zone with a minimum radial width of 800 meters around the nest site to protect the nest area from disturbance during the Northern Goshawk breeding season; and
  - (c) maintain a reserve zone around the nest site, that is a minimum of 200 hectares in area, and that maximizes the best available nesting and foraging habitat, to protect the integrity of the nest site.
- (3) Where some or all of the forest within Northern Goshawk nesting area reserves has been previously altered or harvested, provide for the recruitment of mature forest and

old forest in that reserve through natural processes and voluntary management intervention.

- (4) Despite subsections (1) and (2), a Northern Goshawk reserve shown on Schedule 12 and a Northern Goshawk reserve zone may be reduced, provided that:
  - (a) an intergovernmental process is completed;
  - (b) the reduction is required for road access, where no practicable alternative exists, or to address a safety concern;
  - (c) the reduction does not occur during the Northern Goshawk breeding season; and
  - (d) there is no net loss to the Northern Goshawk reserve area.

## **21. Objectives for Great Blue Heron nesting habitat**

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

## **22. Objectives for Northern Saw-whet Owl nesting habitat**

- (1) Protect all Northern Saw-whet Owl reserves shown on the map attached as Schedule 12.
- (2) When a Northern Saw-whet Owl nest is discovered that is not located in a reserve shown on Schedule 12, maintain a reserve zone measuring at least 10 hectares, centred on the Northern Saw-whet Owl nest.
- (3) Where practicable, maintain Northern Saw-whet Owl core nesting areas within stand level retention distributed across the landscape with a maximum inter-patch spacing distance of 1,400 meters.
- (4) Report the location of any new Northern Saw-whet Owl nest to the Province of British Columbia and the Council of the Haida Nation when discovered.

## Part 6 – Forest Reserves

### 23. Areas reserved to meet landscape level objectives

- (1) Forest reserves shown on the map attached as Schedule 8 are reserved from harvest to assist in meeting objectives for ecological representation and objectives for Marbled Murrelet nesting habitat.
- (2) Despite subsection (1), the area of an individual forest reserve may be reduced by up to 5%, provided that:
  - (a) specified results or strategies address all targets listed in Schedules 9 and 10 for the applicable landscape unit;
  - (b) the remaining reserve is no less than 5 hectares in area; and
  - (c) the reduction is necessary to:
    - i. accommodate the operational requirements for road and bridge construction, where no practicable alternative exists;
    - ii. 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,
    - iii. mitigate the impact of windthrow.
- (3) Despite subsection (1), any portion of a forest reserve may be moved to another location within the same landscape unit if:
  - (a) an intergovernmental process is completed;
  - (b) specified results or strategies address all targets listed in Schedules 9 and 10 for the applicable landscape unit;
  - (c) the portion is no larger than 20 hectares;
  - (d) areas retained are greater than 200 meters in width;
  - (e) the relocation does not result in any forest reserve that is less than 5 hectares in area; and
  - (f) the relocation follows the recommendations of an assessment completed by a qualified professional.

- (4) Forest reserves and variances to forest reserves made in accordance with subsections (1) to (3) must be documented and submitted as digital spatial data at the end of each calendar year to the Council of the Haida Nation and the Province of British Columbia.

## Part 7 – Transition

### 24. Application of this Order

- (1) This Order and the land use objectives in this Order take effect on the date that notice of this Order is published in the Gazette.
- (2) The period of time under section 8(2)(b) of the *Forest and Range Practices Act* is six months, starting on the date this Order comes into effect as specified in subsection (1).



The Honourable Steve Thomson  
Minister of Natural Resource Operations

December 16, 2010  
Date

## **Schedules to this Order**

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