

## Preamble

It is the goal of the Province through land use objectives and other measures to implement ecosystem-based management within the North and Central Coast 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.

The *Land Use Objectives Regulation* also requires the provision of an appropriate balance of social, economic and environmental benefits.

These land use objectives support implementation of ecosystem-based management. They protect important First Nations' cultural values, support ecosystem integrity and provide environmental benefits by maintaining the diversity and abundance of organisms within the North and Central Coast area. Human well-being will be supported through policies and initiatives designed to achieve social and economic benefits, including carbon values, for First Nations and other citizens dependent upon the North and Central Coast area, ensuring worker safety and by maintaining a viable forest industry, which includes significant First Nations involvement.

The implementation of ecosystem-based management will be monitored and, if monitoring results determine that ecosystem integrity is not being maintained or human well-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 range of natural variation (RONV)) and increases in employment levels (i.e. equal to the Canadian average). For the purpose of this Order, the intent is to maintain old forest representation at 50% of the range of natural variation across the combined area covered by the South Central and Central and North Coast Orders.

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

# Ministry of Agriculture and Lands

## MINISTERIAL ORDER

### SOUTH CENTRAL COAST AMENDMENT ORDER

Pursuant to section 93.4 of the *Land Act* and by this order, the South Central Coast order is amended as follows. The amendments apply to the area shown on Schedule 1.

#### Part 1 – Definitions

##### Explanatory Note

#### 1. The following five definitions are inserted:

**“adaptive management plan”** means, for the purposes of this order, a monitoring or research initiative that is developed and implemented during the operational planning and primary forestry activity phase to examine the outcomes of management strategies and practices that vary from default requirements;”

**“cedar stewardship areas”** means areas identified in Schedule 8;”

**“cultural cedar use”** means the use of monumental cedar or other cedar to fulfill the domestic needs of the applicable First Nation for such things as shelter, transportation, tools, fuel, and art, but does not include the use of monumental cedar or other cedar for purposes of sale, trade, barter, financing, or the production of assets;”

**“natural boundary”** means the visible high water mark 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;”

**“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, acting under that association’s code of ethics and subject to disciplinary action by that association; and
- b) The individual is acting within that individual’s area of expertise.”

##### Explanatory Note

#### 2. The definition for “blue-listed plant communities” is amended

- (a) by deleting “Schedule 5” and substituting “Schedule 6”.
- (b) by repealing “that are of special concern in British Columbia and are”

**Explanatory Note**

- 3. The definition for “equivalent clearcut area” is amended by deleting “equivalent” after “means an indicator that quantifies the” and before “percentage of the forested portion”.

**Explanatory Note**

- 4. The definition for “high value fish habitat” is amended by deleting “spawn” and replacing it with “spawning” in Subsection (c).

**Explanatory Note**

- 5. The definition for “important fisheries watersheds” is amended:
  - (a) by repealing “on” and substituting “in” before “schedule”.
  - (b) by adding “as defined in the *Forest and Range Practices Act*” after “streams”.

**Explanatory Note**

- 6. The definition for “information-sharing or consultation” is amended:
  - (a) by repealing “includes the provision to” and substituting “when requested by”;
  - (b) by repealing “of any applicable watershed assessment and any applicable adaptive management plan” and add “for any applicable”
  - (c) adding new subsection (a): “watershed assessment”;
  - (d) adding new subsection (b): “adaptive management plan”; and
  - (e) adding new subsection (c): “site specific information”.

**Explanatory Note**

- 7. The definition for “monumental cedar” is amended by:
  - (a) adding “a large old” in front of “western”;
  - (b) adding “tree or a large old ” after “red cedar”;
  - (c) adding “tree” after “yellow cedar”;

- (d) **deleting** “meet” **before** “First Nation” **and replacing with** “fulfill the domestic needs of the applicable”;
- (e) **deleting** “Nations” **and replacing with** “Nation”;
- (f) **adding** “for” **in front of** “cultural”;
- (g) **deleting** “needs” **from the end of the sentence and replacing with** “cedar use”.

**Explanatory Note**

8. **The definition for “old forest” is amended by repealing “180 years” and substituting “250 years”.**

**Explanatory Note**

9. **The definition for “red-listed plant communities” is amended**
- (a) **by striking out “Schedule 4” and substituting “Schedule 5”.**
  - (b) **by repealing “that are rare, threatened or extirpated in British Columbia and are”**

**Explanatory Note**

10. **The definition for “stand retention” is amended by replacing “harvest” with “silvicultural” in Subsections (a) and (b).**

**Explanatory Note**

11. **The definition for “traditional forest resources” is amended by deleting “the” in front of “other wild plant foods”.**

**Explanatory Note**

12. **The definition for “traditional heritage feature” is amended by repealing “feature” and replacing it with “features” and by deleting “the” in front of “other archaeological and historical artefacts”.**

**Explanatory Note**

**13. Objective 2, Section 3 is added:**

“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://ftpnan.env.gov.bc.ca/dist/gisdata/cclrmp/ebm\\_data/](ftp://ftpnan.env.gov.bc.ca/dist/gisdata/cclrmp/ebm_data/)”

**Part 2 – First Nations**

**Explanatory Note**

**14. Objective 3, Section 1 is amended by adding “treaty” after “social”.**

**Explanatory Note**

**15. Objective 4, Subsection 2 is amended by deleting “after” in front of “information sharing” and replacing with “when, through”, and by deleting “determines whether” and substituting “it is determined that:”;**

**Explanatory Note**

**16. Objective 4, Subsection 2 is further amended as follows:**

**(a) in subsection (a), deleting “alteration or removal will cause a material adverse impact to the”;**

**(b) in subsection (a), deleting “that” after “feature”, adding “not” after “is” and adding “or” after “First Nation”;**

**Explanatory Note**

**17. Objective 4, Section 3 is created:**

“Where information-sharing or consultation under subsection (2 (b)) with the applicable First Nation identifies a material adverse impact to a traditional heritage feature that is of continuing importance to the applicable First Nation and there is no practicable alternative, identify specific measures to address or seek to accommodate the material adverse impact.”

**Explanatory Note**

**18. Objective 5, Section 1 is amended:**

- (a) **by adding** “In areas proposed for road construction and harvesting, identify and” **in front of** “protect”;
- (b) **by deleting** “the” **in front of** “culturally modified”;
- (c) **by deleting** “tree” **and adding** “trees”.

**Explanatory Note**

- 19. Objective 5, Subsection (2) is amended by deleting** “after” **in front of** “information sharing” **and substituting with** “when, through” **and by deleting** “determines whether” **after First Nation and substituting with** “it is determined that:”;
- 20. Objective 5, Subsection 2 is further amended as follows:**
- (a) **In subsection (a), by adding** “the” **in front of** “culturally” **and deleting** “alteration or harvesting will cause a material adverse impact to a”;
  - (b) **In subsection (a), by deleting** “that” **after** “tree” **and adding** “not” **after** “is” **and adding** “or” **after** “First Nation”;
  - (c) **By adding** “or” **at the end of subsection (b);**
  - (d) **By repealing** “and” **at the end of subsection (c);**
  - (e) **By repealing subsection (d).**

**Explanatory Note**

- 21. Objective 5, Section 3 is repealed and substituted:**

“Where information sharing or consultation under subsection (2 (b) and (c)) with the applicable First Nation identifies a material adverse impact to a culturally modified tree that is of continuing importance to the applicable First Nation and there is no practicable alternative, identify specific measures to address or seek to accommodate the material adverse impact.”

**Explanatory Note**

- 22. Objective 5, Section 4 is created by adding** “Reserve culturally modified tree areas, at the landscape and stand level, where practicable, through information sharing or consultation with the applicable First Nation”.

**Explanatory Note**

- 23. Objective 6, Subsection 1 is amended by adding** “cedar” **between the words** “cultural use”.

**Explanatory Note**

**24. Objective 6, Subsections 2, 3, and 4 are added:**

Subsection 2: “For the purposes of subsection (1) in areas where road construction and timber harvesting are proposed, identify and reserve monumental cedars where information sharing with the applicable First Nation has indicated the monumental cedar may be suitable for cultural cedar use.”

Subsection (3) “Despite subsection (1) and (2), a monumental cedar may be harvested when, through information-sharing or consultation with the applicable First Nation, it is determined that:

- (a) the monumental cedar is not suitable or required for a cultural cedar use; or
- (b) the monumental cedar will be provided to the applicable First Nation; or
- (c) harvesting the monumental cedar is required for road access, other infrastructure, or to address a safety concern.

Subsection (4): “Where information-sharing or consultation under subsection (3) with the applicable First Nation identifies a material adverse impact to a monumental cedar that is identified as being suitable for cultural use by the applicable First Nation, and there is no practicable alternative, identify specific measures to address or seek to accommodate the material adverse impact.”

**Explanatory Note**

**25. Objective 7, Subsection 1 is amended by adding “cedar” between the words “cultural use”.**

**Explanatory Note**

**26. Objective 7, Subsection 2 is repealed and substituted:**

“For the purposes of subsection (1), and where Cedar Stewardship Areas have been identified maintain and recruit western red cedar and yellow cedar in the Cedar Stewardship Areas to support the applicable First Nations’ use of Western red cedar and Yellow cedar.”

**Explanatory Note**

**27. Objective 7, Section 3 is created by adding:**

“Within a cutblock for the first 15% of the pre-harvest stand retained in stand level retention, as specified in section 16(1), design aggregate and dispersed stand retention to maintain a range of diameters of mature and old western red cedar and yellow cedar representative of the pre-harvest stand.”

### Part 3 –Aquatic Habitats

**Explanatory Note**

28. **Objective 8, Section 1 is amended by adding** “as set out in the areas shown in Schedule 3”.

**Explanatory Note**

29. **Objective 8, Section 2, subsection (b) is amended by deleting** “to relevant professional standards” **and substituting** “by a qualified professional”.

**Explanatory Note**

30. **Objective 8, Section 2, subsection (d) is amended by repealing** “to monitor environmental impacts during any primary forest activity”.

**Explanatory Note**

31. **Objective 9, Section 2 is amended by adding** “to” **in front of** “0.5 tree heights”.

**Explanatory Note**

32. **Objective 9, Sections 4 and 5 are added:**

“Despite section (1) above, for the lower portion of the Klinaklini River, and Viner Creek, identified in Schedules 7(a) and 7(b), maintain a reserve zone width of 100m 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, subject to information-sharing or consultation with the applicable First Nation. Current road access and infrastructure is exempt from this reserve provision.

Within the areas identified in the Allison Landscape Unit as set out in Schedule 7c, until March 31, 2014, and where an adaptive management plan is developed and implemented, apply the reserve zone in section (1) above to critical spawning and rearing areas for anadromous fish runs only.”

**Explanatory Note**

33. **Objective 10, Section 1, subsection (a) is amended by adding,** “as defined in the *Forest and Range Practices Act*” **after** “S1 to S3 streams”.

**Explanatory Note**

**34. Objective 10, Section 4 is amended by:**

- (a) adding “within” after “harvesting”
- (b) deleting “forest” and adding “riparian management area”.

**Explanatory Note**

**35. Objective 10, Section 4, subsection (b), is amended by;**

- (a) deleting “to the extent practicable” in front of “develop” and adding “to the extent practicable’ after “plan”;
- (b) by deleting “and monitor environmental impacts during any primary forest activity”.

**Explanatory Note**

**36. Objective 11, Section 2 is amended by adding “ to” in front of “0.5 tree heights”.**

**Explanatory Note**

**37. Objective 11, Section 4, subsection (b) is amended by**

- (a) deleting “to the extent practicable” in front of “develop” and adding “to the extent practicable’ after ‘plan’;
- (b) by deleting “and monitor environmental impacts during any primary forest activity”.

**Explanatory Note**

**38. Objective 12, Section 1 is amended:**

- (a) by repealing Schedule “2” and substituting Schedule “3”.
- (b) by repealing “occupied by upland streams” and substituting “where upland streams occur”.

**Explanatory Note**

**39. Objective 12, Section 3, Subsection (b) is amended by deleting “to relevant professional standards” and adding “by a qualified professional.”**

**Explanatory Note**

**40. Objective 12, Section 3, Subsection (d) is repealed and substituted:**

- (a) **Delete** “to the extent practicable” **from the beginning of the sentence and add** “to the extent practicable” **to the end of the sentence;**
- (b) **Add** “developing and implementing” **in front of** “an adaptive”;
- (c) **Delete** “is developed and implemented to monitor environmental impacts during any primary forest activity” **after** “plan”.

**Explanatory Note**

**41. Objective 13 Subsection 3(b) is amended by:**

- (a) **deleting** “to the extent practicable” **in front of** “develop” **and adding** “to the extent practicable” after ‘plan’;
- (b) **by deleting** “and monitor environmental impacts during any primary forest activity”.

**Explanatory Note**

**42. Objective 14, Section 1 is repealed.**

**Explanatory Note**

**43. Objective 14, Section 1 subsections (a), (b), (c), and (d) are created:**

- (a) “For each site series surrogate in a landscape unit, retain an amount of old forest equal to or greater than the landscape unit default target listed in schedule 4, (using site series surrogate targets listed in Schedule 4(b)), except where alteration or harvesting is required for road access, other infrastructure, or to address a safety concern”
- (b) For each site series surrogate listed in Schedule 4(c), also maintain an amount of old forest equal to or greater than that specified for each site series surrogate listed in Schedule 4(c).
- (c) In addition to (1a) above, for those site series surrogates listed in Schedule 4(d), retain an additional amount of old growth forest within each of the landscape units listed equal to or greater than the area (ha) shown for each site series surrogate.
- (d) In order to satisfy the requirement in 14 (1)(c) , a qualified professional may identify and retain the amount of old growth forest for each site series surrogate identified in Schedule 4 (d) in any of the landscape units identified in Schedule 4 that are within the area covered by their Forest Stewardship Plan.”

**Explanatory Note**

**44. Objective 14, Section 2 is repealed.**

**Explanatory Note**

**45. Objective 14, Subsection 2(a) and (b) are created.**

- (a) “As an alternative to 14(1)(a), for each site series, or grouping of site series in a landscape unit, retain an amount of old forest equal to or greater than the landscape unit default target listed in Schedule 4, (using site series or site series grouping targets listed in Schedule 4 (a), except where alteration or harvesting is required for road access, other infrastructure, or to address a safety concern.
- (b) As an alternative to 14 (1) (b), for each site series or site series grouping in Schedule 4 (e) also maintain an amount of old forest equal to or greater than that specified for each site series or site series grouping listed in Schedule 4 (e).”

**Explanatory Note**

**46. Objective 14, Section 3 is repealed.**

**Explanatory Note**

**47. Objective 14, Section 3 is created:**

“Where there is less than the default old forest target available in a landscape unit required in 14(1) or 14(2) as the case may be, to the extent practicable, recruit forest to meet the representation requirements within 250 years.”

**Explanatory Note**

**48. Objective 14, Section 4 is amended by:**

- (a) **by deleting** “to the extent practicable” **after** “age classes”;
- (b) **by adding** “to the extent practicable” **after** “landscape unit”;
- (c) **by adding** “site series or” **in front of** “site series surrogate”;
- (d) **by adding** “for each of the landscape units” **in front of** “listed in”;
- (e) **by repealing** “Schedule 3” **and substituting** “Schedule 4”.

**Explanatory Note**

**49. Objective 14, Section 5 is amended by:**

- (a) **adding** “site series or” in front of “site series surrogate”, **in two places within this section**;
- (b) **adding** “for each of the landscape units” **after** “site series surrogate”;

- (c) deleting “forest” after “mid-seral”, deleting “in any landscape unit” after “age classes”, deleting “forest” after “mid-seral”, deleting “classes” and replacing with “class” after “age”;
- (d) deleting “to the extent practicable” at the end of the sentence;
- (e) adding “to the extent practicable” before “reduce”

**Explanatory Note**

**50. Objective 14, Section 6 is repealed.**

**Explanatory Note**

**51. Objective 14, Section 6 is created:**

“Despite subsection (1a), (2a), and (3) less than the default target amount of old forest may be retained in a landscape unit after:

- (a) information-sharing or consultation with the First Nation(s);
- (b) a landscape unit habitat assessment for species at risk and regionally important wildlife is completed by a qualified professional;
- (c) old forest is retained to provide sufficient habitat to sustain species at risk and regionally important wildlife, based on the assessment in (6)(b);
- (d) old forest is retained to meet the risk managed target in Schedule 4; and
- (e) an adaptive management plan is developed and implemented to the extent practicable.”

**Explanatory Note**

**52. Objective 14, Section 7 is created:**

To the extent practicable, include within old forest retention areas, stands of monumental cedar for future cultural cedar use, red- and blue-listed plant communities, habitats important for species at risk, ungulate winter range, and regionally important wildlife, including, but not limited to:

- (a) mountain goats;
- (b) Grizzly bears;
- (c) Northern goshawks;
- (d) Tailed frogs; and
- (e) Marbled murrelet.”

**Explanatory Note**

**53. Objective 15, Section 3 is amended by deleting Schedule “5” and substituting Schedule “6”.**

**Explanatory Note**

- 54. Objective 16, Section 1, subsection (b) is amended as follows:**
- (a) In subsection (a), deleting “in cutblocks where a clearcut harvest system is used”**
  - (b) In subsection (b) by deleting “harvest” and substituting “silvicultural”.**

**Explanatory Note**

- 55. Objective 16, Section 2, subsection (d) is amended by deleting “and species” after “diameters” and adding “and important for future cultural cedar use” after “stand”.**

**Explanatory Note**

- 56. Objective 17 is amended by deleting “sensitive” from the heading.**

**Explanatory Note**

- 57. Objective 17 is amended by deleting the clause “Subject to section 18(2):”.**

**Explanatory Note**

- 58. Objective 17, Section 1, is amended:**
- (a) by deleting “sensitive” after “maintain”;**
  - (b) by adding “as set out in Schedule 2, except as provided in 17(2), 17 (3) and 17(4)” after “bear habitat.”**

**Explanatory Note**

- 59. Objective 17, Section 2, is repealed.**

**Explanatory Note**

- 60. Objective 17, Section 2 is created:**
- (2) Despite 17 (1), grizzly bear habitat referred to in 17(1) may be altered or harvested after:**
    - (a) obtaining from a qualified professional confirmation that the disturbance will not cause a material adverse impact to the suitability of the grizzly bear habitat;**
    - (b) to the extent practicable preparing and implementing an adaptive management plan; and**
    - (c) engaging in information sharing or consultation with the applicable First Nation.**

**Explanatory Note**

**61. Objective 17, Sections 3 and 4 are created:**

- (3) “Despite 17 (1), grizzly bear habitat referred to in 17(1) may be altered or harvested after:
- (a) obtaining from a qualified professional confirmation that the disturbance will not cause a material adverse impact to the suitability of the grizzly bear habitat;
  - (b) the alteration or harvesting is required to accommodate minor boundary adjustments to a proposed cutblock and will impact less than 5% of the area of a polygon set out in Schedule 2; and
  - (c) engaging in information sharing or consultation with the applicable First Nation.
- (4) Despite 17 (1), grizzly bear habitat referred to in 17 (1) may be altered or harvested after:
- (a) a qualified professional has determined that:
    - (i) there is no other practicable alternative for road access, the road-right-of-way clearing width is the minimum safe width necessary to accommodate the road, and, to the extent practicable, avoids or minimizes any material adverse impact to grizzly bear habitat;
    - (ii) there is no practicable alternative for other infrastructure; or
    - (iii) the alteration or harvesting is required to address a safety concern; and
  - (b) engaging in information sharing or consultation with the applicable First Nation.”

**Part 5 - Transition**

**Explanatory Note**

**62. Objective 18, Section 1 is amended by deleting “except Objective 17” and adding “except 14(2)”.**

**Explanatory Note**

**63. Objective 18, Sections 2, 3, 4 and 5 are repealed.**

**Explanatory Note**

**64. Objective 18, Section 2 is created:**

“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)”.

**Explanatory Note**

**65. Objective 18, Section 3 is created:**

“Objective 14 (2) takes effect on December 30, 2009.”

**Explanatory Note**

**66. Schedule 1, 2, 3, 4, 5 and 6 are repealed.**

**Explanatory Note**

**67. The following new Schedules 1, 2, 3, 4, 5, 6, 7 and 8 are created:**

- (a) “Schedule 1 – a map of landscape units covered by this order
- (b) Schedule 2 – Grizzly Bear habitat map
- (c) Schedule 3 – Important Fisheries Watershed map
- (d) Schedule 4 – Landscape Units and default/risk managed old forest representation targets
- (e) Schedule 4(a): Site Series RENV requirements for landscape unit targets in Schedule 4
- (f) Schedule 4(b): Site Series Surrogate RENV requirements for landscape unit targets in Schedule 4
- (g) Schedule 4(c): Modal, rare, very rare site series surrogate analysis unit representation targets
- (h) Schedule 4(d) Site series surrogates and additional representation targets incremental to Schedule 4
- (i) Schedule 4(e) Modal, rare and very rare site series analysis unit representation targets
- (j) Schedule 5: Red-listed plant communities
- (k) Schedule 6: Blue-listed plant communities
- (l) Schedule 7(a) - Klinaklini River 100m buffer
- (m) Schedule 7(b) – Viner Creek 100m buffer
- (n) Schedule 7(c) - Allison Landscape Unit
- (o) Schedule 8 - Cedar Stewardship Areas”

**Explanatory Note**

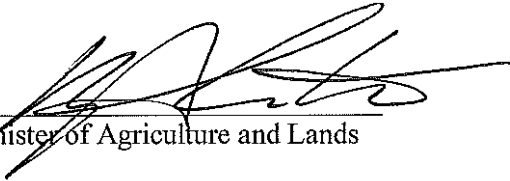
**68. The following note has been added to Schedules 1, 2, 3, 7, and 8.**

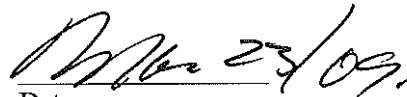
“Where an objective refers to an area shown on a schedule and the area is also defined by a spatial dataset, the boundaries of the area as defined by the spatial dataset apply in the event of any inconsistency. A complete list of spatial datasets is contained in [http://ftpnan.env.gov.bc.ca/dist/gisdata/cclrmb/ebm\\_data](http://ftpnan.env.gov.bc.ca/dist/gisdata/cclrmb/ebm_data)”

**69. Commencement**

The amendments outlined in this order take effect on the date that notice of this amendment is published in the Gazette.

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 the above clause

  
Minister of Agriculture and Lands

  
Date

## **Schedules to this Order**

Schedule 1 - Landscape Units Covered by this Order

Schedule 2 - Grizzly Bear Habitat

Schedule 3 - Important Fisheries Watersheds

Schedule 4 - Landscape Units and Default / Risk Managed Old Forest  
Representation Targets

Schedule 4(a) - Site Series RONV Requirements for Landscape Unit Targets in  
Schedule 4

Schedule 4(b) - Site Series Surrogate RONV Requirements for Landscape Unit  
Targets in Schedule 4

Schedule 4(c) - Modal, Rare, and Very Rare, Site Series Surrogate Analysis  
Unit Representation Targets

Schedule 4(d) - Site Series Surrogates and Additional Representation Targets  
incremental to Schedule 4

Schedule 4(e) - Modal, Rare, and Very Rare, Site Series Analysis Unit  
Representation Targets

Schedule 5 - Red-listed Plant Communities

Schedule 6 - Blue-listed Plant Communities

Schedule 7(a) - Klinaklini River 100m buffer

Schedule 7(b) - Viner Creek 100m buffer

Schedule 7(c) - Allison Landscape Unit

Schedule 8 - Cedar Stewardship Areas