

Haida Gwaii
Land Use Objectives Order
Major Amendment 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 on Haida Gwaii.

The Haida Gwaii 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 is maintained through policies and initiatives designed to achieve socio-economic benefits, including carbon values, and timber harvest levels that support a viable forest industry.

This amended Order is established by the Haida Gwaii Management Council (the “HGMC”) under Section 5 of the *KaayGuu Ga ga Kyah ts’as – Gin ‘inaas ‘laas’waadluwaan gud tl’a gud giidaa* (Stewardship Law) and Section 4(1) of the *Haida Gwaii Reconciliation Act* and 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.

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

Haida Gwaii Management Council

Haida Gwaii Land Use Objectives Order Major Amendment Order

Part 1 - Interpretation

1. Section 1(2) is amended by adding “as” after “on the map attached”.
2. Section 2(1) is amended by adding the following definition:

“cutblock” means a specific area, with defined boundaries, in which timber is to be harvested or has been harvested;
3. The definition for “development area” in section 2(1) is amended to add “associated with an individual cutblock or road and” before “defined by boundaries”.
4. Section 2(4) is amended by deleting “individual” after “Within”.
5. Section 2(6) is added:

“For the purpose of monitoring the implementation and efficacy of this Order, development areas, in accordance with sections 5, 6, 7, 8, 9, 10, 11, 12 and 17, must be documented and submitted as digital spatial data before the end of each calendar year to the Council of the Haida Nation and the Province of British Columbia.”

Part 2 – Cultural Objectives

6. Section 6(5) is repealed and the following section 6(5) is substituted:

“Despite subsections (2), (3) and (4), and for the purpose of managing Class 1 Haida Traditional Forest Features, the area of the reserve zone and management zone may be modified, provided that:

(a) an intergovernmental process is completed;

- (b) it is necessary for road access, other infrastructure, to address a safety concern, or to protect the Class 1 Haida traditional forest feature from windfall; and**
- (c) an adaptive management plan is developed and implemented.**

7. Section 6(5.1) is added as follows:

“Despite subsection (1), a Class 1 Haida traditional forest feature may be altered or removed, provided that:

- (a) an intergovernmental process is completed, and**
- (b) the alteration or removal is required for road access or other infrastructure and there is no practicable alternative.”**

8. Section 6(8) is repealed and the following section 6(8) is substituted:

“Despite subsection (7):

- (a) maintain a minimum of 50% of Indian hellebore features in stand level retention, or;**
- (b) maintain a minimum of 50% of Indian hellebore features, and:
 - i. maintain directional falling away from the features;**
 - ii. retain non-merchantable trees around the features; and**
 - iii. maintain a machine-free zone around the feature.”****

9. The following section 6(8.1) is added:

“Despite subsections (6), (7) and (8), a Class 2 Haida traditional forest feature may be altered or removed, provided that:

- (a) the alteration or removal is required for road access or other infrastructure and there is no practicable alternative; and**
- (b) an intergovernmental process is completed.”**

10. Section 6(9) is amended by deleting **“subsections (1) to (8)”** and replacing with **“subsections (1) to (8.1)”**.

11. Section 7(1) is amended by deleting **“individual”** after **“Within”**.

Part 3 - Aquatic Habitats

12. Section 10(5) is amended by deleting “**Within an individual development area**” and replacing with “**Despite subsections (3) and (4), within a development area**”.

13. Section 10 is amended by adding the following section 10(5.1):

“Despite subsections (3) and (4), and in addition to subsection (5), the area of the reserve zone in a development area may be further altered or removed, provided that:

- (a) the alteration or removal is required for road and bridge construction, or to address a safety concern, and there is no practicable alternative;**
- (b) an assessment of risk to the fish stream from the forest development and disturbance is completed by a qualified professional;**
- (c) the integrity of the Type I fish habitat is maintained;**
- (d) an adaptive management plan is developed and implemented; and**
- (e) an intergovernmental process is completed.”**

14. Section 10(6) is amended by deleting “**an individual**” after “**Within**” and replacing with “**a**” and by adding “**the**” before “**reserve zone**”.

15. Section 11(4) is amended by deleting “**an individual**” after “**Within**” and replacing with “**a**”.

16. Section 11(6) is amended by deleting “**an individual**” after “**Within**” and replacing with “**a**”.

17. Section 11(7) is repealed and replaced with the following section 11(7):

“Despite subsections (3), (4), (5) and (6), the combined area of the reserve zone and management zone may be reduced further, provided that:

- (a) the alteration or removal is required for road and bridge construction, or to address a safety concern, and there is no practicable alternative;**
- (b) an assessment of risk to the fish stream from the forest development and disturbance is completed by a qualified professional;**
- (c) the integrity of Type II fish habitat is maintained;**

- (d) **an adaptive management plan is developed and implemented; and**
- (e) **an intergovernmental process is completed.”**

18. Section 12(3) is amended by deleting “**an individual**” after “**Within**” and replacing with “**a**”.

19. Section 12(4) is amended by deleting “**an individual**” after “**Within**” and replacing with “**a**”.

20. Section 13(3) is amended by deleting “**In upland stream areas**” and replacing with “**Adjacent to upland streams**”.

21. Section 13(4) is amended by adding “**as hydrologically recovered**” after “**retained**”.

Part 5 – Wildlife

22. Section 18(6) is amended by adding “**, and areas reserved or managed in accordance with subsections (1) to (5),**” after “**Black Bear dens**”.

Schedules to this Order

23. Schedule 2 is amended:

- (1) by updating the date;
- (2) by deleting the Class 3 Haida traditional forest features; and
- (3) by adding the following Class 1 Haida traditional forest features:

<p>“Narcissus anemone One-and-a-half flowered reedgrass Richardson’s geranium Wright’s filmy fern Calder’s lovage Western cowbane</p>	<p><i>Anemone narcissiflora var. villosissima</i> <i>Calamagrostis sesquiflora</i> <i>Geranium richardsonii</i> <i>Hymenophyllum wrightii</i> <i>Ligusticum calderi</i> <i>Oxypolis occidentalis</i>”</p>
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24. Schedule 8 is amended:

- (1) by deleting portions of forest reserve polygons and adding new replacement forest reserve polygons, as shown in the schedule map; and
- (2) by updating the decision-maker name and date in the information box.

25. Schedule 12 is amended:

- (1) by adding the new “Feather Creek” Northern Goshawk reserve area to the schedule map;
- (2) by adding the new “Hancock River” Northern Goshawk reserve area to the schedule map; and
- (3) by updating the decision-maker name and date in the information box.

26. Schedules 5, 9, 10, and 13 are amended by updating the date.

27. Schedules 1, 3, 4, 6, 7 and 11 are amended by updating the decision-maker name and date in the information box.

(5) Commencement

The land use objectives in the Haida Gwaii Land Use Objectives Order were established in December 2010 and amended in April 2014. The amendments in this order take effect on the date that notice of this amendment is published in the *British Columbia Gazette*.

In witness thereof the Haida Gwaii Management Council signs this Haida Gwaii Land Use Objectives Amendment Order #2017-001 on the 21st of September, 2017.



Kung Xyaalas- Tyler Hugh Bellis
Council of the Haida Nation

September 21, 2017

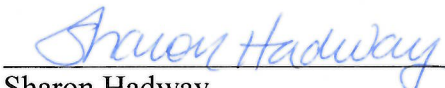
Date



Huux- Percy Crosby
Council of the Haida Nation

September 21, 2017

Date



Sharon Hadway
Province of British Columbia

September 18, 2017

Date



Brian Bawtinheimer
Province of British Columbia

September 21, 2017

Date

Witnessed by:



Warren Mitchell
Chair

September 21, 2017

Date