

File: 12434-25/KBLUP

To: Ken Gorsline, Acting Regional Director  
Kootenay Regional Office  
Ministry of Sustainable Resource Management

*Re: Delegation of Ministers' Powers under Section 3(7) of the Forest Practices Code of British Columbia Act (the Act) in Relation to the Kootenay-Boundary Land Use Plan Higher Level Plan Order dated October 26, 2002.*

Pursuant to Section 3(7) of the Act, I hereby delegate authority to the regional director, Ministry of Sustainable Resource Management, Kootenay Region, to vary the Resource Management Zone objectives 1 to 10 of the Kootenay-Boundary Higher Level Plan Order dated October 26, 2002. Specifically, the authority to vary will be limited to the following points:

- a) Varying map 1.1 as a direct result of changes to established landscape unit boundaries, biogeoclimatic ecological classification (BEC) and other adjustments due to new technical inventory, including changes to land status;
- b) Modifying objective 2 targets where short-term impacts on forest licensees are deemed to be unacceptable to the regional director;
- c) Reapportioning old and mature forest area targets as determined by objective 2, among BECs within a landscape unit;
- d) Modifying Table 2.1 to 2.5 based on scientific or economic analysis that indicates an unacceptable outcome on the balance of social, economic and environmental values as determined by the regional director;
- e) Adjusting Objective 2 to allow for timber harvesting in mature or old forest where information is provided that indicates harvesting would maintain or enhance the old growth conservation values or that there are other benefits for conservation values.

- f) Adjusting Objective 3 and Objective 3 maps where new information indicates that adjustments have a neutral to positive impact on the social, economic and environmental balance of the region;
- g) Modifying objective 5 where impacts on forest licensees are deemed to be unacceptable to the regional director;
- h) Adjusting important grizzly bear habitat mapping (Map 5.1);
- i) Adjusting connectivity mapping (Map 5.2);
- j) Adjusting water intake for human consumption mapping (Map 6.1);
- k) Adjusting Objective 7 (Enhanced Resource Management Zone-Timber) where new information indicates that adjustments have a neutral to positive impact on the social, economic and environmental balance of the region;
- l) Adjusting Objective 7 mapping such that:
  - i. portions of connectivity corridors within low biodiversity emphasis areas existing at the time this order takes effect which are subsequently removed during connectivity corridor refinement, are considered for inclusion;
  - ii. compatible managed forest areas within Natural Disturbance Type (NDT) 4 are considered for inclusion;
  - iii. upon adjustment of ungulate winter range mapping, appropriate areas are considered for inclusion;
  - iv. upon adjustment of class 1 and 2 visuals in objective 9, appropriate areas are considered for inclusion;
  - v. key habitat components essential for implementing the Identified Wildlife Management Strategy are considered for exclusion;
  - vi. a re-evaluation and possible amendment of the ERDZ-T land base is considered in the event management practices are proposed in ERDZ-T that differ from the Act.
- m) Adjusting fire maintained ecosystem mapping considering recommendations from district managers and affected licensees (Map 8.1);
- n) Adjusting scenic area mapping (Map 9.1);
- o) Addressing adjustments necessary to deal with forest health issues by varying the objectives only to the extent necessary to reasonably deal with the unforeseen event;
- p) Incorporating research results that have been scientifically peer reviewed and:
  - i. are directly relevant to the area covered by the higher level plan and improve achievements of the 10 objectives; or
  - ii. have a neutral to positive impact on the social, economic and environmental balance of the region; or

- iii. are mandated by government (such as research done pursuant to an Innovative Forest Practices Agreement under section 59.1 of the *Forest Act*).
- q) Incorporating new provincial policies or legislative amendments directly related to the 10 objectives of the higher level plan that have authority contained within to adjust existing higher level plans.
- r) Resolving any conflicts between any of the objectives if they arise.

In some instances, the regional director may be presented with a proposed variance that in his/her opinion may have significant social, economic, or environmental impacts on the region or is inconsistent with the order's preamble. This delegated authority to vary zones and objectives does not extend to these circumstances. In these cases, the regional director is expected to submit the proposed variance to Minister of Sustainable Resource Management for a decision pursuant to Sections 3(1) or 3(2) of the Act.

Nothing in this delegation letter precludes the undersigned from exercising his/her authority under Sections 3(1) and 3(2) of the Act.



Feb 28, 2003

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**The Honourable Stan Hagen**  
**Minister of Sustainable Resource Management**

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**Date**