

ORDER – Ungulate Winter Range
U-3-006
Mountain Goat - Merritt Timber Supply Area

This order is given under the authority of sections 9(1), 9(2) and 12(1) of the *Government Actions Regulation* (B.C. Reg. 582/2004).

1. The Deputy Minister of Natural Resource Operations, being satisfied that
- i. the following area contains habitat that is necessary to meet the habitat requirements for Mountain Goat (*Oreamnos americanus*); and
 - ii. the habitat requires special management that is not otherwise provided for under GAR or another enactment;

orders that

- a) the areas shown in the map set out in the attached Schedule A (U-3-006) and contained in the ungulate winter range (UWR) spatial layer stored in the Geographic Warehouse (WHSE_WILDLIFE_MANAGEMENT.WCP_UNGULATE_WINTER_RANGE_SP) are established as ungulate winter range U-3-006 for mountain goat. The centre point of the line on the attached Schedule A is what establishes the UWR boundary;
- b) if there is a discrepancy between the areas shown in the map set out in the attached Schedule A and the UWR spatial layer stored in the Geographic Warehouse (WHSE_WILDLIFE_MANAGEMENT.WCP_UNGULATE_WINTER_RANGE_SP) the areas as detailed in the UWR spatial layer will take precedent;
- c) for the purposes of section 2(3)(a) of the *Government Actions Regulation*, these General Wildlife Measures apply to minor tenures; and
- d) pursuant to Section 7 (3) of the *Forest Planning and Practices Regulation* the person(s) required to prepare a forest stewardship plan are hereby exempted from the obligation to prepare results or strategies in relation to the objective set out in Section 7 (1) of the *Forest Planning and Practices Regulation* for the winter survival of mountain goats in the Merritt Timber Supply Area.

2. The Deputy Minister of Natural Resource Operations, being satisfied that
- i. the general wildlife measures (GWMs) described below are necessary to protect and conserve mountain goat and the habitat of mountain goat; and
 - ii. GAR or another enactment does not otherwise provide for that protection or conservation;

orders that

- a) the GWMs outlined in Schedule 1 are established for UWR U-3-006; and
- b) GWMs 2, 4 and 5 are applied to the area specified in those GWMs;
- c) GWM 7 is applied to the specified area outlined in Schedule A; and
- d) the GWMs outlined in Schedule 1 do not apply for the purposes of exploration, development and production activities when these activities have been authorized for the purpose of subsurface resource exploration, development or production by the *Mineral Tenure Act*, the *Coal Act* or the *Geothermal Resources Act*.

Schedule 1 – General Wildlife Measures

Definitions

Words and expressions not defined in this order have the meaning given to them in the *Forest and Range Practices Act* (FRPA) and the regulations made under it, unless context indicates otherwise.

Line of sight: an imaginary straight line over land, which is unimpeded by topography from winter range units to forestry activities.

Winter range units: polygons delineated in attached Schedule A

Access

1. Do not construct roads within the winter range units.
2. Do not construct permanent roads within a Specified Area of 500 meters adjacent to the winter range units. Temporary roads must not be constructed and/or rehabilitated from November 1 to June 30.

Harvesting and silviculture

3. Do not conduct primary forest activities from November 1 to June 30, except for the planting of trees.
4. Do not conduct heli-logging or blasting within a Specified Area of 2 kilometres line of sight of winter range units from November 1 to June 30.
5. Do not conduct ground based or cable logging activities within the winter range units or within a Specified Area of 500 metres adjacent to the winter range units, from November 1 to June 30.
6. Timber harvesting and silviculture activities must result in:
 - a. uneven aged stands where at least 50% of the pre-harvest basal area in mature stems (> 100 years) is retained;
 - b. cutblocks not exceeding 5 ha, or 200 meters in one dimension; and
 - c. no more than 33% of the forested area being less than 33 years of age; and
 - d. maintenance of snow interception and thermal cover by retaining Douglas-fir (*Pseudotsuga menziesii*) dominated stands of at least height class 2 and at least crown closure class 8.
7. Within the Specified Area identified in Schedule A, uneven aged silviculture systems must be used and a height class of at least 2 and crown closure class of at least 4 must be maintained.



Signed this 7 day of Feb., 2011
Doug Konkin, Deputy Minister
Ministry of Natural Resource Operations

Appendix 1

The following information is provided by the Ministry of Natural Resource Operations (MNRO) as background information and support to the order establishing UWR U-3-006. This appendix is not part of the order.

1. **Activities to which the order does not apply:** Section 2(2) of the *Government Actions Regulation* states

An order under any of sections 5 to 15 does not apply in respect of

- (a) any of the following entered into before the order takes effect:
 - (i) a cutting permit;
 - (ii) a road permit;
 - (iii) a timber sale licence that does not provide for cutting permits;
 - (iv) a forestry licence to cut issued by a timber sales manager under section 47.6 (3) of the Forest Act;
 - (v) subject to subsection (3), a minor tenure,
- (b) a declared area,
- (c) areas described in section 196 (1) of the Act, and
- (d) areas referred to in section 110 of the Forest Planning and Practices Regulation.

2. Authority to consider an exemption from these GWMs is provided in section 92(1) of the FPPR, and section 79(1) of the *Woodlot Licenses Planning and Practices Regulation*. An exemption may be provided if the Minister's delegate is satisfied that the intent of the GWM will be achieved or that compliance with the provision is not practicable, given the circumstances or conditions applicable to a particular area.

An exemption application should be submitted to the Minister's delegate (for the Region that the UWR is located) with a rationale describing the nature of the problem and options to integrate UWR conservation with proposed forest practices. This submission will assist in timely consideration of the matter, and will inform the conditions, if any, of the exemption that may be granted prior to commencement of activities. Upon receipt of a complete exemption application, a determination will normally be made within 14 days of arrival. Incomplete packages will be returned to the proponent for re-submission.

3. In reference to GWM # 7, the specified area delineates the area 200 meters upslope of a slope break around winter range unit number 10, in the Similkameen winter ranges. The Specified area is a 200 meter closed canopy forested buffer immediately upslope of the slope break. The 200 meter closed canopy forested specified area applies in cases where the UWR boundary is proximal to the slope break where there is a transition from open forest to closed canopied forest on the plateau.
4. Where an exemption is provided to the requirements of GWM # 1, consideration may be given to adding the following conditions to the approval of the exemption:
- a) Any road(s) must be rehabilitated (within a specified time period) such that all motorized vehicles, including all-terrain vehicles, are prevented from entering the winter range units.
 - b) Any road(s) must be re-vegetated with native plant species such that productive mountain goat winter range habitat is restored.