

ORDER – Ungulate Winter Range
U-4-010
Mountain Caribou – Kinbasket Planning Unit

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

1. The Deputy Minister of Environment, being satisfied that
 - i. the following areas contain habitat that is necessary to meet the winter habitat requirements for mountain caribou (*Rangifer tarandus caribou*), and
 - ii. that 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-4-010) and contained in the ungulate winter range (UWR) spatial layer stored in the Land and Resource Data Warehouse (*tuwr_bc*) are established as ungulate winter range U-4-010 for mountain caribou. The centre point of the line on the attached Schedule A is what establishes the UWR boundary, and
- 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 Land and Resource Data Warehouse (*tuwr_bc*), the areas as detailed in the UWR spatial layer will take precedent.

2. The Deputy Minister of Environment, being satisfied that
 - i. the general wildlife measures (GWMs) described below are necessary to protect and conserve mountain caribou, 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-4-010.

Schedule 1– General Wildlife Measures applicable to UWR U-4-010

Definitions:

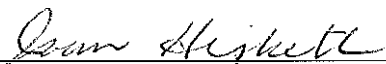
Words and expressions not defined in this order have the meaning given to them in the *Forest and Range Practices Act* (FRPA) and the regulations made under it unless context indicates otherwise.

General Wildlife Measures:

1. Timber harvesting and road building activities will result in the retention of forest cover requirements within caribou management zones as identified on the attached Schedule A and as outlined in Table 1.
2. Where retention requirements, as identified in GWM 1, cannot be achieved due to deficits in minimum forest retention area percentages, deficits must be recruited from the oldest available forest coverage class stands to achieve targets in the shortest time frame practicable

Table 1. Forest cover retention requirements within caribou management zones.

Caribou Management Zone	BEC	Forest leading species	Minimum forest retention amount	Forest age class
1	Not applicable	All	100%	All age classes
5	Not applicable	All	≥70%	≥8
6	Not applicable	All	≥70%	≥8
7	Not applicable	All	≥40%	≥8
			≥10% (1/4 of the 40% above)	9
8	Not applicable	All	≥30%	≥8
			≥10% (1/3 of the 30% above)	9
			Plus 20% Partial cut (with ≥ 70% basal area maintained)	≥7


 Signed this 18 day of December, 2008
 Joan Hesketh, Deputy Minister
 Ministry of Environment

Appendix 1:

The following information is provided by the Ministry of Environment (MoE) as background information and support to the order establishing UWR U-4-010. 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. **Compliance with the GWMs and Exemptions:** If timber harvesting and road building activities cannot be carried out in compliance with the established GWMs, an exemption is required from the requirement to comply with the GWMs if the activities are to proceed. The authority to consider an exemption is provided in section 92(1) of the *Forest Planning and Practices Regulation*. An exemption may be provided if the Minister's delegate (MoE Regional Manager, Environmental Stewardship Division, for the region that the UWR is located) 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.

If an exemption is desired, an exemption application should be submitted to the Minister's delegate with a rationale describing the nature of the problem and options to integrate UWR conservation with proposed activities. 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.

Forest Health

Any activities to address forest health factors within the UWR that cannot be accommodated by the established GWMs will require an exemption if they are to proceed. This approach is being taken as a short term measure until final GWM language can be developed to identify those specific circumstances where the requirements of no timber harvesting and road building should not apply to activities related to address forest health factors, and therefore an exemption would not be required. The final GWMs will

be consistent with the intent and direction contained in Forest Health report once it is finalized. It is MoE's intention that these GWMs will be completed and that U-4-010 will be considered for amendment to include these GWMs prior to late-mid 2009.

Mineral Exploration Activities

Any timber harvesting or road building [off tenure] associated with mineral exploration activities, that cannot be accommodated by the established GWMs, will require an exemption if they are to proceed. This approach is being taken as a short term measure until final GWM language can be developed to identify those specific circumstances where the requirements of no timber harvesting and road building should not apply to mineral exploration activities, and therefore an exemption would not be required. MoE is committed to continuing to collaborate with the Ministry of Energy, Mines and Petroleum Resources, the Mining Association of BC and Association for Mineral Exploration in BC to develop the GWM language as well as Best Management Practices for operating within caribou habitat. It is MoE's expectation that these GWMs will be completed and that U-4-010 will be considered for amendment prior to late-mid 2009.

Guided Adventure Tourism

Any timber harvesting or road building associated with guided adventure tourism activities (e.g. glading, snow trail development and helicopter landing clearings), that cannot be accommodated by the established GWMs, will require an exemption if they are to proceed. This approach is being taken as a short term measure until final GWM language can be developed to identify those specific circumstances where the requirements of no timber harvesting and road building should not apply to guided adventure tourism activities. MoE is committed to continuing to collaborate with the heli and cat skiing sector to develop the GWM language as well as Best Management Practices for operating within caribou habitat. It is MoE's expectation that these GWMs will be completed and that U-4-010 will be considered for amendment prior to late-mid 2009.

3. **GWM 1:** For the purposes of GWM 1 and Table 1:
 - Forest retention requirements are determined by applying percentages to the Crown forested land base within the mapped caribou habitat of each individual landscape unit. Crown forested land base excludes Provincial Parks, Protected Areas, Ecological Reserves and Federal Parks. The resultant forest retention requirements are applied to slopes less than 80 percent.
 - Forest stand ages will be based on the best available information.
4. **GWM 2:** Exemptions to GWM 2 will be considered where an alternate recruitment strategy is developed. Alternate recruitment strategies must be submitted to the Minister's delegate for consideration. Alternate recruitment strategies should indicate that:
 - i. the strategy has been developed by a registered professional biologist;
 - ii. the strategy contains a professional opinion from the registered biologist indicating that the strategy will benefit caribou habitat in the future;

- iii. the strategy is spatially explicit; and
 - iv. the strategy is not in conflict with any existing caribou recovery plan for the specific herd.
- 5. Promote the development of future caribou habitat through reforestation and silviculture treatments on all areas harvested within a caribou management zone.
- 6. **Adaptive Management:** The Mountain Caribou Science Team identified key uncertainties related to mountain caribou ecology and the efficacy of proposed recovery actions. Government is committed to supporting the implementation of an adaptive management strategy. Both the implementation and effectiveness of management actions will need to be monitored. Implementation efforts will need to be monitored closely and assessed to determine whether the strategy needs to be modified in order to meet recovery goals. In addition, research addressing knowledge gaps should be supported. The Recovery Implementation Plan includes the development of adaptive management and effectiveness monitoring plans for habitat, recreation and predator-prey management efforts.

