



BRITISH
COLUMBIA

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ORDER – Ungulate Winter Range

#U-7-003

Mountain Caribou – Upper Fraser, Hart Ranges and Mount Robson Planning Units

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) this order cancels and replaces the orders established on October 6, 2003, entitled “ORDER – UNGULATE WINTER RANGE #U-7-003” and on February 20, 2007, entitled “ORDER - UNGULATE WINTER RANGE #U-7-003”,
- b) the areas shown in the map set out in the attached Schedule A (U-7-003) and contained in the ungulate winter range (UWR) spatial layer stored in the Land and Resource Data Warehouse (*tuwr_bc*) are established as an ungulate winter range U-7-003 for mountain caribou. The centre point of the line on the attached Schedule A is what establishes the UWR boundary, and
- c) 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-7-003.

Schedule – General Wildlife Measures applicable to UWR U-7-003

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.

material adverse in the context of disturbance or impact, “material” means that the disturbance must be real, substantive, or significant. “Adverse” means the disturbance must have negative consequences for the affected species.

productive forest means the current or future timber harvesting land base designation as identified through timber supply review.

UWR unit means a portion of UWR U-7-003 that is discrete from any other portion. i.e. not contiguous with another portion.

General Wildlife Measures:

GWM 1 – Caribou Corridor.

Within each Caribou Corridor UWR Unit: P-001, P-004, P-005, P-009, P-013, P-015, P-017, P-018, P-026, P-028, P-029, P-039, P-042, P-044, P-046, P-047, P-050, P-051, P-052, P-059, P-061, P-062, P-063, P-070, P-073, R-003, R-008, R-009, R-010, R-014, R-016, T-005, T-009, T-010, T-012.:

- a) Primary forest activities will result in a minimum of 20% of the forest within each unit as greater than 100 years of age in a contiguous, windfirm corridor.
- b) Primary forest activities will result in no more than 20% of the productive forest area of each unit being less than 3 metre green-up condition at any time.

GWM 2 – Caribou High:

Within each Caribou High UWR Unit: P-002, P-003, P-006, P-007, P-008, P-010, P-011, P-012, P-014, P-019, P-020, P-021, P-022, P-023, P-024, P-025, P-030, P-031, P-032, P-033, P-034, P-035, P-036, P-037, P-038, P-040, P-041, P-043, P-045, P-048, P-049, P-053, P-054, P-055, P-056, P-057, P-058, P-060, P-064, P-065, P-066, P-067, P-068, P-069, P-072, P-074, P-075, R-001, R-002, R-004, R-005, R-011, R-018, R-019, R-020, R-021, R-022, R-023, R-300, T-003, T-006, T-014, T-016:

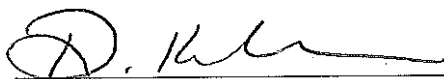
- a) Timber harvesting and road construction must not occur within the UWR except as provided in (b), (c) and (d).

- b) Timber harvesting and road construction may occur where cut blocks and associated roads have been previously approved in a Forest Development Plan prior to the date of the original order for U-7-003 of October 6, 2003.
- c) GWM 2(a) does not apply to road construction, maintenance and deactivation through UWR units R-005, P-015, P-024, P-034, P-058 and P-066.
- d) GWM 2(a) does not apply for the purposes of road maintenance, road deactivation, or road reclamation activities:

GWM 3 – Caribou Medium:

Within each Caribou Medium UWR Unit: R-015, R-017, T-001, T-002, T-004, T-007, T-008, T-011, T-013, T-015, T-017, T-018, T-019:

- a) Timber harvesting will result in less than or equal to 30% volume removal on a cut block area every 80 years, such that:
 - i. opening sizes do not exceed 1.0 ha, with a mean opening size of less than or equal to 0.5 ha,
 - ii. openings are distributed throughout the cut block area and kept at least two tree lengths apart, where practicable.
- b) Primary forest activities for forest health sanitation activities will be conducted in a manner that does not result in a material adverse impact on the caribou habitat within each UWR unit.
- c) Permanent road access in the Caribou Medium UWR Units will not be constructed within 2 km of any Caribou High UWR Unit.
- d) When Road access is no longer required to meet harvesting and silviculture obligations roads will be deactivated as per sections 82(1)(a),(b) and (c) of the *Forest Planning and Practices Regulation* (FPPR).
- e) Where the road is needed for multiple-year harvesting, snow will not be ploughed unless required to facilitate timber harvesting.



Signed this 26 day of January, 2009
Doug Konkin, 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-7-003. 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 FPPR. 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

An exemption is required for harvesting and road building for forest health sanitation activities where these activities cannot comply with the established GWMs. Where approved by the Minister's delegate, forest health sanitation activities will be conducted in a manner that does not result in a material adverse impact on caribou within each UWR. Salvage of dead (non-infectious) timber resulting from severe natural disturbance

may be proposed as an exemption if the proposal results in a net benefit to the UWR species being managed, as opposed to taking no action.

An exemption is not required for harvesting within these UWR units when it is required to address worker safety such as felling of danger trees or brushing on existing roads. The authority to conduct activities to address worker safety is outlined in section 2(3) of the FPPR.

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-7-003 will be considered for amendment prior to late-mid 2009.

3. **GWM 1:** Purpose is to maintain landscape connectivity.
4. **GWM 2 and 3:** Purpose is to maintain old forests with arboreal lichen forage and to minimize caribou displacement and predation.
5. **GWM 2(b):** Where road construction occurs through the units outlined in GWM 2(b) or where previous roads exist, *Forest Act* agreement holders should consider deactivating any non main roads and trails as soon as possible following timber harvesting and silviculture treatment in order to reduce disturbance and access into key caribou areas.

Previously GWM 2 included the following "Forest health sanitation activities and salvage harvesting must not result in more than 20% of the unit being less than 3 metre green-up condition at any time". This was removed from the current version of the order because primary forest activities in GWM 2(b) include forest health sanitation and salvage.

6. **GWM 3(d):** Deactivating roads as per section 82 of the FPPR is one means of achieving the desired result of the road being impassable to vehicles. Additional consideration should be given to creating unfavourable future conditions for wolf and snowmobile travel. This may include, but is not limited to, activities such as re-contouring and reseeded/replanting of roads or pulling significant crossing structures.
7. It is expected that fire suppression activities within UWR units will be conducted in a manner that does not result in a material adverse impact on the ungulate winter range.

8. Further guidance on management practises in mountain caribou habitat can be obtained from: Susan K. Stevenson, H. Armleder, M. Jull, D. King, B. McLellan and D. Coxson, 2001. *Mountain Caribou in Managed Forests: Recommendations for Managers – 2nd Edition*. Wildlife Report No. R-26. Ministry of Environment, Victoria, BC. Also available at: http://wlapwww.gov.bc.ca/wld/documents/techpub/r26_mtcaribou.pdf.