

ORDER – Government Actions Regulation
UNGULATE WINTER RANGE
U-6-013
Takla Caribou – Nadina Natural Resource District

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) (GAR).

The Regional Executive Director of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Skeena Region, being satisfied that

- i. the following area contains habitat that is necessary to meet the habitat requirements for the Takla caribou herd (*Rangifer tarandus caribou*); and
- ii. the habitat requires special management that is not otherwise provided for under GAR or another enactment;

orders that

- a) the General Wildlife Measures (GWMs) outlined in Schedule 1 are established for UWR U-6-013;
- b) the areas shown on the map set out in the attached Schedule A (U-6-013) and contained in the Ungulate Winter Range (UWR) spatial layer stored in the British Columbia Geographic Warehouse (WHSE_WILDLIFE_MANAGEMENT.WCP_UNGULATE_WINTER_RANGE_SP) are established as Ungulate Winter Range U-6-013 for the Takla caribou herd. The centre point of the lines on the attached Schedule A is what establishes the UWR boundary;
- 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 British Columbia Geographic Warehouse (WHSE_WILDLIFE_MANAGEMENT.WCP_UNGULATE_WINTER_RANGE_SP), the areas as detailed in the UWR spatial layer will take precedent;
- d) pursuant to section 7(3) of the *Forest Planning and Practices Regulation* (FPPR) of the *Forest and Range Practices Act*, 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 *FPPR* to the extent that ungulate winter range U-6-013 addresses the amount of area included for the Takla caribou herd for the Nadina Natural Resource District; and
- e) for the purposes of section 2(3)(a) of the *Government Actions Regulation*, the general wildlife measures outlined in Schedule 1 apply to minor tenures.

Schedule 1 – General Wildlife Measures

Definitions

Words and expressions have the meaning given to them in the *Forest and Range Practices Act* (FRPA) and the regulations made under it, unless otherwise defined in the order.

In this schedule:

- a) **Primary forest activity** is defined as in the *Forest Planning and Practices Regulation*.
- b) **Regeneration delay** is defined as “*the period of time between harvesting and the date at which an area is occupied by a specified minimum number of acceptable well-spaced trees*” from the Ministry of Forests and Range Glossary of Forestry Terms in British Columbia (March 2008).
- c) **Mainline road** is an artery road providing access to a watershed or a given geographic area. A mainline road is usually a long-term permanent road that may be used continuously or intermittently.
- d) **Deactivated** refers to either partial or complete treatment of roads and trails with the intent to deter motor vehicle access, while taking into account site-specific operating constraints.
- e) **Motor vehicle** means a device in, on or by which a person or thing is being or may be transported or drawn, and which is designed to be self-propelled, and includes an ATV or snowmobile, but does not include:
 - i. a device designed to be moved by human, animal or wind power,
 - ii. a device designed to be used exclusively on stationary rails or stationary tracks, or
 - iii. a boat propelled by motorized power.
- f) **Mineral or Coal Exploration and Development Activities** are activities related to the exploration and development of a mineral, coal or placer resource that may involve cutting trees, or construction and/or maintenance of roads or trails.

General Wildlife Measures (GWMs)

GWMs 1 and 2 apply to primary forest activities as authorized under the *Forest Act* and *Forest and Range Practices Act* and associated regulations. GWM 3 applies to the *Forest Act* and *Forest and Range Practices Act* and associated regulations that

are required to facilitate mineral or coal exploration and development activities as authorized under the *Mines Act*.

General Wildlife Measure 1:

Within High value caribou winter range as defined on the Schedule A map:

- a) No primary forest activities are permitted.
- b) Forest health sanitation activities are not to occur unless the Statutory Decision Maker approves an exemption which, if not approved, would result in a significant negative impact on adjacent timber values.

General Wildlife Measure 2:

Within Medium value caribou winter range as defined on the Schedule A map:

- a) Do not conduct primary forest activities between January 15 and July 15.
- b) Harvest with $\leq 30\%$ volume removal per cut block area every 80 years, such that:
 - i. opening sizes do not exceed 1.0 ha, with a mean opening size of ≤ 0.5 ha;
 - ii. openings are distributed throughout the cut block area and kept at least two tree lengths apart, where practicable.
- c) 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 ungulate winter range habitat.
- d) Permanent mainline road access in the Medium value caribou winter range will not be constructed within 2 km of any boundary of High value caribou winter range as identified on the Schedule A map.
- e) All roads, excluding mainlines, must be deactivated following achievement of regeneration delay or within one year following harvest issuance date by cutting permit area.

General Wildlife Measure 3:

All Notice of Work (NoW) applications for mineral or coal exploration and development activities within UWR U-6-013 will include a caribou mitigation and monitoring plan (CMMP) that outlines all efforts to avoid, minimize and restore impacts to caribou and caribou habitat. At a minimum, the CMMP will include the following:

- a. No mineral or coal exploration and development activities are

permitted between September 15 and July 15.¹ Exemptions may apply depending on geographical area and nature of activities.

- b. The building or improvement of trails and roads may occur under the following conditions:
 - Options for helicopter-supported mineral or coal exploration and development activities have been explored and deemed not practicable as determined by the Inspector of Mines - Permitting, and in consultation with Resource Management Division, FLNR;
 - Only personnel directly related to mineral or coal exploration and development activities are permitted beyond access control points;
 - Full trail and road de-commissioning and restoration (see e. below) will occur within the shortest time frame and
 - i. prior to removal of access control points; or
 - ii. within two years following the cessation of mineral or coal exploration and development activities for which the associated trail or road was required.
- c. Use existing clearings, trails and roads for mineral or coal exploration and development activities unless no other practicable option exists.
- d. New trails and roads will not exceed a width of 3.5 metres.
 - Restrict access to new or improved roads and trails at the time they become accessible. Measures to restrict access may include, but are not limited to, the use of signage and gates on active trails and roads.
- e. New trails and roads must be deactivated within 2 years following the cessation of mineral or coal exploration and development activities. Clearings and linear features must be restored within 1 year following the cessation of development activities. Restoration and deactivation actions may include, but are not limited to:
 - Removing bridge spans, culverts and other water management structures.
 - Replanting linear features with trees.
 - Minimizing utility by predators on roads and trails by creating large, long (>400m) and frequent, rough piles of coarse woody debris, and other materials.
 - Providing physical and visual breaks along edges of linear features until

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such time as they are fully restored to their original condition. Physical and visual breaks include berms, dense conifer planting, rough piles of coarse-woody-debris, rocks and stumps.

- Blocking off linear features at their intersection with physical and visual breaks to minimize utility by predators.
 - Recontouring slopes and restoring drainage systems to stabilize the ground and prevent erosion.
- f. Limit attracting early-seral ungulates and predators to mineral or coal exploration and development activities areas by:
- Minimizing the area being seeded for re-vegetation; where re-vegetation is required to achieve erosion objectives and/or to prevent the establishment of invasive species, select less palatable native plant species such as non-leguminous species or those that are short-lived, allowing for natural species re-colonization. Avoid using species that will result in a dense cover of mat-forming graminoids. Where agronomic species are necessary, ensure the species mix includes only annual, non-mat-forming, and non-leguminous species.
 - Facilitating the re-establishment of lichens in appropriate habitats.
- g. Do not remove trees from mature stands (≥ 80 years old) and do not remove lichen-bearing trees, unless it is not practicable to remove them.
- h. Within the no-harvest zone identified on the Schedule A map, individual forest openings (defined as the total tree harvested area created for the purposes of mineral or coal exploration and development activities) must not be greater than one hectare. This does not include forest openings created for the purposes of building trails and roads. Exploration and development activities should be designed to minimize the total number of forest openings.
- i. Prevent project-related displacement or disturbance of caribou by:
- Reducing project-related noise;
 - Having a qualified professional involved in the preparation and implementation of the Caribou Mitigation and Monitoring Plan (CMMP);
 - Implementing a program to monitor wildlife sightings and ensure that a stop work order is in place in the event that caribou are observed within the mineral or coal exploration and development activities area;
 - Restricting development activities and industrial traffic around known caribou migration corridors during migration periods;
 - Avoiding mineral or coal exploration and development activities in areas where recent caribou use has been observed; and

- Maintaining a minimum of 500 metres vertical distance above ground, and a minimum of 2,000 metres horizontal separation from observed caribou while using helicopter and fixed-wing aircraft.
- j. Prior to completion of road construction, establish road restrictions and road safety protocols, including signage for speed restrictions and traffic-calling protocols.



Signed this 4 day of January, 2021
Geoff Recknell, Regional Executive Director, Skeena Region
Ministry of Forests, Lands, Natural Resource Operations and Rural Development

Appendix 1 – General Information

The following information is provided as background information and support to the order establishing UWR U-6-013. This appendix is not part of the legal order.

1. Improvements in scientific and biological information, including field assessments completed by qualified professionals, may lead to amendment(s) consistent with the *Government Actions Regulation* of Takla caribou general wildlife measures including:
 - a. the addition of new, or deletion of existing caribou winter range,
 - b. the adjustment of caribou winter range boundaries, and
 - c. the modification of a specific general wildlife measure.

Forestry & Associated Permits:

2. **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*;
 - (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*.
3. Authority to consider an exemption from these GWMs is provided in section 92(1) of the *Forest Planning and Practices Regulation*, section 79(1) of the *Woodlot Licenses Planning and Practices Regulation* and section 36(3) of the *Range Planning and Practices Regulation*. An exemption may be provided if the Minister's delegate is satisfied that the intent of the general wildlife measure will be achieved or that compliance with the provision is not practicable, given the circumstances or conditions applicable to a particular area. This exemption process can be applied to any authorization under the *Forest and Range Practices Act* regardless of the type of industrial activity (e.g. may be applied to FRPA authorizations required to access mineral or coal tenure rights).

An exemption application must be submitted to the Ministry of Forests, Lands, Natural Resource Operations and Rural Development, Director of Resource Management Division, Skeena Region) with a rationale describing the nature of the issue in meeting the order and options to integrate UWR conservation with proposed activities. This submission will assist in timely consideration of the issue, 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. Incomplete applications will be returned to the proponent.

4. Where a permit or license is reasonably necessary to give effect to activities approved in a prior-existing Environmental Assessment Certificate, the Order will not be applied so as to prevent issuance of the permit or licence, or make acting under the permit or licence impracticable or contrary to the overall project that was approved pursuant to the Environmental Assessment Certificate.

Mineral or Coal Exploration and Development Activities:

1. Exemptions to GWM 3 will be reviewed under the following process: refer to *Skeena Region's Notice of Work Operational Guidance for Mineral or Coal Exploration and Development Activity in Northern Caribou Habitat* for more detail.

