

**Rationale – Approval of UWR U-3-004
Mountain Caribou (*Rangifer tarandus caribou*)
Wells Gray Thompson Planning Unit**

In approving this ungulate winter range (UWR) U-3-004 each of the tests under the *Government Actions Regulation* (GAR) was considered.

GAR 2 – Limitations on Actions

1. The order is consistent with established objectives.

In my review of objectives established by government under the *Forest and Range Practices Act*, I find the order consistent with Section 180 (grandparenting specified designations) and S. 181 (grandparenting objectives) including scenic, emergency bark beetle management, recreation sites, recreation trails, and community watershed areas.

In my review of objectives established by government under the *Forest Planning and Practices Regulation*, I find the order is consistent with Section 5 (soils), S.6 [timber; as outlined below in my rationale relevant to the *Government Action Regulation* section 2(1)(b) and 2(1)(c)], S.8 (water, fish, wildlife and biodiversity in riparian areas), S.8.1 (fish habitat in fisheries sensitive watersheds), S.8.2 (community watersheds), S.9 (wildlife and biodiversity – landscape level), S.9.1 (wildlife and biodiversity – stand level), S.9.2 (visual quality), and S.10 (cultural heritage resources).

In my review of existing objectives established by *Land Act*, *Land Use Objectives Regulation*, and *Government Action Regulation* orders, I have determined that all but two of these objectives are fully consistent with this order. The two objectives that may not be fully consistent are found within the Kamloops Higher Level Plan Order and relate to Section 2.5.2 Area Specific Objectives and Strategies H1. For these objectives I have assumed that they will be rescinded prior to this order coming into effect. I am comfortable with this assumption given this was an interagency collaborative process and staff have informed me that the minister responsible for the *Land Act* will imminently rescind these objectives from the Kamloops Higher Level Plan Order to facilitate this order's approval and implementation. Therefore, I find this order is consistent with all relevant objectives established by order.

Having considered all available information pertaining to this order, I find that there are no elements of this order that would be inconsistent with established objectives applicable to forest and range practices and planning within the Wells Gray Thompson planning unit.

2. *The order would not unduly reduce the supply of timber from British Columbia's forests.*

The *Forest and Range Practices Act* (FRPA) does not define “unduly” so I will consider dictionary definitions of “unduly”, such as “excessive”, “disproportionate” and “unwarranted”, when assessing the test under section 2(1)(b).

The test of whether an action will unduly reduce the supply of timber from British Columbia's forests needs to be considered in light of government's timber supply impact policy for the establishment of UWR for mountain caribou. I am guided by relevant policies that have been completed over time that apply to this decision.

In the area of the Wells Gray Thompson planning unit, government's previous timber supply impact policy relating to the management of mountain caribou is established by the Kamloops Land and Resource Management Plan (LRMP) and associated legal orders. In the Kamloops LRMP mountain caribou are managed by way of the Timber Harvesting Guidelines for Caribou Habitat in Appendix 10 of the LRMP.

The document titled “Memorandum Of Understanding On Establishment Of Ungulate Winter Ranges And Related Objectives” and dated 2003, provides guidance with respect to government's timber supply impact policy for the establishment of UWR; impacts are based on Timber Supply Review (TSR) 1, TSR 2 or approved strategic land use plans, as well as the TSR 2 non timber harvesting land base (NTHLB).

The document titled “Considerations for the Selection of LUOR and GAR: Using the Land Use Objectives Regulation (LUOR) and the Government Actions Regulation (GAR) in a complementary manner”, approved by the FRPA Joint Steering Committee and dated October 17, 2008, provides guidance with respect to assessing “Corporate government” direction for land and resource decisions. The document indicates that Corporate government direction for the implementation of land and resource may be provided by Cabinet in their approval of a land and resource use decision. This approval may then be used as a basis for implementing the mountain caribou decision under the GAR provided the GAR tests are met.

On October 16, 2007, government announced a plan to recover mountain caribou. The plan included a provincial commitment to protect 2.2 million ha of forested habitat, capturing 95% of mountain caribou's high suitability winter habitat, with an incremental amount of 380,000 ha of which 77,000 ha was expected to be in the timber harvesting land base (THLB); impacts to the THLB are based on TSR 2. This decision, and specifically the incremental THLB commitment, has established government's current timber supply impact policy for the management of mountain caribou habitat. The test of unduly impacting the timber supply from British Columbia's forest for the establishment of mountain caribou habitat protection must be considered in the context of this government direction.

I note that as background information to the October 16, 2007 decision government developed a final recovery implementation plan for mountain caribou that focused habitat protection measures on high suitability winter habitat within a government sanctioned budget of 1% of THLB throughout the range (approximately 115,000 ha), with the caveat that the viability of individual operators be maintained. Analyses suggested that 95% of high suitability winter habitat throughout the range where recovery was deemed feasible could be protected within the budget and without creating a timber supply issue (although the need for further economic analyses was acknowledged). This will result in the protection of 2.2 million ha of forested land, with approximately 77,000 ha coming from the THLB. Within this context, the 77,000 ha of incremental THLB is government's target, but it is also considered the minimum incremental amount, given government's previous accepted impacts of 1% THLB throughout the range (approximately 115,000 ha).

Based on the provincial target of 77,000 ha of incremental THLB, targets were developed for each of the eight planning units where habitat management actions are planned. The incremental THLB target for the Wells Gray Thompson planning unit is 6,000 ha of THLB, as well as all suitable habitat within the NTHLB, less what is operational over the next five years. UWR U-3-004 has been developed consistent with this direction. The Wells Gray Thompson Habitat Team considered options for the location of the incremental habitat in the THLB and also the location of the NTHLB and potential future operability. UWR U-3-004 has an incremental impact of 5,937 ha of THLB and approximately 7,957 ha of NTHLB; impacts to the NTHLB are based on TSR 4. *Forest Act* agreement holders were given the opportunity to review all NTHLB for economic opportunities. Any area of NTHLB considered operable over the next five years was removed from the target for the modified harvest zone.

Additional information pertaining to the identification of incremental habitat for the Wells Gray Thompson planning unit can be obtained from the report titled "Mountain Caribou Population Recovery Initiative Wells Gray Thompson Local Habitat Team Report to Directors" and dated December 17, 2007.

Additionally I note that in the recent Kamloops timber supply area TSR, the Chief Forester noted in his May 2008 "Rationale for Allowable Annual Cut (AAC)" (http://www.for.gov.bc.ca/hts/tsa/tsa11/current_tsr/11ts08ra.pdf) that the Kamloops LRMP's Appendix 10 did not fully account for imminent mountain caribou management requirements and that additional area would be subject to management constraints. Specifically I note that he accounted for a 5 percent reduction of the annual timber supply available in the mid term, and 4 percent in the long term and that any short-term implications for timber supply from additional provisions for caribou habitat will be assessed and accounted for when the AAC uplift for mountain pine beetle related salvage is no longer needed. From this accounting, I note that there is no immediate short-term timber supply impact in the Kamloops TSA, however, there may be impacts when the annual allowable cut (AAC) uplift is no longer needed and that any impacts will be accounted for at that time. I note that where the Chief Forester has already accounted for

timber supply impacts within a TSR that this is an important factor to consider with the GAR timber supply impact policy noted above.

I am satisfied that this order will not unduly reduce the supply of timber from British Columbia's forests.

3. *The benefits to the public derived from the order would outweigh any material adverse impact of the order on the delivered wood costs of a holder of any agreement under the Forest Act that would be affected by the order.*

The FRPA does not define "material adverse impact". The test under section 2(1)(c)(i) is a "material adverse impact" not just an "adverse impact". A "material" effect is often defined as a "highly important" or "significant" effect.

No information was provided by *Forest Act* agreement holders, either prior to the review and comment period or during the review and comment period, to suggest that the order for UWR U-3-004 would create a material adverse impact on delivered wood costs. Additional comments were made by licensees, however many of those comments were related to the "planning" process, building flexibility into the order, creating future processes, dealing with mitigation, and other management levers. None of these comments directly relate to this test.

In the absence of information from *Forest Act* agreement holders I have considered that when the Wells Gray Thompson Habitat Team developed the final recommendation for U-3-004, the location of the THLB and potential timber isolation and economic impacts were considered. Furthermore, future operability was considered when placing line work in the NTHLB. The order for U-3-004 has been specifically drafted with provisions to allow *Forest Act* agreement holders to make adjustments around UWR boundaries under specific circumstances without requiring an exemption from the Ministry of Environment (MOE). All of these actions will serve to minimize the possibility of the order creating a material adverse impact on delivered wood costs.

I recognize that this order will restrict access to certain merchantable stands and may increase the cost of delivering timber to processing facilities, however, given the opportunity provided to *Forest Act* agreement holders to influence the location of the incremental habitat, the operational flexibility provided along UWR boundaries, combined with the lack of input relative to this test, I am satisfied that impacts on delivered wood costs have been minimized and are not significantly material in nature.

In addition to considering the potential for this order to have a material adverse impact on delivered wood costs, I have considered the public benefits that will be derived from this order. Mountain caribou are currently listed as "threatened" under the federal *Species at Risk Act* and are "red-listed" (endangered or threatened) in British Columbia. The provincial Conservation Framework ranking lists this southern population as a high

priority¹ for conservation action. The Kamloops LRMP has previously identified mountain caribou management as being in the public interest and includes habitat management objectives for mountain caribou. The Species at Risk Coordination Office conducted extensive stakeholder consultation on the 2006 Draft Mountain Caribou Recovery Implementation Plan. This stakeholder consultation informed government's October 16, 2007, announcement to recover mountain caribou. This announcement establishes the public interest for mountain caribou management.

The information I have considered, including comments from affected *Forest Act* agreement holders, does not indicate that this order would create a material adverse impact on delivered wood costs. I find the public benefit of this order to be compelling relative to the lack of an indication of a material adverse impact on the delivered wood costs of a holder of any agreement under the *Forest Act* that would be affected by the order.

4. *The benefits to the public derived from the order would outweigh any undue constraint on the ability of a holder of an agreement under the Forest Act or the Range Act that would be affected by the order to exercise the holder's rights under the agreement.*

The FRPA does not define "undue" so I will consider dictionary definitions of "undue", such as "excessive", "disproportionate", and "unwarranted", when assessing the test under section 2(1)(c)(ii).

Kamloops timber supply area (TSA) members submitted comments on the June 20, 2008, draft order specific to this test. They contend that the test is not met because:

1. The proposed area to be reserved outside of the proposed no harvest zone will unduly limit our access to timber now, and over time. The area is being reserved unnecessarily and exceeds the requirements to meet population targets. Further, it will reserve timber that analysis shows will need to be available to manage access to timber issues once the mountain pine beetle epidemic has run its' course.
2. The onerous forest health provisions in the order will unduly constrain our ability to exercise our rights under our agreements.
3. Using a THLB/NTHLB distinction to account for impacts does not adequately address or reflect the real impact on the ability of forest licensees to manage volume flow under their agreement.

The modified harvest zone requires that 9,757 ha of suitable mountain caribou habitat be maintained, of which 1,800 ha must be located in the THLB. The remaining 7,957 hectares is expected to be located in the NTHLB based on TSR 4. On October 16, 2007, government made a commitment to 77,000 ha of incremental THLB for mountain caribou recovery, as well as all suitable habitat within the NTHLB, less what is operational over the next five years. This translates into a target of 6,000 ha for the Wells Gray Thompson planning unit. UWR U-3-004 is consistent with government's target,

¹ Ranked out as high priority "2" for Goal 1 (global conservation efforts) and Goal 3 (maintaining native diversity).

coming in slightly under target at 5,937 ha of THLB. The NTHLB included in the UWR has been reviewed by *Forest Act* agreement holders for economic opportunities and anything considered potentially operable over the next five years was removed from the UWR. As such, the NTHLB contains little to no currently economically viable timber. I acknowledge that the area being reserved in the modified harvest zone will result in the population target being exceeded, however the population target was considerably lower than that resulting from the original Mountain Caribou Science Team recommendations because the incremental habitat budget was capped at 6,000 ha. The population target is now higher than originally anticipated because the biologists and licensees negotiated a habitat plan that captured more high suitability habitat than expected within the mandated timber supply impact. Furthermore, I note that *Forest Act* agreement holders have full discretion and flexibility when deciding where to place the 7,957 ha (9,757 ha total minus 1,800 ha of THLB) within the modified harvest zone; the location of this amount has not been fully spatialized as a result of this process. I am satisfied that the inclusion of the THLB and NTHLB targets for the modified harvest zone will not result in an undue constraint on agreement holders to carry out their rights under their agreements.

Forest health provisions are not included in the current order. It is government's intention that the general wildlife measure (GWM) language to address those specific circumstances where activities to address forest health should be able to proceed without requiring an exemption from MOE, will be developed consistent with the intent of the final forest health report. Amendments to the order will be considered once this GWM language is finalized. *Forest Act* agreement holders can submit an exemption request to the MOE regional manager if their proposed activities to address forest health cannot be accommodated by the GWMs. I am satisfied that the lack of such GWMs in the short term will not result in an undue constraint on agreement holders to carry out their rights under their agreements.

The report titled "Summary Report of Mountain Caribou Recovery Plan: Timber Risk Assessment" dated June, 2008, did not indicate that the proposed actions in the Wells Gray Thompson planning unit would negatively impact the timber supply of the Kamloops TSA or the economic viability of its operators.

There are no affected *Range Act* agreement holders; the GWMs do not speak to range practices.

In addition to the comments submitted by the Kamloops TSA membership, Gilbert Smith Forest Products submitted comments that UWR U-3-004 would result in an undue constraint on their operations. This comment was submitted during the June 20, 2008, review and comment period as well as in an e-mail dated December 4, 2008. Gilbert Smith Forest Products contends that UWR U-3-004 will significantly reduce their access to a reasonable quantity and quality of cedar sawlogs as provided for in their *Forest Act* agreement. The areas that have been traditionally accessed to meet their volume have been impacted by the caribou no harvest zone.

In assessing the comments submitted by Gilbert Smith Forest Products, I have considered that Gilbert Smith Forest Products currently operates under a non-replaceable forest license that expires in December, 2009. The test under GAR 2(1)(c)(ii) can only be considered in the context of their current agreement, not any potential future agreement. I have also considered that the final line work for the no harvest zone for UWR U-3-004 is very similar to the line work submitted by the Kamloops TSA members to government in March 2007. Furthermore, any incremental habitat that was identified by the Habitat Team avoided the operating area of Gilbert Smith. Therefore, the area of the UWR that is being claimed to create an undue constraint is the same area that was identified by the licensees for inclusion in the UWR. I would not expect licensees to propose an area for mountain caribou management that would render themselves unable to operate. I have also considered that the type of constraint identified by Gilbert Smith Forest Products is not one that can be modeled as part of a timber supply impact analysis and neither Gilbert Smith nor the Ministry of Forest and Range (MFR) can quantify the exact nature or magnitude of the constraint on Gilbert Smith Forest Products. I acknowledge that UWR 3-004 will likely result in some level of constraint on Gilbert Smith Forest Products.

In addition to considering the potential for this order to unduly constrain the ability of an agreement holder to exercise their rights, as identified by the Kamloops TSA membership and separately by Gilbert Smith Forest Products, I have considered the public benefits that will be derived from this order. Mountain caribou are currently listed as "threatened" under the federal *Species at Risk Act* and are "red-listed" (endangered or threatened) in British Columbia. The provincial Conservation Framework ranking lists this southern population as a high priority² for conservation action. The Kamloops LRMP has previously identified mountain caribou management as being in the public interest and includes habitat management objectives for mountain caribou. The Species at Risk Coordination Office conducted extensive stakeholder consultation on the 2006 Draft Mountain Caribou Recovery Implementation Plan. This stakeholder consultation informed government's October 16, 2007 announcement to recover mountain caribou. This announcement establishes the public interest for mountain caribou management.

The information I have considered, including comments from affected *Forest Act* agreement holders, specifically Gilbert Smith Forest Products, does indicate that this order may create an undue constraint on the ability of a holder of an agreement under the *Forest Act* or the *Range Act* to exercise the holder's rights under the agreement. Although I have no information before me to directly support or refute the level of constraint suggested by Gilbert Smith Forest Products, I do find that the public benefits gained from this order to be significant. As a result I am satisfied that further analysis with respect to this test is not warranted. I find the public benefit of this order to be compelling relative to the lack of a clear indication of an undue constraint on the ability of a holder of an agreement under the *Forest Act* or the *Range Act* to exercise the holder's rights under the agreement.

² Ranked out as high priority "2" for Goal 1 (global conservation efforts) and Goal 3 (maintaining native diversity).

GAR 3 – Consultations and Reviews

1. *An opportunity for review and comment was provided to the holders of agreements under the Forest Act or the Range Act that would potentially be affected by the order.*
2. *Consultation was carried out with holders on whom the order may have a material adverse effect.*

Between October and March 2007 and May 2008 the Species at Risk Coordination Office, the Wells Gray Thompson Habitat Team and agency representatives on the team held numerous meetings with *Forest Act* agreement holders to discuss the direction for implementing incremental habitat in the Wells Gray Thompson planning unit. Adjustments to UWR boundaries were made based on the input received from *Forest Act* agreement holders. Additional information and details are available in the report titled “Mountain Caribou Population Recovery Initiative Wells Gray Thompson Local Habitat Team Report to Directors” and dated December 17, 2007.

On June 20, 2008 all holders of agreements under the *Forest Act* that would potentially be affected by UWR U-3-004 were given an opportunity to review and comment on the proposed UWR line work as well as the proposed GWMs for UWR U-3-004.

Comments were received from the Kamloops TSA membership and separately from Gilbert Smith Forest Products. Government staff met with the Kamloops TSA membership on September 23, 2008, to discuss the comments received on the proposed UWR order.

A number of changes were made to the order to address *Forest Act* agreement holder concerns; however, a number of items remained outstanding. MOE, acting on behalf of the Species at Risk Coordination Office and Ministry of Forests and Range, provided a written response to each of the concerns on December 11, 2008. The unresolved issues and government’s response are as follows:

1. Licensees want to be fully mitigated for economic expenditures in the no harvest area (e.g. roads and permitted development). They want a commitment from government before the GAR order is approved.
Government response: Mitigation is a process that will be considered separate from the GAR order. Ministry of Forests and Range is expected to lead a process following the establishment of this order.
2. Gilbert Smith has identified that the current order may render them economically unviable.
Government response: Response as outline above.
3. Licensees disagree with government about the amount that the modified harvest area contributes to population targets.

Government response: The amount of high suitability habitat in the modified harvest zone will fully contribute to the population target, now that monitoring methods and a habitat baseline have been established.

4. Licensees disagree with the model and the manner in which “recovery habitat” was included in the model. They request that the order be revised to exclude existing blocks and roads from the proposed no harvest zone or that the order be revised to exclude unsuitable habitat from the no harvest zone.

Government response: The model represents the best available information. It is not operationally practicable to exclude unsuitable habitat from the no harvest area. The original licensee proposal included the blocks they are now requesting be dropped.

5. Licensees disagree with the inclusion of NTHLB within the modified harvest zone. When licensees became aware that the NTHLB in the modified harvest zone was not required to meet the population objective they opposed its inclusion.
Government response: Inclusion of the NTHLB is consistent with government’s announcement, as well as with the conceptual agreement reached with licensees in April, 2008. The NTHLB included in the UWR has been reviewed by *Forest Act* agreement holders for economic opportunities and anything considered potentially operable over the next five years has been removed. As such the NTHLB contains very little or no currently economically viable timber. Furthermore, I note that *Forest Act* agreement holders have full discretion and flexibility when deciding where to place the 7,957 ha (9,757 ha total minus 1800 ha of THLB) within the modified harvest zone; the location of this amount has not been fully spatialized as a result of this process. The area being reserved in the modified harvest zone will result in the population target being exceeded, however the population target was considerably lower than that resulting from the original Mountain Caribou Science Team recommendations because the incremental habitat budget was capped at 6000 ha. The population target is now higher than originally anticipated because the biologists and licensees negotiated a habitat plan that captured more high suitability habitat than expected within the mandated timber supply impact.

6. Licensees disagree with the decision to not turn off deer winter range adjacent to the mountain caribou UWR.

Government response: MOE does not support turning off deer UWR adjacent to the mountain caribou UWR at the present time. This may be considered in the future. The intent is to manage deer through hunting. Turning off the deer UWR requirement could have a negative impact because of the possibility of increased timber harvesting and early seral conditions that could promote moose. Rather, the moose UWR will be turned off.

7. Licensees do not believe that the tests in GAR 2 are met, specifically as they pertain to impacts to timber supply, delivered wood costs and undue constraint on an agreement holder.

Government response: I have considered all the relevant tests. This rationale outlines how each test has been considered. Rationales are available for licensees to review after my consideration.

8. Licensees believe that corridors should contribute to population targets; currently they do not.

Government response: Mountain caribou corridors do not contribute to the population targets because although mountain caribou move through these areas, these corridors do not contribute significantly to population recruitment.

9. Licensees do not support the manner in which forest health is addressed.

Government response: General wildlife measures related to forest health will be considered for amendment once the forest health report is finalized and adequate time is taken to draft GWM language to indicate where the requirements of no harvesting and no road building should not apply. *Forest Act* agreement holders will be consulted as part of this process.

All comments received by MOE during review/comment or consultation were made available for my consideration.

Considering the extensive consultation with *Forest Act* agreement holders between March 2007 and May 2008, as well as the review and comment period on the final line work and proposed GWMs, conducted in June 2008, and subsequent meeting in September 2008, I find that an opportunity for review and comment was provided to the holders of agreements under the *Forest Act* that would potentially be affected by the order and that consultation was carried out with holders on whom the order may have a material adverse effect. There are no affected *Range Act* agreement holders.

GAR 9 - General Wildlife Measures

1. *The general wildlife measures are necessary to protect and conserve mountain caribou.*

The Mountain Caribou Science Team, established in 2005, identified forest harvesting and road building to be significant threats to mountain caribou. The document titled "Mountain Caribou in British Columbia: A Situation Analysis" and dated 2005 provides a detailed assessment of threats to mountain caribou.

In October 2007 government announced a plan to recover mountain caribou and committed to protecting 2.2 million ha of high suitability forested habitat from logging and road building.

http://www.env.gov.bc.ca/sarco/mc/files/MC_Recovery_Implementation_Plan_News_Release_20071016.pdf

The GWMs for UWR U-3-004 are consistent with government's October 2007 commitment of no timber harvesting and road building. The GWMs represent the current

best available science pertaining to caribou habitat management. The GWMs for the modified harvest area are also consistent with the direction contained in the Timber Harvesting Guidelines in Appendix 10 of the Kamloops LRMP.

An adaptive management framework is currently being developed that will guide the implementation monitoring of recovery actions. Under this model the GWMs will be monitored to ensure that they are achieving the intended result for caribou while at the same time providing operational flexibility for *Forest Act* agreement holders.

I am satisfied that the GWMs established by this order are necessary to protect and conserve mountain caribou. The measures are consistent with current standards and are supported by the current best available science.

2. *The regulations under the Forest and Range Practices Act or another enactment do not otherwise provide for that protection or conservation.*

In order to meet Government's commitment to the protection of 2.2 million ha of high suitability mountain caribou habitat from timber harvesting and road building, a total of 6,000 ha of incremental high suitability winter habitat within the THLB requires protection from timber harvesting and road building in the Wells Gray Thompson planning unit. This was based on the stated goal of capturing the entire high suitability habitat within the line work proposed by the Mountain Caribou Science Team.

While other regulations under the FRPA or other enactments may deliver some of the special management required for the protection or conservation of mountain caribou in the Wells Gray Thompson planning unit, these do not provide the necessary protection to meet the commitment to mountain caribou recovery and specifically the requirement of no timber harvesting or road building within high suitability mountain caribou habitat.

I find the GWMs established by this order to be necessary and I am satisfied that the regulations under the FRPA or another enactment do not otherwise provide for the protection or conservation of mountain caribou in the areas addressed by this order.

GAR 12 – Ungulate Winter Ranges

1. *The ungulate winter range is necessary to meet the winter habitat requirements of a category of specified ungulate species.*

The Mountain Caribou Science Team developed a mountain caribou habitat suitability model to identify high suitability winter habitat across the range of mountain caribou. Analyses confirmed that 95% of the high suitability winter habitat could be maintained by protecting 2.2 million ha of forested land. The Science Team model was based on the best available science and expert opinion. Methods and results of Science Team modelling are summarized in two progress reports, dated January 2006 and March 2006 (<http://www.env.gov.bc.ca/sarco/mc/sciencedocs.html>).

From November 2007 to March 2008, the Wells Gray Thompson Habitat Team was directed to use the Science Team habitat suitability model to inform their work to identify the proposed location of incremental habitat. The Habitat Team also used the best available local information and expertise from herd experts. Additional background information on the work of the Habitat Team can be obtained from the report titled "Mountain Caribou Population Recovery Initiative Wells Gray Thompson Local Habitat Team Report to Directors" and dated December 17, 2007.

I am satisfied that UWR U-3-004 contains habitat that is necessary to meet the winter habitat requirements of mountain caribou.

2. *The ungulate winter range requires special management that is not otherwise provided for under the Forest and Range Practices Act or another enactment.*

In order to meet Government's commitment to the protection of 2.2 million ha of high suitability mountain caribou habitat from timber harvesting and road building, a total of 6,000 ha of incremental high suitability winter habitat within the THLB requires protection from timber harvesting and road building in the Wells Gray Thompson planning unit. This was based on the stated goal of capturing the entire high suitability habitat within line work proposed by the Mountain Caribou Science Team.

An additional 7,957 ha of NTHLB is included within the UWR. Inclusion of the NTHLB is consistent with government's announcement, as well as with the conceptual agreement reached with licensees in April, 2008. The NTHLB included in the UWR has been reviewed by *Forest Act* agreement holders for economic opportunities and anything considered potentially operable over the next five years has been removed. As such the NTHLB contains very little or no currently economically viable timber. Furthermore, I note that *Forest Act* agreement holders have full discretion and flexibility when deciding where to place the 7,957 ha (9,757 ha total minus 1800 ha of THLB) within the modified harvest zone; the location of this amount has not been fully spatialized as a result of this process. The area being reserved in the modified harvest zone will result in the population target being exceeded, however the population target was considerably lower than that resulting from the original Mountain Caribou Science Team recommendations because the incremental habitat budget was capped at 6000 ha. The population target is now higher than originally anticipated because the biologists and licensees negotiated a habitat plan that captured more high suitability habitat than expected within the mandated timber supply impact.

While other regulations under the FRPA or other enactments may deliver some of the special management required for the protection or conservation of mountain caribou UWR habitat in the Wells Gray Thompson planning unit, these do not provide the necessary protection to meet mountain caribou recovery and specifically the protection of high suitability winter habitat.

I find the UWR established by this order to be necessary and I am satisfied that the regulations under the FRPA or another enactment do not otherwise provide for the

protection or conservation of mountain caribou winter range habitat in the areas addressed by this order.

Joan Hesketh

Signed this 18 day of December, 2008

Joan Hesketh, Deputy Minister

Ministry of Environment

