

**ORDER – UNGULATE WINTER RANGE (mountain goat) #U-6-002**  
**Nass Timber Supply Area + Upper Portion of Ningunsaw & Unuk Watersheds**

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

The Deputy Minister of Environment orders that:

1. the ungulate winter range shown in the map set out in the attached Schedule A (#U-6-002) is established;
2. the ungulate winter range in the attached Schedule A is established for mountain goat (*Oreamnos americanus*);
3. the general wildlife measures outlined in Schedule 1 are established for the ungulate winter range in the attached Schedule A;
4. the specified areas outlined in general wildlife measure 4, 5 and 6, Schedule 1, are established;
5. where there is any discrepancy between the ungulate winter range boundaries as shown in the attached Schedule A and the GIS file *tuwra\_bc*, the boundaries as detailed in the GIS file will take precedent. The centre point of the line on the map denoting the ungulate winter range is what establishes the boundary; and,
6. 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 goat in the Nass, Ningunsaw, Unuk and Bear River watersheds covered by the map set out in the attached Schedule A (#U-6-002).

**Schedule 1 – General Wildlife Measures**

In this schedule:

- a) “primary forest activity” is defined as in the *Forest Planning and Practices Regulation*,
- b) “access structure” is defined as in the *Forest Planning and Practices Regulation*,
- c) “mountain goat winter range” are those winter ranges established by way of this Order,
- d) “deactivate” or “deactivation” refers to either partial or complete treatment of roads and trails with the intent to prevent, as much as possible, motor vehicle access while taking into account site specific operating constraints; where practicable this activity will include right-of-way revegetation activities to manage long-term access, and
- e) “reforestation” means the re-establishment of trees on denuded forest land by natural or artificial means, such as planting and seeding.

1. Timber harvesting and road construction must not occur within the mountain goat winter range except where provided for by GWM 2.
2. GWM 1 does not apply where guyline tiebacks are required to facilitate timber harvesting.
3. Trees felled in accordance with GWM 2 or section 2(3) of the *Forest Planning and Practices Regulation* that fall within the mountain goat winter range must be retained on-site.
4. Primary forest activities that occur within 500 meters horizontal distance of a mountain goat winter range must not result in material or adverse disturbance to goats. Primary forest activities must take place during the period starting June 15 and ending October 31.
5. Access structures required for primary forest activities within 500 meters of mountain goat winter range, and within 1000 meters of specified canyon/escarpment mountain goat winter range, must be constructed in a manner that will facilitate effective deactivation. All access structures must be deactivated within one year following completion of reforestation.
6. All helicopter logging activities conducted within 2000 meters line of sight of a mountain goat winter range must take place during the period starting June 15 and ending October 31.



Signed this 12 day of December, 2008  
Joan Hesketh, Deputy Minister  
Ministry of Environment

## Appendix 1 – General Information

The following information is intended to provide background information and support to the legal order establishing U-6-002. This appendix is not part of the legal order.

1. As per section 2(2) of the *Government Actions Regulation*, the order entitled “ORDER – Ungulate Winter Range #U-6-002” 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 license that does not provide for cutting permits;
    - iv. a forestry license to cut issued by a timber sales manager under section 47.6(3) of the *Forest Act*;
    - v. a minor tenure.
  - b. a declared area;
  - c. areas described in section 196(1) of the *Forest and Range Practices Act*; and
  - d. areas referred to in section 110 of the *Forest Planning and Practices Regulation*.

In these instances the requirement to comply with the order and the general wildlife measures does not apply.

2. Authority to consider an exemption from these general wildlife measures is provided in Section 92(1) of the *Forest 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.

An exemption application should be submitted to the Minister’s delegate (Regional Manager – Ministry of Environment, 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. A spatially explicit strategy for conservation of mountain goat winter range is recommended as part of the submission. 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.

Exemptions may be considered for:

- a) The construction of roads or trails in a mountain goat winter range, including the harvest of associated right-of-way timber, where it can be demonstrated that no other access options exist.

These roads and trails will be:

- i. designed, as much as possible, to prevent all motorized vehicle access outside of the June 15<sup>th</sup> to October 31<sup>st</sup> timing window, and
  - ii. will be deactivated (consistent with the definition for “deactivation” in the order) as soon as practicable, and no later than one year, following primary forest activities.
- b) The construction of semi-permanent mainline roads within 500 meters horizontal distance of a mountain goat winter range when it can be demonstrated that no other road location options exist to access timber beyond a specific mountain goat winter range.

These roads and trails will be:

- i. designed, as much as possible, to prevent all motorized vehicle access outside of the June 15<sup>th</sup> to October 31<sup>st</sup> timing window, and
  - ii. will be deactivated (consistent with the definition for “deactivation” in the order) as soon as practicable, and no later than one year, following primary forest activities.
- c) Singular, site-specific extensions may be granted before the beginning of the timing window in June where it can be demonstrated by a qualified professional biologist that, due to exceptional circumstance(s), there is no risk to goats.

## **Appendix 2 – Supporting Information**

Note: this appendix is not part of the legal Order for U-6-002. It is intended to provide guidance/best management practices for meeting the general wildlife measures addressed in the order.

1. Retention of forest cover in mountain goat winter range is required to deliver habitat attributes critical to the survival of this species. These attributes include patches of mature/old forest in areas adjacent to escape terrain that provide winter forage production, snow interception, and thermal/security cover.
2. Improvements in scientific and biological information may lead to amendment(s) consistent with the *Government Actions Regulation* of the mountain goat winter range measures including:
  - a) the addition of new, or deletion of existing, mountain goat winter range polygon units,
  - b) the adjustment of mountain goat winter range unit boundaries including their associated buffer sizes, and
  - c) modification of a specific measure to address operational constraints while protecting mountain goat populations and their habitat.

3. Primary forest activities should avoid road or trail construction within 500 meters horizontal distance of a mountain goat winter range. Where no other practicable access options exist, roads and trails should utilize strategies to protect goats and their habitat from disturbance including:
  - a) placing adequate timber buffers around mountain goat winter range boundaries,
  - b) locating a road or trail no closer to mountain goat winter range than made necessary by operational site constraints, or
  - c) other suitable techniques.
4. It is recommended that where forests within mountain goat winter range have been disturbed either by forest fire or prior logging, and where habitat is limited, these units be silviculturally treated to accelerate their restoration and rehabilitation to achieve mature and old forest habitat attributes (snow interception, security and thermal cover, and forage production). Treatments should be based on the recommendations of a qualified professional forester and qualified professional biologist.
5. It is recommended that existing roads and trails within 500 meters of a mountain goat winter range, and within 1000 meters of canyon dwelling goat winter range meters be assessed for disturbance risk to mountain goat populations. Where assessment determines that access to mountain goat winter range on such roads and trails has increased risk to goats, plans for the deactivation of these roads should be developed and implemented. Where the deactivation of specific existing roads conflicts with operational activities, the licensee and the Minister's designate should work cooperatively to develop strategies which address both operational objectives and minimize disturbance to mountain goats without constraining operational activities. This may include access restrictions on permanent roads through the development and implementation of an official Access Management Plan.
6. It is recommended that historic and planned (FRPA S. 196(1)) primary forest activities within mountain goat winter ranges be assessed to determine if these activities have, or will, place mountain goat populations and their habitat at risk. Where an assessment determines that winter range is, or will be, limited relative to historic levels, the Minister's designate and the licensee(s) should work cooperatively to develop short- and long-term strategies aimed at offsetting and re-establishing winter range shortfalls (e.g. temporarily reserving mature or old forest reserves, silvicultural treatments [see item 5 above], and others as deemed appropriate). Where necessary, strategies should include the establishment and implementation of spatially explicit plans.
7. It is recommended that extra due diligence is required in proximity to canyon and escarpment winter ranges since the habitat model and aerial validation work does not adequately capture foraging habitat in proximity to cliffs within these habitat types. However, the majority of foraging habitat should be captured within the winter range boundary given that the 500 meter primary forest activity exclusion zone associated with canyon and escarpment winter ranges has been incorporated into the winter range boundary.

