

ORDER – MOUNTAIN GOAT UNGULATE WINTER RANGE # U-6-003
Morice Timber Supply Area

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).

1. The Deputy Minister of Forests, Lands and Natural Resource Operations, being satisfied that
 - i. the following area contains habitat that is necessary to meet the winter habitat requirements for mountain goat (*Oreamnos americanus*); and
 - ii. the 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-6-003) and contained in the ungulate winter range (UWR) spatial layer stored in the Land and Resource Data Warehouse
(WHSE_WILDLIFE_MANAGEMENT.WCP_UNGULATE_WINTER_RANGE_SP) are established as ungulate winter range U-6-003 for mountain goat. 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 (WHSE_WILDLIFE_MANAGEMENT.WCP_UNGULATE_WINTER_RANGE_SP), the areas as detailed in the UWR spatial layer will take precedent.
2. The Deputy Minister of Forests, Lands and Natural Resource Operations, being satisfied that
 - i. the general wildlife measures (GWMs) described below are necessary to protect and conserve mountain goat and mountain goat habitat; 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-6-003.
 - b) the GWMs 3, 4 and 5, Schedule 1, are applied to the areas specified in those GWMs; and,
3. Pursuant to section 7(3) of the *Forest Planning and Practices Regulation* a person required to prepare a forest stewardship plan is exempt 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 goats in the Morice TSA.

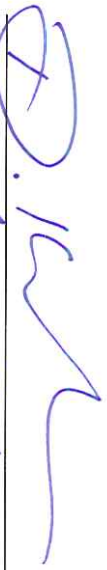
Schedule 1 – General Wildlife Measures

Definitions

In this schedule:

- a) “primary forest activity” means one or more of the following:
 - i. timber harvesting
 - ii. piling and burning slash
 - iii. road construction, maintenance and deactivation
 - b) “mountain goat winter range” are those winter range polygons established by way of this Order; and
 - c) “incursion” means new timber harvesting or road construction that crosses a goat winter range polygon.
1. Primary forest activities must not result in the removal of forest and vegetative cover within a mountain goat winter range, except as provided in GWMs 2 and 3.
 2. GWM 1 does not apply where:
 - a) guyline anchors and tailholds are required to facilitate timber harvesting adjacent to the goat winter range; or,
 - b) trees are felled in accordance with section 2(3) of the *Forest Planning and Practices Regulation*; and,
 - c) trees felled for the purposes in (a) and (b) that fall within the designated mountain goat winter range are retained on-site.
 3. GWM 1 does not apply to the area of an incursion if:
 - a) the incursion is to provide for a logical harvesting boundary or a logical road location that uses a physical feature or administrative boundary;
 - b) the area of the incursion, or multiple incursions cumulatively, do not exceed:
 - i. 1 ha in the goat winter range polygons <30 ha; or
 - ii. 2 ha in goat winter range polygons >30 ha to ≤100 ha; or,
 - iii. 3 ha or 1% of the total area of the goat winter range polygon, whichever is greater, in goat winter range polygons >100 ha;
 - c) the areas of an individual harvest unit within the mountain goat winter range is less than the area of the same harvest unit outside of the mountain goat winter range polygon;
 - d) the incursion exceeds 0.5 ha, and the area of the incursion is replaced with an equivalent or greater area of equal or better habitat contiguous to the goat winter range such that there is no net loss; and the incursion does not affect the intent or integrity of the goat winter range; and

- e) the incursion as per GWM 3 (a) or (b), and any replacement habitat as per GWM 3(c) are provided to the Director, Resource Management (via shape files) prior to the commencement of primary forest activities associated with the incursion.
- 4. Within 1000 meters horizontal distance of mountain goat winter range, primary forest activities must take place during the period starting June 15 and ending October 31.
- 5. All roads or structures within 1000 meters of mountain goat winter range polygons will be deactivated for effective access control within one year following completion of primary forest activities
- 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 4 day of March, 2013
Doug Konkin, Deputy Minister
Ministry of Forests, Lands and Natural Resource Operations

Appendix 1

Note: this appendix is not part of the legal Order for U-6-003. It is intended to provide guidance for meeting the General Wildlife Measures addressed in the order.

1. Authority to consider an exemption from these general wildlife measures is provided in Section 92(1) of the Forest Planning and Practices Regulation. In instances where it is not practicable to comply with these measures, a person proposing to conduct forestry activities should consider seeking an exemption from the requirements to comply with the applicable General Wildlife Measures.
 2. An exemption application should be submitted to the Minister's delegate (Director, Resource Management – Ministry of Forests, Lands and Natural Resource Operations (MFLNRO) for the Region that the Ungulate Winter Range is located) with a rationale describing the nature of the problem and options to integrate winter range conservation with proposed forest practices (a template for exemption requests is available at: <http://www.env.gov.bc.ca/wld/frpa/index.html>). 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 for timing window exemptions will be processed within 10 calendar days, all other exemptions will be handled within 15 working days of arrival at the MFLNRO Regional office. Incomplete packages will be returned to the proponent for resubmission.
 3. Material adverse disturbance to mountain goat would normally be considered any activity that results in extended or permanent abandonment of a winter range area, severe flight response by individuals that may risk injury, or extended periods of incremental energy use as a result of an external stimulus.
 4. The intent of GWM 3 is to facilitate boundary modifications that would normally require an exemption in those instances where a cut-block, road, trail or landing overlaps an UWR boundary and: a) MFLNRO agrees that the intent of the UWR boundary was to follow a creek/road and in some areas the boundary extends slightly beyond the creek/road due to a mapping discrepancy and creates the overlap; or b) unintentional overlap occurs with an engineered primary forest activity that becomes evident when comparing map scales (e.g. 1:20000 vs 1:5000); or c) *Forest Act* agreement holders can demonstrate that the block, road, trail or landing are located in a logical location and the incursion does not exceed the amount allowed.
- In almost all instances the amount of incursion is anticipated to affect a small area (e.g. <3 ha or <1% in large UWRs). No replacement area is required when the discrepancy is: a) caused by MFLNRO since the intent of the winter range has not been altered; or b) the cumulative overlap is <0.5 ha. In other situations, the intended result is that where a boundary amendment is suggested by a *Forest Act* agreement holder and when the reduction is measurable (≥ 0.5 and ≤ 3 ha or <1% measured cumulatively in any ungulate winter range), it will result in no net loss to habitat in the winter range. Delineation of equal or better ungulate winter range habitat, in quantity and quality, will be required. A biological assessment to replace habitat should be conducted by a qualified professional for the work being completed, and should accompany the information presented to the Director Resource Management. If replacement habitat is required and equal or better

habitat is not available contiguous to the UWR in question then the incursion cannot proceed under this GWM.

Boundary adjustments meeting the conditions identified in GWM 3 will be periodically reviewed by NRO and the UWR boundary officially amended under the *Government Actions Regulation* (incursions are to be recorded by *Forest Act* agreement holders in GIS). Any instances where the conditions in GWM 3 cannot be met, proposed primary forest activities will require an exemption as outlined under section 1 above (FPPR section 92 exemptions).

It remains the proponent's responsibility to keep accurate records of each incursion(GIS line work). Prior to commencement, the shape file should be provided to the Director Resource Management. Monitoring, in cooperation with proponents, will be required to determine effectiveness and compliance.

