

ORDER – UNGULATE WINTER RANGE
#U-6-007
Bulkley Mountain Goats – Skeena-Stikine 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 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 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 GWMs outlined in Schedule 1 are established for UWR U-6-007
- b) the area shown in the map set out in the attached Schedule A (#U-6-007) and contained in the Ungulate Winter Range (UWR) spatial layer stored in the Geographic Warehouse (WHSE_WILDLIFE_MANAGEMENT.WCP_UNGULATE_WINTER_RANGE_SP) are established as Ungulate Winter Range #U-6-007 for mountain goats. The centre point of the line 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 Geographic Warehouse (WHSE_WILDLIFE_MANAGEMENT.WCP_UNGULATE_WINTER_RANGE_SP), the areas as detailed in the UWR spatial layer will take precedent;
- d) the GWMs 4, 5, 6 and 7f. outlined in Schedule 1 are applied to the area specified in that GWM; 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 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 otherwise defined in the order.

In this schedule:

- a) **Primary Forest Activity** is defined as in the *Forest Planning and Practices Regulation*.
- b) **Material or Adverse Disturbance** is the consequence of an action that has a negative effect or impact on mountain goat behaviour or mountain goat habitat utilization/occupancy. For purposes of interpretation, if an animal appears to have been displaced from its habitat due to disturbance or more adversely impacted, it will be regarded as having experienced a material or adverse disturbance.
- c) **Winter Ground Only** is defined, if timber is logged during the snow free period, the soil disturbance hazard of either soil erosion, soil displacement or soil compaction is likely to exceed 5% soil disturbance for the net area to be reforested in accordance with the *Soil Conservation Guidebook* and the *Hazard Assessment Keys for Evaluating Site Sensitivity to Soil Degrading Processes Guidebook*.
- d) **Forest Harvest Completion Date** is the date of all the timber harvested (completion of felling, forwarding, processing and hauling) within a timber harvest block (i.e. cutblock) in accordance with the site plan.
- e) **Deactivated** or **Deactivation** refers to either partial or complete treatment of roads and trails with the intent to prevent motor vehicle access, while taking into account site specific operating constraints. Forest licensee's work would be regarded as sufficient if, without extensive effort, a motorized vehicle is inhibited from entry.
- f) **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.

General Wildlife Measures

1. Subject to General Wildlife Measure 3, timber harvesting must not occur within mountain goat winter range.
2. Road construction must not occur within mountain goat winter range.
3. Felling of single trees, such as a danger, guy line anchor, or tail hold trees is permitted within a mountain goat winter range when it is required to address worker safety.
4. Primary forest activities that occur within one (1) kilometre horizontal distance of a mountain goat winter range must not result in material or adverse disturbance to goats. Primary forest activities within one (1) km horizontal distance of a mountain goat winter range must not occur during the period starting November 1 and ending June 15, unless the following conditions are met:
 - i) the timber is considered winter ground only, and
 - ii) limit timber harvesting in a given winter season (starting Nov.1 and ending June 15) to a maximum of 10% of the area within the 1 km horizontal distance Specified Area.
5. New roads and structures required for primary forest activities within one (1) kilometre of mountain goat winter range will be constructed in a manner that will facilitate effective deactivation. All roads or structures within one (1) kilometre of mountain goat winter range that have not been exempted will be deactivated as soon as practical, and no more than two (2) years following forest harvest completion date by timber harvest block, inclusive of the access road to the timber harvest block. Access control points are to be established if deemed that road deactivation will not be effective as a stand alone measure.
6. Heli-logging or blasting must not occur within two (2) kilometres of mountain goat winter range during the period starting November 1 and ending June 15 where there is potential for material or adverse disturbance to mountain goats.
7. **Specific to mineral exploration and development:** to maintain habitat supply and to minimize mountain goat displacement and predation.

In identified mountain goat winter range:

- a. Time mineral or coal exploration and development to occur between the Least Risk Window for mountain goats (June 16 and October 31).
- b. The building or improvement of trails and roads in UWR-U-6-007 may occur under the following conditions:
 - Options for helicopter supported mineral or coal exploration and development are explored and deemed not practicable as determined by

the Inspector of Mines – Permitting, and in consultation with Resource Management Division, FLNRORD;

- Only personnel directly related to mineral or coal exploration and development are permitted beyond access control points;
- Full trail and road decommissioning and restoration (see 7e. below) to occur within the shortest time frame and:
 - i. prior to removal of access control point; or
 - ii. within two (2) years following the cessation of mineral or coal exploration and development for which the associated trail or road was required.
- c. Use existing clearings, trails and roads for mineral or coal exploration and development unless no other practical option exists.
- d. New trails and roads will not exceed a width of 3.5m.
 - 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 two (2) years following the cessation of development activities. Clearings and linear features must be restored within one (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 such time as they are fully restored to 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 the intersection such as debris piling to minimize utility to predators.
 - Recontouring slopes and restoring drainage systems and to stabilize the ground and prevent erosion.
- f. Helicopter and fixed-wing aircraft must maintain a minimum of 500 m vertical distance above ground, and a minimum of 2000 m horizontal separation from observed mountain goat at all times.



Signed this 17 day of July, 2019
Geoff Recknell, Regional Executive Director

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-6-007. This appendix is not part of the legal order.

1. Improvements in scientific and biological information may lead to amendment(s) consistent with the *Government Actions Regulation* of the defined mountain goat UWR 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 specified area, and
 - c. modification of a specific measure to address operational constraints while protecting mountain goat populations and their habitat.

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*;
 - (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*.
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 should be submitted to the Minister's delegate (FLNR Regional Director of Resource Management for the Region within which the UWR is located) with a rationale describing the nature of the problem and options to integrate UWR conservation with proposed forest and/or range practices. 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.

A spatially explicit strategy for conservation of mountain goat winter range will assist in timely consideration of the exemption request when submitted to the Minister's delegate, and will inform the conditions, if any, of the exemption that may be granted.

Exemptions may be considered for:

- a) The construction of roads or trails in a defined mountain goat UWR polygon, 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 16th to October 31st 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 1 kilometer horizontal distance of a defined mountain goat UWR polygon 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 16th to October 31st timing window, and
- ii. will be deactivated (consistent with the definition for "deactivation" in the order) as soon as practicable, and no later than two years following following forest harvest completion date by cutting permit area.

- c) For heli-logging where it can be demonstrated that topographical features can mitigate the effects of noise disturbance.
 - d) An extension of the early period of the timing window. Singular, site-specific extensions may be granted outside the normal timing window opening where it can be demonstrated by a qualified professional biologist that, due to exceptional circumstance(s), there is no risk to goats.
 - e) The Wetzin'kwa Community Forest Specified Area (1 km buffer) in proximity to the downhill and Nordic ski areas given minimal mountain goat occupancy on that side of the mountain.
4. 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.
 5. Primary forest activities (as defined in the *Forest Planning and Practices Regulation*) should avoid road or trail construction within 1 kilometer horizontal distance of a defined mountain goat UWR polygon. 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 defined mountain goat UWR polygon boundaries,
 - b. locating a road or trail no closer to defined mountain goat UWR polygon than made necessary by operational site constraints, or
 - c. other suitable techniques.
6. It is recommended that where forests within defined mountain goat UWR polygons 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.
7. It is recommended that existing roads and trails within 1 kilometer of a defined mountain goat UWR polygon be assessed for disturbance risk to mountain goat populations. Where assessment determines that access to defined mountain goat UWR polygons 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.
8. Although the "*intent to prevent motor vehicle access*", as defined in the definition section of the UWR Order, is somewhat interpretive, it is expected that communication between the licensee/permit holder and the provincial government, along with joint field inspections, will resolve any differences of opinion. Examples of partial or complete deactivation of roads and trails include:
- removing bridge spans, culverts and other water-management structures;
 - replanting linear features with trees;
 - creating large, long (>400m) and frequent, rough piles of coarse woody debris, stumps and/or rocks;
 - recontouring slopes and restoring drainage systems;
 - winter roads with high stumps.
9. It is recommended that historic and planned (FRPA S. 196(1)) primary forest activities within defined mountain goat UWR polygons 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 6 above], and others as deemed appropriate). Where necessary, strategies should include the establishment and implementation of spatially explicit plans.

10. It is recommended that extra diligence is required to limit disturbance associated with industrial activities when operating in close proximity to canyon and escarpment winter ranges. The habitat model and aerial validation work may not fully capture foraging habitat near the cliffs and escarpments within these habitat types.
11. 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 approved pursuant to the Environmental Assessment Certificate.

Mineral or Coal Exploration and Development:

12. Exemptions to GWM 7 will be reviewed under a similar process as for northern caribou: 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.



