

ORDER – GOVERNMENT ACTION REGULATION
UNGULATE WINTER RANGE
U-6-017
Lakes TSA Mountain Goats (*Oreamnos americanus*)
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 Forests, Lands and 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-6-017;
- b) the area shown in the map set out in the attached Schedule A (#U-6-017) 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-6-017 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 7(f) 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 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.

- a) **Primary forest activity** is defined as in the *Forest Planning and Practices Regulation*.
- b) **Regeneration delay** is defined as in Ministry of Forests and Range Glossary of Forestry Terms in British Columbia (March 2008) 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”.

- c) A **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) **Material or adverse disturbance** In the context of this order “material disturbance” is an impact to a defined value that is real, substantive, or significant. “Adverse” means that the impact has a negative impact on the value as measured by changes to mountain goat behaviour and/or habitat use/occupancy.
- e) **Deactivated or deactivation** 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.
- 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.
- g) **Mineral or Coal Exploration and Development Activities** are activities related to the exploration and development of a mineral, coal or placer tenure that may involve cutting trees, or construction and/or maintenance of roads or trails.

General Wildlife Measures

GWMs 1 through 6 apply to primary forest activities as authorized under the *Forest Act* and *Forest and Range Practices Act* and associated regulations. GWM 7 applies to *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*.

1. Except as per General Wildlife Measure 3, timber harvesting must not occur within defined mountain goat UWR polygons.
2. Road construction must not occur within defined mountain goat UWR polygons.
3. Felling of single trees, for the purposes of removing danger trees, installing guy-line anchors, or tail-hold trees is permitted within a defined mountain goat UWR polygon when required to address worker safety.
4. Primary forest activities that occur within 1 kilometer horizontal distance of defined mountain goat UWR polygons must not:

- a. result in material adverse disturbance to goats.
 - b. occur during the period starting November 1 and ending June 15.
5. Roads and structures required for primary forest activities within 1 kilometer of defined mountain goat UWR polygons will be constructed in a manner that will facilitate effective deactivation. All roads or structures within 1 kilometer of defined mountain goat UWR polygons that have not been exempted will be deactivated within one year following forest harvest completion date by cutting permit area.
6. Heli-logging or blasting must not occur within 2 kilometers horizontal distance of defined mountain goat UWR polygons during the period starting November 1 and ending June 15 or when there is potential for material or adverse disturbance to mountain goats. Exemptions to this measure will consider the potential mitigating impact of topographic features.

7. Specific to mineral or coal exploration and development:

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-6-017 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, FLNR;
 - 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 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 2 years following the cessation of 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 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 with other linear features 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 5 day of Dec, 2017

Eamon O'Donoghue, Regional Executive Director

Ministry of Forests, Lands, Natural Resource Operations and Rural Development

Skeena Region

Appendix 1 – General Information

The following information is provided as background information and support to the order establishing UWR #U-6-017. 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 one year, following following forest harvest completion date by cutting permit area.

- c) 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.

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 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. 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.
 9. 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.
 10. 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:

11. 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.

