

## ORDER - UNGULATE WINTER RANGE #U-7-017

# <u>Mackenzie TSA</u> Moose, Mountain Goat and Elk

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-7-017) is established;
- 2. the general wildlife measures outlined in Schedule A are established for Moose (*Alces alces*), Elk (*Cervus elaphus*), and Mountain Goat (*Oreamnos americanus*);
- 3. the general wildlife measures outlined in Schedule 1 are established for ungulate range in the attached Schedule A;
- 4. 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,
- 5. 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.

## **Definitions:**

Material adverse: in the context of disturbance or impact, "material" means that the disturbance must be real, substantive, or significant. "Adverse" means the disturbance must have negative consequences for the affected species.

**Primary forest activity**: as defined in the *Forest Planning and Practices Regulation* of the Forest and Range Practices Act, means one or more of the following:

- a) timber harvesting;
- b) silviculture treatments;
- c) road construction, maintenance and deactivation.

Net Area Reforested: portion of a cutblock in which harvesting has occurred and is not occupied by a permanent access structure.

#### Schedule 1 - General Wildlife Measures:

GWM 1 - Within Moose and Elk Ungulate Winter Range polygons AP1 and AP2:

- a) Timber harvesting and road construction must result in maintaining forest cover such that not less than (<) 20% of each ungulate winter range unit has coniferous leading stands that are greater than or equal to (≥) 100-years of age and have a crown closure greater than or equal to (≥) 40%.
- b) Timber harvesting and road construction must result in maintaining forest cover such that not less than (<) 25% of each ungulate winter range unit has stands (regardless of the leading tree species) that are greater than or equal to (≥) 80-years of age and have a crown closure greater than or equal to (≥) 40%.
- c) Timber harvesting and road construction must result in not less than (<) 20% of forested stands in each ungulate winter range unit that are less than (<) 20 years of age.
- d) Timber harvesting and road construction must result in forest openings that emulate the characteristics of natural disturbance such that:
  - i. the maximum distance to forest cover, a Wildlife Tree Retention Area, or other patch of retained timber should not exceed 200m from any point in the opening.
- e) Silviculture activities must not result in a material adverse impact to moose or elk forage production.
- f) Timber harvesting and silviculture activities must result in minimizing open areas along roads that provide site distances exceeding 200m by not subjecting the first 10m of the Net Area Reforested (NAR) adjacent to the road to silviculture treatment.

GWM 2 – Within Mountain Goat Ungulate Winter Range polygons: AP3, AP4, AP5, AP6:

- a) Timber harvesting and road and trail construction must not occur within the mountain goat winter range units except where provided for by GWM b.
- b) GWM (a) does not apply where guyline tiebacks are required to facilitate timber harvesting
- c) Trees felled in accordance with GWM (b) or section 2(3) of the *Forest Planning and Practices Regulation* that fall within the mountain goat winter range must be retained onsite.

Signed this 12 day of December 2008

Joan Hesketh, Deputy Minister

Ministry of Environment

The following information is intended to provide background information and support to the legal order establishing UWR 7-017. This appendix is not part of the legal order for UWR 7-017.

#### Appendix 1

The following information is intended to provide background information and support to the legal order establishing U-7-0017. 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-7-017" 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 Forest and Range Practices Act; and
  - d. areas refereed 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. 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 14days of arrival. Incomplete packages will be returned to the proponent for re-submission.

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