



ORDER – UNGULATE WINTER RANGE #U-2-001
Fraser TSA Mountain Goat

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).

The Deputy Minister of Environment orders that:

1. the ungulate winter range shown on the map set out in the attached Schedule A (#U-2-001) 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 ranges in the attached Schedule A;
4. general wildlife measure 5 outlined in Schedule 1 is established and applies to a 500m specified area surrounding each ungulate winter range;
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;
6. 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 goat in the Fraser TSA;
7. for the purposes of section 2 (3)(a) of the *Government Actions Regulation*, these General Wildlife Measures apply to minor tenures; and
8. the general wildlife measures outlined in Schedule 1 do not apply for the purposes of exploration, development and production activities when these activities have been authorized for the purpose of subsurface resource exploration, development or production by the *Mineral Tenure Act*, the *Coal Act*, the *Mines Act*, the *Petroleum and Natural Gas Act*, the *Pipeline Act* or the *Geothermal Resources Act*.

Schedule 1 – General Wildlife Measures


In this schedule:

“Primary forest activity” is defined as in the *Forest Planning and Practices Regulation*.

1. Primary forest activities, including salvage and harvest of botanical forest products, will result in the retention of all forest or vegetative cover within the mountain goat winter range.
2. For the purposes of general wildlife measure 1, exemptions would only normally be considered if they result in enhancing quality of the winter range habitat as determined by Ministry of Environment; or for road construction where there is no other practicable option. An exemption is not required for the following:
 - a) road maintenance or deactivation on existing roads within the ungulate winter range;
 - b) tailholds/guyline anchors in the ungulate winter range associated with landings/cutblocks adjacent to the ungulate winter range boundary;
 - c) to meet worker safety concerns on existing or authorized roads within the ungulate winter range, or worker safety concerns along cutblock boundaries adjacent to or authorized within the ungulate winter range (e.g. danger tree felling); or
 - d) the list of exempt Category A cut-blocks attached in Appendix 1

Any trees felled for general wildlife measure 2 a), b), or c) will be left on site to function as coarse woody debris, unless the tree falls onto the road or landing or outside the ungulate winter range boundary. The portion that lies on the road or landing or outside the ungulate winter range boundary can be harvested.

3. Primary forest activities will not result in the use of pesticides within the ungulate winter range, except for spot treatment within 1 metre around individual conifer crop trees on existing or exempt cutblocks that are not yet free to grow. The use of *Bacillus thuringiensis* for the control of western spruce budworm and beetle pheromones for the control of bark beetles are exempted.
4. Any primary forest activities (except ground based tree planting) occurring within ungulate winter range must be confined to a period extending from May 1 to October 31 of a calendar year to prevent disturbance to mountain goats, unless exempted.
5. Helicopter logging that occurs within 500 meters horizontal distance of a mountain goat winter range will not result in a material adverse disturbance to mountain goats. To achieve this, helicopter logging operations within 500 meters horizontal distance of an established mountain goat winter range will take place from May 1 to October 31 of a calendar year, unless exempted.


Signed this 10 day of March, 2008
Joan Hesketh, Deputy Minister
Ministry of Environment

Appendix 1:

The following information is intended to provide background information and support to the legal order establishing UWR #U-2-001. This appendix is not part of the legal order establishing UWR #U-2-001.

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.

An exemption application should be submitted to the Ministry of Environment's Regional Manager at the Lower Mainland Regional office – located at 10470 152 Street Surrey, BC V3R 0Y3 (a template for exemption requests is available from the Regional Manager Ministry of Environment). The exemption application must include a rationale describing the nature of the problem and options to integrate winter range 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 for timing window exemptions will be processed in 5 to 7 working days, all other exemptions will be handled within 20 working days of arrival at the MOE Regional office.

2. The following Category A approved cut-blocks are exempt from general wildlife measure 1 until they are declared free to grow. No further expansion or relocation of the existing block boundary into the goat winter range from that described below is permitted:
 - Seabird block BS6610 (1.7 ha overlap with BS8; heli-log only in GWR)
 - Seabird block BS6620 (5.0 ha overlap with BS8; heli-log only in GWR)
 - Seabird blocks SK5320 (2.3 ha overlap with SH9)
 - Cattermole block CO1020 (0.2 ha overlap with CQ12)
 - Teal Cedar block 358 (10.8ha overlap with PI1)
 - Tamihī block 8710 (2.6 ha overlap with SH2)
 - Chawathil block BS6626 (6.1 ha overlap with BS8; heli-log only in GWR)
 - BC Timber Sales block A54092-A (15.5 ha overlap with ST1)
 - BC Timber Sales A54092-F (5.0 ha overlap with ST1)
 - BC Timber Sales block WN125 (6.3 ha overlap with ST5)
 - Hope Comm. Forest block SK0020 (1.2 ha overlap with SH6; overlap into WTP reserve)
 - A&A Trading block SK5371 (12.4 ha overlap with SH9)
3. With respect to general wildlife measure 5, exemptions for operating within the restricted timing window may be granted on a biweekly, weekly, or daily basis, dependent on time of year, weather conditions and presence of goats. Further:
 - It should be recognized that this 500 m setback is a risk-tolerant approach based on socio-economic considerations in the Fraser TSA. Existing literature and professional opinion indicates that 1500 m is a more appropriate setback. Ministry of Environment

will monitor to determine impacts to goats; if impacts are substantial then the Delegated Decision Maker will revisit the 500 m setback.

- Exemption applications for activities involving significant or sustained disturbance such as helicopter yarding, road construction with heavy equipment, drilling or blasting will be carefully reviewed, and if approved, monitored more closely since these activities are most likely to result in material adverse disturbance to goats.
 - Each exemption request will be evaluated on its own merit according to the historical intensity of mountain goat use of an area, type of work proposed, current weather conditions and short and long term weather forecasts.
 - It is the proponent's responsibility to conduct a brief aerial survey using a qualified ungulate biologist to confirm that goats are not present. Ministry of Environment regional staff may be able to participate in surveys. The survey should be done near the beginning/end of the normal timing window, and if any sign of mountain goat activity (tracks or animals) is noted within 500 metres of the proposed operational area, proponent's should consider whether their planned activity will result in a material adverse disturbance to goats; and if so the exemption request should not be submitted. Please note that helicopter flights in themselves can cause material adverse disturbance to wintering goats. Repeated overflights of occupied goat winter range habitats are not to occur.
 - When an exemption has been granted, work may continue when minor snowfalls occur (i.e. less than 8 hours duration and less than 0.3 m depth). However, when snowfalls exceed this proponent's should anticipate that continued activity will result in material adverse disturbance to goats. For this reason, work areas are to be kept small so operations can be stopped on short notice.
4. Exemptions for general wildlife measure 4 and 5 will normally only be considered in early or late winter since longer extensions are most likely to result in material adverse disturbance to mountain goats.
 5. For purposes of general wildlife measure 2, "enhancement" means improvement of second growth young forest stands to increase future snow interception cover (e.g. thinning dense young forested stands).