

**ORDER – Wildlife Habitat Areas**  
**# 9-074 to 9-088**  
**Boreal Caribou –Fort Nelson Forest District**

This order is given under the authority of sections 10(1) of the *Government Actions Regulation* (B.C. Reg. 582/2004) (GAR).

1. The Deputy Minister of Environment, being satisfied that
  - i. the following area contains habitat that is necessary to meet the habitat requirements for Boreal Caribou (*Rangifer tarandus caribou*);orders that
  - a) the areas shown in the map set out in the attached Schedule A (9-074 to 9-088) and contained in the wildlife habitat areas (WHAs) spatial layer stored in the Geographic Warehouse (*twha\_bc*) are established as wildlife habitat areas 9-074 to 9-088 for Boreal Caribou. The centre point of the line on the attached Schedule A is what establishes the WHA boundary; and
  - b) if there is a discrepancy between the areas shown in the map set out in the attached Schedule As and the WHA spatial layer stored in the Geographic Warehouse (*twha\_bc*), the areas as detailed in the WHA spatial layer will take precedent.



Signed this 27 day of July, 2010  
Doug Konkin, Deputy Minister  
Ministry of Environment

**ORDER – Wildlife Habitat Areas**  
**# 9-074 to 9-088**  
**Boreal Caribou –Fort Nelson Forest District**

This order is given under the authority of section 9(2) of the *Government Actions Regulation* (B.C. Reg. 582/2004) (GAR).

1. The Deputy Minister of Natural Resource Operations, being satisfied that
  - i. the general wildlife measures (GWMs) described below are necessary to protect and conserve the habitat of Boreal Caribou (*Rangifer tarandus caribou*); 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 wildlife habitat areas (WHAs) 9-074 to 9-088;
  - b) the GWMs outlined in Schedule 1 apply to the areas shown in the Schedule A map titled “Wildlife Habitat Areas, WHA Numbers 9-074 to 9-088”, approved on July 27, 2010, and contained in the wildlife habitat areas (WHAs) spatial layer stored in the Geographic Warehouse (WHSE\_WILDLIFE\_MANAGEMENT.WCP\_WILDLIFE\_HABITAT\_AREA\_POLY) for WHAs 9-074 to 9-088 for Boreal Caribou;
  - c) pursuant to section 7(3) of the *Forest Planning and Practices Regulation* the person(s) required to prepare a forest stewardship plan are hereby exempted 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* to the extent that wildlife habitat areas 9-074 to 9-088 address the amount included for Boreal Caribou in the Notice for the Fort Nelson Forest District; and
  - d) the GWMs 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*.

### *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 context indicates otherwise.

**Historic trail:** a trail given heritage designation under the *Heritage Conservation Act*.

**Linear corridor:** any non-natural removal of forest cover that results in the creation of linear access routes, such as the construction of roads, motor-vehicle trails, transmission lines, pipelines, and secondary roads.

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

### Schedule 1 – General Wildlife Measures

#### *Access*

1. Do not construct new roads, trails or linear corridors.

#### *Harvesting and silviculture*

2. Do not conduct timber harvesting.
3. Do not cause a material adverse disturbance to caribou during the period May 01 through June 01.

#### *Recreation*

4. Do not develop recreation sites and trails.
5. Establishment of existing sites or trails is permitted where:
  - a) the trail is designated a Historic trail; and
  - b) establishment of the site or trail does not have material adverse impact on the WHA.



Signed this 11 day of Jan, 2011

Doug Konkin, Deputy Minister  
Ministry of Natural Resource Operations

## Appendix 1:

The following information is provided by the Ministry of Natural Resource Operations (MNRO) and the Ministry of Environment (MoE) as background information and support to the order establishing WHAs 9-074 to 9-088. This appendix is not part of the order.

1. **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.

2. Authority to consider an exemption from these GWMs is provided in section 92(1) of the FPPR. An exemption may be provided if the Minister's delegate is satisfied that the intent of the GWM 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 with a rationale describing the nature of the problem and options to integrate WHA 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 14 days of arrival. Incomplete packages will be returned to the proponent for re-submission.

3. Regarding GWMs 1 and 2, an exemption should be submitted to access timber outside of the no harvest zone only if construction of any new roads, trails and linear corridors is conducted to the minimum extent necessary to access this area, and there is no other practicable option to access the area outside of the no harvest zone. An exemption to access isolated timber would normally be granted when (i) the cost associated to access isolated timber is significantly greater than compliance with the GWMs associated with the WHA; (ii) impacts on the ecosystem outside of the WHA would be intensified by compliance with the GWMs, or (iii) established linear corridors are already present within the WHA, and thus additional road construction would not pose further threat to boreal caribou populations. Submissions for an exemption to the GWMs should be submitted to the Minister's delegate, following the direction in #2, above.

4. Exemptions for salvage of dead timber (non-infectious) resulting from severe natural disturbance will only be considered if the proposal is a net benefit to the WHA species being managed for, as opposed to taking no action.
5. An exemption is not required for any harvesting and/or road construction activities related to an approved cutblock (that is, a cutblock meeting definition of FRPA Section 196(1) or Section 196(2) as of December 12, 2008).
6. When reviewing options on how to best implement the GWMs, licensees should consider adopting the principle of adaptive management and employing the most appropriate methods to reduce impacts to boreal caribou.
7. Note: The Ministry of Natural Resource Operations and the Ministry of Environment acknowledge that, due to improved inventory data, there was a significant increase in timber harvesting land base (THLB) between timber supply review (TSR) 2 and TSR3. Timber supply impacts for this order were assessed and found consistent with current government policy. If government's policy, with respect to timber supply impacts, is revised then it is recommended that this order be reviewed and amended as necessary to ensure it remains consistent with that new policy.

#### **Appendix 2 – Considerations for Selection of Practices:**

The following information is provided by the Ministry of Natural Resource Operations and the Ministry of Environment as background information and support to the order establishing WHAs 9-074 to 9-088. Professionals preparing operational plans and carrying out practices have site-specific discretion and flexibility in prescribing methods to achieve the desired habitat condition. This appendix is not part of the order.

The guidelines in Appendix 2 are intended to provide information to consider when implementing the General Wildlife Measures (GWMs) for Wildlife Habitat Areas (WHAs) 9-074 to 9-088.

#### **Regarding GWMs 1 through 3:**

- 1). For any harvesting activities within an approved Section 196 (1) cutblock, or cutblock meeting definition of Section 196 (2) as of December 12, 2008, licensees should give consideration to:
  - a. Minimizing adverse impacts to lichen communities;
  - b. Timing harvesting activities during frozen ground conditions with sufficient snow cover to improve terrestrial lichen survival and regeneration;
  - c. Controlling slash build-up to improve lichen survival and regeneration;
  - d. Retaining Wildlife Tree Patches (WTPs) as island to serve as dispersal sources for lichen propagules;
  - e. Maintaining representative pre-harvest forest type as WTPs within harvest areas, according to Landscape Unit specific targets;

- f. Where practicable, expediting the regeneration of lichen-bearing coniferous stands/patches within cutblocks, recognizing that cutblocks will be reforested to pre-harvest conditions (e.g., deciduous stands will be reforested to deciduous stands).
  - g. Promote regeneration of natural, pre-harvest ecosystems by avoiding artificial seeding of grass- and legume-based mixes. The use of herbicides may be used to promote natural regeneration.
- 2) When planning access development for approved Section 196 (1) cutblock, or a cutblock meeting definition of Section 196 (2) as of December 12, 2008, licensees should consider:
- a. utilizing existing linear corridors or disturbance (e.g., seismic lines, roads, right-of-ways, etc.);
  - b. minimizing snow removal of access routes within and adjacent to caribou habitat to reduce predator use;
  - c. avoid altering surface hydrology and flow patterns;
  - d. promptly deactivating access corridors upon completion of activity; and
  - e. upon completion of silviculture obligations, permanently deactivating secondary and in-block roads to the highest standard possible.