

ORDER – Wildlife Habitat Area # 6-288
Skeena-Stikine Natural Resource District
South-Central Cassiar– Cassiar Timber Supply Area
Grizzly Bear (*Ursus arctos*)

This order is given under the authority of sections 9(1), 9(2) and 10(1) of the *Government Actions Regulation* (B.C. Reg. 582/2004) (GAR).

1. The Regional Executive Director of Forests, Lands, Natural Resource Operations and Rural Development - Skeena Region, being satisfied that

- i. the general wildlife measures (GWMs) described below are necessary to protect or conserve grizzly bear; 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 WHA 6-288, for grizzly bear;
- b) the Wildlife Habitat Area shown in the map set out in the attached Schedule A (6-288) and contained in the wildlife habitat area (WHA) spatial layer stored in the Geographic Warehouse (WHSE_WILDLIFE_MANAGEMENT.WCP_WILDLIFE_HABITAT_AREA_POLY) are established as a Wildlife Habitat Area (6-288) for grizzly bear. The centre point of the line on the attached Schedule A is what establishes the Wildlife Habitat Area boundary;
- c) if there is a discrepancy between the areas shown in the map set out in the attached Schedule A and the WHA spatial layer stored in the Geographic Warehouse (WHSE_WILDLIFE_MANAGEMENT.WCP_WILDLIFE_HABITAT_AREA_POLY), the areas as detailed in the WHA spatial layer will take precedent; and
- d) GWM 5 outlined in Schedule 1 is applied to the area specified in that GWM.
- 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 (GWM)

Definitions

- a) 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 there under, unless otherwise defined in the order.
 - b) Thermal Cover is defined as canopy cover that moderates air temperature which results in cooling during the summer and a reduction of wind chill in the winter.
 - c) Security Cover is defined as sufficient vegetation cover and/or terrain features that prevent displacement or disturbance behaviour in grizzly bear, despite adjacent activities or predator movement that might otherwise elicit these behaviours.
 - d) Permanent roads are defined as either a main forestry road that provide primary access through a valley or landscape and are never deactivated, or branch roads that provide access to two or more cutblocks, that may or may not be de-activated, and that are intended to be used in the future for forestry-related activities.
1. In order to provide functional thermal or security cover, 100% of the forested area of each Wildlife Habitat Area (WHA) polygon must be retained in a mature and old-growth condition with allowance to 90% to address operational flexibility where necessary. Harvesting should be located along the edge of the WHA polygon and should only occur for the following purposes:
 - access
 - operational safety considerations
 - to minimize impacts on adjacent environmental values.
 2. GWM 1 does not apply where:
 - a. the WHA polygon boundary has been inaccurately mapped with respect to topographic features and causes an overlap with an adjacent primary forest activity; and making the small change will not affect the intent or integrity of the WHA polygon; or
 - b. a minor mapping error has occurred between a cutblock, road, trail or landing at final design stage and a WHA polygon boundary, or
 - c. where points a) and/or b) above are agreed to by the decision-maker prior to the commencement of primary forest activities.
 3. Do not use pesticides, except as provided in GWM 4.
 4. GWM 3 does not apply for the application of herbicides to control for noxious weeds and invasive plants.
 5. Ensure that, where ever practicable, 150 meters is the minimum distance between permanent roads and the mapped Wildlife Habitat Area.



Signed this 17th day of January, 2019

Barry Dobbin, Acting Regional Executive Director

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

Appendix 1 – General Information

This appendix is intended to provide background information and support to the legal order establishing Wildlife Habitat Area #6-288 (WHA 6-288). This appendix does not form part of the legal order.

1. As per section 2(2) of the *Government Actions Regulation*, the order entitled “ORDER – WHA 6-288 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 *FRPA*; and
 - d. areas referred to in section 110 of the *FPPR*.

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*, 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 decision-maker 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 decision-maker for the region in which the WHA is located, with a rationale describing the nature of the problem and options to integrate WHA conservation with proposed forest and/or range practices. A spatially explicit strategy for conservation of grizzly bear wildlife habitat will assist in timely consideration of the matter when submitted 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. Incomplete packages will be returned to the proponent for re-submission.

3. Where an exemption is provided to the requirements of GWM 1 the delegated decision maker may consider adding the following conditions to the approval of the exemption:
 - Design roads or trails, as much as possible, to prevent all motorized vehicle access throughout the snow free season.

- Deactivate roads or trails as soon as practicable, and no later than one year, following primary forest activities.

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.

Exemptions to GWM 1 & 5 may be considered when it can be demonstrated that no practicable road location options exist to access timber beyond a WHA polygon or for the harvest of associated right-of-way timber.

4. Improvements in scientific and biological information, including field assessments completed by qualified professionals, may lead to amendment(s) consistent with the *Government Actions Regulation* of grizzly bear WHA measures including:
 - a. the addition of new, or deletion of existing grizzly bear polygon units,
 - b. the adjustment of grizzly bear unit boundaries including their associated buffer sizes, and
 - c. modification of a specific measure to address operational constraints while maintaining grizzly bear populations and their habitat.
5. Primary forest activities should consider the seasonal use by grizzly bears within the WHA, and where practicable, conduct operations outside of high seasonal use to mitigate human/bear interactions.
6. While it is recognized that within a WHA polygon there is generally a 50 metre buffer around the core habitats to supply thermal and security cover as well as other attributes, strategies should be put in place to minimize wind throw to protect the integrity of the WHA polygon. Strategies should include, but are not limited to wind firm treatments, increasing buffer protection, and other techniques used in Riparian Management Areas proven to minimize wind throw and mitigate negative impacts from flooding and snow avalanching.
7. Overhead aircraft activity should attempt to keep to a minimum of 500 vertical metres above grizzly bear WHA polygons in the spring, summer and fall, when practicable.
8. Where practicable from a harvest block layout and forest operations perspective, major grizzly bear trails leading to or connecting grizzly bear WHA polygons, as noted by bite and marked trees, shall have their integrity maintained in terms of existing natural stand structure.
9. Maintenance of the quality and effectiveness of grizzly bear forage supply outside of the WHA polygons is directed by the Iskut-Stikine LRMP.
10. The intent of GWM 1 is to accommodate operational flexibility where necessary.

12. The intent of GWM 2 is to facilitate WHA polygon boundary adjustment without having to go through an amendment process where a WHA polygon boundary has been either: a) inaccurately mapped (e.g. when the intent was to follow a creek or road and the boundary inadvertently extends slightly beyond the creek or road), or b) when unintentional overlap occurs with a cutblock, road, trail or landing at final design stage that becomes evident when comparing map scales (e.g. 1:20000 vs 1:5000). In almost all instances the amount of overlap is anticipated to affect a small area (<0.5 ha). The appropriate government agency should be notified of boundary adjustments specific to GWM 2 for tracking purposes. Spatial file submission would be most appropriate. Boundary adjustments meeting the conditions identified in GWM 2 will be periodically reviewed by government and the WHA polygon boundary officially amended under the *Government Actions Regulation*. It remains the proponent's responsibility to keep records of each occurrence. Records must be made available to a government official upon request.
13. It is the expectation that no timber felling within the high value forage area will occur. The objective is to protect this core habitat while providing suitable forested buffer for screening and thermal cover immediately adjacent to the high value forage area.
14. 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.