

# Mountain Caribou Implementation Plan

## Tenured Commercial Winter Recreation Component

### Terms of Reference

These terms of reference (TOR) are in support of the implementation of a Mountain Caribou Recovery Plan. They are intended to provide direction to minimize displacement from commercial winter recreation activities occurring in mountain caribou habitat. These TOR in conjunction with the TORs provided for the other objectives below, will formulate the commitments and deliverables for an implementation plan.

Commercial winter recreation tenure holders will be given the opportunity to work with government staff on a sector basis to refine the Best Management Practices (BMPs) outlined in the Government - Heli-Cat Canada (HCC) memorandum of understanding (MOU) to address all tenured areas in mountain caribou habitat. Government and HCC will implement an effectiveness monitoring and adaptive management process to ensure that BMPs are sufficient to avoid mountain caribou displacement. Science team members will be involved in the further refinement of the BMPs, implementation of an effectiveness monitoring and adaptive management process, and in particular the development of indicators and limits associated with the BMPs.

HCC members and government staff will work with science team members to identify interim measures while BMPs are being further refined and implemented. Where jointly developed BMPs are not fully implemented or where they are determined to be ineffective, government, on the recommendation of science team members, will further restrict the operations of tenure holders or close areas to their activities.

### Project Background:

The goal of the Implementation Plan is as follows:

*Halt the decline of mountain caribou within seven years for each Planning Unit and recover mountain caribou to 1995 population levels (2500 animals) across the mountain caribou range within 20 years in those Planning Units with greater than 10 animals.*

This recovery goal will be realized through the following six recovery objectives:

*1. Protect mountain caribou habitat from logging and road building*

The Mountain Caribou Science Team identified habitat loss as the underlying cause of mountain caribou population declines with mortality by predators as the proximate cause. Halting and reversing this habitat loss is a central tenet of the Recovery Implementation Plan. Government's goal is to protect 95% of the high suitability winter habitat within identified herd areas.

Accommodations will be made to protect local forest operator viability and to address isolated or otherwise ineffective habitat by increasing protection elsewhere, ensuring future recruitment of high suitability habitat. In addition, government will reserve from harvesting areas within the non-THLB in the most recent Timber Supply Review that are identified as mountain caribou habitat through a legal order, or variance to land use plans, after an operational assessment is completed to ensure that AAC and forest operations are not impacted in the short term (5 years or next TSR).

## *2. Ensure the effectiveness of protected habitat by managing the human footprint*

Winter backcountry recreation (e.g., backcountry skiing, heli-skiing, cat-skiing and snowmobiling) has the potential to displace mountain caribou from their preferred early and late winter habitat. These activities need to be managed in order to secure effective habitat for mountain caribou. The Recovery Implementation Plan commits government to work with users to manage their activities in a manner that minimises the displacement of mountain caribou. Where activities result in unacceptable displacement of mountain caribou, areas will be closed to those activities. Consultations with users are currently underway and many areas have already been closed through legal designations or voluntary agreements and implementation of operational guidelines.

## *3. Manage predator populations where they are preventing the recovery of mountain caribou populations*

Although habitat loss was identified by the Science Team as the underlying cause of mountain caribou population declines, high predator populations and unsustainable predation rates on mountain caribou have resulted in significant declines in mountain caribou populations since the mid-1990s. Thus, the Science Team concluded that habitat protection alone will not reverse negative population trends in the short-term. The Recovery Implementation Plan commits government to undertake a variety of measures to address unsustainable predation rates on mountain caribou. These measures include: changing hunting allocations to increase harvest of cougars and wolves; increased trapping; supporting non-lethal control measures, such as wolf sterilization; and the targeted removal of individuals or, where necessary, packs.

## *4. Manage the primary prey of caribou predators to better reflect historic conditions*

Habitat alteration and hunting allocations combined with fewer severe winters in recent years have resulted in higher populations and wider distributions of moose and deer than estimated historic averages. This in turn has resulted in higher populations of predators, mainly wolves and cougars, which prey opportunistically on mountain caribou. The Recovery Implementation Plan commits government to reduce moose and deer populations through changes in hunting allocations to rebalance the predator-prey system.

## *5. Augment critically endangered herds that are feasible to recover*

Small populations are slow to recover, even with favourable environmental conditions. Augmenting small mountain caribou populations (10-50 individuals) with animals transplanted

from healthy herds elsewhere can increase population growth rates and more immediately reduce the demographic risks associated with small populations. The Recovery Implementation Plan commits government to augmenting the southernmost mountain caribou herds. In addition, government is considering using maternity pens for the southernmost herds to protect newborns and calves from predators.

#### *6. Support adaptive management and research to increase the probability of successful recovery*

The Science Team identified key uncertainties related to mountain caribou ecology and the efficacy of proposed recovery actions. Implementation efforts will need to be monitored closely and assessed to determine whether the strategy needs to be modified in order to meet recovery goals. In addition, research addressing knowledge gaps should be supported. The Recovery Implementation Plan includes the development of adaptive management and effectiveness monitoring plans for habitat, recreation and predator-prey management efforts.

This Terms of Reference addresses the implementation of Objective #2 above.

#### **Project Objective**

To develop and implement an effectiveness monitoring strategy that ensures that commercial backcountry winter recreation activities are conducted in a manner consistent with the government objective of minimising displacement of mountain caribou from their preferred early and late winter habitat. Achievement of this will occur through a sector-led system of practices, reporting and auditing, as well as a standardized decision-making process to identify and close areas to activities where objectives are not met within a defined timeframe. Where negotiations fail to achieve an understanding between commercial operators and government by March 31, 2008, on measures to avoid displacement, government will take steps it deems necessary to avoid mountain caribou displacement. Criteria for further action by government will be part of the discussions with stakeholders

#### **Key Project Deliverables**

By 30 September 2007.

1. Extend the current moratorium (s. 16 Land Act reserve) on new commercial backcountry winter recreation applications in core Mountain Caribou habitats for five years to allow time to determine whether activities under the MOU are benefiting Mountain Caribou recovery. For those areas outside of the current moratorium area (but within the Mountain Caribou range) an additional one year moratorium on new commercial recreation tenures will be implemented to allow habitat and backcountry recreation planning to be completed. Moratorium in effect the date the recovery plan is announced by government. See appendix one for map.

By 31 October 2007.

1. Complete MOU implementation monitoring template for operators to report on their implementation of current best practices
2. Completion of rationales for proposed closures by herd experts.
3. Conduct negotiations with HeliCat Canada and other commercial operators within mountain caribou zones to identify the need for enhanced management strategies and timelines for implementation.

By 30 November 2007.

1. Complete implementation monitoring report. Each operator will provide a report identifying the practices in place to avoid displacing mountain caribou and to what degree those practices were implemented in the 06/07 operating season.
2. Initiate research program to address knowledge gaps identified by review of monitoring reports.

By 31 January 2008.

1. Effectiveness monitoring plan completed, with integrated research component.
2. Deadline for submission of proposed changes to best practices/operating procedures developed through discussions with operators, HeliCat Canada (for members), Integrated Land Management Bureau (ILMB) and Ministry of Tourism, Sport and the Arts (MTSA).

By 31 March 2008.

1. Ensure the commercial recreation recommendations are aligned with other management levers (e.g. Habitat, Augmentation).
2. Government to endorse recommended changes to operator's management plans (or development of jointly agreed-upon stewardship agreements) based on discussions between agencies, and operators.
3. Recommendations presented to cross government directors committee by the manager of backcountry recreation on areas that require closures through individual operators' management plans.

By 31 September 2008.

1. Identified revisions to individual operator's management plans completed.
2. Legislated closures (if any) implemented.
3. Review of Implementation monitoring report for 07/08 season outcomes completed and management adjustments for Year 2 implemented.

## **Project Description**

Ministries of Agriculture and Lands, Environment, and Tourism, Sport and the Arts signed a Memorandum of Understanding with HeliCat Canada, which represents most of the heli-skiing and cat-skiing operators in BC.

Government has committed to work with heli-skiing and cat-skiing operators, as per the Memorandum of Understanding, to minimize the risk of displacement of mountain caribou from preferred habitats. Government will also attempt to work with other operators (non HeliCat Canada) to achieve the same goals.

The current moratorium (s. 16 Land Act reserve) on new commercial backcountry winter recreation applications in core Mountain Caribou habitats will be extended for five years to allow time to determine whether activities under the MOU are benefiting Mountain Caribou recovery (see appendix one for map). For those areas outside of the current moratorium area (but within the Mountain Caribou range) an additional one year moratorium on new commercial backcountry winter recreation applications will be implemented to allow habitat and backcountry recreation planning to be completed.

The moratorium would apply to all applications received after the government announces the mountain caribou recovery plan. Any requests for amendments to existing tenures received after that date would be reviewed against their potential to materially affect the recovery process. Any applications received prior to the date the moratorium comes into effect will be reviewed against the same criteria. Tenure replacements will be dealt with through existing processes, including review of management plans to assess their potential to impact mountain caribou recovery.

As Statutory Decision Maker, MTSA, in conjunction with ILMB, will identify a clear process for adjudication of commercial winter tenure applications already received for operations within the moratorium area(s). This process would include a review of the proposal to assess potential impacts to mountain caribou recovery.

The purpose of this TOR is to outline a process to: fully implement the MOU; identify methods to reduce displacement in priority areas and amend operator's management plans accordingly where necessary; identify areas to be closed to commercial backcountry recreation activities (consistent with other mountain caribou recovery objectives and herd expert opinion).

Key components of the plan include:

1. Meeting the information-sharing commitments of the MOU.
2. Developing a reporting template and schedule for HeliCat Canada to report on progress in implementing operator training, operating practices and data capture.
3. Identifying, where necessary, site-specific operating procedures to reduce displacement of mountain caribou and reflecting those procedures through revisions to management plans.
4. Provisions for closing areas where agreements can not be reached. Criteria for closing areas to be part of discussions with operators and HeliCat Canada.
5. Developing an effectiveness monitoring plan to adaptively manage commercial recreation activities, including:
  - a. a mechanism for third-party auditing of monitoring data

- b. criteria and timelines for area closures within management plans if results are unacceptable.

## **Key Organizational Units, Roles and Responsibilities**

### *Cross Government Directors Team:*

Responsible for project oversight with director-level members from ILMB (Mark Zacharias/ Peter Lishman), MTSA (Bill Marshall), MoE (Rod Davis), and MoFR (Ralph Archibald)

Key accountabilities include:

- Approving TOR for all components and getting approval from assistant deputy minister's (ADM's) for commitment of human and financial resources
- Identifying and evaluating appropriate legislative and policy tools for establishing and enforcing proposed closure areas based on Provincial Coordination Team recommendations
- Developing options and making recommendations to ADM committee on decision points where agreements cannot be reached

### *Provincial Commercial Recreation Team:*

Team is responsible for overall project coordination and evaluation with management-level members from ILMB (Peter Lishman, chair), MTSA (Andy Oetter), MoE (Jenny Feick) and MoFR (Director's delegate) and the Manager of Backcountry Recreation (Doug Krogel).

Key accountabilities include:

- Establishing direction to the Manager, Backcountry Recreation
- Ensuring that processes proceed in a manner consistent with the HCC – Provincial MOU
- Resolving policy issues (e.g. adaptive management / best practices)
- Developing and applying standardised criteria in the review of all current commercial recreation requests falling within the new mountain caribou moratorium area using standardized criteria
- Funding local consultative processes and stewardship/training opportunities where necessary
- Coordinating FN engagement
- Ensuring compatibility with, and resolving conflicts or incompatibilities with, other management actions
- Managing communications
- Managing issues
- Advancing final recommendations to government for decision on establishing and removing legal protections and orders
- Ensuring documentation for closure rationales are executed by herd experts

- Work with HeliCat Canada and other operators to identify and implement enhanced management in “priority areas” where changes in management practices are necessary to meet mountain caribou recovery objectives
- Mapping and summarizing agreements for presentation to the cross government directors Team
- Managing information and documenting the process

*MOE Ecosystems Branch* - Provincial Senior Scientist (Alec Dale), Ungulate Specialist (Gerry Kuzyk), contractor (Rod Davis)

Responsible for:

- Sharing up-to-date data and other information related to mountain caribou herds within operating areas
- Directing the development of the effectiveness monitoring plan
- Data management and evaluation
- Recommending changes to operating procedures and area closures based on indicators and limited outlined in the effectiveness monitoring plan

Key accountabilities include:

- Provide direction to regional staff on data-sharing
- Provide necessary resources to carry out activities
- Issue management
- Communications management

*ILMB*

Responsible for:

- Coordinating the extension of the *Land Act* s. 16 map reserve
- Chairing discussions between government and operators on identifying site-specific actions to minimize displacement
- Communicating details of moratorium to HeliCat Canada members and other stakeholders

Key accountabilities include:

- Issues management
- Communications management

Responsible for:

- Working with HeliCat Canada and MTSA, Adventure Tourism Branch to ensure the development of an implementation monitoring template and reporting schedule

- Coordinate data warehousing and analysis with MOE
- Negotiate adherence to MOU principles by non-HeliCat members and tenure holders from related sectors, such as backcountry lodge and commercial snowmobile operators

Key accountabilities include:

- Issue management
- Communications management

### **Guiding Principles and Process Bounds**

- Proposed closures by the Science Team will serve as the starting point for discussions between the operators, HeliCat Canada and MTSA/ILMB to identify priority areas for enhanced management and/or monitoring or area closures
- Local herd experts will be made available to discuss the scientific rationale for any recommended closures and to provide advice on the mountain caribou impacts of any proposed mitigating management actions
- Revisions to management plans will be the main mechanism to close areas to commercial recreation activity, rather than changing tenure boundaries
- Zones mapped by the Science Team will be used to define the boundaries within which new tenure applications will not be considered (see appendix one for map)
- Minor management plan amendments within the moratorium area will be considered by the cross government directors committee and forwarded to the decision maker, MTSA