

ORDER – Wildlife Habitat Area
6-333
Northern Caribou – Telkwa Herd
Skeena-Stikine and Nadina Natural Resource Districts

This order is given under the authority of sections 9 (2), 10 (1) and 10 (2) of the *Government Actions Regulation* (B.C. Reg. 582/04).

1. The Skeena Regional Executive Director of Forests, Lands and Natural Resource Operations, being satisfied that:
 - i. the following area contains habitat that is necessary to meet the habitat requirements for northern caribou – Telkwa herd (*Rangifer tarandus caribou*); orders that:
 - a) the area shown in the attached Schedule A (WHA 6-333) and contained in the wildlife habitat area (WHA) spatial layer stored in the Geographic Warehouse (WHSE_WILDLIFE_MANAGEMENT.WCP_WILDLIFE_HABITAT_AREA_POLY) is established as wildlife habitat area WHA 6-333 for northern caribou (Telkwa herd). 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 (WHSE_WILDLIFE_MANAGEMENT.WCP_WILDLIFE_HABITAT_AREA_POLY), the areas as detailed in the WHA spatial layer will take precedent; and
 - 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 WHA 6-333 address the amount included for northern caribou (Telkwa herd) in the Notice for the Morice timber supply area.
2. The Skeena Regional Executive Director of Forests, Lands and Natural Resource Operations, being satisfied that:
 - i. the general wildlife measures (GWMs) described below are necessary to protect or conserve northern caribou (Telkwa herd) and the habitat of northern caribou (Telkwa herd); 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 6-333;
 - b) for woodlot licensees, only GWM 6 outlined in Schedule 1 is applied to the area specified as WHA 6-333;

- c) for the Bulkley and Morice timber supply areas (TSAs), LRMP management zones with legal "Objectives Set by Government" exist within WHA 6-333. Their legal management direction will continue to apply following enactment of this Order. The landbase within these areas within WHA #6-333 shall contribute to achievement of WHA #6-333 General Wildlife Measures. Seral stage thresholds as directed by this Order are applicable by biogeoclimatic zone and variant (ESSF, SBSmc and SBSdk) by timber supply area within the WHA. Small areas of CWH and ICH biogeoclimatic zones will be grouped with SBSmc or SBSdk for management direction. Temporary mature plus old seral retention targets areas should be planned and designed to include desirable caribou habitat attributes per Schedule 1, items 2(c), 3(c) and 4(c), and to maintain an even distribution pattern across the WHA; and
- 3. The Skeena Regional Executive Director of Forests, Lands and Natural Resource Operations, being satisfied that:
 - i. the wildlife habitat area requires special management that has not otherwise been provided for under GAR or another enactment;
orders that:
 - a) the objectives outlined in Schedule 2 are established for WHA 6-333.

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 there under, unless context indicates otherwise.

a) General Road Class Definitions:

- i. Mainline road – A mainline road is an artery road providing access to a watershed, or a given geographic area. A mainline road is usually a long-term permanent road that may be used continuously or intermittently.
- ii. Operational roads – An operational road branches off a mainline road or another operational road. This class of road provides access to cut blocks which are part of one or more cutting permits or timber sales. An operational road is normally considered to be a medium term road.
- iii. Block roads – A block road is located wholly within a cut block boundary and does not provide access to timber beyond the cut block. A block road is a temporary road.

b) Deactivated 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.

c) Motor Vehicle means a device in, on or by which a person or thing is being or may be transported or drawn, and which is designed to be self-propelled, and includes an ATV or snowmobile, but does not include:

- i. a device designed to be moved by human, animal or wind power,
- ii. a device designed to be used exclusively on stationary rails or stationary tracks, or
- iii. a boat propelled by motorized power.

d) “Trees with abundant arboreal lichens” refers to class 3 to class 5 as per Land management Handbook FIELD GUIDE INSERT #7.

e) Security Cover is defined as sufficient vegetation cover and/or terrain features that prevent displacement or disturbance behaviour in caribou, despite adjacent activities or predator movement that might otherwise elicit these behaviours.

f) Mineral or Coal Exploration and Development Activities are activities related to the exploration and development of a mineral, coal or placer tenure that may involve cutting trees, or construction and/or maintenance of roads or trails.

Schedule 1-General Wildlife Measures

GWMs 1 through 6 apply to primary forest activities as authorized under the *Forest Act* and *Forest and Range Practices Act* and associated regulations. GWM 7 applies to *Forest Act* and *Forest and Range Practices Act* and associated regulations that are required to facilitate Mineral or Coal Exploration and Development Activities as authorized under the *Mines Act*.

(1) Telkwa Caribou No Timber Harvest Zone.

Within the Telkwa Caribou No Timber Harvest Zone:

- a. Timber extraction is not permitted.
- b. Road or trail construction or improvement is not permitted.

(2) Within the WHA :

- A. Primary forest activities will focus in-block retention to:
 - c. include key caribou habitat features including, but not limited to, mature forest conditions, wetland and meadow forested buffers, terrestrial lichen sites, groups of trees with abundant arboreal lichens;
 - d. provide sufficient forest retention to provide visual screening, if available, around wetland and meadow complexes greater than 5 ha in size, and next to roads and cut blocks to limit snowmobile and ATV access, and to provide security cover for caribou;
- B. Road development, access, and deactivation will be planned to minimize the amount of accessible roads to promote caribou seclusion from human-use and predators.
 - a. Deactivate new operational roads within five (5) years following harvest completion date by cutting permit area or timber sale licence.
 - b. Deactivate new block roads within two (2) years following harvest completion date by cutting permit area or timber sale licence.
 - c. Road deactivation should be planned to limit human or wildlife travel on the highest elevation portions as soon as possible and as a first priority.
 - d. Existing roads providing access to private property or government tenured cabins are not to be deactivated unless part of an access management strategy.

(3) Within the Bulkley TSA:

- A. Primary forest activities within the WHA, excluding the Bulkley Valley Landscape Unit, will result in or provide for:
 - a. more than 60% of the SBSmc within the WHA being older than 80 years;
 - b. less than 28% of the SBSmc within the WHA being younger than 40 years;
 - c. more than 45% of the SBSdk within the WHA being older than 80 years;

- d. less than 39% of the SBSdk within the WHA being younger than 40 years.
- B. Primary forest activities within the Bulkley Valley Landscape Unit portion of the WHA will result in or provide for $\geq 10\%$ of this portion being more than 140 years old.

(4) Within the Morice TSA:

- A. Primary forest activities within the WHA, outside the No Harvest Zone, and excluding the Thautil Zone as shown in the attached Schedule A map, the Thautil/Gosnell Rivers High Biodiversity Emphasis Area (HBEA), the Upper Morice River HBEA, and the Lower Morice River HBEA, will result in or provide for:
 - a. more than 17% of the SBSmc within the WHA being older than 140 years;
 - b. less than 48% of the SBSmc within the WHA being younger than 40 years;
 - c. more than 8% of the SBSdk within the WHA being older than 140 years;
 - d. less than 64% of the SBSdk within the WHA being younger than 40 years.
- B. Primary forest activities within the Thautil Zone as shown in the attached Schedule A map, will be consistent with a Caribou Management Plan prepared by licensees and/or BCTS manager, and approved by the Director of Resource Management, FLNRO. Caribou Management Plans must be prepared and approved in advance of harvesting and show how activities will effectively meet the objectives outlined in Schedule 2.
- C. Primary forest activities within the Thautil/Gosnell Rivers High Biodiversity Emphasis Area (HBEA), the Upper Morice River HBEA, the Lower Morice River HBEA, or within areas of ESSF outside of the no harvest zone will be managed in a way that is consistent with the direction in the Morice LRMP.

(5) Woodlots

- A. Within woodlot licences, primary forestry activities will result in:
 - a. 33% or more of the woodlot to be comprised of forest stands of 80 years of age or older and
 - b. small openings, 1 to 3 ha in size with a maximum opening size of 5 ha.

(6) Caribou Management Plan

- A. GWMs 2-5 do not apply if licensees and/or BCTS manager prepare a Caribou Management Plan for the Telkwa herd recovery area, in whole or in part, to the satisfaction of the Director of Resource Management, FLNRO that demonstrates effectively meeting the Wildlife Habitat Area Objectives outlined in Schedule 2.

(7) Mineral or Coal Exploration and Development Activities

All applications for mineral or coal exploration and development activities within the caribou WHA will include a caribou mitigation and monitoring plan (CMMP) that

outlines all efforts to avoid, minimize and restore impacts to caribou and caribou habitat. At a minimum, the CMMP will include the following:

- a. Within the ESSF, subalpine and alpine (BAFA) biogeoclimatic zones, no mineral or coal exploration and development activities are permitted between September 15 and July 15.
- b. The building or improvement of trails and roads in the Telkwa Caribou No Timber Harvest Zone as identified on the attached Schedule A and all associated subalpine and alpine (BAFA biogeoclimatic zone) may occur under the following conditions:
 - Options for helicopter supported mineral or coal exploration and development are explored and deemed not practicable as determined by the Inspector of Mines – Permitting, and in consultation with Resource Management Division, FLNRO;
 - Only personnel directly related to mineral or coal exploration and development are permitted beyond access control points;
 - Full trail and road decommissioning and restoration (see 7e. below) to occur within the shortest time frame and:
 - i. prior to removal of access control point; or
 - ii. within two years following the cessation of mineral or coal exploration and development for which the associated trail or road was required.
- c. Use existing clearings, trails and roads for mineral or coal exploration and development unless no other practicable option exists.
- d. New trails and roads will not exceed a running width of 3.5m.
 - Restrict access to new or improved roads and trails at the time they become accessible. Measures to restrict access may include, but are not limited to, the use of signage and gates on active trails and roads.
- e. New trails and roads must be deactivated within 2 years following the cessation of development activities. Clearings and linear features must be restored within 1 year following the cessation of development activities. Restoration and deactivation actions may include, but are not limited to:
 - Removing bridge spans, culverts and other water-management structures.
 - Replanting linear features with trees.
 - Making trails/roads impassible to predators by creating large, long and frequent rough piles of coarse-woody-debris, and other materials.
 - Providing visual breaks along edges of linear features until such time as they are fully restored to original condition. Features include berms, dense conifer planting, rough piles of coarse-woody-debris, rocks and stumps.
 - Blocking off linear features at the intersection with other linear features to minimize utility to predators.
 - Recontouring slopes and restoring drainage systems and stabilize for erosion.

- f. Limit attracting early-seral ungulates and predators to mineral or coal exploration and development areas by:
 - Limiting seeding for revegetation, or where revegetation is required to achieve erosion objectives and/or to prevent establishment of invasive species, select less palatable native plant species for re-vegetation such as non-leguminous species. Avoid use of species that will result in a dense cover of mat-forming graminoids with the preference for short lived species that will allow for natural species re-colonization. Where agronomic species are necessary, ensure the species mix includes only annual, non-mat-forming, and non-leguminous species.
 - Facilitating the re-establishment of lichens in appropriate habitats.
- g. Do not remove trees from mature stands (≥ 80 years old) and do not remove lichen-bearing trees, unless it is not practicable to do so.
- h. Within the defined no-harvest zone, individual forest openings (defined as the total tree harvested area created for the purposes of mineral or coal exploration and development) must not be greater than one (1) ha. This does not include forest openings for the purposes of building trails and roads. Exploration activities should be designed to minimize the total number of forest openings.
- i. Prevent project-related displacement or disturbance of caribou by:
 - Reducing project-related noise;
 - Having a qualified professional involved in the preparation and implementation of the Caribou Mitigation and Monitoring Plan (CMMP);
 - Implementing a program to monitor wildlife sightings and ensure that a stop work order is in place in the event that caribou are observed within the mineral or coal exploration and development area;
 - Restricting development activities and industrial traffic around known caribou migration corridors during migration periods;
 - Avoiding activities in areas where recent caribou use is observed; and
 - Maintaining a minimum of 500 m vertical distance above ground, and a minimum of 2000 m horizontal separation from observed caribou while using helicopter and fixed-wing aircraft.
- j. Prior to completion of road construction, establish road restrictions and road safety protocols, including signage for speed restrictions and traffic calling protocols.

Schedule 2– Wildlife Habitat Area Objectives

GWMs 2-4 do not apply if licensees or BCTS manager prepare a Caribou Management Plan for the Telkwa herd recovery area, in whole or in part, to the satisfaction of the Director of Resource Management, FLNRO that demonstrates effectively meeting the Wildlife Habitat Area Objectives outlined in this Schedule 2.

(1) Maintain forests within the Telkwa Caribou WHA that:

- a. contain mature and old-forest characteristics (eg. diversity of structure and species) that are consistent with the near natural-disturbance patterns by biogeoclimatic zone;
- b. support a long-term supply of terrestrial and arboreal lichen forage; and
- c. provide security cover;

(2) Design primary forest activities to result in or provide for:

- a. primary forest activities that will result in large patches and at least equivalent size connected leave areas of appropriate forest stand type as suitable for the natural disturbance regime for the area; and
- b. avoidance of caribou displacement and mortality, by reducing human, caribou and predator interactions.



Signed this 30 day of Nov, 2015

Eamon O'Donoghue, Regional Executive Director, Skeena Region
Ministry of Forests, Lands and Natural Resource Operations

Appendix 1– General Information

The following information is intended to provide background information and support to the legal order establishing WHA 6-333. This appendix is not part of the legal order.

Forestry & Associated Permits:

1. As per section 2(2) of the *Government Actions Regulation*, the order entitled “ORDER – Wildlife Habitat Area # 6-333” does not apply to:
 - a. any of the following entered into before the order takes effect:
 - i. a cutting permit;
 - ii. a road permit;
 - iii. a timber sale license that does not provide for cutting permits;
 - iv. a forestry license 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 70(1) of the *Woodlot Licences Planning and Practices Regulation*, and section 36(3) of the *Range 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. This exemption process can be applied to any authorization under the *Forest and Range Practices Act* regardless of the type of industrial activity (e.g. may be applied to FRPA authorizations required to access mineral or coal tenure rights).
3. An exemption application should be submitted to the Minister’s delegate (Regional Executive Director–Ministry of Forests, Lands and Natural Resource Operations) with a rationale describing the nature of the problem and options to integrate caribou habitat conservation with proposed forestry 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.
4. Plan timber harvesting activities to result in large harvested patches and at least equivalent size connected leave areas of appropriate forest stand type as suitable for the natural disturbance regime for the area. Timber harvest activities should be concentrated within a relatively short time frame, followed by extended periods of no harvest activity within the operating area. Silvicultural activities should also be temporally concentrated and followed by extended periods of no activities, wherever practicable. Operators should work co-operatively and meet these objectives wherever practicable.

5. Minimize the total amount of vehicle accessible roads within the WHA. The primary intent is to maintain all mainline roads in operable condition and to restrict vehicle access on all operational and block roads. Deactivation should consider the timing, location, and mechanism to best restrict vehicle-access, and the potential requirement for future road-use for primary forestry activities. High-elevation roads (e.g., within 2km of the ESSF) to be deactivated as a first priority.
6. Mature standing-dead conifers that are more than 80 years old qualify for meeting forest seral retention targets for up to twenty (20) years post natural disturbance date - not including fire. Qualifying stands should be comprised of a minimum of 70% volume by the affected conifer species and have experienced a minimum of 50% stand volume mortality.
7. For primary forest activities associated with removal of vegetative cover, avoid operations within sites having high abundance of either terrestrial or arboreal lichen relative to the WHA # 6-333.
8. Best practices of protecting high quality potential caribou foraging sites should be employed in planning layout and harvest design.
9. Prescribing foresters should assess block design, road layout options and caribou habitat value to follow SBSmc management direction for resource development activities occurring within the Coastal Western Hemlock biogeoclimatic zone.
10. Woodlot licence holders should manage towards a 120 year rotation, (i.e. one third of the stand being maintained as 80 years of age or older). Single tree and group selection harvesting techniques are recommended. Where operationally feasible, woodlot tenure holders are encouraged to employ techniques or strategies related to increasing or retaining terrestrial and arboreal lichen and providing for wetland, meadow or roadside screening as best possible.
11. With respect to related timber supply impacts (associated with this Order), exceeding Land & Resource Management Plan and other Higher Level Plan/Order agreements, timber supply offsets will be determined and documented within five year increments.

Mineral or Coal Exploration and Development:

Exemptions to GWM 7 will be reviewed under the following Notice of Work application process for exploration activities in northern caribou habitat. Refer to ***Skeena Region's Notice of Work Operational Guidance for Mineral or Coal Exploration and Development Activity in Northern Caribou Habitat*** for more detail.



