

ORDER – WILDLIFE HABITAT AREAS

9-146 to 9-165 and 9-172 to 9-180

**Northern Caribou – Peace, Fort Nelson and Mackenzie Natural Resource
District**

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

1. The Deputy Minister 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 (*Rangifer tarandus*);orders that
 - a) the areas shown in the map set out in the attached Schedule As (#9-146 to 9-165 and 9-172 to 9-180) and contained in the wildlife habitat area (WHA) spatial layer stored in the Geographic Warehouse (WHSE_WILDLIFE_MANAGEMENT.WCP_WILDLIFE_HABITAT_AREA_POL Y) are established as wildlife habitat areas #9-146 to 9-165 and 9-172 to 9-180 for northern 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 A and the WHA spatial layer stored in the Geographic Warehouse (WHSE_WILDLIFE_MANAGEMENT.WCP_WILDLIFE_HABITAT_AREA_POL Y), 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 these Wildlife Habitat Areas address the amount included for northern caribou in the Notice for the Peace and Mackenzie Natural Resource District.
2. The Deputy Minister of Forests, Lands and Natural Resource Operations, being satisfied that
 - i. the general wildlife measures (GWMs) described below are necessary to protect and conserve northern caribou and the habitat of northern 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 WHAs #9-146 to 9-165 and 9-172 to 9-180

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.

Key terrestrial lichen communities: are communities with key lichen species utilized by northern ecotype caribou; list of documented key lichen species (species most commonly consumed are in bold) is as follows:

Terrestrial Lichens	Arboreal Lichens
<i>Cetraria</i> spp.	<i>Bryoria</i> spp.
<i>Cetraria cuculatta</i>	<i>Usnea</i> spp.
<i>Cetraria islandica</i>	
<i>Cetraria ericetorum</i>	
<i>Cetraria nivalis</i>	
<i>Cladina</i> spp.	
<i>Cladina mitis</i>	
<i>Cladonia</i> spp.	
<i>Cladonia rangiferina</i>	
<i>Cladonia gracilis</i>	
<i>Cladonia uncialis</i>	
<i>Peltigera</i> spp.	
<i>Peltigera aphthosa</i>	
<i>Peltigera malacea</i>	
<i>Stereocaulon</i> spp.	

Terrestrial lichen habitats generally include the following site characteristics:

- pine-leading forests;
- 25 – 55% crown closure;
- 50 – 110 years of age;
- pine 7 – 17 m in height;
- a site index < 14.5;
- slope ~ 5%;
- 45° < aspect < 315°;
- dry nutrient poor site series;
- coarse-textured (sandy) soils with a high coarse fragment content; and
- a duff layer < 5 cm.

Note: These attributes are provided for guidance only and are based on literature sources not site specific to Pink Mountain. There are exceptions to the above noted attributes and a thorough walk-through of pine-leading stands will determine whether key lichen communities are present. Single stands may not possess all of these attributes; however, the potential to support key lichens generally increases if one or more of these criteria are met. Current lichen habitat value can be assessed as per “A Guide to Evaluating Forest Stands as Terrestrial Lichen Forage Habitat for Caribou” – Ministry of Environment – Omineca Region, 2000.

Linear corridor: removal of forest cover that results in the creation of linear access routes, including the roads, motor-vehicle trails, seismic lines, transmission lines, pipelines, and secondary roads.

Pre-calving, calving, post-calving periods: timing subject to annual variation, but includes the period from April 1 to June 30.

Primary forest activity: as defined in the *Forest Planning and Practices Regulation* of the *Forest and Range Practices Act*, means one or more of the following:

- a) timber harvesting;
- b) silviculture treatments (see Silviculture treatments below); and
- c) road construction, maintenance and deactivation.

Rutting period: timing subject to annual variation, but includes the period from September 15 to October 31.

Silviculture treatment: as defined in the *Forest Planning and Practices Regulation* of the *Forest and Range Practices Act*, means one or more of the following:

- a) site preparation for the purposes of reforestation;
- b) planting trees;
- c) brushing, including grazing for the purposes of brushing;
- d) juvenile spacing;
- e) fertilization;
- f) pruning;
- g) sanitation treatments associated with a silviculture treatment; and/or
- h) pest management treatments, other than sanitation treatments.

Schedule 1 – General Wildlife Measures (GWMs):

Northern Caribou High Elevation Calving and/or Rutting Areas

WHA units 9-146, 9-147, 9-148, 9-149, 9-150, 9-151, 9-152, 9-153, 9-154, 9-155, 9-156, 9-157, 9-158, 9-159, 9-160 and 9-161

Access

1. Primary forest activities will not result in the construction of new roads or linear corridors.

Harvesting and Silviculture

2. Primary forest activities will not result in the removal of forest cover.
3. Primary forest activities will not result in the disturbance of caribou between April 1 and June 30 (pre-calving, calving, post-calving periods) and September 15 to October 31 (rutting period).

Northern Caribou Special Habitat Features

WHA Units 9-162, 9-163, 9-164, 9-165, 9-172, 9-173, 9-174, 9-175, 9-176, 9-177, 9-178, 9-179 and 9-180

Access

4. Primary forest activities will not result in the construction of new roads or linear corridors.

Harvesting and Silviculture

5. Primary forest activities will not result in the removal of forest cover.
6. Primary forest activities will not result in the disturbance of caribou year round.

Pesticides

7. Primary forest activities will not result in the use of pesticides.

Signed this ____ day of _____, 2015
Karrilyn Vince, Regional Executive Director
Ministry of Forests, Lands and Natural Resource Operations

Appendix 1

The following information is provided as background information and support to the order establishing WHA #9-146 to 9-165 and 9-172 to 9-180. 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*.

(e) areas referred to in Section 81(1)(i) and 81(1)(e) of the *Fort St. John Pilot Project Regulation* (FSJPPR) and in Table 16 of the Forest Operations Schedule in effect at the time of the approval

2. Authority to consider an exemption from these GWMs 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 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 (Director of Resource Management – Ministry of Forests, Lands and Natural Resource Operations for the Northeast Region) with a rationale describing the nature of the problem and options to integrate WHA conservation with proposed forest practices (a template for exemption requests is available at: <http://www.env.gov.bc.ca/wld/frpa/index.html>).

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. Exemptions for salvage of dead timber (non-infectious) resulting from severe natural disturbance may only be considered if the proposal is a net benefit to the WHA species being managed for, as opposed to taking no action.

4. An exemption is not required for:
 - a. Any harvesting and/or road construction activities related to an approved cutblock (Forest Operations Schedule for the Fort St. John TSA or approved Section 196 (1) and 196 (2) cutblock and Category A cutblocks for the Fort Nelson and Mackenzie TSAs).
5. These GWMs do not apply to persons who must comply with the *Worker's Compensation Act* and the regulations under that Act (e.g. danger tree felling).

Appendix 2 – Supporting Information

The following guidelines are intended to provide information to consider when implementing the general wildlife measures for 9-146 to 9-165 and 9-172 to 9-180. Professionals preparing operational plans and carrying out practices have site-specific discretion and flexibility in prescribing methods to achieve the desired habitat condition.

Applicable to GWMs 1 thru 7

- 1) For any harvesting activities related to cutblocks in existing Forest Operations Schedule for the Fort St. John TSA or approved Section 196 (1) and 196 (2) cutblock and Category A cutblocks for the Fort Nelson and Mackenzie TSAs, licensees should give consideration to:
 - a) utilizing existing linear corridors or disturbance (e.g., seismic lines, roads, right-of-ways, etc.);
 - b) constructing access to the lowest standard possible (as long as safety elements are met);
 - c) minimizing snow ploughing of access routes within and adjacent to northern caribou habitat to reduce predator use and minimize predation risk;
 - d) avoid altering surface hydrology and flow patterns and maintain natural drainage patterns;
 - e) providing adequate visual screening along roads, including vegetative cover capable of hiding 90% of a standing adult caribou from view at a distance of 200 ft. (60 m);
 - f) minimizing disturbance during sensitive periods (pre-calving, calving, post-calving and rutting periods) for northern caribou;
 - g) minimizing growth of early-seral forage species within harvested cutblocks;
 - h) conducting primary forestry practices to result in the enhancement of key terrestrial lichen communities, including (1) timing harvesting activities during frozen ground conditions with sufficient snow cover to improve terrestrial lichen survival and regeneration; (2) controlling slash build-up to improve lichen survival and regeneration; and (3) retaining Wildlife Tree Patches (WTPs) as islands to serve as dispersal sources for lichen propagules;
 - i) maintaining a minimum of 10% representative pre-harvest mature/old forest as WTPs within clearcut areas;
 - j) where non-conventional silviculture systems are used (e.g. strip, shelterwood or selection cutting), retaining a minimum of 44% of the representative stand in mature/old seral stage (>120 years old); and

- k) 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 (only applicable in Northern Caribou High Elevation Calving and/or Rutting Areas; WHA units 9-146, 9-147, 9-148, 9-149, 9-150, 9-151, 9-152, 9-153, 9-154, 9-155, 9-156, 9-157, 9-158, 9-159, 9-160 and 9-161).

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