

March 22nd, 2010
Our file: 6407551
Your file: 39585-20
NTS No.: 93L, 93M
Reserve No.: R106003

Len Vanderstar
Ministry of Environment
Environmental Stewardship Division
PO Box 5000
Smithers BC V0J 2N0

Dear Len Vanderstar:

This refers to your application dated January 10th, 2008 for the purpose of Wildlife Habitat Management Areas under the Bulkley Land and Resource Management Plan.

In accordance with your request.

AUTHORITY: The undersigned has been charged with the administration of SECTION 17 of the *Land Act*; and

DECISION: The undersigned considers it advisable in the public interest to establish a *Land Act* designation over the area as shown outlined in red on the attached map and identified as:

1. All that unsurveyed Crown land in the vicinity of Moricetown, Trout Creek and Gramophone Creek together with District Lots 270, 1133, 1138, 2293, 6772, Blocks A and B of District Lot 1131 and Block A of District Lot 5763 and those parts of District Lots 1127, 1134, 1137, 3306, 3390 and 5419, Range 5, Coast District, containing 1,033.5 hectares, more or less;
2. All that unsurveyed Crown land in the vicinity of the Bulkley River, Reiser Creek and Driftwood Creek and District Lots 3293A, 3296, Block A of District Lots 5437 and 5438 together with those parts of District Lots 1179, 1183, 3294, 3297, 5437, 5438, Southeast 1/4, Section 35, Township 1A and Section 12, Township 2A, Range 5, Coast District, containing 449.1 hectares, more or less;

Page1 of 3

3. All that unsurveyed crown land in the vicinity of Tyhee Lake and Canyon Creek and District Lots 262, 263, 458, 1201, 7891, 7921, 7924 and 7925 together with those parts of District Lots 883, 1202, 1204, Sections 4 and 9, Township 3; Sections 4 and 21 of Township 4 and Section 32, Township 6, Range 5, Coast District, containing 1,661 hectares, more or less;
4. All that unsurveyed Crown land in the vicinity of Tatlow and Quick; District Lot 2132 and Block A of District Lot 224 together with those parts of Section 29, Township 7; Sections 28 and 33, Township 9 and those parts of District Lots 229 and 418, Range 5, Coast District, containing 657.4 hectares, more or less;
5. All that unsurveyed Crown land in the vicinity of Bulkley River and Thompson Creek together with District Lots 176 and 207 and those parts of Sections 2, 3, 8 and 15, Township 9, Range 5, Coast District, containing 206 hectares, more or less. The total area is estimated to be 4,007.521 hectares, more or less.

AGENCY AND
EFFECTIVE
PERIOD:

The Crown land area outlined on the attached map is hereby temporarily established as a Section 17 *Land Act* designation for Wildlife Habitat Management Area purposes for so long as required. The area is hereby withdrawn from disposition under the *Land Act* for any purpose or use other than the above and others deemed compatible with or ancillary to the above by the undersigned, effective immediately subject to the following:

1. The provisions of the *Forest Act* as some of the areas are within the Smithers Provincial Forest;
2. The direction and management conditions referred to in the attached document titled "Bulkley Valley Wildlife Habitat Management Areas Management Conditions for Section 17 and Section 16 Land Act Reserves";
3. The Prior Rights of the application to purchase on Land File 6408191. When the Crown Grant is confirmed the area will be removed from this Reserve.



Ralph Blaus
Senior Portfolio Administrator

March 22nd, 2010
Date Signed

Attachments

pc: Ministry Integrated Land Management Bureau File 6408191
Ministry of Forests and Range, Skeena-Stikine Forest District

**Bulkley Valley Wildlife Habitat Management Areas
Management Conditions for S. 17 & 16 Land Act Reserves**

Feb. 22, 2008

A) Land Tenure Activity (*Under Land Act Tenures or MOFR Special Use Permits*)

A.1) S.16 Land Act Fish & Wildlife Reserve (F&W Reserve)

No infrastructure/facility or road/trail development (no tenures permitted).

MOFR Special Use Permits are not to result in infrastructure/facility or road/trail development.

Aggregate extraction is not permitted in accordance with Land Act designation.

A.2) S.17 Land Act Wildlife Habitat Management Area Reserve (WHMA)

The following management conditions apply to a WHMA:

Maintain existing barriers, natural or otherwise, to livestock range activities.

Low intensity and low impact activities are permitted for tenures such that wildlife of all species are not displaced or abandon home range. Motorized recreation activities are not permitted.

Proposed road construction and up-grades require a habitat assessment by a qualified biologist prior to approval.

Minimize length and amount of disturbed areas associated with trail development associated with approved compatible tenure activities.

Public use or access is not to be excluded unless detrimental impacts are occurring.

Tenure or licence holders with WHMA inclusion are responsible for preventing the introduction or spread of prescribed species of invasive plants as defined in the Invasive Plant Regulation under the Forest & Range Practices Act (FRPA).

Aggregate extraction will be permitted provided that full rehabilitation is conducted within a specified time period from when the time the pit is opened such that long term habitat supply for the WHMA is not diminished. The functionality of the WHMA for wildlife habitat is to be considered for establishing pit size limitation at any given time.

**Bulkley Valley Wildlife Habitat Management Areas and Fish & Wildlife Reserves
Feb. 22, 2008 Final Document**

The Cabinet approved Bulkley LRMP directed government agencies to come up with a publicly supported process for land designation for the remaining portions of public lands (outside of Parks & Protected Areas) within the Agriculture/Wildlife Zone. Land designation emphasis was for either agriculture/farm land development (crop production) or for wildlife habitat protection/conservation. This direction was made legal under the Bulkley LRMP Higher Level Plan Order in December, 2000.

A Bulkley Valley agriculture-wildlife project ensued with lands being assessed for agriculture capability and moose/deer suitability/capability with consideration of other wildlife habitat values. Representatives from the Cattlemen's Association, Community Resources Board, Ministry of Agriculture, Food & Fisheries, BC Asset & Lands, and the Ministry of Water, Land & Air Protection collectively participated in a working group and came to consensus with respect to proposed land designations. Public lands that had known current agriculture leases and grazing leases overlap were not tabled for discussion – these parcels of public lands will either be further developed for agriculture or transitioned for wildlife habitat conservation (future discussions will be required on a case by case basis).

The package proposed by the working group was subsequently taken forward for public review and comment concurrently with the Bulkley Valley Sustainable Resource Management Plan (SRMP) prepared by the Ministry of Sustainable Resource Management.

Through the Bulkley LRMP, the Agriculture/Wildlife working group, and the Bulkley Valley Landscape (SRMP), social choice with government endorsement has been made with respect to Wildlife Habitat Management Area (WHMA) and Agriculture Development Area (ADA) designations. The highest and best use of remaining public lands within the Agriculture/Wildlife Zone has thus been determined.

Recently, Ministry of Environment and Ministry of Agriculture & Lands have determined that a S.17 Land Act Reserve is the most appropriate designation for WHMAs in meeting the management intent as specified in the Bulkley LRMP. Land Act Reserves under S.16 still apply for Fish & Wildlife Reserves. Some WHMAs may be changed to S.16 Fish & Wildlife Reserves upon further assessment. It is the expectation of the Ministry of Environment that S.16 & S.17 Land Act designations for Fish & Wildlife Reserves and WHMAs remain in place in perpetuity; if this is not to be the case, other designations may have to be explored.

The primary objective for WHMAs and Fish & Wildlife reserves is to provide wildlife habitat attributes for wintering ungulates, passerines and other birds, and small mammals. Habitat maintenance or enhancement of these land parcels will drive land stewardship activities such as forestry or ranging of livestock. The proposed management conditions attached reflect this objective while recognizing some potentially compatible uses. The Minister responsible for the Land Act may impose any terms and conditions the minister considers necessary or advisable on S.17 land use designations.

B) Forestry & Range Activities (Under Forest & Range Practices Act and Forest Act)

B.1) Livestock Range Activity (MOFR Grazing Licences & Permits)

B.1.1) F&W Reserve

Livestock use is permitted within existing grazing tenures (licences & permits) or applications in process as of July 31, 2006.

Grazing tenures that are surrendered will not be re-advertised.

No increase in authorized Animal Unit Months (AUM) within existing grazing tenures.

When a new Fish & Wildlife Reserve is established, the onus is on the Ministry of Environment to ensure no entry of livestock into the Fish & Wildlife Reserve where livestock is not permitted.

When a new grazing tenure is adjacent to a Fish & Wildlife Reserve, the onus is on the tenure holder to prevent entry of livestock into the Fish & Wildlife Reserve.

B.1.2) WHMA

Livestock use is permitted within existing grazing tenures (licences & permits) or applications in process as of July 31, 2006 as per their current permit & tenure conditions.

Existing grazing licences and permits are to be managed for WHMA compatibility, Livestock entry will be conditional on range readiness criteria as directed by FRPA.

Major range use plan amendments, renewals or proposed new tenures within a WHMA will be referred to Ministry of Environment.

For existing livestock grazing licences and permits, plans and assessments are to ensure that:

- Specific attention is to be given to the maintenance of desired ungulate browse species. These include red osier dogwood (*Cornus stolonifera*), willow species (*Salix*), Douglas maple (*Acer galbrum*), prickly rose (*Rosa acicularis*), common snowberry (*Symphoricarpos albus*), black twinberry (*Lonicera involucrata*), pin cherry (*Prunus pensylvanica*), huckleberry/blueberry species (*Vaccinium*), saskatoon (*Amelanchier alnifolia*), high-bush cranberry (*Viburnum edule*), kinnikinnick (*Arctostaphylos uva-ursi*), trembling aspen (*Populus tremuloides*), black cottonwood (*Populus trichocarpa*).
- Range enhancement activities are permitted where compatible as determined by Ministry of Forests & Range in consultation with Ministry of Environment.

- Livestock grazing is permitted between May 1 to Oct 30 inclusive or as specified within range use plans or tenure conditions. In drier summers, government officials will assess the need for earlier removal of livestock to ensure plant growth and abundance targets are achieved. Livestock entry prior to June 1 is conditional on range readiness criteria as directed by FRPA.
- Seasonal use time frames will be jointly assessed by Ministry of Forests & Range and Ministry of Environment to establish desired seasonal use restrictions within an identified WHMA.
- Inspection and/or compliance reports for Range Use Plans or any other applicable livestock management plan pertaining to a WHMA will be jointly reviewed between Ministry of Forests & Range and Ministry of Environment on an annual basis.
- Approximate relative abundance of indigenous plant species in accordance with respective site series guide books are to remain unaltered unless plant community rehabilitation is required to achieve the natural relative abundance. If the natural relative abundance of indigenous plant species does not exist, livestock use is not to impede an improving trend into the desired state.
- Livestock use is to be avoided in red and blue listed plant communities. Conservation Data Centre to be consulted for current listing <http://www.env.gov.bc.ca/cdc/>
- Plant communities at risk (red & blue listed) are to be protected from livestock damage.
- Livestock grazing is to be avoided on steep south-east to west facing slopes (135° to 285°) with slope gradients $\geq 45\%$.
- Riparian features, including fish and fish habitat, are to be protected as per FRPA direction.
- Fencing is to be maintained by the tenure holder for the duration of the tenure and removed when no longer required.

For newly approved grazing licences and permits, plans and assessments are to comply with the above direction with the exception that:

- Livestock grazing will not result in cropping of more than 10% of the current year's shrub growth and grazing licences and permits will only be issued where Ministry of Forests and Ministry of Environment are in agreement that the Range Use Plan sufficiently addresses wildlife needs and requirements.

B.2) Forestry Activities (Under Forest & Range Practices Act & MOF Act)

B.2.1) F&W Reserve

The intent of a F&W Reserve is not to be logged for commercial timber production, but managed to ensure maintenance or enhancement of wildlife attributes, and ensuring risks to the working forest and adjacent properties are managed. Woodlots and other forest licences are not permitted.

In the event of beetle control operations being proposed in a F&W Reserve, a joint field visit with Ministry of Environment personnel is required prior to permit approval.

No timber extraction is permitted on ridges associated with steep south-east to west facing slopes (135° to 285°) with slope gradients $\geq 45\%$.

In some cases, stand replacement assessment may be warranted in the future to encourage the desired habitat attributes for purposes of habitat enhancement which may lead to controlled burns or selective cutting.

B.2.2) WHMA

$\geq 70\%$ structure and function (similar to Landscape Corridors) of a WHMA area is to be retained in a natural occurring mature forest state, inclusive of dead standing trees post beetle infestation. Where this is not the current condition, the objective is to work towards this mature forest target. Mature conifer forests are preferred given lack of representation in the Bulkley Valley and their importance in providing security cover, snow interception and thermal cover.

No timber extraction is permitted on ridges associated with steep south-east to west facing slopes (135° to 285°) with slope gradients $\geq 45\%$.

Pine stands are to be maintained for arboreal lichen production (*Bryoria* species & *Alectoria*) wherever possible.

Logging activities associated with fuel hazard reduction, forest pest and disease control are to ensure that individual opening sizes are limited to 3 ha maximum with an average of 1.5 ha if adjacent to partial cuts or 1.5 ha maximum if adjacent to clear cuts or nonforested areas such as fields. Partial logging can be accommodated over a larger area if it removes the prescribed basal area while achieving overall mature stand conditions, inclusive of retaining wildlife structural attributes such as standing dead trees, veteran trees, coarse woody debris, and a range of tree diameter classes. Proposed timber harvesting in a WHMA will require a joint field visit with Ministry of Environment personnel prior to permit approval; at that time, variances to the above may be considered.

The priority ungulate species for management consideration is mule deer due to dependence on forest cover. Refer to the Bulkley Valley Sustainable Resource Management Plan for objectives and strategies.

In light of the importance of live and dead pine trees supporting arboreal lichens in the SBSdk and SBSmc, and thus the deer winter range value of remaining pine stand types, the following rankings in descending order reflect stand type priorities with respect to beetle control operations:

- 1) $\leq 50\%$ pine with follow-up in-fill planting of conifers
- 2) $\geq 50\%$ pine with existing regenerating understories
- 3) $\geq 50\%$ pine with no or minimal understory, but planning for windthrow prevention, arboreal lichen perpetuation, fire hazard reduction, and minimization of human access as a result of new trails

Marten and fisher habitat attributes are important considerations for stand management. Promotion and maintenance of wolf trees, witches broom, soft and hard snags, vets – dominate large diameter trees, coarse woody debris, large cottonwood for fisher denning, bird and small mammal habitat (marten prey), and porcupine (fisher prey) require consideration.

The maintenance of seral stages with a mature forest emphasis, inclusive of a deciduous component, and forest structure will assist in ensuring that habitat attributes are in place for resident and migratory birds that depend on the Bulkley Valley.

In some cases, stand replacement assessment may be warranted in the future to encourage the desired habitat attributes for purposes of habitat enhancement which may lead to controlled burns or selective cutting.

New woodlots or forest licences are not to be permitted unless applications were in process as of June 8, 2006.