

KOOTENAY-BOUNDARY HIGHER LEVEL PLAN ORDER (KBHLPO)

ORDER- KBHLP-06

ORDER VARYING OBJECTIVES 2, AND 3 OF THE KOOTENAY-BOUNDARY HIGHER LEVEL PLAN ORDER (OCTOBER 2002) PURSUANT TO SECTIONS 3 (2) AND 3 (7) OF THE *FOREST PRACTICES CODE OF BRITISH COLUMBIA ACT* (THE ACT).

Preamble

This preamble is meant to provide the context in which this variance was reviewed and approved and does not form part of the variance.

This variance was initiated in response to requests from BC Timber Sales and Tembec for variances to the Kootenay Boundary Higher Level Plan Order (KBHLPO) to deal with Mountain Pine Beetle infestations located within Caribou habitat areas and areas reserved from harvesting under Objective 2 (Old and Mature Forest). The purpose of the variance is to allow for harvest of areas infested with Mountain Pine Beetle to the extent necessary to manage the infestation while ensuring that the caribou habitat areas and old and mature forests are adequately protected. This variance while in response to Tembec and BC Timber Sales is not specific to them and may be utilized by others dealing with mountain pine beetle infestations. In reviewing this variance consideration was given to its significance to the public. Given the dynamic nature of pine beetle infestations and the need for quick action it was decided that the normal 60 day public review and comment period would be reduced to 15 days for this variance.

Both BC Timber Sales and Tembec have requested variances to allow for timely salvage of pine beetle infected wood and the control of the infestation to limit its spread to adjacent stands. Both have presented information showing that the stands proposed for harvest are dominated by Lodgepole Pine stands that have been rated as having a high risk to Mountain Pine Beetle in a forest health strategy for the area. The Ministry of Forests have indicated they are supportive of proceeding with the proposed variance given the information provided regarding the beetle. The variance has also been developed with consultation with the Ministry of Water Land and Air Protection. In implementing this variance, licensees may wish to consider the relevant sections of KBHLPO Variance 4 (Objective 3 Caribou) Implementation Policy 1 dealing with lodgepole pine.

Section o) of the Delegation of Ministers' Powers memorandum, dated February 28, 2003 provides the Regional Director with the authority to vary these objectives where necessary to deal with forest health issues to the extent necessary to reasonably deal with the unforeseen event.

This variance order should be viewed in concert with the Kootenay Boundary Higher Level Plan Order dated October 26, 2002 and variances to this order made after this date.

Part 1- Resource Management Zone Objective Variance

The October 2002 Kootenay- Boundary Higher Level Plan Order is hereby varied by adding the following sub-sections to Objectives 2 and 3 of the existing Order including other approved variances.

Objective 2 (The following sub-section is added)

9. Timber harvesting may be considered despite the requirements of objective 2 where a strategy for managing mountain pine beetle is in place, which indicates that harvesting is necessary to reduce the risk of epidemic losses to mountain pine beetles and subject to one of the following requirements:
 - a. The stand being considered for harvest has greater than 50% lodgepole pine by inventory type.
 - b. The stand being considered for harvest has been assessed by a qualified professional and a professional opinion is received that indicates that the existing stand:
 - i. Does not contain sufficient stand level attributes (stand age, number of larger diameter trees, snags, vets, trees with dead tops, stand successional stage) to make a viable mature or old seral forest considering the potential impacts of mountain pine beetle on the stand;
 - ii. Would have less value in meeting mature or old seral requirements than a recruitment stand or;
 - iii. Would maintain sufficient stand level attributes to meet the requirements of a mature or old seral forest following harvesting of lodgepole pine from the stand.

Where a deficit is created by harvesting, recruitment is required as per subsection 5 of Objective 2.

Objective 3 (The following sub-section is added)

6. Timber harvesting may be considered despite the requirements of objective 3 where a strategy for managing mountain pine beetle is in place, which indicates that harvesting of lodgepole pine leading stands is necessary to reduce the risk of epidemic losses to mountain pine beetles and subject to the following requirements:
 - a. An assessment of Caribou habitat using a recognized methodology ^o has been completed to determine caribou habitat values and management options.
 - b. Where caribou habitat values have been assessed as having moderate or higher caribou habitat value, harvesting is not allowed unless:
 - i. a qualified professional ^P (registered professional biologist or registered professional forester) provides an opinion that indicates that the impact of the pine beetle on the affected stand will reduce the current habitat value below a moderate value or;
 - ii. strategies for maintaining the caribou habitat value to at least a moderate value level have been developed by a qualified professional and incorporated into harvesting plans.
 - c. New roads into unroaded areas must be assessed to determine if they will provide new motorized vehicle access points to important caribou habitat areas (alpine and subalpine basin areas). Where a new road is identified as a likely access point, the proponent of harvesting must develop strategies and implement measures to restrict motorized access to these areas.

- o Recognized methodology includes processes sanctioned by government for the specific herd area or in the absence of sanctioned methodology, processes developed by a qualified Register Professional Biologist.
- p A qualified professional is considered a registered professional who has appropriate training and experience in the area of work being completed.

Part 2- Filing the Order

This order will be filed with Regional Director, Southern Interior Region, Ministry of Sustainable Resource Management on September 23, 2004.

Part 3- Effective Date

This order comes into effect immediately. Despite subsection 16 (2) of the *Forest and Range Practices Act*, all forest stewardship plans submitted after the effective date must be consistent with this order. Despite Section 10 (d) of the *Forest Practices Code of British Columbia Act*, all forest development plans submitted after the effective date must be consistent with this order.

Originally Signed by Ken Gorsline

Ken Gorsline
Acting Regional Director
Southern Interior Region
Ministry of Sustainable Resource Management

Date: September 23, 2004