

KOOTENAY-BOUNDARY HIGHER LEVEL PLAN ORDER

ORDER- KBHLP-03

ORDER VARYING OBJECTIVES 2, 3, 5, AND 9 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 to provide forest licensees with direction for salvaging timber affected by fires in 2003 that is subject to the Kootenay-Boundary Higher Level Plan Order. The variance is intended to provide a means to salvage affected timber while considering the value of remaining Old and Mature forest (Objective 2), Caribou habitat (Objective 3) and Scenic (Objective 9) areas within the fire areas. This variance will be in effect only until December 31, 2004.

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

Objective 2 (Old and Mature Forests) of the Kootenay-Boundary Higher Level Plan Order is varied by adding the following sub-sections below sub-section 5 of Objective 2:

- 6) Timber harvesting may be permitted in mature and old and old seral areas where a registered professional forester or registered professional biologist provides a written opinion indicating that the forest stand has been sufficiently damaged by fire to effectively eliminate its biodiversity value as mature and old seral and/or old seral forest. This applies only to areas that have been damaged by fires in 2003.
- 7) Timber harvesting of unburned timber may also be permitted where the preservation of mature and old seral and/or old seral within or adjacent to a 2003 fire area , would preclude conventional harvesting (ground or cable) of adjacent burnt timber provided:
 - a) the unburned area proposed for harvest is less than 5 ha and the burned area precluded from harvest is larger than the unburned area or,
 - b) the Regional Director MSRM believes that it is necessary to reasonably deal with forest health issues.
- 8) Sections 6) and 7) above only apply to areas which are in deficit of seral requirements.

Objective 3 (Caribou) of the Kootenay-Boundary Higher Level Plan Order is varied by adding the following sub-sections below sub-section 2 of Objective 3:

- 3) Timber harvesting may be permitted in Caribou habitat areas (Age class 8 and 9 or younger areas where recruitment is required) where a registered professional biologist or registered professional forester provides a written opinion indicating that the forest stand has been sufficiently damaged by fire to effectively eliminate its value as Caribou habitat and salvage operations will not adversely impact adjacent habitat. This applies only to areas that have been damaged by fires in 2003.
- 4) Timber harvesting of unburned timber may also be permitted where the preservation of caribou habitat within or adjacent to a 2003 fire area, would preclude conventional harvesting (ground or cable) of adjacent burnt timber provided the Regional Director MSRM believes that it is necessary to reasonably deal with forest health issues.
- 5) Sections 3) and 4) above only apply to areas which are in deficit of habitat requirements.

Objective 5 (Grizzly Bear Habitat and Connectivity Corridors) of the Kootenay-Boundary Higher Level Plan Order need not be considered in those areas that are approved for timber harvest under Objective 2 section 6), 7) and 8) and/or Objective 3 sections 3), 4) and 5).

Objective 9 (Visuals) of the Kootenay-Boundary Higher Level Plan Order is varied by adding the following to the objective:

Where timber within a scenic area has been damaged by fire, it may be salvaged. Salvage operations must be designed to reduce visual impacts where possible.

Part 2- Filing the Order

This order will be filed with Regional Director, Kootenay Region Ministry of Sustainable Resource Management on November 12, 2003.

Part 3- Effective Date

This order comes into effect immediately and will expire December 31, 2004. 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.

Original signed by Ken Gorsline

Ken Gorsline
Acting Regional Director
Kootenay Region
Ministry of Sustainable Resource Management

Date: November 12, 2003