



ORDER – WILDLIFE HABITAT AREAS 8-325
Grasshopper Sparrow – Okanagan Shuswap 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 Regional Executive Director of the Thompson Okanagan Region, Ministry 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 Grasshopper Sparrow (*Ammodramus savannarum*) ; and
 - ii. the habitat requires special management that is not otherwise provided for under GAR or another enactment;orders that
 - a) the areas shown in the map set out in the attached Schedule A as 8-325, and contained in the wildlife habitat areas (WHAs) spatial layer stored in the Geographic Warehouse (WHSE_WILDLIFE_MANAGEMENT.WCP_WILDLIFE_HABITAT_AREA_POLY) are established as WHAs for Grasshopper Sparrow. The centre point of the line on the attached Schedule A is what establishes the WHAs; 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_POLY), the areas as detailed in the WHA spatial layer will take precedent.
2. The Regional Executive Director of the Thompson Okanagan Region, Ministry of Forests, Lands and Natural Resource Operations, being satisfied that
 - i. the general wildlife measures (GWMs) described below are necessary to protect and conserve the habitat of Grasshopper Sparrow; 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 8-325.

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.

Schedule 1 – General Wildlife Measures

Access


1. Do not construct roads or trails.

Pesticides

2. Do not use pesticides, except for the application of herbicides to control invasive plants or noxious weeds if the herbicide is applied:
 - i. by stem injection, cut and paint, foliar wipe or other direct plant application; or
 - ii. by spot spraying individual plants or a cluster of plants if direct plant application is not practicable

Range

3. Do not conduct prescribed burning from June 15 to July 21 inclusive.
4. Do not place livestock attractants within the WHA except to meet the WHA goals of drawing livestock away from areas with dense bluebunch wheatgrass.
5. Do not place new range developments within the WHA except to meet the WHA goals of drawing livestock away from areas with dense bluebunch wheatgrass.
6. Livestock use in upland areas must result in an average utilization after grazing less than or equal to 35% for bunchgrasses on an annual basis.



Signed this 22 day of December, 2016

Gerry MacDougall, Regional Executive Director, Thompson Okanagan Region
Ministry of Forests, Lands and Natural Resource Operations

Appendix 1:

The following information is provided by the Ministry of Environment and FLNR as background information and support to the Order establishing 8-325. 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* (FPPR).

2. Authority to consider an exemption from these GWMs is provided in section 92(1) of the FPPR, 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 with a rationale describing the nature of the problem and options to integrate WHA conservation with proposed forest and/or range 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. Upon receipt of a complete exemption application, a determination will normally be made within 14 calendar days of arrival at the FLNR regional office. Incomplete packages will be returned to the proponent for re-submission. A template for exemption requests is available at: <http://www.env.gov.bc.ca/wld/frpa/index.html>

3. **WHA goals:** In addition to meeting the practice requirements (General Wildlife Measures), the Range Use Plan must be consistent with the goals of the WHA. The goals of the WHA are:

- a. Prevent destruction or disturbance of nesting birds, nests, eggs and flightless young during the nesting period of June 15 to July 21.
- b. Restore and maintain plant communities to a late seral or climax with shrub density less than 10%.
- c. Ensure that livestock use in upland areas results in an average minimum stubble height after grazing greater than or equal to 15cm for bluebunch wheatgrass, 12 cm

for needlegrasses and 8cm for bluegrasses, where such species are present. If tenure holder is unable to maintain sufficient stubble heights as a result of livestock grazing that are consistent with a healthy, late seral ecosystem, the Statutory Decision Maker may consider establishing a General Wildlife Measures to address this issue.

- d. Maintain dense clumps of grass used for nesting and cover.
 - e. Promote natural disturbance regimes such as fire to control shrub density and enhance grass growth.
3. Livestock movements and foraging can have a detrimental effect on nesting birds by destruction of nesting cover, destruction of nests, eggs and unfledged young, and disturbance of adults causing in nest and habitat abandonment. This can have significant detrimental impacts on populations of species at risk, potentially contributing to extirpation or extinction. The level of livestock forage use and activity is an important factor. Low numbers of livestock, light forage use and short use periods can have negligible effects, whereas high levels of use can cause significant impacts. Regular monitoring of livestock use and effects on nesting habitat, birds and nests in the WHA should be conducted and documented. Should monitoring result in evidence of significant impact on habitat and nesting birds, GWM may need to be changed to address these impacts.