

ORDER – Wildlife Habitat Areas
8-245, 8-246, 8-247, 8-248, 8-249, 8-250, 8-251, 8-253, 8-266, 8-274,
8-275, 8-276, 8-277, 8-278 and 8-293
Lewis's woodpecker – Okanagan Shuswap Forest District

This order is given under the authority of sections 9(2) and 10(1) of the *Government Actions Regulation* (B.C. Reg. 582/04).

The Deputy Minister of Environment orders that:

1. the wildlife habitat areas (WHAs) shown in the map set out in the attached Schedule As (8-245, 8-246, 8-247, 8-248, 8-249, 8-250, 8-251, 8-253, 8-266, 8-274, 8-275, 8-276, 8-277, 8-278 and 8-293) and boundaries contained in the GIS file *twha_bc* are established for Lewis's woodpecker (*Melanerpes lewis*);
2. the general wildlife measures (GWMs) outlined in Schedule 1 are established for the WHAs in the attached Schedule As and boundaries contained in the GIS file *twha_bc*; and
3. where there is a discrepancy between the WHA boundaries as shown in the attached Schedule As and the GIS file *twha_bc*, the boundaries as detailed in the GIS file will take precedent. The centre point of the line on the map denoting the WHA is what establishes the boundary.

Definitions

Words and expressions not defined in this order have the meaning given to them in the *Forest and Range Practices Act* and the regulations made there under, unless context indicates otherwise.

Schedule 1 – General Wildlife Measures

Access

1. Do not construct roads unless there is no other practicable option.

Harvesting and silviculture

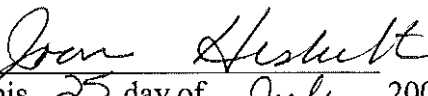
2. Do not conduct timber harvesting.

Pesticides

3. Do not use pesticides. This GWM does not apply to the treatment of noxious weeds and invasive plants, provided that the herbicide is applied in a manner that does not result in application to non-target plant species.

Range

4. Limit browse utilization by livestock to no more than 10% of the current annual growth of key shrub species.


Signed this 25 day of July, 2008
Joan Hesketh, Deputy Minister
Ministry of Environment

Appendix 1:

The following information is intended to provide background information and support to the legal order establishing these WHAs. This appendix is not part of the legal order.

1. As per section 2(2) of the *Government Actions Regulation*, the order entitled “ORDER – Wildlife Habitat Areas # 8-245, 8-246, 8-247, 8-248, 8-249, 8-250, 8-251, 8-253, 8-266, 8-274, 8-275, 8-276, 8-277, 8-278 and 8-293” 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 *Forest and Range Practices Act*; and
 - d. areas referred to in section 110 of the *Forest Planning and Practices Regulation*.

In these instances the requirement to comply with the order and the general wildlife measures does not apply.

2. Authority to consider an exemption from these general wildlife measures is provided in section 92(1) of the *Forest 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 general wildlife measure 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 (Regional Manager – Ministry of Environment, for the Region that the WHA is located) 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 days of arrival. Incomplete packages will be returned to the proponent for re-submission.

3. Where an exemption is provided to the requirements of GWM 2, the delegated decision maker may consider adding the following conditions to the approval of the exemption:
 - Removal of trees is to occur outside the breeding season of April 26th through to August 15th.
 - Protect and retain all ponderosa pine and black cottonwood live and dead trees ≥ 30 cm dbh for nesting, perching and foraging.

- If available, maintain at least six standing dead trees per ha. Where it is not possible to retain six ≥ 45 cm dbh trees, use the largest available. The highest practical density of snags is preferred.
- Hazardous snags or trees can be incorporated into group reserves (plan as no-work zones if appropriate); otherwise maintain snags within the operational settings as described in the Wildlife/Danger Tree Assessor's Course Handbook. Use partial cutting silvicultural systems to maintain widely spaced ($> 25\%$ canopy cover) late seral ponderosa pine and Douglas-fir.
- Topping large diameter snags may be appropriate where standing dead trees are few.

4. With respect to GWM 4, key shrub species include, but are not limited to, the following:

Ponderosa Pine Habitat	Riparian Habitat
Big Sagebrush	Red-osier dogwood
Pasture Sage	Rose spp.
Common Snowberry	Common Snowberry
Sopolallie	Choke Cherry
Bitter Cherry	Black Hawthorn
Rose spp.	Poison Ivy
Tall Oregon-Grape	Sumac
Water Birch	Clematis
Common Juniper	Currant
Birch leaved spirea	

5. The boundary of WHA 8-246 was drawn so as not to overlap with approved WHA 3-122 for Lewis's woodpecker. In the event that WHA 3-122 is rescinded, the boundary of 8-246 will need to be amended (i.e. to enlarge WHA 8-246) to capture a suitable buffer around all nests.