

**ORDER – WILDLIFE HABITAT AREAS**

**8-252, 8-254 to 8-258; 8-263; 8-265, 8-267 to 8-273; 8-279, 8-284 to 8-290; 8-292; 8-326**

**Lewis's Woodpecker – Okanagan Resource 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 Deputy Minister of Forests, Lands and Natural Resource Operations, being satisfied that
  - i. the following areas contain habitat that is necessary to meet the habitat requirements for Lewis's Woodpecker (*Melanerpes lewis*);orders that
  - a) the areas shown in the map set out in the attached Schedule A (8-252, 8-254 to 8-258; 8-263; 8-265; 8-267 to 8-273; 8-279; 8-284 to 8-290; 8-292; 8-326) and contained in the wildlife habitat area (WHA) spatial layer stored in the Geographic Warehouse (WHSE\_WILDLIFE\_MANAGEMENT.WCP\_WILDLIFE\_HABITAT\_AREA\_POLY) are established as wildlife habitat areas 8-252, 8-254 to 8-258; 8-263; 8-265, 8-267 to 8-273; 8-279; 8-284 to 8-290; 8-292; 8-326 for Lewis's Woodpecker. The centre point of the line on the attached Schedule A is what establishes the WHA boundary;
  - 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 Deputy Minister 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 Lewis's Woodpecker; 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 WHAs 8-252, 8-254 to 8-258; 8-263; 8-265, 8-267 to 8-273; 8-279; 8-284 to 8-290; 8-292; 8-326.

**Schedule 1 – General Wildlife Measures:**

*Access*

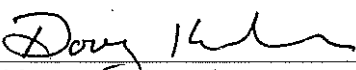
1. Do not construct roads unless there is no other practicable option.

*Pesticides*

2. Do not use pesticides, except for the application of herbicides to control invasive plants or noxious weeds.

*Range*

3. Limit browse utilization by livestock to no more than 10% of the current annual growth of the following shrubs: saskatoon (*Amelanchier alnifolia*), rose (*Rosa* spp.) and ribes (*Ribes* spp.).

  
Signed this 27 day of June, 2011  
Doug Konkin, Deputy Minister  
Ministry of Forests, Lands and Natural Resource Operations

## Appendix 1:

The following information is provided as background information and support to the order establishing WHAs 8-252, 8-254 to 8-258; 8-263; 8-265, 8-267 to 8-273; 8-279; 8-284 to 8-290; 8-292; 8-326. 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, and section 79(1) of the *Woodlot License 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. 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>