

ORDER – WILDLIFE HABITAT AREAS

WHA #1-: 028a, 058, 109, 255-257, 427-433, 435-439, 441, 443, 445-449, 453-455a,b,c, 458-468, 470, 471 Marbled Murrelets

South Island Forest District

This order is given under the authority of Sections 9(2) and 10(1) of the Government Actions Regulation (B.C. Reg. 582/2004) (GAR).

1. The West Coast Regional Executive Director of the Ministry of Forests, Lands and Natural Resource Operations (FLNRO), being satisfied that

- i. the following area contains habitat that is necessary to meet the habitat requirements for Marbled Murrelets (*Brachyramphus marmoratus*); 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 (WHA #1-: 028a, 058, 109, 255-257, 427-433, 435-439, 441, 443, 445-449, 453-455a,b,c, 458-468, 470, 471) 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 WHA #1-: 028a, 058, 109, 255-257, 427-433, 435-439, 441, 443, 445-449, 453-455a,b,c, 458-468, 470, 471 for Marbled Murrelets. The centre point of the line on the attached Schedule A is what establishes the WHA boundary; and
- b) if there is a discrepancy between the areas shown in the map set out in the attached Schedule As 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; and
- c) pursuant to Section 7(3) of the Forest Planning and Practices Regulation the person(s) required to prepare a forest stewardship plan are hereby exempted from the obligation to prepare results or strategies in relation to the objective set out in Section 7(1) of the Forest Planning and Practices Regulation to the extent that wildlife habitat areas WHA #1-: 028a, 058, 109, 255-257, 427-433, 435-439, 441, 443, 445-449, 453-455a,b,c, 458-468, 470, 471 address the amount included for Marbled Murrelet in the Notice for the South Island Forest District.

2. The West Coast Regional Executive Director of FLNRO, being satisfied that

- i. the general wildlife measures (GWMs) described below are necessary to protect or conserve Marbled Murrelets and the habitat of Marbled Murrelets; and
- ii. GAR or another enactment does not otherwise provide for that protection or conservation;

orders that

- a) GWMs 1, 2, 3, 4, 6 and 7 outlined in Schedule 1 are established for WHA #1-: 028a, 058, 109, 255-257, 427-433, 435-439, 441, 443, 445-449, 453-455a,b,c, 458-468, 470, 471
- b) GWM 5 outlined in Schedule 1 is established for WHAs #1-: 028a, 109, 255-257, 432, 433, 435 to 439, 441, 443, 445 to 449, 453, 454, 455a,b,c

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 (GWMs):

Access

1. Do not construct roads.

Harvesting and silviculture

2. Do not conduct timber harvesting, except as provided in GWM 3.
3. GWM 2 does not apply where:
 - a) guyline tiebacks are required to facilitate timber harvesting; or,
 - b) trees are felled in accordance with Section 2(3) of the Forest Planning and Practices Regulation; and,
 - c) trees felled for the purposes in (a) and (b) that fall within the WHA are retained on-site.
4. Do not conduct silviculture treatments, except as provided in GWM 5.
5. GWM 4 does not apply where Crown modification to improve windfirmness may be undertaken along the WHA boundary and up to 50 m into a WHA, provided each treatment involves no more than 5% of the total WHA area.

Pesticides

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

Recreation

7. Do not establish recreation sites or trails.



Signed this 1 day of May, 2015
Sharon Hadway, Regional Executive Director, West Coast Region
Ministry of Forests, Lands and Natural Resource Operations

Appendix 1:

The following information is provided as background information and support to the order establishing WHA #1-: 028a, 058, 109, 255-257, 427-433, 435-439, 441, 443, 445-449, 453-455a,b,c, 458-468, 470, 471. 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.
2. Authority to consider an exemption from these GWMs is provided in Section 92(1) of the Forest Planning and Practices Regulation, 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 (FLNRO Director of Resource Management) 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 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.