



ORDER – Wildlife Habitat Area # 1-077

The following order applies to the area shown in the map set out in the attached Schedule A and takes effect on the 10 day of February, 2005.

This order is given under the authority of sections 9(2) and 10(1) of the *Government Actions Regulation* (B.C. Reg. 17/04) and section 7(3) of the *Forest Planning and Practices Regulation* (B.C. Reg. 14/04).

The Deputy Minister of Water, Land and Air Protection orders that:

1. the wildlife habitat area shown in the map set out in the attached Schedule A (#1-077) is established;
2. the wildlife habitat area in the attached Schedule A is established for Marbled Murrelet (*Brachyramphus marmoratus*); and
3. the general wildlife measures outlined in Schedule 1 are established for the wildlife habitat area in the attached Schedule A; and
4. 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 area 1-077 addresses the amount included for Marbled Murrelet in the Notice for the North Island Central Coast Forest District. Including consideration of this order and the order establishing WHAs 1-079, 1-080 and 1-081 the amount remaining for Marbled Murrelet in the North Island Central Coast Forest District Notice is 1434 ha of mature timber harvesting landbase.

Schedule 1 – General Wildlife Measures

1. Access

- Do not harvest timber, construct or widen roads, install bridges within the WHA, except as noted below, unless the MWLAP designated decision maker is satisfied there is no other practicable option and approves an exemption.
 1. The portion of the East Creek Main Line (approved in the LeMare Lake Logging Ltd. FL A59539 East Creek and Kinney Creek 2002-2006 Forest Development Plan) that crosses through the north end of WHA1-077 approximately 1.2 km upstream of the confluence of the upper east and west forks of East Creek will not require an exemption.
 2. Road (East Creek Main Line) which may be required through WHA1-077 on the south-east side of the creek, between approximately 0.5 km and 3.0 km downstream of the confluence of the upper east and west forks of East Creek will not require an exemption. One stream-crossing, other than crossing described

above, may be required across East Creek and will not require an exemption. If the road or stream crossing is deemed necessary for access to harvest areas, right-of-way clearance within the WHA will be restricted to minimum safe clearing widths except for felling of danger trees for worker safety.

3. Tailholds will be permitted on the lower side of the road within WHA1-077 if they are deemed necessary for road construction.

2. *Recreation*

- Do not develop recreational structures, trails, or facilities.

3. *Silviculture*

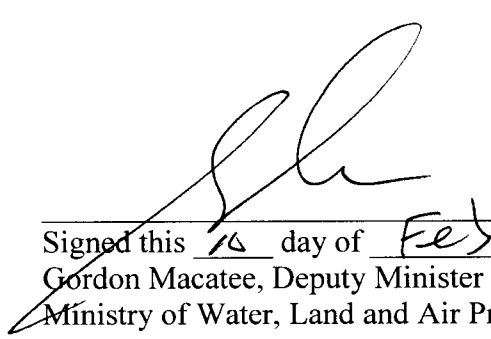
- Do not harvest timber, except for roads and tailholds as noted above or for traditional aboriginal purposes or danger tree removal, unless the MWLAP Designated Decision Maker approves an exemption.

4. *Pesticides*

- Do not use pesticides unless an exemption is approved by the MWLAP Designated Decision Maker.

5. *Mineral*

- The WHA is located within a high mineral potential area. There is no direct conflict with existing mineral tenures or gravel pits within this WHA. In the event that development or exploration is proposed within the WHA the MWLAP Designated Decision Maker will be guided by policy, to be developed, when considering exemptions to the general wildlife measures.


Signed this 16 day of Feb, 2005

Gordon Macatee, Deputy Minister
Ministry of Water, Land and Air Protection