

ORDER – Wildlife Habitat Areas
1-166, 1-167, 1-169 and 1-170 – Marbled Murrelet
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. 582/04).

The Deputy Minister of Environment orders that:

1. the wildlife habitat areas (WHAs) shown in the map set out in the attached Schedule As (1-166, 1-167, 1-169, and 1-170) and boundaries contained in the GIS file *twha_bc* are established for marbled murrelet (*Brachyramphus marmoratus*);
2. the general wildlife measures outlined in Schedule 1 are established for the WHAs in the attached Schedule As and boundaries contained in the GIS file *twha_bc*;
3. for the purposes of section 2(3)(a) of the *Government Actions Regulation*, these general wildlife measures apply to minor tenures;
4. 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; and
5. 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 these WHAs address the amount included for marbled murrelet in the notice for the South Island Forest District.

Schedule 1 – General Wildlife Measures

Access

- Do not construct or widen roads unless the Minister of Environment or delegate is satisfied there is no other practicable option and approves and exemption pursuant to section 92(1) of the *Forest Planning and Practices Regulation*.

Harvesting and silviculture

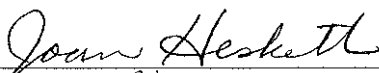
- Do not harvest timber except when the Ministry of Environment or delegate approves an exemption for salvage pursuant to section 92(1) of the *Forest Planning and Practices Regulation*.

Pesticides

- Do not use pesticides unless the Minister of Environment or delegate approves an exemption pursuant to section 92(1) of the *Forest Planning and Practices Regulation*.

Recreation

- Do not develop recreational structures, trails or facilities.



Signed this 21st day of January, 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. Authority to consider an exemption from these general wildlife measures is provided in Section 92(1) of the *Forest Planning and Practices Regulation*. In instances where it is not practicable to comply with these measures, a person proposing to conduct forestry activities should consider seeking an exemption from the requirements to comply with the applicable general wildlife measures.
2. 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 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 30 days of arrival. Incomplete packages will be returned to the proponent for resubmission.

