



ORDER – WILDLIFE HABITAT AREAS
WHA 1-472 and 1-473 Marbled Murrelets
Campbell River Natural 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 West Coast Regional Executive Director of Forests, Lands and Natural Resource Operations, 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 1-472, 1-473) 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 1-472, 1-473 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 1-472 and 1-473 address the amount included for Marbled Murrelet in the Notice for the Campbell River Natural Resource District.

2. The West Coast Regional Executive Director of Forests, Lands and Natural Resource Operations, 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) the GWMs outlined in Schedule 1 are established for WHAs 1-472, 1-473

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 fell trees or conduct timber harvesting, salvage or silvicultural activities, including crown modifications or windfirming treatments.
3. GWM 2 does not apply for felling of danger trees for worker safety and where guyline anchors and tailholds are required to facilitate timber harvesting outside a WHA.
4. Trees felled in accordance with GWM 3 must be retained on-site to provide coarse woody debris.

Recreation:

5. Do not establish recreation sites or trails.



Signed this 1 day of April, 2014
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 WHAs 1-472 and 1-473. 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 (MoFLNRO Regional 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.