

ORDER – Wildlife Habitat Areas
#9-097, 9-098, 9-099 and 9-100
Fisher – Peace Forest District

This order is given under the authority of sections 9(1), 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 area contains habitat that is necessary to meet the habitat requirements for fisher (*Martes pennanti*);orders that
 - a) the areas shown in the map set out in the attached Schedule A (WHAs 9-097, 9-098, 9-099 and 9-100) 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 A (9-097, 9-098, 9-099 and 9-100) for Fisher. 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 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 or conserve Fisher and Fisher habitat; and
 - ii. GAR or another enactment does not otherwise provide for that protection or conservation;orders that
 - c) the GWMs outlined in Schedule 1 are established for WHA # 9-097, 9-098, 9-099, and 9-100;
 - d) the general wildlife measures outlined in Schedule 1 do not apply for the purposes of exploration, development and production activities when these activities have been authorized for the purpose of subsurface resource exploration, development or production by the *Mineral Tenure Act*, the *Coal Act*, or the *Geothermal Resources Act*; and
- The Deputy Minister of Forests, Lands and Natural Resource Operations, being satisfied that
- i. the wildlife habitat area requires special management that has not otherwise been provided for under GAR or another enactment;
- orders that
- a) the objective outlined in Schedule 2 is established for WHA # 9-097, 9-098, 9-099, and 9-100; and
 - b) by January 1 following the establishment of this order, a range agreement holder must prepare and submit an amendment to their range use or range stewardship plan to take into account the objective.

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 or trails for motorized access.

Harvesting and silviculture

2. Do not conduct timber harvesting.

Pesticides

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

Range

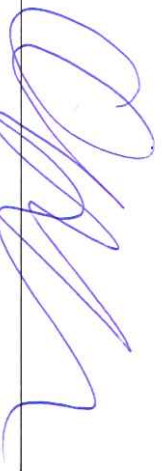
4. Do not place livestock attractants within the WHA.
5. Do not place water developments within the WHA

Definitions

Words and expressions not defined in this order have the meaning given to them in the *Forest and Range Practices Act* and the regulations made there under, unless context indicates otherwise.

Livestock attractant means a substance or structure that draws livestock, including salt/minerals, supplements, and cattle oilers.

Signed this 16 day of Oct, 2013



Dale Morgan, Regional Executive Director, Northeast region
Ministry of Forests, Lands and Natural Resource Operations

Appendix 1:

The following information is provided by the Ministry of Forests, Lands and Natural Resource Operations (FLNRO) as background information and support to the order establishing WHAs 9-097, 9-098, 9-099, 9-100. 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 FPPR, 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 (Director of Resource Management (FLNRO), 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 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 days of arrival. Incomplete packages will be returned to the proponent for re-submission.

3. Where an exemption is provided to the requirements of GWM 1, the delegated decision maker may consider adding the following conditions to the approval of the exemption:

- Close the road during critical times (April through June)
- Rehabilitate the road after use