

ORDER – Wildlife Habitat Areas
1-176, 1-180 to 1-182, and 1-260 to 1-263
Marbled Murrelet–North Island Central Coast 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 Deputy Minister of Environment, being satisfied that
 - i. the following area contains habitat that is necessary to meet the habitat requirements for marbled murrelet (*Brachyramphus marmoratus*) and
 - ii. the habitat requires special management that is not otherwise provided for under GAR or another enactment;orders that
 - a) the area shown in the map set out in the attached Schedule As (1-176, 1-180 to 1-182, and 1-260 to 1-263) and contained in the wildlife habitat areas (WHAs) spatial layer stored in the Geographic Warehouse (*twha_bc*) are established as wildlife habitat areas 1-176, 1-180 to 1-182, and 1-260 to 1-263 for marbled murrelet. The centre point of the line on the attached Schedule As 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 (*twha_bc*), the areas as detailed in the WHA spatial layer will take precedent.
2. The Deputy Minister of Environment, being satisfied that
 - i. the general wildlife measures (GWMs) described below are necessary to protect and conserve the habitat of marbled murrelet; 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 1-176, 1-180 to 1-182, and 1-260 to 1-263.

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

Access

1. Do not construct roads.

Harvesting and silviculture

2. Do not conduct timber harvesting or silviculture activities, including crown modifications or windfirming treatments.
3. Timber harvesting may occur within the WHA to the extent necessary to create guyline tiebacks for timber harvesting, provided that trees that fall within the WHA boundary are retained on site to function as coarse woody debris.

Recreation

4. Do not establish recreation sites or trails.



Signed this 14 day of Dec, 2009
Doug Konkin, Deputy Minister
Ministry of Environment

Appendix 1:

The following information is provided by the Ministry of Environment (MoE) as background information and support to the order establishing WHAs 1-176, 1-180 to 1-182, and 1-260 to 1-263. 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 (Regional Manager – MoE, 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. With respect to GWM 4, this measure only applies to establishment of new recreation sites or trails. The maintenance of existing recreation sites and trails (as in WHA-1-263 on the east side of Nahwitti Lake) is not restricted.

