

ORDER – Wildlife Habitat Areas
1-213, 1-216, 1-217, 1-218, 1-219, 1-220, 1-222 and 1-223
Red-legged Frog – 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. 582/2004) (GAR).

1. The Deputy Minister of Environment, being satisfied that
 - i. the following areas contain habitat that is necessary to meet the habitat requirements for red-legged frog (*Rana aurora aurora*); 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 As (1-213, 1-216, 1-217, 1-218, 1-219, 1-220, 1-222 and 1-223) and contained in the wildlife habitat area (WHA) spatial layer stored in the Land and Resource Data Warehouse (*twha_bc*) are established as wildlife habitat areas 1-213, 1-216 to 1-220, 1-222 and 1-223 for red-legged frog. 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 Land and Resource Data 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 red-legged frog; 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 1-213, 1-216, 1-217, 1-218, 1-219, 1-220, 1-222 and 1-223.

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 there under, unless context indicates otherwise.

Schedule 1 – General Wildlife Measures

1-213, 1-216, 1-217, 1-218, 1-219, 1-220 1-222 and 1-223

TYPO CORRECTION:
Replace with "1-213"
(February 21, 2012)

Access

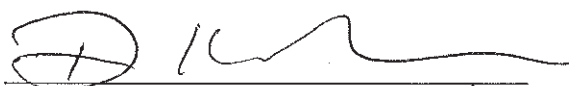
1. Do not construct roads.
2. An authorized person who carries out a primary forest activity within WHA ~~1-220~~ must conduct the activity at a time and in a manner that is unlikely to create road-generated sedimentation that would harm red-legged frogs or destroy, damage or harmfully alter red-legged frog breeding habitat in the WHA.

Harvesting and silviculture

3. Do not conduct timber harvesting, except as provided in GWM 4.
4. GWM 3 does not apply where:
 - a) guyline tiebacks are required to facilitate timber harvesting; or,
 - b) trees are felled in accordance with section 2(3) of the *Forest Planning and Practices Regulation* (FPPR); and,
 - c) trees felled for the purposes in (a) and (b) that fall within the WHA are retained on-site.

Pesticides

5. Do not use pesticides, except as provided in GWM 6.
6. GWM 5 does not apply for the application of herbicides to control for invasive plants or noxious weeds, if the herbicide is applied:
 - a) by stem injection, cut and paint, foliar wipe or other direct plant application; or
 - b) by spot spraying for individual plants or cluster of plants if direct plant application is not practicable; and
 - c) with no direct application to either red-legged frogs or water.



Signed this 1 day of April, 2009
Doug Konkin, Deputy Minister
Ministry of Environment

Appendix 1:

The following information is provided by MoE as background information and support to the order establishing these WHAs. 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. An exemption may be provided if the Minister's delegate is satisfied that the intent of the general wildlife measure 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 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. An authorized person who carries out a primary forest activity should conduct the activity at a time and in a manner that is unlikely to create road-generated sedimentation that would harm red-legged frogs or destroy, damage or harmfully alter red-legged frog breeding habitat in the WHA. Management to consider:

- Consider installing culverts under roads with drift fences directed toward the culverts at selected locations on roads that have high traffic volume at night and where road mortality of red-legged frogs is high.
- Prevent fish introduction and the spread of bullfrogs.
- To minimize the potential impacts of windthrow on the WHAs, when designing a cutblock adjacent to a WHA, conduct a windthrow risk

assessment and determine the appropriate course of action to protect the integrity of the WHA.

- To minimize the potential impacts of landslides and erosion, WHAs below steep or erodible ground should be assessed within this context. An assessment of landslide hazard from nearby slopes should consider the potential impact to a WHA and reduce the hazard accordingly.
- To minimize the potential impacts of roads:
 - minimize road densities and stream crossings;
 - plan the location of roads to avoid red-legged frog habitat elements and maintain the natural hydrology of water bodies through appropriate drainage management;
 - maintain non-erodible road surfaces and minimize road-generated sediment; and
 - employ sediment management techniques to minimize the introduction of sediment into streams and wetlands.
 - Any road construction that could affect the waterflow into the WHA should be completed between August and January which is outside of the breeding and larval development season (February through July).