

ORDER – Wildlife Habitat Areas
5-884 to 5-894, 5-896, 5-897
Great Basin Spadefoot –100 Mile House Forest District

This order is given under the authority of sections 9(2), 10(1) and 10(2) 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 Great Basin Spadefoot (*Spea intermontana*); 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 (5-884 to 5-894, 5-896, 5-897) and contained in the wildlife habitat area (WHA) spatial layer stored in the Geographic Warehouse (*twha_bc*) are established as wildlife habitat areas 5-884 to 5-894, 5-896, 5-897 for Great Basin Spadefoot. 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 (*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 Great Basin Spadefoot; 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 5-884 to 5-894, 5-896, 5-897.
3. The Deputy Minister of Environment, 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 WHAs 5-884 to 5-894, 5-896, 5-897; 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.

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

Schedule 1 – General Wildlife Measures (GWMs)

Harvesting and Silviculture

1. Primary forest activities:
 - a. Must not result in the construction of roads or landings;
 - b. Must result in stocking densities of < 75 stems/ha and a target of 20 stems/ha at free-to-grow to support ecological restoration;
 - c. Must result in retention of live and dead trees that are representative of the ratio of pre-harvest stand composition; and
 - d. Must maintain soil profile during site preparations.
2. Treatments to control forest encroachment must result in maintenance of an open forest characteristic with clearings consistent with conditions of natural disturbance type (NDT) 4 (fire maintained ecosystem).

Pesticide

3. Do not use pesticides, except for the application of herbicides to control 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 individual plants or a cluster of plants if direct plant application is not practicable; and
 - c. with no direct application to either Great Basin Spadefoots or water.

Range

4. Do not construct range developments including, but not limited to, livestock corrals, water developments, and stock trails, except where approved for controlling or restricting livestock access to ponds or terrestrial areas for enhancement of Great Basin Spadefoot habitat.
5. Do not place livestock attractants within the WHA.
6. Livestock use in upland areas must result in an average minimum stubble height after grazing greater than or equal to 15cm for bluebunch wheatgrass, 12 cm for needlegrasses and 8cm for bluegrasses, where such species are present.
7. Livestock use in riparian areas must result in an average minimum stubble height after grazing greater than or equal to 20cm for tall sedges, 10cm for Baltic rush, and 10cm for bluegrasses, where such species are present.

Recreation

8. Do not establish recreation sites, trails, facilities, or structures.

Schedule 2 –Objective

Range

1. Maintain or establish late seral plant communities on upland and riparian areas within the WHA.



Signed this 15 day of July, 2010
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 WHA 5-884 to 5-894, 5-896, 5-897. 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 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. Regarding GWM 1c, the retention of live and dead trees should be consistent with the retention rates established within the Forest Stewardship Plans.