

ORDER – WILDLIFE HABITAT AREA

8-334

Great Basin Spadefoot – Okanagan Shuswap 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 Forests, Lands and Natural Resource Operations, being satisfied that
 - i. the following area contains habitat that is necessary to meet the habitat requirements for Great Basin Spadefoot (*Spea intermontana*);orders that
 - a) the area shown in the map set out in the attached Schedule A (8-334) and contained in the wildlife habitat area (WHA) spatial layer stored in the Geographic Warehouse (WHSE_WILDLIFE_MANAGEMENT.WCP_WILDLIFE_HABITAT_AREA_POLY) is established as wildlife habitat area 8-334 for Great Basin Spadefoot. The centre point of the line on the attached Schedule A is what establishes the WHA boundary;
 - b) if there is a discrepancy between the area 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 area 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 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 WHA 8-334.

Schedule 1 – General Wildlife Measures:

Access

1. Do not construct roads.

Pesticide

2. 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

3. 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.
4. Do not place livestock attractants within the WHA.
5. 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.
6. 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.



Signed this 12 day of May, 2011
Doug Konkin, Deputy Minister

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 and Ministry of Environment as background information and support to the order establishing WHA 8-334. 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* (FPPR).

2. Authority to consider an exemption from these GWMs is provided in section 92(1) of the FPPR, and section 79(1) of the *Woodlot License 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 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 calendar days of arrival. Incomplete packages will be returned to the proponent for re-submission. A template for exemption requests is available at:

<http://www.env.gov.bc.ca/wld/frpa/index.html>