

ORDER – WILDLIFE HABITAT AREAS 8-335, 8-336
Great Basin Spadefoot - Okanagan Shuswap 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 Regional Executive Director of the Thompson Okanagan Region, Ministry 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*); 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 as 8-335, 8-336 and contained in the wildlife habitat areas (WHAs) spatial layer stored in the Geographic Warehouse (WHSE_WILDLIFE_MANAGEMENT.WCP_WILDLIFE_HABITAT_AREA_POLY) are established as WHAs for Great Basin spadefoot. The centre point of the line on the attached Schedule A is what establishes the WHAs; 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 Regional Executive Director of the Thompson Okanagan Region, Ministry 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 8-335, 8-336
3. Pursuant to section 7(3) of the *Forest Planning and Practices Regulation* a person required to prepare a forest stewardship plan is exempt from the obligation to prepare results or strategies in relation to the objective set out in section 7(1) of the *Forest Planning and Practices Regulation* for Great Basin spadefoot in the Okanagan Shuswap District.

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 or trails.

Pesticide

2. Do not use pesticides, except for the application of herbicides to control invasive plants or noxious weeds if the herbicide is applied:
 - i. by stem injection, cut and paint, foliar wipe or other direct plant application; or
 - ii. by spot spraying individual plants or a cluster of plants if direct plant application is not practicable; and
 - iii. with no direct application to either Great Basin spadefoots or water.

Range

3. Do not place livestock attractants within 250 meters of wetlands, ponds and associated riparian areas.
4. Do not construct new range developments within 250 meters of wetlands, ponds and associated riparian areas.



Signed this 23 day of December, 2016

Gerry MacDougall, Regional Executive Director, Thompson Okanagan Region
Ministry of Forests, Lands and Natural Resource Operations

Appendix 1:

The following information is provided by the Ministry of Environment and FLNR as background information and support to the Order establishing 8-335, 8-336. 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, 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 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 at the FLNR regional office. 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>

3. **WHA goals:** In addition to meeting the practice requirements (General Wildlife Measures), the Range Use Plan must be consistent with the goals of the WHA. The goals of the WHA are:
- a. Maintain or establish late seral plant communities on upland and riparian areas within the WHA.
 - b. Ensure that livestock use in upland areas results 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. If tenure holder is

unable to maintain sufficient stubble heights as a result of livestock grazing that are consistent with a healthy, late seral ecosystem, the Statutory Decision Maker may consider establishing a General Wildlife Measures to address this issue.

- c. Ensure that livestock use in riparian areas results 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. If tenure holder is unable to maintain sufficient stubble heights as a result of livestock grazing that are consistent with a healthy, late seral ecosystem, the Statutory Decision Maker may consider establishing a General Wildlife Measures to address this issue.
- d. Maintain or remediate riparian and aquatic habitats to a properly functioning condition.
- e. Minimize disturbance during the breeding season.
- f. Minimize road mortality.
- g. Maintain water quality.
- h. Maintain water levels.
- i. Minimize soil disturbance and trampling of burrows.
- j. Maintain important habitat features (i.e., small mammal burrows, riparian and emergent vegetation, and non compacted soils).

4. **Livestock Attractants**

Tenure holder is to manage livestock attractant locations to meet WHA goals and maintain WHA values while meeting livestock management objectives. In managing livestock attractant locations tenure holder must account for values in adjacent and overlapping WHA's.

- a. Tenure holder will first avoid placing livestock attractants in WHA.
- b. If this does not meet livestock management goals then tenure holder will place livestock attractants to minimize impacts on WHA values.
- c. If livestock attractants will affect WHA values then rancher, in consultation with Ecosystems Biologist, will identify suitable locations for livestock attractants.
- d. If livestock attractants have a negative effect on WHA values the Ecosystem Biologist will identify locations for attractants that minimize impacts on WHA values.

- 5. **Fencing:** Fencing may be required due to the potential for impacts on spadefoot adults, eggs and larvae during the breeding and development season. Should it be determined that fencing is required, Ministry of Forests, Lands and Natural Resources Operations will work collaboratively with the range tenure holder to explore opportunities for funding assistance and to determine areas of responsibility for fence construction and maintenance.