



ORDER – WILDLIFE HABITAT AREA #3-034 to 3-039

This order is given under the authority of sections 9(2) and 10(1) of the *Government Actions Regulation* (B.C. Reg. 582/2004).

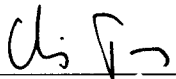
The Deputy Minister of Environment orders that:

1. the wildlife habitat areas shown in the map set out in the attached Schedules A (#3-034 to 3-036, 3-037, 3-038 and 3-039) are established;
2. the wildlife habitat areas are established for Spotted owl (*Strix occidentalis*);
3. the general wildlife measures outlined in Schedule 1 are established for the wildlife habitat areas in the attached Schedules A;
4. for the purposes of section 2(3)(a) of the *Government Actions Regulation*, the general wildlife measures outlined in Schedule 1 apply to minor tenures;
5. where there is any discrepancy between the wildlife habitat area boundaries as shown in the attached Schedules A and the GIS file *twha_bc*, the boundaries as detailed in the GIS file will take precedent. The centre point of the line on the map denoting the wildlife habitat area is what establishes the boundary;
6. pursuant to section 7(3) of the *Forest Planning and Practices Regulation* the person(s) required to prepare a forest stewardship plan are hereby exempted 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* to the extent that wildlife habitat areas 3-034 to 3-039 address the amount, distribution and attributes included for Spotted Owl in the Notice for the Cascades Forest District and Chilliwack Forest District; and.
7. the general wildlife measures outlined in schedule 1 do not apply for the purposes of exploration, development and production activities when these activities have been authorized for the purpose of subsurface resource exploration, development or production by the *Mineral Tenure Act*, the *Coal Act*, the *Mines Act*, the *Petroleum and Natural Gas Act*, the *Pipeline Act* or the *Geothermal Resources Act*.

Schedule 1: General Wildlife Measures:

1. Road construction is not to occur within the designated WHAs unless there is no other practicable option and an exemption is approved by the MOE designated authority.
2. An exemption is not required for road maintenance, road deactivation, felling of danger trees or brushing and clearing on existing roads within the WHA. These activities will be conducted in a manner that does not result in a material adverse impact on the Spotted Owl habitat within the designated WHA.

3. Harvesting is not to occur within the designated WHA unless an exemption is approved by the MOE designated authority.
4. An exemption is not required for harvesting within the designated WHA when it is required to address worker safety: felling of danger trees, felling for guy line anchors, felling of tail hold anchor trees within a WHA along adjacent cutblock boundaries. Harvesting will be conducted in a manner that does not result in a material adverse impact on the Spotted Owl habitat within the designated WHA.
5. Trees that must be felled within a WHA will be left onsite to provide coarse woody debris, unless the felled tree lies outside the WHA.
6. Salvage harvesting is not to occur within the designated WHA unless an exemption is approved by the MOE designated authority.


Signed this 13th day of June, 2006
Chris Trumpy, Deputy Minister
Ministry of Environment

Appendix 1

Note that the appendix is not part of the legal Order for WHAs 3-034 to 3-039. It is intended to provide guidance for meeting the General Wildlife Measures addressed in the order.

1. Authority to consider an exemption from these general wildlife measures is provided in Section 92(1) of the *Forest Planning and Practices Regulation*. In instances where it is not practicable to comply with these measures, a person proposing to conduct forestry activities should consider seeking an exemption from the requirements to comply with the applicable General Wildlife Measures.

An exemption application should be submitted to the Minister's delegate (Regional Manager – Ministry of Environment, for the Region that the Ungulate Winter Range is located) with a rationale describing the nature of the problem and options to integrate winter range 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 30 days of arrival. Incomplete packages will be returned to the proponent for resubmission.