

ORDER – Wildlife Habitat Areas
2-260
Grizzly Bear – Squamish 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 area contains habitat that is necessary to meet the habitat requirements for Grizzly Bear (*Ursus arctos*);orders that
 - a) the boundary of WHA 2-260 is amended as shown on the attached map “Amendment to WHA 2-260” and contained in the wildlife habitat area (WHA) spatial layer stored in the Geographic Warehouse (*twha_bc*). The centre point of the line on the attached Schedule A is what establishes the WHA boundary;
 - b) the aforementioned boundary replaces the boundary approved for WHA 2-260 on May 23, 2006 for Grizzly Bear;
 - c) 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 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 or conserve the habitat of Grizzly Bear ; 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 2-260; and
 - b) the aforementioned GWMs replace the GWMs approved for WHA 2-260 on May 23, 2006 for Grizzly Bear.

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.

incursion means timber harvesting or road construction that is located within a wildlife habitat area boundary where no harvesting or road building is otherwise permitted to occur.

productive forest area means forest included as either contributing, partial contributing and non-contributing as per Timber Supply Review 2 planning

regional manager means the Ministry of Environment Regional Manager Environmental Stewardship, South Coast

traditional and cultural activities is as defined in the *Free Use Permit Regulation*.

Schedule 1 – General Wildlife Measures:

Access, harvesting and silviculture

1. Do not harvest timber or construct roads in the WHA.
2. GWM 1 does not apply if:
 - a) timber harvesting within the WHA is necessary to create guyline tiebacks for timber harvesting provided trees that fall within the WHA boundary are retained on site to function as coarse woody debris; or
 - b) cutting of trees is for the purposes of traditional and cultural activities, as authorized under a Free Use Permit.
3. Where timber harvesting or road construction are planned immediately adjacent to any WHA with >30 ha productive forest area, GWM 1 or GWM 3 do not apply to the area of an incursion along the WHA boundary if:
 - a. the incursion is required to provide for a logical harvesting boundary or a logical road or trail location that utilizes a physical feature or administrative boundary;
 - b. the area of the incursion, or multiple incursions cumulatively, do not exceed:
 - i. 1 ha of productive forest area in WHAs with >30 ha and ≤50 ha productive forest area; or
 - ii. 2 ha of productive forest area in WHAs with >50 ha to ≤100 ha productive forest area; or
 - iii. 3 ha or 1% of productive forest area, whichever is greater, in WHAs with >100 ha productive forest area;


- c. the incursion exceeds 0.5 ha, and the area of the incursion is replaced with an equivalent or greater area of equal or better habitat contiguous to the WHA such that there is no net loss; and the incursion does not affect the intent or integrity of the WHA; and
- d. the incursion as per GWM 4 a) or b), and any replacement habitat as per GWM 4 c) are provided to the Regional Manager (via ESRI shapefiles) prior to the commencement of primary forest activities associated with the incursion.

Pesticides

- 4. Do not use pesticides in the WHA, except for:
 - a. the use of *Bacillus thuringiensis* var *kurstaki* for the control of western spruce budworm;
 - b. the use of beetle pheromones for the control of bark beetles; and
 - c. the application of herbicides to control invasive plants or noxious weeds.

Recreation

- 5. Wherever practicable, do not develop recreational structures, trails, or facilities.



Signed this 25 day of August, 2010
Doug Konkin, Deputy Minister
Ministry of Environment

Appendix 1:

The following information is provided by the Ministry of Environment as background information and support to the order establishing WHA 2-260. 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 (Regional Manager for the region in which the order applies) 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>

3. For GWM 1, exemptions would only normally be considered to restore or enhance degraded habitat, as determined by the Regional Manager, or for roads or trails where there are no other practicable options.

4. GWM 1 does not apply to road maintenance, road deactivation or brushing within the right-of-way on existing roads or trails in the WHA, provided these activities are carried out in a manner that will not affect the intent or integrity of the WHA.

5. The intent of GWM 3 is to facilitate pre-authorized boundary exemptions for those WHAs with >30 ha productive forest area provided that MOE is notified prior to the incursion taking place. Examples of incursions include a cut-block, road, trail or landing that overlaps a WHA boundary and: a) that the intent of the WHA boundary was to follow a creek/road and in some areas the boundary extends slightly beyond the creek/road due to a GIS mapping error and creates the overlap; or b) unintentional overlap occurs with an engineered primary forest activity that becomes evident when comparing map scales (e.g. 1:20000 vs 1:5000 often at final design stage); or c) *Forest Act* agreement holders can demonstrate that the block, road, trail or landing are located in a logical location and the incursion does not exceed the amount allowed.

In almost all instances the amount of incursion is anticipated to affect a small area. No replacement area is required when the discrepancy is: a) caused by GIS boundary mapping error since the intent of the WHA has not been altered; or b) the cumulative overlap is <0.5 ha. In other situations, the intended result is that where a boundary amendment is suggested by a *Forest Act* agreement holder and when the reduction is measurable (≥ 0.5 and ≤ 3 ha or $< 1\%$ measured cumulatively in any WHA), it will result in no net loss to habitat in the WHA. Delineation of equal or better grizzly bear habitat, in quantity and quality, will be required contiguous to the WHA. Any biological assessment to replace habitat should be conducted by a qualified professional with appropriate training and experience for the work being completed. If replacement habitat is required and equal or better habitat is not available contiguous to the WHA in question then the incursion cannot proceed under this GWM.

Boundary amendments meeting the conditions identified in GWM 3 will be periodically reviewed by MoE and the WHA boundary officially amended under the *Government Actions Regulation*. In any instances where the conditions in GWM 3 cannot be met, proposed primary forest activities will require an exemption as outlined under section 2 in this Appendix.

In addition to reporting incursions to the Regional Manager prior to commencement of timber harvesting or road construction as per GWM 3 (d), it is the proponent's responsibility to keep accurate records of each occurrence. Records must also be made available to a MoE or Ministry of Forests and Range official upon request.

6. Where roads in the WHA are temporary and no longer required, they should be permanently deactivated. Proponents must notify the Regional Manager when deactivation of temporary roads is complete.
7. When reforesting areas within the WHA reduced stocking standards should be used as outlined in the document titled: *Grizzly Bear Habitat in Managed Forests - Silviculture Treatments to Meet Habitat and Timber Objectives*.
8. These GWMs do not apply to persons who must comply with the *Worker's Compensation Act* and the regulations under that Act (e.g. danger tree felling).