

ORDER – Wildlife Habitat Areas
#8-234 and 8-235
Yellow Breasted Chat – 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. 582/04).

The Deputy Minister of Environment orders that:

1. the wildlife habitat areas (WHAs) shown in the map set out in the attached Schedule As (8-234 and 8-235) and boundaries contained in the GIS file *twha_bc* are established for yellow breasted chat (*Icteria virens*);
2. the general wildlife measures outlined in Schedule 1 are established for the WHAs in the attached Schedule As and boundaries contained in the GIS file *twha_bc*;
3. for the purposes of section 2(3)(a) of the *Government Actions Regulation*, these general wildlife measures apply to minor tenures; and
4. where there is a discrepancy between the WHA boundaries as shown in the attached Schedule As 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 WHA is what establishes the boundary.

Schedule 1 – General Wildlife Measures

Access

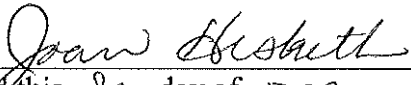
- Do not construct roads or stream crossings unless there is no practicable option.

Pesticides

- Do not use pesticides. An exemption is not required for the treatment of noxious weeds and invasive plants provided that the herbicide is applied:
 - by selective application;
 - in a manner that does not result in drift to non-target species; and
 - in a manner consistent with the *Integrated Pest Management Act*.

Range

- Provide alternate water, forage, and salt licks for livestock to reduce impacts to wetland and riparian habitats.
- Use timing and distribution to minimize livestock impacts in riparian or associated riparian habitats within the WHA. If there is no other practicable option to prevent livestock impacts (i.e., changing timing and intensity of grazing), fencing may be required by the Minister of Environment or delegated decision maker.


Signed this 20 day of May, 2008
Joan Hesketh, Deputy Minister
Ministry of Environment

Appendix 1:

The following information is intended to provide background information and support to the legal order establishing these WHAs. This appendix is not part of the legal 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* 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 general wildlife measure will be achieved or that compliance with the provision is not practicable, given the circumstances or conditions applicable to a particular area.
2. An exemption application should be submitted to the Minister's delegate (Regional Manager – Ministry of Environment, 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 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 re-submission.

