



ORDER – WILDLIFE HABITAT AREAS 2-567 to 2-579, 2-670
Tall bugbane – Chilliwack 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 delegated decision maker, being satisfied that the following area contains habitat that is necessary to meet the habitat requirements of a species at risk – tall bugbane (*Actaea elata* var. *elata*)
orders that
 - a) this Order cancels Wildlife Habitat Areas (WHA) 2-139, 2-141 and 2-146 for tall bugbane that became effective in the Order dated October 23, 2007 titled “Order – Wildlife Habitat Areas # 2-129, 2-139, 2-141 to 2-143, 2-145 and 2-146 Tall Bugbane – Chilliwack Forest District”, and replaces them with WHA 2-571 as described in 1 (b) directly below;
 - b) the areas shown in the map set out in the attached Schedule A (2-567 to 2-579 and 2-670) and contained in the WHA spatial layer stored in the Geographic Warehouse (WHSE_WILDLIFE_MANAGEMENT.WCP_WILDLIFE_HABITAT_AREA_POLY) are established as wildlife habitat areas 2-567 to 2-579 and 2-670 for tall bugbane. The centre point of the line on the attached Schedule A is what establishes the WHAs; and
 - c) 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 delegated decision maker, being satisfied that
 - i. the general wildlife measures (GWMs) described below are necessary to protect and conserve the WHAs being established for tall bugbane; 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 WHAs 2-567 to 2-579 and 2-670.

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.

Traditional and cultural activities are as defined in the *Free Use Permit Regulation* of the *Forest Act*.

Schedule 1 – General Wildlife Measures:

Access:

1. Do not construct roads, trails, landings or stream crossings in the Core Area.
2. Do not construct roads, trails, landings or stream crossings in the Management Zone, unless there is no other practicable option.

Harvesting:

3. Do not harvest timber, including salvage, in the Core Area.
4. GWM 3 does not apply if:
 - a) it is necessary to create guyline tiebacks (anchors or tailholds) in the Core Area for timber harvesting associated with landings/cut blocks outside the Core Area;
 - b) trees felled in accordance with GWM 4 (a) are retained on-site to function as coarse woody debris, unless the felled tree poses a forest health risk; or
 - c) cutting of trees is for the purposes of traditional and cultural activities, as authorized under a Free Use Permit issued under the *Forest Act*.
5. Timber harvesting within the Management Zone will:
 - a) use partial harvesting to result in small canopy gaps up to 0.5 ha that retain at least 60% basal area; and will distribute the small gaps/openings throughout the Management Zone to provide opportunity for tall bugbane plant dispersal;
 - b) retain 20-30% of pre-harvest *Acer* species, particularly *Acer macrophyllum*;
 - c) retain, where safe, all non-merchantable trees and all understory deciduous trees and shrubs; and
 - d) use partial harvesting to result in windfirmness to the Core Area.
6. GWM 5 does not apply to BC Timber Sales Block VE118 (2 units) and Block VE119 in WHA 2-571.
7. Do not salvage timber within the Management Zone, unless it can be conducted without disturbing or damaging:
 - a) *Acer* species;
 - b) pre-harvest light conditions; and
 - c) pre-harvest soil moisture conditions.
8. Fall and yard away from Core Area. Retain those trees that cannot be safely felled away from Core Area as either part of the basal area retention or in wildlife tree patches.

Pesticides and Silviculture

9. Do not use pesticides, except for:
 - a) *Bacillus thuringiensis* var *kurstaki* for the control of western spruce budworm;
 - b) beetle pheromones for the control of bark beetles; and
 - c) herbicides to control invasive plants or noxious weeds, if applied by:
 - i. stem injection, cut and paint, foliar wipe or other direct plant application; or

- ii. spot spraying individual plants or a cluster of plants if direct plant application is not practicable; with no direct application to tall bugbane.

10. Activities to establish a free growing stand within the Management Zone will result in representation of *Acer* species.



Signed this 21 day of August, 2017

Allan Johnsrude, Regional Executive Director

South Coast Natural Resource Region

Ministry of Forests, Lands, Natural Resource Operations & Rural Development

Appendix 1:

The following information is provided as background information and support to the Order establishing WHAs 2-567 to 2-579 and 2-670. 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. In this situation, the delegated decision maker may also consider if the exemption affects critical habitat since the federal Recovery Strategy has been approved and the province is expected to demonstrate effective protection of that habitat.

An exemption application should be submitted to the Minister's delegate (FLNR, Director of Resource Management) with a rationale describing the nature of the problem and options to integrate tall bugbane 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. WHAs are designed to include a 50m Core Area surrounding the plant population, and usually a 150m to 200m Management Zone located outside of the Core Area. In a few cases, the shape of the Management Zone has been altered (skewed) to reduce timber impact by overlapping with another constraint, or to follow a logical boundary.
4. In respect of possible road or stream crossing exemptions from GWM 1, exemptions that may be granted will usually include conditions such as:

- a) roads and stream crossings are to be temporary, except if required as mainline roads or bridges, and are to be designed and constructed with minimum road bed and right-of-way clearing widths;
 - b) landings and trails are to be temporary;
 - c) during any design, construction, or maintenance activity near tall bugbane populations, ensure that activities do not damage or kill plants or negatively affect functional habitat; and
 - d) all roads, trails, landings or stream crossings, except mainline roads or mainline stream crossings, are to be deactivated within one year after regeneration date if practicable; or otherwise within one year after the last silviculture treatment performed to achieve free to grow. Deactivation methods are to minimize risk of damage to tall bugbane plants.
5. In regards to generally locating roads or stream crossings adjacent to a WHA, where location options exist, construct roads, trails or crossings downslope of WHAs. If constructed upslope, ensure activities will not damage or kill tall bugbane plants (e.g. by side-casting road material downslope into the WHA).
 6. GWM 1 does not apply to road or stream crossing maintenance, deactivation or brushing within the right-of-way on existing roads or stream crossings in the WHA. These activities should use methods that do not damage or kill tall bugbane plants (e.g. do not mow or grade over roadside plants); and use methods to prevent spread of invasive species (e.g. seed with native species). All work should be carried out in a manner that will not affect the intent or integrity of the WHA.
 7. For GWM 6 as it pertains to BC Timber Sales Blocks VE118 (2 units) and VE119, the cut block designs are as per the map dated October 1, 2015.
 8. The intent of GWMs 5, 7 & 8 is to maintain sufficient forest structure and microclimatic conditions in the WHA Management Zone to safeguard the Core Area and provide dispersal opportunity to tall bugbane.
 9. Anyone required to implement this Order should also be aware of potential overlap between these WHAs and other Orders (mostly for Pacific water shrew, Pacific giant salamander or Spotted Owl) and that there may be other GWMs that apply in each WHA. If this occurs, it will be important to follow the most conservative GWM for the overlapping area.
 10. 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, OH&S Regulation part 26). Where a GWM cannot be achieved due to a safety concern, a person should consider developing a rationale related to the safety issue and keep it on file. Consistent with section 2(3) of the FPPR, exemptions from these GWMs are not required to meet safety requirements.

