

ORDER – Wildlife Habitat Areas
8-236, 8-237 and 8-238
Tiger Salamander – 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 (8-236, 8-237 and 8-238) and boundaries contained in the GIS file *twha_bc* are established for tiger salamander (*Ambystoma tigrinum*);
2. the general wildlife measures (GWMs) outlined in Schedule 1 are established for the WHAs in the attached Schedule As and boundaries contained in the GIS file *twha_bc*;
3. 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; and
4. 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 these WHAs address the amount included for tiger salamander in the notice for the Okanagan Shuswap Forest District.

Definitions

Unless otherwise noted, terms are as defined in the *Forest Planning and Practices Regulation* and the *Range Planning and Practices Regulation of the Forest and Range Practices Act*.

Livestock attractant: a substance or structure that draws livestock, including salt/minerals, supplements, water developments and cattle oilers.

Schedule 1 – General Wildlife Measures

Access

1. Do not construct roads.

Harvesting and silviculture

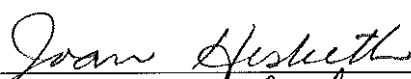
2. Do not conduct timber harvesting.

Pesticides

3. Do not use pesticides. This GWM does not apply to the treatment of noxious weeds and invasive plants, provided that the herbicide is applied in a manner that does not result in application to non-target plant species.

Range

4. Plan livestock use to maintain or recover the integrity of breeding and terrestrial habitats, ensuring the connectivity between these habitats is unimpeded.
5. Do not place livestock attractants within the WHA.


Signed this 25 day of July, 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. As per section 2(2) of the *Government Actions Regulation*, the order entitled “ORDER – Wildlife Habitat Areas # 8-236, 8-237 and 8-238” 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 *Forest and Range Practices Act*; and
 - d. areas referred to in section 110 of the *Forest Planning and Practices Regulation*.

In these instances the requirement to comply with the order and the general wildlife measures does not apply.

2. 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.

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 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 days of arrival. Incomplete packages will be returned to the proponent for re-submission.

3. Where an exemption is provided to the requirements of GWM 1, the delegated decision maker may consider adding the following conditions to the approval of the exemption:
 - Deactivate temporary road structures and close roads during critical times.
4. Where an exemption is provided to the requirements of GWM 2, the delegated decision maker may consider adding the following conditions to the approval of the exemption:
 - Minimize ground disturbances and do not scarify harvested areas.
 - Do not place landings within WHA.

- Do not stock above natural densities so that open forest and grassland openings are maintained, as per a natural disturbance type 4 fire maintained ecosystem.
5. With respect to GWM 1 and GWM 4, the delegated decision maker may require drift fences and culverts be established at road locations where tiger salamander mortality is extensive.
6. Additional management considerations:
- Minimize road traffic.
 - Prohibit fish stocking in WHAs or any fishless water body.
 - Ensure all-terrain vehicles do not have access to critical habitats and prevent incompatible recreation activities.
 - Ensure irrigation intake lines are screened.
 - Ensure breeding sites do not experience water extraction to the point that reproduction is impaired.
 - Maintain integrity of riparian areas of adjacent permanent and non-permanent wetlands.
 - Encourage private land stewardship where important habitats extend beyond Crown lands.