

ORDER – Wildlife Habitat Areas
3-018, 3-019, 3-148 and 3-150
Coastal Tailed Frog – Cascades 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 Coastal Tailed Frog (*Ascaphus truei*); and
 - ii. the habitat requires special management that is not otherwise provided for under GAR or another enactment;orders that
 - a) the areas shown in the map set out in the attached Schedule As (3-018 and 3-019, 3-148 and 3-149) and contained in the wildlife habitat area (WHA) spatial layer stored in the Geographic Warehouse (*twha_bc*) are established as wildlife habitat areas 3-018, 3-019, 3-148 and 3-149 for Coastal Tailed Frog. The centre point of the line on the attached Schedule As is what establishes the WHA boundary; and
 - b) 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 and conserve the habitat of Coastal Tailed Frog; 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 3-018, 3-019, 3-148, 3-149.

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.

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

Schedule 1 – General Wildlife Measures

Access

1. Do not construct roads within the core area.

Timber Harvesting

2. Do not harvest within the core area.
3. Timber harvesting within the management area may occur where:
 - a. A minimum of 70% basal area is retained;
 - b. All high value wildlife trees are retained; and
 - c. Any harvesting is conducted in a manner that minimizes potential for future windthrow.
4. Do not yard across the stream.
5. Do not salvage within the WHA.

Range

6. Limit shrub use by livestock to no more than 10% of the current year's growth of shrubs.
7. Do not place livestock attractants within the WHA.
8. Do not construct or place water developments within the WHA.

Pesticide

9. Do not use pesticides, except for the application of herbicides to control invasive plants or noxious weeds, if the herbicide is applied:
 - a. by stem injection, cut and paint, foliar wipe or other direct plant application; or
 - b. by spot spraying individual plants or a cluster of plants if direct plant application is not practicable; and
 - c. with no direct application to either Coastal Tailed Frogs or water.

Recreation

10. Do not establish recreational sites, trails, facilities, or structures.



Signed this 15 day of July, 2010
Doug Konkin, Deputy Minister
Ministry of Environment

Appendix 1:

The following information is provided by the Ministry of Environment (MoE) as background information and support to the order establishing WHAs 3-018, 3-019, 3-148 and 3-150. 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*.

2. Authority to consider an exemption from these general wildlife measures is provided in Section 92(1) of the *Forest Planning and Practices Regulation*, section 79(1) of the *Woodlot Licenses Planning and Practices Regulation* and section 36(3) of the *Range 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 – MoE, 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, consideration may be given to adding the following condition(s) to the approval of the exemption:
 - Use of clear span bridges or bottomless culverts for any required stream crossings
 - Rehabilitation of sites where temporary access structures were installed.
4. The intent of GWM 1 is to minimize impacts to tailed frog in-stream riparian habitats. The location, type of crossing, mitigation measures during construction and short and long-term sediment control on roads should all be considered when submitting exemption requests to MoE Regional Manager for road construction within the WHA core area. It is recommended that these factors also be taken into consideration when constructing roads adjacent to the WHA or within the WHA management zone. If practicable, stream crossings should be constructed down slope of the WHA.

5. GWM 1 does not apply to road maintenance, road deactivation, brushing or clearing on existing permitted roads within the WHA core area. These activities should be carried out in a manner that will not result in a material adverse impact on the WHA.
6. Regarding GWM 3, the objective of partial harvest should be to create old forest characteristics such as large diameter trees, multi-layered canopies, snags and coarse woody debris.
7. Regarding GWM 3b, the intent is to retain all high value wildlife trees, as defined in table 1 (Provincial Wildlife Tree Policy and Management Recommendations, 2000).

Table 1: Wildlife tree characteristics

Wildlife Tree Value	Characteristics
<p>HIGH</p> <p>A high-value wildlife tree has at least two of the characteristics listed in the adjacent column.</p>	<ul style="list-style-type: none"> • Internal decay (heartrot or natural/ excavated cavities present) • Crevices present (loose bark or cracks suitable for bats) • Large brooms present • Active or recent wildlife use • Current insect infestation • Tree structure suitable for wildlife use (e.g., large nest, hunting perch, bear den, etc.) • Largest trees on site (height and/or diameter) and/or veterans • Locally important wildlife tree species
<p>MEDIUM</p>	<ul style="list-style-type: none"> • Large, stable trees that will likely develop two or more of the above attributes for High
<p>LOW</p>	<ul style="list-style-type: none"> • Trees not covered by High or Medium

8. Regarding GWM 3c the intent is to minimize the risk of windthrow occurring within the WHA, particularly in the core area. MoE recommends that any windthrow assessment follows those guidelines as prescribed under the 1994 Windthrow Handbook for BC Forests (Research Program Working Paper 9401). In addition, windthrow assessment practitioners should be familiar with the windthrow assessment course through the Ministry of Forests and Range.
<http://www.for.gov.bc.ca/hfp/training/00015/resources.htm>
9. The delegated decision maker may require fencing to be established along the WHA boundary to maintain riparian forest and structural elements within Coastal Tailed Frog habitat. Should it be determined that fencing is required, MoE and the Ministry of Forests and Range will work collaboratively with the range tenure holder to explore opportunities for funding assistance and to determine areas of responsibility for fence construction and maintenance.