

ORDER – WILDLIFE HABITAT AREAS
4-151 to 4-170 and 4-177
Gillette's Checkerspot – Rocky Mountain Resource 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 Forests, Lands and Natural Resource Operations, being satisfied that
 - i. the following area contains habitat that is necessary to meet the habitat requirements for Gillette's Checkerspot (*Euphydryas gillettii*);orders that
 - a) the areas shown in the map set out in the attached Schedule A (4-151 to 4-170, 4-177) and contained in the wildlife habitat area (WHA) spatial layer stored in the Geographic Warehouse (WHSE_WILDLIFE_MANAGEMENT.WCP_WILDLIFE_HABITAT_AREA_POLY) are established as wildlife habitat areas 4-151 to 4-170 and 4-177 for Gillette's Checkerspot. The centre point of the line on the attached Schedule A 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 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 Deputy Minister of Forests, Lands and Natural Resource Operations, being satisfied that
 - i. the general wildlife measures (GWMs) described below are necessary to protect and conserve the habitat of Gillette's Checkerspot; 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 4-151 to 4-170, 4-177.

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 attractants: a substance or structure that draws livestock, including salt/minerals, supplements and cattle oilers.

Desired plant community: primarily black twinberry, Utah honeysuckle, snowberry, valerian, lousewort and yellow composite flowers (*Asteraceae*).

Schedule 1 – General Wildlife Measures:

Access

1. Do not construct roads.
2. GWM 1 does not apply to 4-160, 4-162, 4-166 and 4-169, where, if no other practicable options exist, temporary roads may be constructed.
 - a) Where roads are determined to be necessary, when possible, locate the roads within forested areas, avoiding fen and meadow complexes and early successional (i.e., predominantly herb-shrub) areas of high habitat suitability.

Harvesting and silviculture

3. Avoid silviculture treatments and prescriptions that would result in closed canopies.
4. Harvest in winter with an adequate snowpack to minimize damage to twinberry shrubs.

Pesticides

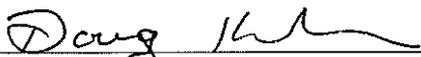
5. Do not use pesticides, except for the application of herbicides to control invasive alien plants or noxious weeds.

Range

6. Plan livestock grazing (e.g., timing, distribution, and level of use) such that no trampling of black twinberry occurs.
7. Limit browse by livestock to 10% of the annual growth (including leaves) of black twinberry and other shrub species in the desired plant community.
8. Do not place livestock attractants or water developments within the WHA.

Recreation

9. Do not construct recreational trails unless this can be accomplished without reducing the cover of black twinberry.



Signed this 27 day of June, 2011

Doug Konkin, Deputy Minister

Ministry of Forests, Lands and Natural Resource Operations

Appendix:

The following information is background information and support to the order establishing WHAs # 4-151 to 4-170 and 4-177. This appendix is not part of the order.

1. **Goals for establishing Gillette's Checkerspot WHAs are:**

- a. Maintain an open forest habitat with ample growth of black twinberry for larval development.
- b. Maintain scattered trees and composite flowers (nectar sources).

2. **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.

3. Authority to consider an exemption from these GWMs is provided in section 92(1) of the FPPR, section 79(1) of the *Woodlot Licenses 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 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 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.

4. *In reference to the Access GWM*

The access GWM applies throughout the year because Gillette's Checkerspot larvae hibernate over at least one, and in some cases two, winters before developing into adult butterflies.

5. *In reference to GWMs 5 through 7*

Heavy livestock grazing is a major threat to this species' habitat as incidental livestock ingestion of egg clusters or trampling of black twinberry can destroy individuals and damage feeding and

egg laying substrate. Therefore fencing may be required to control livestock use. Should it be determined that fencing is required, the MoE and MFLNRO will work in collaboration with the range tenure holder to explore opportunities for funding assistance and to determine areas of responsibility for fence construction and maintenance.

Potential for Future Exemptions

It is recognized that the wildlife habitat areas occur within or adjacent to the Elk Valley coalfield. WHAs 4-151 and 4-177 are immediately adjacent to Elk Lakes Provincial Park and 4-152 to 4-168 occur with the Elk River riparian zone therefore will have little to no incremental impact on coal exploration or development. However, WHAs 4-169 and 4-170 occur in an area that may be subject to future surface mining therefore significant disturbance to the area containing these sites may occur over time