ORDER – Wildlife Habitat Area
3-079
Lewis's Woodpecker – Kamloops 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 area (WHA) shown in the map set out in the attached Schedule A (3-079) and boundaries contained in the GIS file *twha_bc* are established for Lewis's woodpecker (*Melanerpes lewis*);

2. the general wildlife measures outlined in Schedule 1 are established for the WHA in the attached Schedule A 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;

4. where there is a discrepancy between the WHA boundaries as shown in the attached Schedule A 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.

<u>Schedule 1 – General Wildlife Measures</u>

Access
- Do not construct roads unless there is no other practicable option.

Harvesting and silviculture
- Do not harvest or salvage mature timber. When harvesting is approved, follow the measures below:
    - Protect and retain all ponderosa pine and black cottonwood live and dead trees ≥30 cm dbh for nesting, perching, and foraging.
    - Maintain at least six standing dead trees per ha. Where it is not possible to retain six ≥45 cm dbh, use the largest available. The highest practical density of snags is preferred. Hazardous snags or trees can be incorporated into group reserves (plan as no-work zones if appropriate); otherwise maintain snags within the operational setting as described in the Wildlife/Danger Tree Assessor's Course Workbook. Use partial cutting silvicultural systems to maintain widely spaced (<25% canopy cover) late seral ponderosa pine and Douglas-fir.
    - Topping large diameter snags may be appropriate in areas where standing dead trees are few.
    - Additional potential nest sites in intensely managed stands may be provided by leaving some high-cut (5 m in height) stumps of large (≥45 cm dbh) ponderosa pine or black cottonwood.

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
- Limit browse utilization by livestock to no more than 10%.

Signed this __17__ day of __Mar__, 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 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 30 days of arrival. Incomplete packages will be returned to the proponent for resubmission.