

ORDER – Wildlife Habitat Areas
3-153, 3-154, 3-155 and 3-157
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. 582/2004) (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 Lewis’s Woodpecker (*Melanerpes lewis*);orders that
 - a) the areas shown in the map set out in the attached Schedule A (3-153 to 3-155; 3-157) and contained in the wildlife habitat area (WHA) spatial layer stored in the Geographic Warehouse (*twha_bc*) are established as wildlife habitat areas 3-153 to 3-155 and 3-157 for Lewis’s Woodpecker. 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 (*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 Lewis’s Woodpecker; 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 3-153, 3-154, 3-155 and 3-157.

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 unless there is no other practicable option.

Harvesting and Silviculture

2. Do not conduct timber harvesting.

Pesticides

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

Range

4. Limit browse utilization by livestock to no more than 10% of the current annual growth of key shrub species.



Signed this 25 day of August, 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 3-153, 3-154, 3-155 and 3-157. 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 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 (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. With respect to GWM 4, key shrub species include, but are not limited to, the following:

Ponderosa Pine Habitat	Riparian Habitat
Big Sagebrush	Red-osier dogwood
Pasture Sage	Rose spp.
Common Snowberry	Common Snowberry
Soopolallie	Choke Cherry
Bitter Cherry	Black Hawthorn
Rose spp.	Poison Ivy
Tall Oregon-Grape	Sumac
Water Birch	Clematis
Common Juniper	Currant
Birch leaved spirea	