



ORDER – WILDLIFE HABITAT AREAS
Northern Goshawk (*Accipiter gentilis laingi*)

Table 1. Chilliwack and Sunshine Coast Forest District Wildlife Habitat Areas

WHA Tag	Forest District ¹					
	DCK	DSC				
	2-671	2-673	2-675	2-676	2-677	2-678

¹ DCK = Chilliwack Forest District; DSC = Sunshine Coast 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 delegated decision maker, being satisfied that
 - i. the following area contains habitat that is necessary to meet the nesting habitat requirements of a species at risk – Northern Goshawk (*Accipiter gentilis laingi*); 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 A (and listed in Table 1 above) and contained in the WHA spatial layer stored in the Geographic Warehouse (WHSE_WILDLIFE_MANAGEMENT.WCP_WILDLIFE_HABITAT_AREA_POLY) are established as wildlife habitat areas (see Table 1 above) for Northern Goshawk. The centre point of the line on the attached Schedule A is what establishes the WHAs; 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; and
 - c) 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 the WHAs (see Table 1 above) address the amount included for Northern Goshawk in the Notice for the Sunshine Coast Natural Resource District.

2. The delegated decision maker, being satisfied that
 - i. the general wildlife measures (GWMs) described below are necessary to protect or conserve the Northern Goshawks and the habitat of Northern Goshawk; 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 the 6 WHAs listed in Table 1.

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.

Schedule 1 – General Wildlife Measures

Access

- 1) Do not construct roads, trails, landings or stream crossings in the WHA.
- 2) GWM 1 does not apply if construction of Road Sections C39W-A and C39W-B under Road Permit R21584 is required through WHA 2-676 for the purposes of accessing timber beyond the boundaries of the WHA.

Harvesting and Silviculture

- 3) Do not conduct timber harvesting or silviculture treatments, except as specified in GWMs 4 and 5.
- 4) GWM 3 does not apply where:
 - a) guyline anchors and tailholds are required to facilitate worker safety during adjacent timber harvesting;
 - b) trees are felled in accordance with Section 2(3) of the *Forest Planning and Practices Regulation*; or,
 - c) silviculture treatments are required in legacy blocks to establish a free growing stand as per Section 29(2) of the *Forest and Range Practices Act*.
- 5) Trees felled in accordance with GWM 4 that fall within a WHA must be retained on-site to provide coarse woody debris.

Pesticides

- 6) Do not use pesticides, except for herbicides to control invasive plants or noxious weeds, if applied by:
 - a) stem injection, cut and paint, foliar wipe or other direct plant application; or
 - b) spot spraying individual plants or a cluster of plants if direct plant application is not practicable.



Signed this 22nd day of May, 2020

Craig Sutherland, Assistant Deputy Minister, Coast Area

Ministry of Forests, Lands, Natural Resource Operations & Rural Development

Appendix 1:

The following information is provided as background information and support to the Order establishing 6 WHAs in **Table 1**. This appendix is not part of the order.

These recommendations are intended to provide guidance to minimize direct disturbance to goshawks by outlining recommended distances and timing windows for a variety of activities that have the potential to disturb the birds.

Minimizing Direct Disturbance

As goshawks may nest in different locations each year within their breeding areas, attempts should be made by a qualified professional to locate the active nest and implement measures to minimize impacts during the goshawk breeding season. Goshawks, their eggs and their nests, when occupied by a bird or its egg, are protected under Section 34 of the *Wildlife Act*.

As the location of an active nest may not be known, these guidelines apply during the breeding season to all known nests within a goshawk territory, unless a nest check and appropriate goshawk survey(s) by a qualified professional are done during the breeding season and the nest is determined to be unoccupied or no longer exists.

Timing Restrictions

Minimize the risk of nest failure or abandonment from direct disturbance by following the timing restrictions and setback distances in Section 8.4 of in *Science-Based Guidelines for Managing Northern Goshawk Breeding Areas in Coastal British Columbia* (McClaren *et al.* 2015).¹

Table 2. Recommended minimum distance to keep activities away from the nearest active coastal goshawk nest site during periods of high and moderate risk (February 15 to September 15) (from McClaren *et al.* 2015)

Likelihood of Impact	Activity	Timing Restriction Distance ^a
Very high	<ul style="list-style-type: none">• Repeated low-elevation flights (< 305 m)• Blasting• Continuously operating drilling rig or well flaring	More than 1 km
High	<ul style="list-style-type: none">• Road-building (without blasting)• Logging• Pipeline and well-site construction• Detonation of seismic charges• Wind tower construction• Seismic line cutting (mechanical)	More than 500 m
Moderate	Hauling and road maintenance (logs, heavy equipment, etc.)	More than 100 m
Low	<ul style="list-style-type: none">• Silviculture activities (e.g., planting and site preparation)	More than 50 m, where practicable. Individual birds

¹ Available at: <http://jem-online.org/index.php/jem/article/viewFile/576/506>

	<ul style="list-style-type: none"> • Seismic line cutting (manual) • Industrial and public traffic 	<p>and young may be affected by these activities. If birds seem distressed (i.e., continuous calling, birds staying away from active nest, aggressive behaviours toward people/equipment, etc.), then the activity should cease until at least July 1.</p>
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^a This is the distance from the known nest site within which timing restrictions should be applied. Any activities that are farther away than this distance do not need to apply timing restrictions. Individual goshawks will vary in their response to disturbance levels, depending on several factors that include habitat characteristics, breeding chronology, age, and individual variation.

Appendix 2:

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 *Forest Planning and Practices Regulation*, Section 79(1) of the *Woodlot License 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. In this situation, the delegated decision maker may also consider if the exemption affects critical habitat since the federal Recovery Strategy is approved and the province is expected to demonstrate effective protection of that habitat.

An exemption application should be submitted to the Minister's delegate (FLNRORD, Director of Resource Management) for the region that the WHA is located with a rationale describing the nature of the problem and options to integrate Northern Goshawk habitat conservation with proposed forest 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 calendar days of arrival at the FLNRORD regional office. Incomplete packages will be returned to the proponent for re-submission.

3. The minister responsible for the *Wildlife Act*, or their delegate, may amend a WHA order, including the legal boundaries designated in the order. The delegated decision maker for minor boundary amendments is the Director Resource Management, FLNRORD. Minor boundary amendment request applications are submitted to a FLNRORD regional biologist familiar with the WHA. Once an agreement has been reached on the location of the new boundary to the extent possible, the boundary amendment request is submitted to the Director Resource Management for that region with the necessary supporting information. The delegated decision maker for major boundary amendments remains the Deputy Minister, FLNRORD. Major boundary amendments are submitted by the regional biologist to FLNRORD Victoria staff who will bring the proposed change to the Deputy Minister, FLNRORD. The delegated decision maker may also consider if the exemption affects critical habitat since the federal Recovery Strategy is approved and the province is expected to demonstrate effective protection of that habitat.

The boundary amendment application must include a rationale describing the nature of the problem and any options to integrate Northern Goshawk habitat conservation measures with the proposed boundary, digital map files of the current boundary, and digital map files for the proposed boundary. This submission will assist in timely consideration of the matter, and will inform the conditions (e.g., replacement area), if any, of the boundary amendment that may be considered prior to amending the order. Determination and notification will generally be made within 30 days of receipt of a complete application. Incomplete packages will be returned to the proponent for re-submission.

4. Anyone required to implement this Order should also be aware of potential overlap between these WHAs and other wildlife Orders (e.g., other WHA Orders, Ungulate Winter Range [UWR] Orders) or *Land Act* Orders (i.e. Old Growth Management Areas) and that there may be different GWMs or objectives that apply. If this occurs, it will be important to apply the most conservative GWM or objective for the overlapping area.
5. Where roads in the WHA are temporary and no longer required, they should be permanently deactivated. Proponents should notify the Director of Resource Management, South Coast Natural Resource Region, FLNRORD when deactivation of temporary roads is complete.
6. These GWMs do not apply to persons who must comply with the *Worker's Compensation Act* and the regulations under that Act (e.g., danger tree felling as per OH&S Regulation Part 26). Where a GWM cannot be achieved due to a safety concern, a person should consider developing a rationale related to the safety issue and keep it on file to be made available to a government official upon request. Consistent with section 2(3) of the FPPR, exemptions from these GWMs are not required to meet safety requirements.