



**GOVERNMENT ACTIONS REGULATION ORDER
WILDLIFE HABITAT AREAS
Northern Goshawks**

North Island-Central Coast and Campbell River Forest District Wildlife Habitat Areas:

Table 1:

WHA Tag
5-904
5-905
5-911
5-912
5-913
1-569
1-585

This order is given under the authority of Sections 9(2) and 10(1) of the Government Actions Regulation (GAR) (B.C. Reg. 582/2004).

1. The Coast Area Assistant Deputy Minister of Forests, Lands, Natural Resource Operations and Rural Development, being satisfied that

- i. the following area contains habitat that is necessary to meet the habitat requirements for Northern Goshawks (*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 (**Table 1**) 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 WHAs (**see Table 1 above**) for Northern Goshawks. 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 As 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* in the Campbell River and North Island Central Coast Forest Districts.

2. The Coast Area Assistant Deputy Minister of Forests, Lands, Natural Resource Operations and Rural Development, being satisfied that

- i. the general wildlife measures (GWMs) described below are necessary to protect or conserve Northern Goshawks and the habitat of Northern Goshawks; 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 7 WHAs listed in Table 1 above:

Definitions

Words and expressions not defined in this order have the meaning given to them in the *Forest and Range Practices Act* and the regulations made under it, unless context indicates otherwise.

Schedule 1 – General Wildlife Measures (GWMs):

Access

1. Do not construct roads.
2. GWM 1 does not apply to WHA-5-904 where an access road may be built along the north side of the Saloomt River in order to access timber north of the WHA.

Harvesting and Silviculture

3. Do not conduct timber harvesting or silviculture treatments, except as provided in GWM 2 and 4.
4. GWM 3 does not apply where guyline anchors and tailholds are required to facilitate worker safety during adjacent timber harvesting.
5. Trees felled in accordance with GWM 4 or Section 2(3) of the Forest Planning and Practices Regulation that fall within a WHA must be retained on-site to provide coarse woody debris.

Pesticides

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

Signed this 28th day of November, 2018



Craig Sutherland
Assistant Deputy Minister, Coast Area
Ministry of Forests, Lands, Natural Resource Operations
and Rural Development

Appendix 1:

The following information is provided as background information and support to the order establishing 7 WHAs listed 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.

Additional Management Recommendations: Minimizing Direct Disturbance: Timing Restrictions

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.

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).

Table 8 (from McClaren et al. 2015). 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):

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) • Seismic line cutting (manual) • Industrial and public traffic 	More than 50 m, where practicable. Individual birds 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.

^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.

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 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 (FLNRORD Regional 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 WHA 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 days of arrival. Incomplete packages will be returned to the proponent for re-submission.