



## **ORDER – WILDLIFE HABITAT AREAS 2-511 to 2-513**

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 habitat requirements for Pacific Tailed Frog (*Ascaphus truei*); 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 (2-511 to 2-513) and contained in the wildlife habitat areas (WHAs) spatial layer stored in the Geographic Warehouse (WHSE\_WILDLIFE\_MANAGEMENT.WCP\_WILDLIFE\_HABITAT\_AREA\_POLY) are established as wildlife habitat areas for Pacific Tailed Frog. 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.

2. The delegated decision maker, being satisfied that
  - i. the general wildlife measures (GWMs) described below are necessary to protect and conserve the habitat of Pacific Tailed Frog; 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 2-511 to 2-513

3. Pursuant to section 7(3) of the *Forest Planning and Practices Regulation* a person required to prepare a forest stewardship plan is exempt 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* for Pacific Tailed Frog in the Chilliwack Natural Resource District.

## 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

### *Access*

1. Do not construct roads, trails, landings or stream crossings within the core area or management area.

### *Timber Harvesting*

2. No timber harvesting is permitted.
3. GWM 2 does not apply if:
  - a. it is necessary to create guyline tiebacks for timber harvesting adjacent to a WHA boundary;
  - b. trees felled in accordance with GWM 3 a) are retained on-site to function as coarse woody debris, unless the felled tree poses a forest health risk; or
  - c. cutting of trees is for the purposes of traditional and cultural activities, as authorized under a Free Use Permit.
4. GWM 2 does not apply to the management area if:
  - a. a minimum of 70% basal area is retained;
  - b. all high value wildlife trees are retained; and
  - c. timber harvesting is conducted in a manner that minimizes potential for future windthrow.
5. No falling or yarding across streams is permitted.
6. No salvage activities are permitted.

### *Range*

7. Limit shrub use by livestock to no more than 10% of the current year's growth of shrubs.
8. No livestock attractants are permitted.
9. No water developments are to be constructed or located.

### *Pesticide*

10. No pesticide use is permitted, except for:
  - a. using *Bacillus thuringiensis var kurstaki* for the control of western spruce budworm;
  - b. using beetle pheromones for the control of bark beetles; and
  - c. using herbicides to control invasive plants or noxious weeds, if applied by:
    - i. stem injection, cut and paint, foliar wipe or other direct plant application;or

- ii. spot spraying individual plants or a cluster of plants if direct plant application is not practicable.

*Recreation*

- 11. Do not develop sites, trails, facilities or structures for recreational purposes.



Signed this 1st day of April, 2014

Heather MacKnight, Regional Executive Director, South Coast Region  
Ministry of Forests, Lands and Natural Resource Operations

## Appendix 1:

The following information is provided by the Ministry of Forests, Lands & Natural Resource Operations (FLNR) and the Ministry of Environment as background information and support to the Order establishing WHAs 2-511, 2-512, 2-513. 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 *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 despite the activity, 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 Pacific Tailed Frog habitat 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 at the FLNR Regional office. Incomplete packages will be returned to the proponent for re-submission. A template for exemption requests is available at: <http://www.env.gov.bc.ca/wld/frpa/index.html>

3. Where an exemption is provided to the requirements of GWM 1, consideration may be given to adding the following condition(s) to the approval of the exemption:
  - a. Use of clear span bridges or bottomless culverts for any required stream crossings
  - b. Rehabilitation of sites where temporary access structures were installed.
4. The intent of GWM 1 is to minimize impacts to Pacific Tailed Frog in-stream riparian habitats. The location, type of crossing, mitigation measures during construction, and short and long-term sediment control on roads should all be considered when submitting

exemption requests to the Director of Resource Management, South Coast Region for road construction within the WHA. It is recommended that these factors also be taken into consideration when constructing roads adjacent to the WHA. If practicable, stream crossings should be constructed downstream of the WHA.

5. GWM 1 does not apply to road maintenance, road deactivation, brushing or clearing on existing permitted roads within the WHA. These activities should be carried out in a manner that will not result in a material adverse impact on the WHA.
6. Regarding GWM 4, the objective of partial harvest in the management area should be to create or maintain old forest characteristics such as large diameter trees, multi-layered canopies, snags and coarse woody debris.
7. Regarding GWM 4(b), where safety permits the intent is to retain all high value wildlife trees in the management area, as defined in Table 1 (*from Provincial Wildlife Tree Policy and Management Recommendations, 2000*).

**Table 1: Wildlife tree characteristics**

Wildlife Tree Value	Characteristics
<p style="text-align: center;"><b>HIGH</b></p> <p>A high-value wildlife tree has at least two of the characteristics listed in the adjacent column.</p>	<ul style="list-style-type: none"> <li>• Internal decay (heart rot or natural/excavated cavities present)</li> <li>• Crevices present (loose bark or cracks suitable for bats)</li> <li>• Large brooms present</li> <li>• Active or recent wildlife use</li> <li>• Current insect infestation</li> <li>• Tree structure suitable for wildlife use (e.g., large nest, hunting perch, bear den, etc.)</li> <li>• Largest trees on site (height and/or diameter) and/or veterans</li> <li>• Locally important wildlife tree species</li> </ul>
<p style="text-align: center;"><b>MEDIUM</b></p>	<ul style="list-style-type: none"> <li>• Large, stable trees that will likely develop two or more of the above attributes for High</li> </ul>
<p style="text-align: center;"><b>LOW</b></p>	<ul style="list-style-type: none"> <li>• Trees not covered by High or Medium</li> </ul>

8. Regarding GWM 4(c) the intent is to minimize the risk of windthrow occurring within a WHA, particularly in the core area. FLNR recommends that any windthrow assessment follows those guidelines as prescribed under the 1994 Windthrow Handbook for BC Forests (Research Program Working Paper 9401). In addition, windthrow assessment practitioners should be familiar with the windthrow assessment course through FLNR. <http://www.for.gov.bc.ca/hfp/training/00015/resources.html>

9. The delegated decision maker may require fencing to be established along a WHA boundary to maintain riparian forest and structural elements within Pacific Tailed Frog habitat. Should it be determined that fencing is required, FLNR will work collaboratively with the range tenure holder to explore opportunities for funding assistance and to determine areas of responsibility for fence construction and maintenance.
  
10. 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. Where possible, offset retention should be considered elsewhere when meeting the safety concern reduces retention. Consistent with section 2(3) of the *Forest Planning and Practices Regulation*, exemptions from these GWMs are not required to meet safety requirements).