



**ORDER – WILDLIFE HABITAT AREAS**  
**2-514, 2-515, 2-667 to 2-669**  
**Pacific Water Shrew – Chilliwack 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 the following area contains habitat that is necessary to meet the habitat requirements of a species at risk – Pacific Water Shrew (*Sorex bendirii*) orders that
  - a) this Order cancels and replaces the Order associated with Wildlife Habitat Areas (WHA) 2-140, 2-144 and 2-147 for Pacific Water Shrew that became effective October 23, 2007 and is titled “Order – Wildlife Habitat Areas # 2-140, 2-144, 2-147 Pacific Water Shrew – Chilliwack Forest District”;
  - b) the areas shown in the map set out in the attached Schedule A (2-514, 2-515, 2-667 to 2-669) 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 2-514, 2-515, 2-667 to 2-669 for Pacific Water Shrew. The centre point of the line on the attached Schedule A is what establishes the WHAs; and
  - c) 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 WHAs being established for Pacific Water Shrew; 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 2-514, 2-515, 2-667 to 2-669.
3. 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* for Pacific Water Shrew in the Notice for the Chilliwack Forest District.

**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.

**Traditional and cultural activities** are as defined in the *Free Use Permit Regulation* of the *Forest Act*.

## **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:
  - a) road construction, road extension and/or stream crossings are required through WHA 2-515 to access timber beyond the WHA;
  - b) open bottom or clear span structures are used for all stream crossings related to roads referred to in GWM 2 (a); and road construction or stream crossings result in:
    - i) no introduced sediment to any watercourse;
    - ii) no erosion to any watercourse;
    - iii) no alteration of stream or wetland hydrology; and
    - iv) no destruction of functional habitat, wherever practicable.

### *Harvesting:*

- 3) Do not harvest timber in the WHA.
- 4) Do not salvage timber in the WHA.
- 5) GWM 3 does not apply if:
  - a) timber harvesting occurs in an area that is not currently functional habitat, and will not reasonably become functional habitat for Pacific Water Shrew;
  - b) timber harvesting occurs in the outer 10m of the WHA to result in better management of windthrow risk or forest health issues related to maintaining functional habitat in the remainder of the WHA;
  - c) it is necessary to create guyline tiebacks (anchors or tailholds) in the WHA for timber harvesting associated with landings/cut blocks outside the WHA;
  - d) trees felled in accordance with GWM 5 (c) are retained on-site to function as coarse woody debris, unless the felled tree poses a forest health risk; or
  - e) cutting of trees is for the purposes of traditional and cultural activities, as authorized under a Free Use Permit issued under the *Forest Act*.

### *Pesticides:*

- 6) Do not use pesticides, except for:
  - a) *Bacillus thuringiensis* var *kurstaki* for the control of western spruce budworm;
  - b) beetle pheromones for the control of bark beetles; and
  - c) 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.



Signed this 21 day of August, 2017

Allan Johnsrude, Regional Executive Director

South Coast Natural Resource Region

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 WHAs 2-514, 2-515, 2-667 to 2-669. 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* (FPPR).

2. Authority to consider an exemption from these GWMs is provided in section 92(1) of the FPPR, and section 79(1) of the *Woodlot License 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 has been approved and the province is expected to demonstrate effective protection of that habitat.

An exemption application should be submitted to the Minister's delegate (FLNR, Director of Resource Management) with a rationale describing the nature of the problem and options to integrate Pacific Water Shrew 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 calendar 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. Regarding parts of GWM 1, 3 and 5, the intent is to conserve habitat for Pacific Water Shrew that is or may become functional. However, as per GWM 5(a) it is possible that some small areas near the external WHA boundary are not functional habitat and will never function as Pacific Water Shrew habitat, and where this is determined by a qualified person, timber harvesting may occur. Further, as per GWM 5(b), it is possible that windthrow or forest health risk to functional habitat may be evaluated as significant enough to warrant windfirming techniques or tree removal to occur in the outer 10m of the WHA. A qualified person with the appropriate forest background and Pacific Water Shrew habitat expertise should make the determinations in GWM 5(a) & (b). A rationale to support the determination is to be kept on file and made available to a government official upon request.

4. Regarding GWM 1, where roads, trails, landings, or stream crossings may be necessary and are authorized in the WHA (via exemption or not covered by GWM 2) the following conditions should be expected:
  - a. that roads and stream crossings are to be temporary, except if required as mainline roads or bridges, and constructed with minimum road bed and right-of-way clearing widths;
  - b. that landings and trails are to be temporary;
  - c. during any design, construction, or maintenance activity near streams or wetlands, ensure that water quality and hydrology is maintained by controlling erosion and sediment sources (e.g. revegetate exposed soil with native grasses) and preventing water diversion;
  - d. all roads, trails, landings or stream crossings, except mainline roads or mainline stream crossings, are to be deactivated within one year after regeneration date if practicable; or otherwise within one year after the last silviculture treatment performed to achieve free to grow. Deactivation methods are to minimize risk of water diversion, stream or wetland sedimentation and erosion;
  - e. stream crossings, either temporary or permanent, must use open-bottom or clear span structures of sufficient size to ensure the structure does not encroach on the stream channel width, and maintains unimpeded upstream and downstream movement for Pacific Water Shrew (i.e. bridges or open-bottom culverts); and
  - f. wherever practicable, approved activities will not result in destruction of functional habitat.
5. GWM 1 does not apply to road or stream crossing maintenance, deactivation or brushing within the right-of-way on existing roads or stream crossings in the WHA (note: permanently altered habitats, like road surfaces, are not considered to be critical or functional habitat). These activities should use methods that minimize risk of water diversion, stream or wetland sedimentation and erosion, and altering hydrology. All work should be carried out in a manner that will not affect the intent or integrity of functional habitat in the WHA.
6. It should be understood that the WHA boundary is 100m wide on each side of a water feature or 100m in width surrounding a wetland.
7. In regards to generally locating roads, trails or stream crossings, where options exist and wherever practicable, construct roads, trails or crossings downslope of WHAs. If constructed upslope, implement sediment and erosion control measures to maintain water quality and prevent water diversion such that functional habitat is not affected.
8. In regards to accurately mapping WHA water features, it is acknowledged that accuracy is limited to that of the underlying map base (usually TRIM at 1:20,000 scale). If a map error occurs between the projected map location of a stream or wetland and its actual on the ground location, the on-ground location takes precedence. Proponents that notice this mapping accuracy error (e.g. when mapping for forest activities purposes) are asked to submit the actual stream location to the Director of Resource Management, South Coast Natural Resource Region, FLNR (via ESRI shape files) so that the WHA boundary location can be corrected.
9. Proponents should notify the Director of Resource Management, South Coast Natural Resource Region, FLNR when deactivation of temporary/spur roads is complete.

10. Anyone required to implement this Order should also be aware of potential overlap between these WHAs and other Orders (mostly for Spotted Owl or Ungulate Winter Range) and that there may be other GWMs that apply in each WHA. If this occurs, it will be important to follow the most conservative GWM for the overlapping area.
11. 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, OH&S Regulation part 26). Where a GWM cannot be achieved due to a worker 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.

