

ORDER – Wildlife Habitat Area

3-126

Great Basin Spadefoot – Cascades 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).

The Deputy Minister of Environment orders that:

1. the wildlife habitat area (WHA) shown in the map set out in the attached Schedule A (3-126) and boundaries contained in the GIS file *twha_bc* is established for great basin spadefoot (*Spea intermontana*);
2. the general wildlife measures (GWMs) outlined in Schedule 1 are established for the WHA in the attached Schedule A and boundaries contained in the GIS file *twha_bc*; and
3. where there is a discrepancy between the WHA boundaries as shown in the attached Schedule A and the GIS file *twha_bc*, the boundaries as detailed in the GIS file will take precedent. The centre point of the line on the map denoting the WHA is what establishes the boundary.

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 there under, unless context indicates otherwise.

Livestock attractant: a substance or structure that draws livestock, including salt/minerals, supplements, water developments and cattle oilers.

Schedule 1 – General Wildlife Measures

Access

1. Do not construct roads.
2. Do not place landings within the WHA.

Harvesting and silviculture

3. Do not conduct timber harvesting.
4. Minimize ground disturbances and do not scarify harvested areas.
5. Stock only to natural densities, maintaining an open forest characteristic with clearings, as per a natural disturbance type (NDT) 4-fire maintained ecosystem.

Pesticides

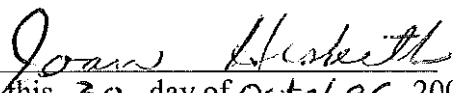
6. Do not use pesticides.

Range

7. Plan livestock grazing to minimize livestock use of WHA.
8. Do not place livestock attractants within the WHA.

Recreation

9. Do not establish recreation sites or trails.


Signed this 30 day of October, 2008
Joan Hesketh, Deputy Minister
Ministry of Environment

Appendix 1:

The following information is intended to provide background information and support to the legal order establishing this WHA. This appendix is not part of the legal order.

1. As per section 2(2) of the *Government Actions Regulation*, the order entitled "ORDER – Wildlife Habitat Area 3-126" 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 FRPA; and
 - d. areas referred to in section 110 of the *Forest Planning and Practices Regulation* (FPPR).

In these instances the requirement to comply with the order and the GWMs does not apply.

2. Authority to consider an exemption from these GWMs is provided in section 92(1) of the FPPR 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 general wildlife measure 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 – Ministry of Environment, 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 1, skidder trails may be acceptable on drier sites or in the winter.
4. With respect to GWM 1, the delegated decision maker may require drift fences and culverts be established at road locations where great basin spadefoot mortality is extensive.

5. With respect to GWM 7, plan livestock grazing to meet the following goals:
 - minimize disturbance during the breeding season (April to July);
 - minimize access;
 - maintain water quality and levels;
 - minimize soil disturbance and trampling of burrows;
 - maintain important habitat features (i.e. small mammal burrows, riparian and emergent vegetation and non-compacted soils); and
 - maintain or remediate riparian and aquatic habitats to a properly functioning condition.
6. With respect to GWM 7, the delegated decision maker may identify the need for, and work with Ministry of Forests and Range and range tenure holders to find funding for, exclusion fencing to maintain suitable aquatic breeding habitats and the integrity of adjacent terrestrial non-breeding habitat for great basin spadefoots.
7. Additional management considerations:
 - Maintain water levels and avoid draining wetland habitats.
 - Maintain ephemeral water features.
 - Prevent fish introductions in permanent water bodies.
 - Prevent incompatible recreation activities and prevent off-road vehicle access.
 - Encourage private land stewardship where important habitat extend beyond Crown lands.