BRITISH COLUMBIA
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ORDER – Wildlife Habitat Area
 # 4-107
Badger – Kootenay Lake 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 Deputy Minister of Environment, being satisfied that
   i. the following area contains habitat that is necessary to meet the habitat requirements for badger (*Taxidea taxus jeffersonii*); and
   ii. the habitat requires special management that is not otherwise provided for under GAR or another enactment;

   orders that
   a) the area shown in the map set out in the attached Schedule A (4-107) and contained in the wildlife habitat area (WHA) spatial layer stored in the Land and Resource Data Warehouse (*twha_bc)* is established as wildlife habitat area 4-107 for badger. 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 A and the WHA spatial layer stored in the Land and Resource Data Warehouse (*twha_bc*), the areas as detailed in the WHA spatial layer will take precedent.

2. The Deputy Minister of Environment, being satisfied that
   i. the general wildlife measures (GWMs) described below are necessary to protect and conserve badger; 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 WHA 4-107.

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.

Schedule 1 – General Wildlife Measures

Access

1. Do not construct roads.
2. Do not conduct road maintenance or deactivation activities during the maternal period (April 15th to August 15th).

Harvesting and silviculture

3. Do not conduct timber harvesting, except as provided in GWM 4.
4. GWM 3 does not apply when harvesting is required to support ecological restoration where:
    a. stocking densities (<75 stems/ha; target of 20 stems/ha) and free-to-grow requirements are reduced, where practicable;
    b. a selection of live and dead trees are retained to maintain site ecology, where practicable; and
    c. timber harvesting occurs outside of the maternal period (April 15th to August 15th).

Pesticides

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

Range:

6. In the vicinity of dens where badgers are observed, do not construct corrals or fences during the maternal period (April 15th to August 15th).
7. In the vicinity of dens where badgers are not observed, do not use heavy equipment for corral or fence construction during the early maternal period (April 15th and June 15th).
8. An exemption is not required for routine fence or corral maintenance using hand tools.

Signed this 1 day of April, 2009
Doug Konkin, 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. **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 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. Where an exemption is provided to the requirements of GWM 1, consideration may be given to adding the following condition to the approval of the exemption:
   - Closing roads after resource extraction is completed.