

**ORDER – Wildlife Habitat Areas**  
**2-097, 2-098, 2-105 to 2-107, 2-111, 2-113, 2-116, and 2-372 to 2-380**  
**Grizzly Bear – 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 Deputy Minister of Environment, being satisfied that
  - i. the following area contains habitat that is necessary to meet the habitat requirements for Grizzly Bear (*Ursus arctos*);orders that
  - a) the areas shown in the map set out in the attached Schedule As (2-097 to 2-098, 2-372, 2-374 to 2-377, 2-379; 2-105 to 2-107, 2-111, 2-113, 2-116, 2-380; 2-373 and 2-378) 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 2-097, 2-098, 2-105 to 2-107, 2-111, 2-113, 2-116, and 2-372 to 2-380 for Grizzly Bear. The centre point of the line on the attached Schedule As 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 (*twha\_bc*), the areas as detailed in the WHA spatial layer will take precedent; and
2. The Deputy Minister of Environment, being satisfied that
  - i. the general wildlife measures (GWMs) described below are necessary to protect or conserve the habitat of Grizzly Bear ; 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 2-097, 2-098, 2-105 to 2-107, 2-111, 2-113, 2-116, and 2-372 to 2-380.
3. The general wildlife measures outlined in Schedule 1 do not apply for the purposes of exploration, development and production activities when these activities have been authorized for the purpose of subsurface resource exploration, development or production by the Mineral Tenure Act, the Coal Act, the Mines Act, the Petroleum and Natural Gas Act, the Pipeline Act or the Geothermal Resources Act.

## *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.

**incursion** means timber harvesting or road construction that is located within a wildlife habitat area boundary where no harvesting or road building is otherwise permitted to occur.

**productive forest area** means forest included as either contributing, partial contributing or non-contributing as per Timber Supply Review 2 planning

**regional manager** means the Ministry of Environment Regional Manager Environmental Stewardship, South Coast

**traditional and cultural activities** is as defined in the *Free Use Permit Regulation*.

## **Schedule 1 – General Wildlife Measures:**

### *Access, harvesting and silviculture*

1. Do not harvest timber or construct roads in the WHA.
2. Provided the Regional Manager is notified prior to commencement of activities, GWM 1 does not apply if:
  - a. future temporary road reconstruction is required through WHA 2-373 to access timber beyond the WHA;
  - b. future temporary road construction is required through WHA 2-111 to access timber outside the WHA;
  - c. future temporary road reconstruction of approximately 200m of Branch 11 of the Spuzzum FSR is required through the easternmost boundary of WHA 2-376 to access timber beyond the WHA;
  - d. future temporary road reconstruction of approximately 300m of the South Emory road is required through the westernmost south finger of WHA 2-377; or
  - e. aerial harvesting of BCTS cut-block “A56234 (ABCDF)” is required in WHA 2-116.
3. GWM 1 does not apply if:
  - a) timber harvesting within the WHA is necessary to create guyline tiebacks for timber harvesting provided trees that fall within the WHA boundary are retained on site to function as coarse woody debris; or
  - b) cutting of trees is for the purposes of traditional and cultural activities, as authorized under a Free Use Permit.

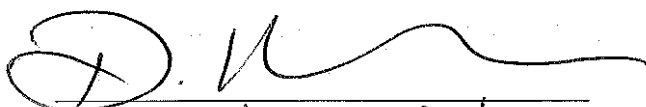
4. Where timber harvesting or road construction are planned immediately adjacent to any WHA with >30 ha productive forest area, GWM 1 or GWM 3 do not apply to the area of an incursion along the WHA boundary if:
  - a. the incursion is required to provide for a logical harvesting boundary or a logical road or trail location that utilizes a physical feature or administrative boundary;
  - b. the area of the incursion, or multiple incursions cumulatively, do not exceed:
    - i. 1 ha of productive forest area in WHAs with >30 ha and ≤50 ha productive forest area; or
    - ii. 2 ha of productive forest area in WHAs with >50 ha to ≤100 ha productive forest area; or
    - iii. 3 ha or 1% of productive forest area, whichever is greater, in WHAs with >100 ha productive forest area;
  - c. the incursion exceeds 0.5 ha, and the area of the incursion is replaced with an equivalent or greater area of equal or better habitat contiguous to the WHA such that there is no net loss; and the incursion does not affect the intent or integrity of the WHA; and
  - d. the incursion as per GWM 4 a) or b), and any replacement habitat as per GWM 4 c) are provided to the Regional Manager (via ESRI shapefiles) prior to the commencement of primary forest activities associated with the incursion.

*Pesticides*

5. Do not use pesticides within the WHA, except for:
  - a) the use of *Bacillus thuringiensis* var *kurstaki* for the control of western spruce budworm;
  - b) the use of beetle pheromones for the control of bark beetles; and
  - c) the application of herbicides to control invasive plants or noxious weeds.

*Recreation*

6. Do not develop recreational structures, trails, or facilities.



Signed this 16 day of Sept, 2010  
Doug Konkin, Deputy Minister  
Ministry of Environment

## Appendix 1:

The following information is provided by the Ministry of Environment (MoE) as background information and support to the order establishing WHAs 2-097, 2-098, 2-105 to 2-107, 2-111, 2-113, 2-116, and 2-372 to 2-380. 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* 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.  
  
An exemption application should be submitted to the Minister's delegate (Regional Manager for the region in which the order applies) 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 calendar days of arrival. Incomplete packages will be returned to the proponent for resubmission. A template for exemption requests is available at: <http://www.env.gov.bc.ca/wld/frpa/index.html>
  
3. For GWM 1, exemptions would only normally be considered to restore or enhance degraded habitat, as determined by the Regional Manager, or for roads where there are no other practicable options.
  
4. GWM 1 does not apply to road maintenance, road deactivation or brushing within the right-of-way on existing roads or trails in the WHA, provided these activities are carried out in a manner that will not affect the intent or integrity of the WHA.

5. For GWM 2: If reconstruction of the temporary road through WHA 2-373 occurs in the future an access control measure (e.g. gate) at the start of the road should be installed to prevent public access; and if the temporary road through WHA 2-111 is reconstructed the tenure holder should make every effort to meet the objective for "*Habitat Effectiveness at the Landscape Scale*" in the approved *North Cascades Grizzly Bear Recovery Plan*.
6. The intent of GWM 4 is to facilitate pre-authorized boundary exemptions for those WHAs with >30 ha productive forest area. Examples of incursions include a cut-block, road, trail or landing that overlaps a WHA boundary and: a) that the intent of the WHA boundary was to follow a creek/road and in some areas the boundary extends slightly beyond the creek/road due to a GIS mapping error and creates the overlap; or b) unintentional overlap occurs with an engineered primary forest activity that becomes evident when comparing map scales (e.g. 1:20000 vs 1:5000 often at final design stage); or c) *Forest Act* agreement holders can demonstrate that the block, road, trail or landing are located in a logical location and the incursion does not exceed the amount allowed.

In almost all instances the amount of incursion is anticipated to affect a small area. No replacement area is required when the discrepancy is: a) caused by GIS boundary mapping error since the intent of the WHA has not been altered; or b) the cumulative overlap is <0.5 ha. In other situations, the intended result is that where a boundary amendment is suggested by a *Forest Act* agreement holder and when the reduction is measurable ( $\geq 0.5$  and  $\leq 3$  ha or <1% measured cumulatively in any WHA), it will result in no net loss to habitat in the WHA. Delineation of equal or better Grizzly Bear habitat, in quantity and quality, will be required contiguous to the WHA. Any biological assessment to replace habitat should be conducted by a qualified professional with appropriate training and experience for the work being completed. If replacement habitat is required and equal or better habitat is not available contiguous to the WHA in question then the incursion cannot proceed under this GWM.

Boundary amendments meeting the conditions identified in GWM 4 will be periodically reviewed by MoE and the WHA boundary officially amended under the *Government Actions Regulation*. In any instances where the conditions in GWM 4 cannot be met, proposed primary forest activities will require an exemption as outlined under section 2 in this Appendix.

WHAs with <30 ha of productive forest area (i.e. WHA 2-374, 2-375, 2-378, 2-379), are excluded from GWM 4 (b)(i) because of potential adverse impacts to the small amount of security cover from an incursion. An exemption request for any incursions in these WHAs should be submitted to the Regional Manager, as per Appendix item #2 above.

It is acknowledged that there are no WHAs that fit GWM 4 (b)(i), however, this clause is retained to be consistent with other orders and the intent of this GWM.

In addition to reporting incursions to the Regional Manager prior to commencement of timber harvesting or road construction as per GWM 4 (d), it is the proponent's

responsibility to keep accurate records of each occurrence. Records must also be made available to a MoE or Ministry of Forests and Range official upon request.

7. Where roads in the WHA are temporary and no longer required, they should be permanently deactivated. Proponents must notify the Regional Manager when deactivation of temporary roads is complete.
8. Upon the approval of this order the Section 7 Notice for Grizzly Bear in the Chilliwack Forest District will be amended to provide the area and amount of THLB remaining for Grizzly Bear WHAs in the Chilliwack Forest District.