

ORDER – Wildlife Habitat Area # 6-055
Shenismike, Babine River Watershed
Skeena-Stikine Natural Resource District
Kispiox Timber Supply Area
Grizzly Bear (*Ursus arctos*)

This order is given under the authority of sections 9(1), 9(2) and 10(1) of the *Government Actions Regulation* (B.C. Reg. 582/2004) (GAR).

1. The Regional Executive Director of Forests, Lands, Natural Resource Operations and Rural Development - Skeena Region, being satisfied that

- i. the general wildlife measures (GWMs) described below are necessary to protect or conserve 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 WHA 6-055, for grizzly bear;
- b) the Wildlife Habitat Area shown in the map set out in the attached Schedule A (6-055) 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 a Wildlife Habitat Area (6-055) for grizzly bear. The centre point of the line on the attached Schedule A is what establishes the Wildlife Habitat Area boundary;
- 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; and
- d) for the purposes of section 2(3)(a) of the *Government Actions Regulation*, the general wildlife measures outlined in Schedule 1 apply to minor tenures.

Schedule 1 – General Wildlife Measure

1. Timber harvesting and forest health sanitation must not occur within the Shenismike WHA 6-055 No Timber Harvest Zone (NTHZ), defined in the map set out in Schedule A, and defined here as being the Babine River Special Management Zone within the Shenismike WHA and the mapped ICHmc1 04 & 06 site series that comprise the NTHZ outside of the Babine River Special Management Zone within the WHA. Management of ICHmc1 04 & 06 microsites outside of the NTHZ are addressed in GWM 3 below.
2. Forest road construction to avoid ICHmc1 04 & 06 site series unless no practicable alternate routes exist.

3. Retention areas within blocks will focus on protecting microsites (<1 ha) of ICHmc1 04 & 06 site series within and adjacent to proposed cutblocks to assist in ensuring the availability of subalpine fir for purposes of grizzly bear spring-time bark stripping.
4. The Shedin Mainline road extension is to be a winter road only. Following timber harvest/truck hauling and within the same winter season, slash/debris will be intermediately piled, in 400 meter segments, on the Shedin Mainline road, sufficient to deter motorized access, commencing upon entry to the WHA.
5. All spur roads from the Shedin Mainline extension are to be winter roads only.



Signed this 17th day of January, 2019

Barry Dobbin, Acting Regional Executive Director

Ministry of Forests, Lands, Natural Resource Operations and Rural Development

Skeena Region

Appendix 1 – General Information

The following information is intended to provide background information and support to the legal order establishing WHA 6-055. 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 #WHA 6-055” 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 license that does not provide for cutting permits;
 - iv. a forestry license 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 *Forest and Range Practices Act*; and
 - d. areas referred to in section 110 of the *Forest Planning and Practices Regulation*.

In these instances, the requirement to comply with the order and the general wildlife measures does not apply.

2. Authority to consider an exemption from these general wildlife measures 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 decision-maker 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 decision-maker for the region in which 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. A spatially explicit strategy for conservation of grizzly bear wildlife habitat will assist in timely consideration of the matter when submitted 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. Incomplete packages will be returned to the proponent for re-submission.

3. The No Timber Harvest Zone (GWM1) is intended to:
 - protect valued three season grizzly bear habitat in proximity to grizzly drop, most notably the abundance of old-growth subalpine fir spring bark stripping trees;
 - provide the required access buffer for grizzly bears that depend on grizzly drop for their salmon requirements;
 - protect high use grizzly bear sites and trails leading to and from grizzly drop.

4. Improvements in scientific and biological information may lead to amendment(s) consistent with the *Government Actions Regulation* of the wildlife habitat area including the addition of new, or deletion of existing wildlife habitat area.
5. During the active bear season, overhead aircraft activity should attempt to keep to a minimum of 500 vertical metres above the wildlife habitat area, and most notably above grizzly drop @ the confluence of Shenismike Creek and the Babine River.
6. Natural regeneration is to be considered within silvicultural systems and prescriptions to avoid the issue of tree planter access post winter road deactivation.
7. Where a permit or license is reasonably necessary to give effect to activities approved in a prior-existing Environmental Assessment Certificate, the Order will not be applied so as to prevent issuance of the permit or licence, or make acting under the permit or licence, impracticable or contrary to the overall project approved pursuant to the Environmental Assessment Certificate.