

ORDER – Wildlife Habitat Areas
#3-096 and 3-127
Williamson’s Sapsucker – Kamloops Forest District

This order is given under the authority of sections 9(2) and 10(1) of the *Government Actions Regulation* (B.C. Reg. 582/04).

The Deputy Minister of Environment orders that:

1. the wildlife habitat areas (WHAs) shown in the map set out in the attached Schedule As (3-096 and 3-127) and boundaries contained in the GIS file *twha_bc* are established for Williamson’s sapsucker (*Sphyrapicus thyroideus thyroideus*);
2. the general wildlife measures (GWMs) outlined in Schedule 1 are established for the WHAs in the attached Schedule As 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 As 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* and the regulations made there under, unless context indicates otherwise.

Schedule 1 – General Wildlife Measures

3-096

Access

1. Do not construct roads unless there is no other practicable option.

Harvesting and silviculture

2. Do not conduct timber harvesting. This GWM does not apply for the purpose of harvesting for the management of pests provided that the harvesting:
 - occurs outside the breeding season of March 15th through to August 31st; and
 - retains all live trees, stumps and coarse woody debris (for ant colonies), where practicable.

Pesticides

3. Do not use pesticides. This GWM does not apply to the treatment of noxious weeds and invasive plants, provided that the herbicide is applied in a manner that does not result in application to non-target plant species.

3-127

Access

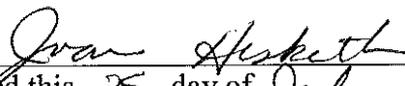
4. Do not construct roads unless there is no other practicable option.

Harvesting and silviculture

5. Do not conduct timber harvesting.

Pesticides

6. Do not use pesticides. This GWM does not apply to the treatment of noxious weeds and invasive plants provided that the herbicide is applied in a manner that does not result in application to non-target plant species.


Signed this 25 day of July, 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 these WHAs. 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 Areas # 3-096 and 3-127” 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 *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* 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 2 and GWM 5, the delegated decision maker may consider adding the following conditions to the approval of the exemption:
 - Tree removal to occur outside the breeding season of March 15th through to August 31st.
 - Leave aspen trees for the recruitment of nesting trees, where practicable. If available, retain aspen trees at 1.6 suitable nest trees per hectare and five suitable sap trees per 16 hectares.

- Retain all live trees, stumps and coarse woody debris (for ant colonies), where practicable.
 - If not deemed a hazard, retain all snags for the purposes of wildlife trees.
4. Suitable nest trees are generally:
- Trembling aspen
 - Live or recently dead, containing heart rot decay (wildlife tree class 2 to 5)
 - Large trees (> 30 cm dbh)
5. Suitable sap trees are generally:
- Pole/sapling stage (20 to 40 years) Douglas-fir or western larch
 - Large trees (Douglas-fir 28 cm dbh and 44 cm dbh for western larch approximately)