ORDER – WILDLIFE HABITAT AREAS
3-167 to 3-170 and 3-202 to 3-220
Williamson's Sapsucker– Cascades Forest District

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. Thompson Region Regional Executive Director of Forests, Lands and Natural Resource Operations, being satisfied that

    i.   the following area contains habitat that is necessary to meet the habitat requirements for Williamson's Sapsucker (*Sphyrapicus thyroideus*);

orders that

    a)   the areas shown in the map set out in the attached Schedule As (3-167 to 3-170 and 3-202 to 3-220) 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 3-167 to 3-170 and 3-202 to 3-220 for Williamson's Sapsucker. 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 (WHSE_WILDLIFE_MANAGEMENT.WCP_WILDLIFE_HABITAT_AREA_POLY), the areas as detailed in the WHA spatial layer will take precedent;

2. Thompson Region Regional Executive Director of Forests, Lands and Natural Resource Operations, being satisfied that

    i.   the general wildlife measures (GWMs) described below are necessary to protect or conserve Williamson's Sapsuckerand the habitat of Williamson's Sapsucker; 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 3-167 to 3-170 and 3-202 to 3-220; and

    b)   the GWMs 1, 2, 3, 4 and 5 outlined in Schedule 1 are applied to the area specified as WHAs # 3-167 to 3-170 and 3-202 to 3-220.

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.

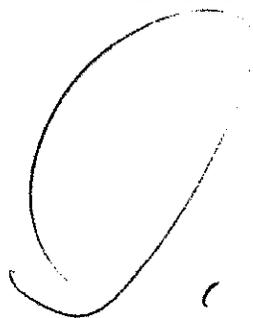## Schedule 1 – General Wildlife Measures (GWMs):

Access
1. Do not construct roads or trails.
2. An exemption is not required for maintenance, deactivation, felling of danger trees or brushing and clearing on existing roads within the WHA. Trees that must be felled within a WHA will be left onsite to provide coarse woody debris.
3. An exemption is not required for maintenance, felling of danger trees, or clearing deadfall on existing legally established or non-legally established but managed recreation trails within the WHA by groups with a Recreation Sites and Trails BC Partnership Agreement or other groups who are directed by the Province. Within 50m of a known nest site, any felling of potential nest trees, live or dead, requires consultation with regional ministry staff to avoid accidental felling of existing nest trees. Potential nest trees are any trembling aspen greater than 22 cm diameter at breast height, and Douglas-fir or ponderosa pine greater than 35cm diameter at breast height. Trees that must be felled within a WHA will be left onsite to provide coarse woody debris.

Harvesting and Silviculture
4. Do not conduct timber harvesting or salvage.

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

Signed this __15__ day of __September__, 2015
Ray Crampton, Thompson Okanagan Region Regional Executive Director
Ministry of Forests, Lands and Natural Resource Operations

Appendix 1:

The following information is provided as background information and support to the order establishing WHAs 3-167 to 3-170 and 3-202 to 3-220. 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 Planing 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 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 (MoFLNRO Regional Director of Resource Management) 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. These GWMs do not apply to persons who must comply with the *Worker's Compensation Act* and the regulations under that Act (e.g. danger tree felling). Consistent with section 2(3) of the *Forest Planning and Practices Regulation*, exemptions from these GWMs are not required to meet safety requirements. Where a GWM cannot be achieved due to a safety concern, a person should consider developing a rationale related to the safety issue and keep it on file.