

ORDER – WILDLIFE HABITAT AREAS
4-110, 4-127 to 129, 4-136 to 139, and 4-141 to 144
Williamson's Sapsucker – Rocky Mountain Resource 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 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, *nataliae* subspecies (*Sphyrapicus thyroideus nataliae*);

orders that

- a) the areas shown in the map set out in the attached Schedule As (4-110, 4-127 to 129, 4-136 to 139, and 4-141 to 144) 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 4-110, 4-127 to 129, 4-136 to 139, and 4-141 to 144 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. The Deputy Minister of Forests, Lands and Natural Resource Operations, being satisfied that
 - i. the general wildlife measures (GWMs) described below are necessary to protect and conserve 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 4-110, 4-127 to 129, 4-136 to 139, and 4-141 to 144.

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:

Access

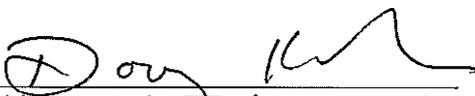
1. Do not construct roads or trails, except where required through WHA 4-127 for access into Woodlot 0421.

Harvesting and silviculture

2. Do not conduct timber harvesting, salvage or perform mechanized silviculture treatments.

Pesticides

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



Signed this 27 day of June, 2011

Doug Konkin, Deputy Minister

Ministry of Forests, Lands and Natural Resource Operations

Appendix:

The following information is background information and support to the order establishing WHAs # 4-110, 4-127, 4-128, 4-136, 4-137, 4-138, 4-139, 4-141, 4-142, 4-143 and 4-144. This appendix is not part of the order.

1. **Goals for establishing Williamson's sapsucker WHAs are:**

- Maintain suitable nesting trees.
- Ensure WHA is windfirm.
- Maintain: sap trees (primarily 20-40 cm DBH, live Douglas-fir), dead standing and down trees (snags and CWD >30 cm diameter) as ant nesting habitat, and mature trees as recruitment nest trees (western larch and aspen preferred).

2. **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.

- ### 3. Authority to consider an exemption from these GWMs is provided in section 92(1) of the FPPR, 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 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.

4. **Additional management considerations:**

- Where an exemption is provided to the requirements of GWM 1 through GWM 3, the delegated decision maker may consider adding the following condition to the approval of the exemption:
 - activities should not occur during the breeding season of March 15th to July 15th.

- Any ecosystem restoration burning planned in open forest or open range polygons should not occur during the breeding season of March 15th to July 15th.

(Note: Detailed information in regard to Williamson's sapsucker is available in the *Accounts and Measures for Managing Identified Wildlife – Accounts V. 2004* at:

http://www.env.gov.bc.ca/wld/frpa/iwms/documents/Birds/b_williamsonssapsucker.pdf)