



ORDER – WILDLIFE HABITAT AREA: 2-250

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 delegated decision maker, being satisfied that
 - i. the following area contains habitat that is necessary to meet the habitat requirements for Vananda Creek limnetic and benthic sticklebacks (*Gasterosteus sp. 16 & sp. 17*); and
 - ii. the habitat requires special management that is not otherwise provided for under GAR or another enactment;

orders that

- a) the area shown in the map set out in the attached Schedule A (2-250) and contained in the wildlife habitat area (WHA) spatial layer stored in the Geographic Warehouse (WHSE_WILDLIFE_MANAGEMENT.WCP_WILDLIFE_HABITAT_AREA_POLY) is established as a wildlife habitat area for Vananda Creek limnetic and benthic sticklebacks. The centre point of the line on the attached Schedule A is what establishes the WHA boundary; and
- b) if there is a discrepancy between the area 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 area as detailed in the WHA spatial layer will take precedent.

2. The delegated decision maker, being satisfied that
 - i. the general wildlife measures (GWMs) described below are necessary to protect and conserve Vananda Creek limnetic and benthic sticklebacks; 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 2-250.

3. Pursuant to section 7(3) of the *Forest Planning and Practices Regulation* a person required to prepare a forest stewardship plan is exempt from the obligation to prepare results or strategies in relation to the objective set out in section 7(1) of the *Forest Planning and Practices Regulation* for Vananda Creek limnetic and benthic sticklebacks in the Sunshine Coast District.

Definitions:

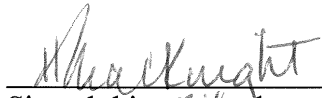
Words and expressions not defined in this Order have the meaning given to them in the *Forest and Range Practices Act* (FRPA) and the regulations made under it, unless context indicates otherwise.

“low” water quality index rating means a “low” rating where low equals 0.2-1 m³ total volume of fine sediment generated (i.e. creating a rating worse than low is to be avoided), and is described in Table 8 of the Forest and Range Evaluation Program *Protocol for Evaluating the Potential Impact of Forestry and Range Use on Water Quality*.

Schedule 1 – General Wildlife Measures:

1. Do not harvest or salvage timber in the Core Area.
2. Do not develop new roads, trails or landings in the Core Area.
3. GWMs 1 and 2 do not apply if:
 - a) timber harvesting and road construction is required for Block 703, and harvesting is complete by December 31, 2014; or
 - b) timber harvesting and road construction or reconstruction is required on mineral tenure 345340.
4. GWM 1 does not apply if:
 - a) guyline tiebacks or tail hold anchors are required to facilitate safe timber harvesting adjacent to the WHA Core Area;
 - b) trees felled for the purposes in (a) that fall within the WHA Core Area boundary (to be measured at +/-5 m) are retained on-site to function as coarse woody debris; or
 - c) cutting of trees is for the purposes of traditional and cultural activities, as authorized under a Free Use Permit.
5. Timber harvesting in the Management Zone must not result in surface erosion, sediment delivery or turbidity to any stream, lake or wetland such that a water quality index rating not exceeding “low” is achieved.
6. Where practicable, do not develop new roads, trails or landings in the Management Zone. Where roads, trails or landings must be built in the Management Zone, construction and maintenance must not result in surface erosion, sediment delivery or turbidity to any stream, lake or wetland such that a water quality index rating not exceeding “low” is achieved.
7. Silvicultural treatments in the WHA must not result in surface erosion, sediment delivery or turbidity to any stream, lake or wetland such that a water quality index rating not exceeding “low” is achieved.
8. Do not use pesticides, except for:
 - a) 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 for invasive plants or noxious weeds.

9. Do not develop trails, recreation sites, facilities or structures in the Core Area. In the Management Zone, any recreational developments must not result in surface erosion, sediment delivery or turbidity to any stream, lake or wetland such that a water quality index rating not exceeding "low" is achieved.



Signed this 7th day of October, 2013

Heather MacKnight, Regional Executive Director, South Coast Region
Ministry of Forests, Lands and Natural Resource Operations

Appendix 1:

The following information is provided by the Ministry of Environment and the Ministry of Forests, Lands and Natural Resource Operations (FLNR) as background information and support to the Order establishing WHA 2-250. 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 with a rationale describing the nature of the problem and options to integrate stickleback habitat 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 handled within 14 calendar days of arrival at the FLNR Regional office. 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 and 2, exemptions would generally be considered when the proposed activities continue to meet the intent of the GWMs, as determined by the Director of Resource Management, South Coast Region, FLNR.
4. For GWM 3 a), when harvesting of Block 703 occurs, the block design and roads are approved as per the map dated January 13, 2012 (on file in the South Coast Region); final block shape and roads are not to exceed this design. Further, the intent for road deactivation post harvesting will be such that the roads do not result in delivery of sediment or turbidity to Priest Lake. For GWM 3 b), road construction or reconstruction and timber harvesting on mineral tenure 345340 is approved as shown on the map dated March 2, 2012 (on file in the South Coast Region); final designs are not to exceed the map sizes.

5. The intent of GWMs 5, 6, 7 & 9 is to allow forestry development or recreational facilities in the Management Zone provided that activities do not result in delivery of sediment or turbidity to any stream, lake or wetland (i.e. such that water clarity is not reduced by the activity). Since sticklebacks are highly sensitive to elevated turbidity levels and require clear water, particularly during spawning periods, it is important to prevent turbidity events within occupied habitat. For purposes of this Order and achieving a “low” water quality index rating (i.e. creating a rating worse than low is to be avoided), government has used the Forest & Range Evaluation Program *Protocol for Evaluating the Potential Impact of Forestry and Range Use on Water Quality* (i.e. Table 8, where low = 0.2-1 m³ total volume of fine sediment generated; this amount is measured as an amount delivered over the course of one year, whether in one event or over the normal annual precipitation cycle). Furthermore, effectiveness is expected to be attained where: (i) at any one site a “very low” rating is achieved (very low = <0.2 m³ total volume of fine sediment generated); and (ii) cumulatively the rating does not exceed the specified “low” rating. The protocol is available at: <http://www.for.gov.bc.ca/ftp/hfp/external/!publish/frep/indicators/Indicators-WaterQuality-Protocol-2009.pdf>

Spawning periods for sticklebacks are described in the posted Recovery Strategy at: http://publications.gc.ca/collections/collection_2007/ec/En3-4-23-2007E.pdf

Additionally, proponents can also utilize methods for measuring water quality and turbidity described in the Provincial document: *Ambient Water Quality Guidelines (Criteria) for Turbidity, Suspended and Benthic Sediments*. For specific turbidity limitations refer to Table 1 under “Aquatic Life”. The Guidelines are available at:

<http://www.env.gov.bc.ca/wat/wq/BCguidelines/turbidity/turbidity.html#toc>

Proponents should also be aware that the Vananda Creek watershed lies within the Priest Lake Community Watershed.

Assessments of sediment delivery or turbidity potential in the Management Zone should be conducted by qualified professionals and should include assessments of windthrow risk. It has been determined by a qualified timber supply analyst that achieving this provision in the Management Zone carries no additional timber supply impact.

6. Where roads in the WHA are temporary and no longer required, they should be permanently deactivated, stabilized and re-vegetated to avoid delivery of sediment or turbidity to any stream, lake or wetland.
7. 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 as per OH&S Regulation Part 26). Where a GWM cannot be achieved due to a safety concern, a person should consider developing a rationale related to the safety issue. Consistent with section 2(3) of the *Forest Planning and Practices Regulation*, exemptions from these GWMs are not required to meet safety requirements.