

ORDER – WILDLIFE HABITAT AREAS 8-126
“Interior” Western Screech-Owl - Okanagan Shuswap 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 Regional Executive Director of the Thompson Okanagan Region, Ministry 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 “Interior” Western Screech-owl (*Otus kennicottii macfarlanei*); and
 - ii. the habitat requires special management that is not otherwise provided for under GAR or another enactment;orders that
 - a) the areas shown in the map set out in the attached Schedule A as 8-126 and contained in the wildlife habitat areas (WHAs) spatial layer stored in the Geographic Warehouse (WHSE_WILDLIFE_MANAGEMENT.WCP_WILDLIFE_HABITAT_AREA_POLY) are established as WHAs for “Interior” Western Screech-owl. The centre point of the line on the attached Schedule A is what establishes the WHAs; and
 - b) 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.
2. The Regional Executive Director of the Thompson Okanagan Region, Ministry 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 “Interior” Western Screech-owl; 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 8-126.
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 “Interior” Western Screech-owl in the Okanagan Shuswap 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.

Schedule 1 – General Wildlife Measures*Access*

1. Do not construct roads or stream crossings in the core area. Within the management zone, avoid constructing roads or stream crossings.

Harvesting and silviculture

2. Do not conduct timber or salvage harvesting within the core area.
3. In PP and IDF zones, selective harvest of $\leq 20\%$ basal area may occur within the management zone provided no suitable wildlife trees (see Table below) are removed.
4. Do not conduct timber or salvage harvesting within the management zone during March 1 to August 15.
5. Retain deciduous species.
6. Within riparian management zones, retain $>60\%$ of trees including all suitable wildlife trees (see Table below).

Pesticides

7. Do not use pesticides, except for the application of herbicides to control invasive plants or noxious weeds if the herbicide is applied:
 - i) by stem injection, cut and paint, foliar wipe or other direct plant application; or
 - ii) by spot spraying individual plants or a cluster of plants if direct plant application is not practicable

Range

8. Do not construct roads or trails within the core area.
9. Do not place livestock attractants in the core area.
10. Livestock attractants within the management zone must be placed to meet the WHA goals of drawing livestock away from nesting and foraging habitat, and riparian ecosystems
11. Do not construct new range developments in the WHA except to meet the WHA goals of drawing livestock away from nesting and foraging habitat, and riparian ecosystems.
12. Livestock use must result in an average minimum browse use level after browsing of less than or equal to 10% of the current year's growth.
13. Do not conduct prescribed burning.



Signed this 22 day of December, 2016

Gerry MacDougall, Regional Executive Director, Thompson Okanagan Region
Ministry of Forests, Lands and Natural Resource Operations

Appendix 1:

The following information is provided by the Ministry of Environment and FLNR as background information and support to the Order establishing 8-126. 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* (FPPR).

2. 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 calendar days of arrival at the FLNR regional office. Incomplete packages will be returned to the proponent for re-submission. A template for exemption requests is available at: <http://www.env.gov.bc.ca/wld/frpa/index.html>

1. **WHA Goals:** In addition to meeting the practice requirements (General Wildlife Measures), the Range Use Plan must be consistent with the goals of the WHA. The goals of the WHA are:
- a. Maintain nesting and foraging habitat.
 - b. Maintain an adequate supply of suitable wildlife trees and associated nest and roost cavities.
 - c. Maintain a healthy riparian habitat.
 - d. Minimize disturbance to roost and nest sites.
 - e. Maintain native vegetation.
 - f. Maintain/encourage deciduous component in riparian and conifer stands.
 - g. Ensure WHA is windfirm.

- h. Maintain riparian areas in properly functioning condition.
- i. Ensure that livestock use in upland areas results in an average minimum stubble height after grazing greater than or equal to 15cm for bluebunch wheatgrass, 12 cm for needlegrasses and 8cm for bluegrasses, where such species are present. If tenure holder is unable to maintain sufficient stubble heights as a result of livestock grazing that are consistent with a healthy, late seral ecosystem, the Statutory Decision Maker may consider establishing a General Wildlife Measures to address this issue.
- j. Ensure that livestock use in riparian areas results in an average minimum stubble height after grazing greater than or equal to 20cm for tall sedges, 10cm for Baltic rush, and 10cm for bluegrasses, where such species are present. If tenure holder is unable to maintain sufficient stubble heights as a result of livestock grazing that are consistent with a healthy, late seral ecosystem, the Statutory Decision Maker may consider establishing a General Wildlife Measures to address this issue.

Table 1. Preferred Wildlife Tree Patch characteristics for the Interior “Interior” Western Screech-owl

Attribute	Characteristics
Size (ha)	≥ 2.5 ha
Location	PPxh, PPdh, IDFxh, IDFxw, IDFdk, IDFmw,; riparian areas
Tree features	visible woodpecker or natural cavities
Tree species	deciduous preferred; trembling aspen, black cottonwood, water-birch, Douglas-fir, possible ponderosa pine, and western larch
Tree size (dbh)	deciduous spp.: 34-44 cm or larger; coniferous spp. 74-85 cm or larger; in the absence of trees with the preferred dbh, trees with ≥30 cm dbh should be retained for recruitment
Wildlife tree class	2-6

