

ORDER – WILDLIFE HABITAT AREAS
4-203, 4-204, 4-207 & 4-208
Lewis’s Woodpecker– Rocky Mountain 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. The Regional Executive Director (RED) of Forests, Lands, Natural Resource Operations and Rural Development, Kootenay Boundary Region, being satisfied that

- i. the following area contains habitat that is necessary to meet the habitat requirements for Lewis’s Woodpecker (*Melanerpes lewis*);

orders that

- a) the areas shown in the map set out in the attached Schedule A (# 4-203, 4-204, 4-207 & 4-208) and contained in the wildlife habitat area (WHA) spatial layer stored in the BC Geographic Warehouse (WHSE_WILDLIFE_MANAGEMENT.WCP_WILDLIFE_HABITAT_AREA_POLY) are established as wildlife habitat areas 4-203, 4-204, 4-207 & 4-208 for Lewis’s Woodpecker. 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 areas shown in the map set out in the attached Schedule A and the WHA spatial layer stored in the BC 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 (RED) of Forests, Lands, Natural Resource Operations and Rural Development, Kootenay Boundary Region, being satisfied that

- i. the general wildlife measures (GWMs) described below are necessary to protect or conserve Lewis’s Woodpecker and the habitat of Lewis’s Woodpecker; and
- ii. existing GAR or another enactment does not otherwise provide for that protection or conservation;

orders that

- a) the GWMs 1-5 outlined in Schedule 1 are established for WHAs 4-203, 4-204, 4-207 & 4-208; and
- b) the GWMs 1-5 outlined in Schedule 1 are applied to the area specified as WHAs 4-203, 4-204, 4-207 & 4-208

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):

Definitions:

Ecosystem restoration: the process of assisting with the recovery of an ecosystem that has been degraded, damaged or destroyed by re-establishing its structural characteristics, species composition and ecological processes.

Access

1. Do not construct roads.

Harvesting and silviculture

2. Do not conduct timber harvesting, except as provided by GWM 3.
3. GWM 2 does not apply to timber harvesting, salvage or silviculture treatments to address ecosystem restoration where:
 - Known nest trees and identified high value wildlife trees are maintained, where practicable;
 - Ponderosa pine and dead trees ≥ 30 cm dbh are maintained, where practicable; and
 - Treatments are managed to maintain or promote shrub structure for berry and nut production.
4. Do not conduct ecosystem restoration during the breeding season (May 1st to August 31st)

Pesticides

5. Do not use pesticides or herbicides, except for the treatment of invasive plants or noxious weeds.



Signed this 8 day of June, 2018

Garth Wiggill, Regional Executive Director, Kootenay Boundary Region
Ministry of Forests, Lands, Natural Resource Operations, and Rural Development

Appendix 1:

The following information is provided as background information and support to the order establishing WHAs 4-203, 4-204, 4-207 & 4-208. 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*, 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 (MoFLNRORD 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.

A template for exemption requests is available at:

http://www.env.gov.bc.ca/wld/documents/frpa/GWM_Exemption_RequestForm.doc

3. Where an exemption is provided to the requirements of GWM 1 and/or 2, consideration may be given to adding the following conditions to the approval of the exemption:

- Protect and retain all ponderosa pine and black cottonwood live and dead trees ≥ 30 cm dbh for nesting, perching, and foraging.
- Maintain widely spaced (<25% canopy cover) late seral ponderosa pine and Douglas-fir.

- Maintain at least six standing dead trees per ha where available. Where it is not possible to retain six standing dead trees per ha ≥ 45 cm dbh, use the largest available. The highest practicable density of snags is preferred. Hazardous snags or trees can be incorporated into group reserves (plan as no-work zones if appropriate); otherwise maintain snags within the operational setting as described in the *Wildlife/Danger Tree Assessor's Procedures*.
- Topping large diameter trees or snags may be appropriate in areas where standing dead trees are few.
- Additional potential nest sites in intensely managed stands may be provided by leaving some high-cut (5 m in height) stumps of large (≥ 45 cm dbh) ponderosa pine or black cottonwood.

4. Additional management considerations:

Ecosystem Restoration:

- It is recognized that Lewis's woodpecker populations have declined due to loss of breeding and forage habitat resulting from decades of fire suppression. It is also recognized that protecting current and potential nest trees and snags during any ecosystem restoration treatment is important as availability of suitable nest trees is a limiting factor for this species.
- Protection of known nest trees and identified high value wildlife trees will require conducting of fuel management activities agreed to by staff from the Resource Management Division and the Rocky Mountain District that will maximize the number of trees and snags that will survive prescribed burning treatments. Fuel management activities will consist of, at a minimum, hand crews raking debris away from the base of the targeted trees for a two meter radius. Potential ladder fuels will be cut and piled at least 3 meters away from the nest tree. Wrapping snags or veteran tree trunks with fire resistant materials may be required to protect nest and high value wildlife trees.
- Locations of known nest trees will be provided by the Resource Management Division.
- Locations and numbers of identified high value wildlife trees will be determined cooperatively by the Resource Management Division and the Rocky Mountain District.
- Plan prescribed burning such that burn conditions will ensure the highest density of snags is retained.
- Burning should not occur during the breeding season (May 1st to August 31st).

Berry, Nut and Insect Production:

- Vigorous shrub communities are an important component of Lewis's woodpecker breeding habitat as they provide nuts, berries and insects for foraging. Some browsing is beneficial for shrub production and rejuvenation; however, excessive browsing by both livestock and wildlife can reduce nut, seed and insect production which may contribute to Lewis's woodpecker nest failure.

- Limiting wildlife and livestock browsing to 10% will likely benefit Lewis's woodpecker.

(Note: Detailed information in regard to Lewis's Woodpecker is available in the Accounts and measures for managing Wildlife – Accounts V. 2004 at:
http://www.env.gov.bc.ca/wld/frpa/iwms/documents/Birds/b_lewisswoodpecker.pdf)