

**ORDER – WILDLIFE HABITAT AREAS**  
**4-205 & 4-209**  
**Interior Western Screech Owl– Selkirk 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 Interior Western Screech-Owl (*Megascops kennicottii macfarlanei*);

orders that

- a) the areas shown in the map set out in the attached Schedule A (# 4-205 & 4-209) 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 4-205 & 4-209 for Interior Western Screech-Owl. 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 Interior Western Screech-Owl and the habitat of Interior Western Screech-Owl; and
- ii. existing GAR or another enactment does not otherwise provide for that protection or conservation;

orders that

- a) the GWMs 1-8 outlined in Schedule 1 are established for WHAs 4-205 & 4-209; and
- b) the GWMs 1-8 outlined in Schedule 1 are applied to the area specified as WHAs 4-205 & 4-209

***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**

Suitable wildlife tree: All snags  $\geq 20$ cm dbh

Livestock attractant: a substance or structure that draws livestock, including salt/minerals, supplements and cattle oilers

### *Access*

1. In the core area do not construct roads or stream crossings.
2. Within the management zone, avoid constructing roads or stream crossings unless no other practicable option exists.
  - a. No road or stream crossing construction may occur within the breeding and post-fledgling season (March 1<sup>st</sup> to August 19<sup>th</sup>).
  - b. No roads or stream crossings may be constructed within 50m of a nest tree or suitable wildlife trees.

### *Harvesting and silviculture*

3. Do not conduct timber harvesting or salvage within the core area.
4. When conducting timber harvesting or salvage within the management zone:
  - Use selective harvesting ( $\leq 20\%$  basal area removal);
  - Do not remove suitable wildlife trees;
  - Establish Wildlife Tree Patches around all suitable wildlife trees;
  - Do not conduct timber harvesting or salvage during the breeding and post-fledgling season (March 1<sup>st</sup> to August 19<sup>th</sup>);
  - Do not remove broadleaf deciduous trees ( $> 20$  cm dbh); and
  - In management zones in riparian areas, retain  $> 60\%$  of trees and all suitable wildlife trees.

### *Pesticides*

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

### *Range*

6. Limit livestock grazing of herb layer to 35% of the annual production.
7. Do not place livestock attractants within the WHA.

### *Recreation*

8. Do not construct recreation sites or trails within 50m of a known nest or suitable wildlife tree.

  
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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 4-205 & 4-209. This appendix is not part of the order.

### 1. **Goals for establishing Interior Western Screech-Owl WHAs are:**

- Maintain nesting and foraging habitat
- Maintain an adequate supply of suitable wildlife trees and associated nest and roost cavities
- Minimize disturbance to roost and nest sites
- Maintain native vegetation
- Maintain/ encourage deciduous component in riparian and upland stands
- Ensure WHA is wind firm
- Maintain functionality of riparian areas (e.g. diverse stand structure in terms of tree height, age and decay classes, natural loads of coarse woody debris, understory riparian vegetation)

### 2. **Harvest and silviculture guidelines within Management Zones:**

Within the management zone, use either single tree selection or small patch cuts ( $\leq 5$  ha) to remove  $\leq 20\%$  basal area. Maintain 80% of the management zone in a mature age class. All known nesting trees and suitable wildlife trees should be retained through the establishment of Wildlife Tree Patches.

### 3. **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*.

### 4. **GWM exemption allowances and procedures:**

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