



ORDER – WILDLIFE HABITAT AREAS

3-164 to 3-166

Western Screech Owl, *macfarlanei* subspecies – Cascades Forest 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 Western Screech Owl, *macfarlanei* subspecies (*Megascops kennicottii macfarlanei*);
orders that
 - a) the areas shown in the map set out in the attached Schedule As (3-164, 3-165, 3-166) 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 3-164 to 3-166 for Western Screech Owl, *macfarlanei* subspecies. 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; and
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 or conserve habitat of Western Screech Owl, *macfarlanei* subspecies; 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 3-164 to 3-166.

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.

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

Schedule 1 – General Wildlife Measures (GWMs):

Access

1. Do not construct roads or stream crossings.
2. GWM 1 does not apply to construction of a spur road off of the existing road on the east side of Ore Creek in WHA 3-165. Road construction may not occur during the breeding season (March 1 to August 15).
3. GWM 1 does not apply to the upgrade of the existing road on the east side of Ore Creek in WHA 3-165. Road upgrade must not occur during the breeding season (March 1 to August 15).

Harvest and Silviculture

4. Do not conduct timber harvesting or salvage.

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

6. Do not construct trails within 50 m of a known nest site.



Signed this 3 day of Dec, 2012
Doug Konkin, Deputy Minister
Ministry of Forests, Lands and Natural Resource Operations

Appendix 1:

The following information is provided as background information and support to the order establishing WHAs 3-164 to 3-166. This appendix is not part of the order.

1. Goals for establishing Western Screech Owl, *macfarlanei* subspecies, WHAs are:

- Maintain nesting and foraging habitat.
- Maintain an adequate supply of suitable wildlife trees and associated nest and roost cavities.
- Maintain a healthy riparian habitat.
- Minimize disturbance to roost and nest sites.
- Maintain native vegetation.
- Maintain/encourage deciduous component in riparian and conifer stands.
- Ensure WHA is windfirm.
- Maintain riparian areas in properly functioning condition.

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 calendar 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/frpa/index.html>.

