

ORDER – WILDLIFE HABITAT AREAS

4-113, 4-114, 4-115

Western Screech Owl – Rocky Mountain and Arrow-Boundary Forest Districts

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 areas contain habitat that is necessary to meet the habitat requirements for Western Screech Owl, *macfarlanei* subspecies (*Megascops kennicotti macfarlanei*);
orders that
 - a) the areas shown in the map set out in the attached Schedule As (4-113, 4-114, 4-115) 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 4-113 to 4-115 for Western Screech Owl. The centre point of the line on the attached Schedule A is what establishes the WHA boundary;
 - 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
 - c) pursuant to section 7(3) of the *Forest Planning and Practices Regulation* the person(s) required to prepare a forest stewardship plan are hereby exempted 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 Western Screech Owl in the Arrow-Boundary Forest District.
2. The Deputy Minister of Natural Resource Operations, being satisfied that
 - i. the general wildlife measures (GWMs) described below are necessary to protect and conserve the habitat of 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 WHAs 4-113 to 4-115.

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:

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.

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:
 - a. selective harvest of $\leq 20\%$ basal area may occur, provided no suitable wildlife trees are removed;
 - b. do not conduct timber harvesting or salvage within the management zone during the breeding season (March 1st to August 15th);
 - c. retain deciduous species; and
 - d. within riparian management zones, retain $>60\%$ of trees including all suitable wildlife trees.

Pesticides

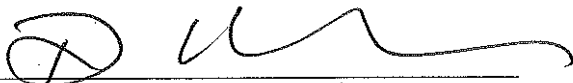
5. Do not use pesticides, except for the application of herbicides to control invasive plants or noxious weeds.

Range

6. Use of the herb layer is not to exceed 35% of the annual production.
7. Do not place livestock attractants within the WHA.

Recreation

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



Signed this 12 day of May, 2011
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 4-113 to 4-115. 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, 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 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>