

ORDER – Wildlife Habitat Areas
8-261 and 8-262
‘Interior’ Western Screech-Owl – Okanagan Shuswap 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).

The Deputy Minister of Environment orders that:

1. the wildlife habitat areas (WHAs) shown in the map set out in the attached Schedule A (8-261 and 8-262) and boundaries contained in the GIS file *twha_bc* are established for western screech-owl (*Megascops kennicottii macfarlanei*);
2. the general wildlife measures (GWMs) outlined in Schedule 1 are established for the WHAs in the attached Schedule A and boundaries contained in the GIS file *twha_bc*;
3. where there is a discrepancy between the WHA boundaries as shown in the attached Schedule A and the GIS file *twha_bc*, the boundaries as detailed in the GIS file will take precedent. The centre point of the line on the map denoting the WHA is what establishes the boundary; and
4. pursuant to section 7(3) of the *Forest Planning and Practices Regulation* (FPPR) 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 FPPR for ‘interior’ western-screech owl in the notice for the Okanagan Shuswap Forest 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 there under, unless context indicates otherwise.

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

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 harvesting or salvage within the core area.
3. When conducting timber harvesting or salvage within the management zone:
 - a. in the PP and IDF zones, 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

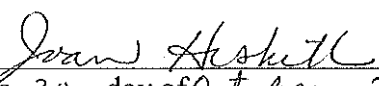
4. Do not use pesticides, except as provided in GWM 5.
5. GWM 4 does not apply for the application of herbicides to control for invasive plants or noxious weeds.

Range

6. Plan livestock grazing (timing, distribution, and level of use) to maintain desired structure of plant community, desired stubble height, and browse utilization.
7. Do not place livestock attractants within WHA.
8. Do not burn understorey vegetation.

Recreation

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


Signed this 30 day of October, 2008
Joan Hesketh, Deputy Minister
Ministry of Environment

Appendix 1:

The following information is intended to provide background information and support to the legal order establishing these WHAs. This appendix is not part of the legal order.

2. As per section 2(2) of the *Government Actions Regulation*, the order entitled "ORDER – Wildlife Habitat Areas 8-261 and 8-262" 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 FRPA; and
 - d. areas referred to in section 110 of FPPR.

In these instances the requirement to comply with the order and the GWMs does not apply.

3. Authority to consider an exemption from these GWMs is provided in section 92(1) of the FPPR 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 general wildlife measure 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 (Regional Manager – Ministry of Environment, 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.

4. With respect to GWM 6, plan livestock grazing to meet the following goals:
 - retain shrub height of two metres, where practicable;
 - maintain nesting and foraging habitat;
 - maintain a healthy riparian area;
 - minimize disturbance to roost and nests sites;
 - maintain native vegetation;
 - maintain/encourage deciduous components in riparian and conifer stands;
 - and
 - maintain riparian areas in properly functioning condition.

