



Referral Number: ZA2208

Referral Type: Zoning Amendment for 40 Morrissey Creek Road

Habitat Management's legislated and professional responsibilities include, but are not limited to: the provincial *Water Sustainability Act*, the *Wildlife Act*, the *Forest and Range Practices Act (FRPA)* and the Government Actions Regulation under *FRPA*, as well as having provincial responsibility for the federal *Species at Risk Act*.

These are comments based on the information provided by the proponent in the referral package. They do not represent a comprehensive evaluation, rather some advice on what to consider for mitigation of possible negative ecosystem impacts of the proposed works. They also do not remove the obligation of the proponent to comply with ALL applicable laws and statutes.

→ → The proponent must be aware of, and comply with, obligations under the federal Fisheries Act, Species at Risk Act, BC Wildlife Act, BC Riparian Areas Protection Act (where applicable), Local Government Act or any other legislation related to the proposed works.

The province of BC currently has invested interest in this area due to the critical habitat of many wildlife species and overlapping land uses that impact those species. The Ministry of Forests and Water, Lands and Resource Stewardship are currently working with Nature Trust BC, the Southern Interior Land Trust, and Penticton Indian Band to work towards solutions to enforce cattle rotations on grazing lease lands to reduce or eliminate cattle grazing on conservation properties to improve ecosystem health.

This property has the potential to home multiple species at risk, listed in the table below, along with direct observations of American Badger (red listed), Western Rattlesnake (Blue listed), Great Basin Gopher Snake (Blue listed), Pacific Tree Frog (Yellow listed), and Long-toed Salamanders (Yellow listed) directly adjacent to the site. The property also lies within important habitat for Rocky Mountain Bighorn Sheep and Mule Deer. Increased human use, livestock use and crop production tend to have negative impacts to many of these species when their habitats overlap. You can request more information related to species at risk through the BC Conservation Data Centre at cdcdata@gov.bc.ca.

Introducing a second home on the property will increase use of the land by people as well as their livestock, which are the primary vectors for invasive plant spread. The existing land use by people and cattle in the surrounding area has already caused significant spread of Spotted Knapweed and Dalmation Toadflax throughout this critical habitat for Rocky Mountain Bighorn Sheep, Mule Deer, and 16 different sensitive species.

The proponent would have to fully fence the portion of the property where they intend to keep livestock to avoid livestock escapement off the property. The further addition of physical fencing on the landscape will negatively impact the movement of Mule Deer and Bighorn Sheep across the landscape and may cause entanglements.

Due to the critical habitat of 16 different species at risk occurring on or immediately around the proposed site, observations of 3 species at risk directly adjacent to the site, the associated increased risk of invasive plant establishment or spread, risk of disease transmission, needed fencing impeding wildlife



movements, and degradation of ecosystem health in general associated with this proposal, the habitat team cannot support the zoning amendment to allow for additional structures that would come with more land use and activity including livestock and crop production.

If our recommendation is not supported, we would strongly recommend that the proponent provide an environmental assessment conducted by a qualified professional or registered professional biologist, ideally between April and August to assess potential impacts and identify mitigation strategies prior to approval of the amendment.

The proponent should develop an invasives management plan, including preventative measures to reduce the amount of herbicide and pesticide use, that would impact ecosystem health. Further, given the proponent would have to fully fence the portion of the property homing livestock, it is advised they use a wildlife friendly fence design to reduce impediments to wildlife movement.

Additionally, the proponent should make themselves aware of the implications of *Mycoplasma ovipneumoniae* (MOVI), a respiratory disease in wild and domestic sheep and goats, and source any livestock from MOVI free flocks or herds to avoid spread to wildlife and other livestock. The proponent should also consider vaccinating cattle or sheep against bluetongue virus (BTV), which drastically impacted the local Rocky Mountain Bighorn Sheep population.

Habitat Comments

Concern	Details
Species at Risk	<p>Provincial Species at Risk:</p> <p><i>Critical Habitat Overlapping property:</i></p> <p>Speckled Dace Sweet-Marsh Butterweed North American Racer Lewis's Woodpecker Great Basin Spadefoot American Badger Western Rattlesnake Great Basin Gopher Snake Whitebark Pine</p> <p><i>Critical Habitat in Immediate Vicinity:</i></p> <p>Columbia Plateau Pocket Mouse Painted Turtle Immaculate Green Hairstreak Lark Sparrow Western Bumble Bee Peduncled Sedge</p>

	<p>Western Tiger Salamander <i>Surrounding Area (not counted in totals):</i> Bobolink Williamson's Sapsucker Northern Gooseberry Western Screech Owl</p> <p>Federal Critical Habitat: North American Racer Western Rattlesnake Great Basin Gopher Snake American Badger Lewis's Woodpecker Western Tiger Salamander Whitebark Pine Greater Basin Spadefoot</p>
Invasive Species	<p>To support ongoing treatment efforts in the vicinity, an invasive plant management strategy is necessary throughout activities and reclamation. Practices should prevent introduction and reduce spread/establishment of invasive plants on site. To control invasive plants:</p> <ul style="list-style-type: none"> • Treat invasive plants prior to any activities (preferably using a qualified professional). • Ensure that equipment brought onto site is free of soil and plant material to reduce the possibility of invasive plant species spread/establishment. • The proponent should maintain records of herbicide treatments, and should report invasive plants using the Report-A-Weed program (https://www.reportaweedbc.ca/) <p>The primary risk of concern from the proposed activities is introduction and spread of invasive plants. Invasive plants are typically introduced to British Columbia through human activities. These invasive plants lack natural predators and pathogens that would otherwise keep their populations in check. Invasive plants often establish themselves in soils disturbed from development of roads, utility lines, trails, commercial recreation sites, agriculture, etc. Once established, invasive plants have a tremendous capacity to invade adjacent, undisturbed natural plant communities displace wildlife and disrupt natural ecosystem functions.</p>
Tree Removal	<p>See Section 34 of the <i>Wildlife Act</i> regarding tree removal. Remove trees outside of the sensitive nesting period (generally April to August), and check for existing or active nests prior to tree removal. Avoid the removal of large diameter trees (dbh ></p>

	30 cm: live and dead), especially deciduous, and that are actively used by wildlife (e.g. contains visible nests and tree cavities).
Migratory Bird Window	If works will occur within the breeding bird window (generally April 15 to August 15) the applicant should be aware of requirements under the Migratory Bird Convention Act for addressing incidental take. More information can be found at https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds.html
Aquatic Habitat	Any works within or adjacent to a stream are subject to the Provincial Water Sustainability Act. Please review the Kootenay Region's Terms and Conditions for Instream works and timing windows available through the Kootenay Boundary Region drop down menu at: https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights/working-around-water/regional-terms-conditions-timing-windows to ensure that you can abide by these guidelines.
Human-wildlife conflicts	<p>The proponent should ensure appropriate security measures for wildlife attractants (ie. garbage, compost, gardens, pet food etc.) to avoid wildlife habituation.</p> <p>The BC <i>Wildlife Act</i> states that: (1) A person must not (a) intentionally feed or attempt to feed dangerous wildlife or, (b) provide, leave or place an attractant in, on or about any land or premises with the intent of attracting dangerous wildlife.</p>

From: [JoAnn Peachey](#)
To: [Adriana Cameron](#)
Subject: FW: Time Sensitive- External Referral ZA2208 Bylaw-2039A28 40 Morrissey Creek Rd
Date: March 17, 2023 4:27:52 PM
Attachments: [image001.png](#)
[image002.png](#)

CAUTION: External Email - Check before you click!

Hi Adriana,

Thanks for providing an opportunity to comment on this zoning bylaw amendment application.

Our interests are generally unaffected by this proposal. However, we would like to take the opportunity to note that Morrissey Creek Road provides access to lands within the RDKB beyond the subject parcel. The portion of Morrissey Creek Road that is running through the subject property is not dedicated road right of way. It is considered to be in the interest of the RDKB to provide a legal connection to Morrissey Creek Road to the north by dedicating this section of road to connect to lands beyond. We encourage the City of Grand Forks to consider this when considering this application and would support road dedication as a condition of approval.

Regards,



JoAnn Peachey | Current Planning Supervisor
jpeachey@rdkb.com | T: 250.368.0113

Regional District of Kootenay Boundary
Toll-free: 1.800.355.7352
Main: 250.368.9148
rdkb.com
