### Regulatory framework

The authority to grant an exemption from requirements to comply with a general wildlife measure (GWM) is provided in section 92(1) of the [*Forest Planning and Practices Regulation*](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/12_14_2004#section92.1) (FPPR), section 79(1) of the [*Woodlot Licenses Planning and Practices Regulation*](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/23_21_2004#section79)(WLPPR), and section 36(3) of the [*Range Planning and Practices Regulation*](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/19_19_2004#section36) (RPPR)*.* The minister responsible for the [*Wildlife Act*](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96488_01), or their delegate, may exempt a person from the requirements if satisfied that (a) the intent of the GWM will be achieved, or (b) compliance with the provision is not practicable, given the circumstances or conditions applicable to a particular area.

### Exemption request

Directors, Resource Management, Ministry of Forests, Lands and Natural Resource Operations (MFLNRO), have been [delegated the authority](https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/laws-policies-standards-guidance/transfer-of-authority) to consider exemption requests. The request should include a rationale describing the nature of the problem and any options that might integrate wildlife habitat/ winter range conservation with proposed forest and/or range practices. It is the responsibility of the applicant to satisfy the Director, Resource Management, that the exemption request meets the criteria listed under a) or b), above. 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. Determination will generally be made within 14 days of receipt of a complete application. Please note that incomplete packages will be returned to the proponent for re-submission.

It is highly recommended that prior to submitting an exemption request, [*Forest Act*](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96157_00) and [*Range Act*](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_04071_01) agreement holders contact and engage a [MFLNRO regional biologist](http://www.env.gov.bc.ca/wld/frpa/iwms/regional_rare_and_endangered.htm) familiar with the wildlife habitat area (WHA) or ungulate winter range (UWR) for which the exemption request is being made. Developing a mutually agreed-upon understanding of the situation and/or possible solution(s) will speed the exemption request process immensely.

### Guidance for Completing Exemption request Form

The following section explains the Exemption Request Form and provides further details to consider when completing the form.

### 1. General Wildlife Measure Exemption Request for:

* Indicate the appropriate [*Government Actions Regulation*](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/17_582_2004) authority (i.e. WHA or UWR)

### 2. Proponent information:

* include as much information as necessary to be readily contacted, as well as signature and date of submission:
	+ Contact Name, Title, Organization Name, Mailing Address (including province and postal code), Phone and Email

### 3. Site Information:

* WHA tag or UWR ID (5 digit unique WHA or UWR identifier)
* WHA or UWR name
* Date exemption required and duration (start and end date):
	+ Indicate when the exemption is required. If the request requires immediate action for an activity such as road building, indicate this here.
	+ Indicate the desired duration of proposed forest and/or range activities.

### 4. Exemption Activity Information

A) Describe proposed forest and/or range activities, equipment required, monitoring that will be undertaken during exemption activity and any other relevant information:

* An example would be a proposal for salvaging windthrown timber within a WHA or UWR with a GWM that prevents salvage harvesting. Is a road required to access the timber? Is support aircraft required? How large of an area is to be salvaged?
* Where appropriate, monitoring should, at a minimum, aim to document wildlife occurrences and/or responses during the duration of the exemption activity. Report monitoring results to MFLNRO regional biologist(s) within 30 days of completion of exemption activity.
* Any other relevant information. For example, in the case of UWR exemption requests related to timing restrictions include results from the brief aerial survey undertaken:
	+ Include date, time, flight observers, weather conditions, snow depth & cover at varying elevations (estimate), animal sightings or tracks. Flights should be undertaken near the end of normal operating window so that conditions are similar to what may be expected for the exemption.
	+ Include GPS coordinates and in-flight tracking to indicate flight path and locations of animals/tracks in relation to the ungulate winter range.
	+ Contact MFLNRO staff when the exemption request may be necessary for only a few days as the requirement for aerial inventory may be waived and replaced by a joint ground inspection.
* Note: Applicants should be aware that inclement weather systems in late October or early April can preclude completion of aerial or ground surveys, meaning that turn around times may be difficult to achieve.

B) Provide a map of the operating area (i.e., the area within the WHA or UWR where the exemption activity is planned), either by attaching a PDF or hard copy map or a digital file (either shape file or interchange file, supplied in BC Albers NAD 83 projection).

C) Explanation of a) how the intent of the GWMs will be achieved or b) why it is not practicable, given the circumstances or conditions applicable to a particular area, to comply with FPPR 69, WLPPR 55 or RPPR 36:

* To meet the criteria for a) above, provide a detailed explanation outlining how the exemption activity meets the intent of the GWMs; or
* To meet the criteria for b) above, indicate what other options were considered and why these are not practicable. [*Forest and Range Practices Act*](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/12_14_2004) (FRPA) General Bulletin # 3 ([Use of the Term "Practicable" under FRPA and Regulations](http://www.for.gov.bc.ca/hth/timten/FRPA_implementation/Bulletins/FRPA%20No%203%20Defining%20practicable%20under%20FRPA%20June%209%202005.pdf)) provides information on the definition of “[practicable](https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/nr-laws-policy/integrated-resource-bulletins/frpa-general-no-3-defining-practicable-under-frpa-jun-9-2005.pdf)”:
* Indicate what work, if any, was done prior to submitting an exemption request, to reduce the potential of impacting the WHA or UWR.

D) If applicable, describe actions that will be undertaken to mitigate impacts on the WHA or UWR:

* An example would be where there is an equivalent or better replacement area suggested (e.g. equivalent size, tree species, elevation etc.), or where a road may be permanently deactivated after use.

## Wildlife Habitat Area (WHA) & Ungulate Winter Range (UWR)

##  General Wildlife Measure Exemption Request Form

|  |
| --- |
| **1. General Wildlife Measure Exemption Request for:** |
| [ ]  Wildlife Habitat Area (WHA) | [ ]   Ungulate Winter Range (UWR) |
| **2. Proponent Information** |
| Contact Name:       | Title:       |
| Organization:       |
| Mailing Address:       |
|        |
| Province:       | Postal Code:       |
| Phone:       |        |
| Email:       |
| Submitted by (please print):       | Date Submitted (YY/MM/DD):       |
| Signature:  |
| **3. Site Information** |
| WHA Tag or UWR ID: | WHA or UWR Name: |
|       |  |
| Proposed Exemption Activity Start Date (YY/MM/DD):      | Proposed Exemption Activity End Date (YY/MM/DD):      |
| **4. Exemption Activity Information** |
| A. Description of activity requiring exemption:      (attach separate sheet if necessary) |
| B. Proposed exemption activity operating area:[ ]   Hard copy map attachedOR[ ]   Digital shapefile (.SHP) or interchange file (.e00), supplied in BC Albers NAD 83 projection, attached |
| C. Rationale of how the intent of the general wildlife measures will be achieved or why it is not practicable to comply with the established general wildlife measure(s):      (attach separate sheet if necessary) |
| D. If applicable, describe actions taken to minimize/mitigate impacts to the WHA or UWR:     (attach separate sheet if necessary) |
| 5. For MFLNRO Use Only |
| Received by (please print):       | Date Received (YY/MM/DD):       |
| Signature:  |