



**ORDER – Specified Area for Ungulates # U-5-005**  
**North Island-Central Coast Forest District**  
**Mid Coast TSA**

This order is given under the authority of section 9(1) of the *Government Actions Regulation* (B.C. Reg. 582/2004).

The Deputy Minister of Environment orders that:

1. The Specified Areas shown in the map set out in the attached Schedule A (#U-5-005) are established;
2. The Specified Areas in the attached Schedule A are established for coastal black-tailed deer (*Odocoileus hemionus columbianus*);
3. The general wildlife measures outlined in Schedule 1 are established for the Specified Areas in the attached Schedule A;
4. For the purposes of Section 92(1) of the *Forest Planning and Practices Regulation*, the management intent of the general wildlife measures established by this order is the protection of the ecological representation of suitable winter habitat for coast black-tailed deer within the Specified Areas established by this order;
5. Where there is any discrepancy between the Specified Area boundaries as shown in the attached Schedule A and the GIS file *tuwra\_bc*, the boundaries as detailed in the GIS file will take precedent. The boundaries are established as the centre point of the line delineating each specified area;
6. The general wildlife measures outlined in Schedule 1 do not apply for the purposes of exploration, development and production activities when these activities have been authorized for the purpose of subsurface resource exploration, development or production by the *Mineral Tenure Act*, the *Coal Act*, the *Mines Act*, the *Petroleum and Natural Gas Act*, the *Pipeline Act* or the *Geothermal Resources Act*;
7. Pursuant to Section 7(3) of the *Forest Planning and Practices Regulation* a person required to prepare a forest stewardship plan is exempt 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 black-tailed deer in the Mid Coast Timber Supply Area;
8. Where it becomes evident that any component of this order is in conflict with initiatives to implement government's land use policy for the Mid Coast Timber Supply Area, this order will be subject to amendment or rescission to the extent of the identified conflict; and
9. The general wildlife measures outlined in Schedule 1 do not apply to First Nations who are undertaking traditional use of forest resources.

Schedule 1 – General Wildlife Measures

In this Schedule:

“Designated deer winter habitat” means the areas of deer winter habitat designated by a *Forest Act* agreement holder, within the Specified Areas and within a landscape unit, for the purposes of complying with the general wildlife measures set out in this order.

- 1) The amount of designated deer winter habitat to be maintained in any one landscape unit is:
  - a) the required percentage of the cumulative area of Specified Area polygons within each landscape unit, as described in the general wildlife measures applicable to that landscape unit.
  - b) to be maintained on any locality within the boundaries of Specified Areas established in each landscape unit that meet forest age specifications, and the provisions of general wildlife measure 2 of this order.
  
- 2) In addition to the specifications of other general wildlife measures established by this order, a stand of trees that is identified as designated deer winter habitat in a Specified Area must:
  - a) be of a patch shape and size sufficient to provide interior forest conditions with canopy conditions that will provide snow interception and thermal cover,
  - b) provide herb and shrub forage communities that include species such as Western Red Cedar, Douglas Fir, Hemlock, Deer fern, Huckleberry, Salal, or arboreal lichens,
  - c) exhibit crown closure of between 56% and 85% (crown closure classes 6, 7, 8),
  - d) be comprised of forest stands that are leading in Douglas-fir, Sitka spruce or hemlock, and
  - e) to the extent practicable, be distributed in patches 2 to 5 km apart across a landscape unit.
  
- 3) A person carrying out primary forest activities in a landscape unit set out in Table 1 must maintain as designated deer winter habitat, a minimum of 25% of the Specified Area in that landscape unit, in forest cover of an age greater than 141 years.

Table 1	
Ape	Labouchere
Bella Coola	Nascall
Braden	Neechanz
Crag	Nekite
Dean	Owikeno
Don Peninsula	Roscoe
Doos/Dallery	Sheep Passage
Draney	Smokehouse
Ellerslie	Sutslem/Skowquiltz
Evans	Swindle

Jump Across	Talchacko/Gyllenspetz
Killipi	Twin
King Island	Washwash
Kwatna/Quatlana	Young
Kynoch	

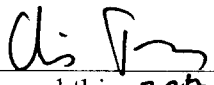
- 4) Subject to general wildlife measure 5, a person carrying out primary forest activities in a landscape unit set out in Table 2 must maintain as designated deer winter habitat, a minimum of 20% of the Specified Area in that landscape unit, in forest cover of an age greater than 141 years.
- 5) A person carrying out primary forest activities in a landscape unit set out in Table 2 will, within 80 years of the date of this order, maintain as designated deer winter habitat, a minimum of 25% of the Specified Area in that landscape unit, in forest cover of an age greater than 141 years.

Table 2	
Kilbella/Chuckwalla	Lower Kimsquit
Sumquolt	

- 6) Subject to general wildlife measures 7 and 8, a person carrying out primary forest activities in a landscape unit set out in Table 3 must maintain as designated deer winter habitat, a minimum of 20% of the Specified Area in that landscape unit in forest cover of an age greater than 121 years.
- 7) A person carrying out primary forest practices in a landscape unit set out in Table 3 will, within 80 years of the date of this order, maintain as designated deer winter habitat, a minimum of 25% of the Specified Area in that landscape unit in forest cover of an age greater than 141 years.
- 8) If necessary to achieve the minimum 20% target set out in general wildlife measure 6,
- (a) a recruitment strategy may specify alternate elevation, crown closure, species composition or age class criteria for stands proposed to be retained for the purpose of maintaining designated deer winter habitat, and
  - (b) where such a recruitment strategy may require amendment of Specified Area boundaries, amendment of this order will be considered.

Table 3	
Clayton	South Bentinck
Machmell	Smitley/Noeick
Nusatsum	Taleomey/Asseek
Salloompt	Upper Kimsquit
Sheemahant	Clyak

- 9) Persons carrying out primary forest practices in a Specified Area established under this order must locate on a map the stands of trees that are designated deer winter habitat. Maps showing the location of stands of trees that are designated deer winter habitat must be available upon request to an official of the Ministry of Forests and Range or the Ministry of Environment.
- 10) Where primary forest activities are to be carried out in a stand that is designated deer winter habitat, a person proposing to carry out the primary forest activities must identify and map an alternate stand or stands as designated deer winter habitat consistent with the general wildlife measures of this order. Records of such revisions to stands of trees that are designated deer winter habitat must be available upon request to an official of the Ministry of Forests and Range or the Ministry of Environment.
- 11) Unless there is no other practicable option, and subject to general wildlife measure 10, construction of roads, trails or landings must not occur within stands that are designated deer winter habitat.
- 12) An exemption from the requirement to comply with these general wildlife measures is not required for the purposes of activities related to safety matters, including but not limited to:
  - (a) felling of danger trees, guy line anchors, or tail hold anchor trees along adjacent cut block boundary,
  - (b) road maintenance, road deactivation,
  - (c) brushing and clearing on roads within stands that are designated deer winter habitat.
  - (d) construction of heli-drop sites on or along roads.
- 13) Trees that must be felled within a stand that is designated deer winter habitat must be left onsite to provide coarse woody debris. A felled tree that lies in whole, or in part, outside the designated stand may be harvested.
- 14) Range developments such as but not limited to, watering holes, fences, salt blocks, corrals, access roads or livestock trails, will be constructed in a manner that does not result in impact to the suitability of deer winter habitat that may be caused by concentrating livestock in the ungulate winter ranges established by this order.

  
Signed this 29<sup>th</sup> day of Feb., 2007  
Chris Trumpy, Deputy Minister  
Ministry of Environment

## Appendix 1

Note that this Appendix is not part of this Order and is intended only to provide information that pertains to matters addressed by this Order. There is no requirement to comply with the information provided in this Appendix.

- 1) The following criteria were used to identify areas that would be capable of providing deer winter habitat capability and were used to delineate the Specified Areas shown in Schedule A:

<b>Attribute</b>	<b>Maritime</b>	<b>Sub-maritime</b>
Aspect	135-270° and flat ground	135-270° and flat ground
Slope	≤ 80%	≤ 80%
Elevation	≤600 m	≤650m
Tree Age	≥ 141 (age classes 8, 9)	≥ 141 (age classes 8, 9)
Crown Closure	≥56% and ≤85% (cc classes 6, 7, 8)	≥56% and ≤85% (cc classes 6, 7, 8)
Tree Species	Douglas-fir OR Hemlock OR Sitka Spruce	Douglas-fir OR Hemlock OR Sitka Spruce
Thermal (sun/shade)	≥ 2	≥ 2

Other considerations:

- a) Capability polygons exclude all alienated lands including Parks.
  - b) Capability considerations did not extend to the hyper maritime climatic type
  - c) Polygons with areas that do not satisfy capability criteria, and that were less than 10 ha, were included in the area identified as capable of providing deer winter habitat.
- 2) Interior forest conditions that ameliorate temperature and snowmelt are achieved in areas greater than 50 m from a clear-cut edge. Therefore, deer winter habitat stands should be more than 100 m in width and greater than 40 hectares to produce Interior Forest Conditions. Designated stands may include topographic features such as rock outcrops or bluffs.
- 3) It is biologically preferable to distribute designated deer winter habitat at 2 - 5 km intervals throughout a landscape unit. However, if no other practicable alternatives exist within a landscape unit, designated deer winter habitat patches may be concentrated within areas of a landscape unit, with the intention that a person carrying out forest activities should achieve appropriate dispersal within 80 years.
- 4) The general wildlife measures provide flexibility for the purposes of enhanced integration of operational forestry considerations with requirements of wintering deer in each landscape unit. The provision is designed to allow the required amount of designated deer winter habitat in any one landscape unit to be delivered across the total area of Specified Areas in that landscape unit.

- 5) Some landscape units may be subject to the operations of multiple *Forest Act* agreement holders, and may include areas under Timber Licences. Cooperation between licence holders is strongly encouraged in order to design a mosaic of designated deer winter habitat that effectively complies with the established general wildlife measures. Timber Licences are capable of contributing to designated deer winter habitat requirements consistent with these general wildlife measures within the parameters of tenure rights associated with these licenses.
- 6) Improvements in land resource inventory and scientific information may lead to amendment of the Specified Areas and associated measures, including the:
  - a) addition or deletion of Specified Areas.
  - b) adjustment of Specified Area boundaries.
  - c) modification of general wildlife measures to address operational constraints while protecting the ecological representation of deer winter habitat.
- 6) Authority to grant an exemption from these general wildlife measures is provided in Section 92(1) of the *Forest Planning and Practices Regulation*. In instances where the intent of the general wildlife measures can be achieved, or where it is not practicable to comply with these measures, a person choosing to conduct primary forest activities may consider seeking an exemption from the requirement to comply with the general wildlife measures applicable to the matter at hand.

An exemption application should be submitted to the Minister's delegate (Regional Manager – Ministry of Environment, Environmental Stewardship Division, Cariboo Region) with a rationale describing the nature of the problem, and options that integrate protection of deer winter habitat representation with the proposed forest 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. Exemption requests without supporting information will be returned to the proponent for resubmission. Forest practices must not commence prior to granting of the exemption, which may occur by facsimile to be followed up by written copy.

In cases where an exemption is being sought on the basis of section 92(1)(a) of the *Forest Planning and Practices Regulation*, it would be appropriate that a qualified professional biologist certify that intended forest practices will achieve the intent of the general wildlife measure(s) from which exemption is being sought. A rationale supporting the professional certificate would inform the exemption decision.

Upon receipt of an exemption application with supporting information, a determination will normally be made within 10 working days. If there are matters requiring clarification, the exemption applicant will normally be contacted within 5 working days of receipt.