



**GOVERNMENT ACTIONS REGULATION ORDER
BLACK TAILED DEER UNGULATE WINTER RANGE #U-5-005
North Island-Central Coast Forest District
Mid Coast TSA and K3H & K3K Community Forests**

This order is given under the authority of Sections 9(2) and 12 (1) of the *Government Actions Regulation* (GAR) (B.C. Reg. 582/2004).

1. The West Coast Regional Executive Director of Ministry of Forests, Lands and Natural Resource Operations, being satisfied that
 - i. the following area contains habitat that is necessary to meet the winter habitat requirements for coastal black-tailed deer (*Odocoileus hemionus columbianus* and *Odocoileus hemionus sitkensi*); and
 - ii. the habitat requires special management that is not otherwise provided for under GAR or another enactment;

orders that

- a) the Order that became effective, March 2, 2007 entitled “Order – Specified Area for Ungulates #U-5-005” is cancelled.
 - b) the areas shown in the map set out in the attached Schedule A , and contained in the ungulate winter range (UWR) spatial layer stored in the Geographic Warehouse (WHSE_WILDLIFE_MANAGEMENT.WCP_UNGULATE_WINTER_RANGE_SP) are established as ungulate winter range U-5-005 for coastal black-tailed deer. The center point of the line on the attached Schedule A is what establishes the UWR boundary; and
 - c) if there is a discrepancy between the areas shown in the map set out in the attached Schedule A and the UWR spatial layer stored in the Geographic Warehouse (WHSE_WILDLIFE_MANAGEMENT.WCP_UNGULATE_WINTER_RANGE_SP), the areas as detailed in the UWR spatial layer will take precedent.
2. The West Coast Regional Executive Director of Ministry of Forests, Lands and Natural Resource Operations, being satisfied that
 - i. the general wildlife measures (GWMs) described below are necessary to protect or conserve the habitat of coastal black-tailed deer; 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 UWR-5-005
3. 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 winter range in the Mid Coast Timber Supply Area.

4. The GWMs 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*.

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.

Deactivate or deactivation refers to either partial or complete treatment of roads and trails with the intent to prevent, as much as possible, motor vehicle access while taking into account site specific operating constraints; where practicable this activity will include right-of-way re-vegetation activities to manage long term access.

Schedule 1 – General Wildlife Measures

1. Subject to GWM 2 and 3, primary forest activities are not permitted within the designated ungulate winter range.
2. An exemption is not required for road maintenance or road deactivation within the ungulate winter range. These activities will be conducted in a manner that does not result in a material adverse impact on the ungulate winter range habitat within the designated ungulate winter range.
3. An exemption is not required for harvesting within the designated ungulate winter range when:
 - a) it is required to address worker safety or felling for guy line anchors and tail hold anchor trees. Harvesting will be conducted in a manner that does not result in a material adverse impact on the ungulate winter range habitat within ungulate winter range. Trees felled within the ungulate winter range will be left onsite to provide coarse woody debris, unless the felled tree lies outside the ungulate winter range.
 - b) harvesting is for the purposes of traditional and cultural activities, as authorized under a free use permit.
4. Salvage harvesting is not permitted within the ungulate winter range
5. An authorized person who carries out a primary forest activity within 100 m of an ungulate winter range must ensure that the ungulate winter range is not materially adversely affected by the foreseeable impacts of the activities.

Signed this 14 day of July, 2016



Sharon Hadway, Regional Executive Director
West Coast Region
Ministry of Forests, Lands and Natural Resource Operations

Appendix 1

The following information is provided by the Ministry of Forests, Lands and Natural Resource Operations as background information and support to the order establishing UWR U-5-005. This appendix is not part of the order.

1. Authority to consider an exemption from the GWMs is provided in Section 92(1) of the *Forest Planning and Practices Regulation* 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 winter range 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. Incomplete packages will be returned to the proponent for re-submission. Information pertaining to exemption requests is available at:

http://search.gov.bc.ca/search?site=default_collection&client=legacy_env_fe&proxystylesheet=legacy_env_fe&output=xml_no_dtd&filter=0&q=frpa+UWR+exemption+requests

2. For GWM 1, exemptions would only normally be considered if the result in enhancing the quality of the winter range habitat as determined by the Director, Resource Management or for road construction where there is no other practicable option. "Enhancing quality" means improvement of second growth young forest stands to increase future snow interception cover for ungulates (e.g. thinning dense, young forested stands to improve crown size over time), or other innovative habitat enhancement techniques.