



Goshawk Foraging Habitat on the Queen Charlotte Islands/Haida Gwaii

Complaint Investigation 060738

FPB/IRC/143

July 2008

Update (September 25, 2008)

1. Correction

- Page 1, under “Background”

The scientific name of the Queen Charlotte Goshawk (*Accipiter gentilis langi*) should be spelled “*Accipiter gentilis laingi*.”

2. Additions

- Page 6, under “BC Timber Sales”

“BCTS contributes to funding for goshawk nest site monitoring each year. *However, there has been no work specifically in the Rennell Sound Landscape Unit other than in the Bonanza WHA.* It also obtained funding through the Forest Investment Account program to participate in, but not lead, a landscape level strategy that would consider goshawk habitat; but this has not yet been initiated.”

In the meantime, BCTS addresses goshawk habitat on a cutblock basis through block design and pre-harvest surveys. *These are informal, non-systematic surveys during the layout of a cutblock.* BCTS contractors and staff receive training to detect probably presence of goshawks and MOE staff are contacted for advice when goshawk presence is suspected.”

3. Addition

- Page 6, under “Husby”

“Similar to BCTS, Husby has been working with goshawk biologists to conduct nest site surveys in their operating areas, *but not in the Rennell Sound Landscape Unit.* In addition, it conducted a review ...”

4. Addition

- Page 7, under “Summary,” (first bullet)

“pre-harvest *informal, non-systematic* nest surveys by licensee *staff during cutblock layout;*”

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The Complaint

In September 2006, the Sierra Club (the complainant) submitted a complaint to the Forest Practices Board (the Board) asserting that agencies and licensees were not implementing an earlier Board recommendation to use a cautious approach in managing goshawk foraging habitat while land use planning processes were being completed. The complaint is focused in the Rennell Sound Landscape Unit, within the Haida Gwaii Forest District, and is partly based on the submission of plans from the two licensees in the area, Husby Forest Products Ltd. (Husby) and BC Timber Sales (BCTS).

Background

This is the second complaint from the Sierra Club (Haida Gwaii Group) about management of goshawk foraging habitat on Haida Gwaii. In February 2006, the Board reported on their first investigation into the Sierra Club's complaint that foraging habitat for the Queen Charlotte Goshawk (*Accipiter gentilis langi*) was not being adequately managed and protected.¹ This first assertion was based partly on the interim results of a study into the genetic makeup of goshawk populations on the BC coast. These interim results indicated that the goshawk population on Haida Gwaii was isolated from the mainland populations, therefore immigration from outside could not be relied on to maintain the Haida Gwaii population. Further, research on goshawk feeding behaviour on Haida Gwaii indicated that each breeding pair required 10,000 hectares to meet foraging requirements, much larger than the 2,200 hectares prescribed in the Ministry of Environment's (MOE) 1999 Identified Wildlife Management Strategy (IWMS).

Under the 1999 IWMS, two wildlife habitat areas (WHAs) were set aside for goshawks on Haida Gwaii—the Bonanza WHA in the Rennell Landscape Unit and the Datlamen WHA in an adjacent landscape unit. The strategy required a 240-hectare core nesting and post-fledging area within each goshawk WHA. Outside of this core area, the strategy required a 2,200-hectare foraging area. In both the post-fledging and the foraging area, forest harvesting activities are permitted within certain limits. But these objectives were based on information about prey and natural disturbance patterns from the United States, not Haida Gwaii or even British Columbia.

The differing numbers with regard to foraging area requirements appear to be due to forest fragmentation from timber harvesting reducing foraging habitat, and to removal of undergrowth by deer browsing, which reduces habitat for blue-grouse—a key prey species for the goshawk. Breeding activity on Haida Gwaii has been associated with territories featuring at least 40 to 60 percent mature and old forest. The 1999 IWMS recommended retaining 60 percent mature and old forest within the foraging area of a WHA.

In 2004, the IWMS prescription for goshawk WHAs was revised, removing the foraging area designation and reducing WHA size to 200 hectares for any future WHAs. This was done to

¹ http://www.fpb.gov.bc.ca/complaints/050637/closing_letter.pdf

allow for the protection of more nest sites, while remaining within a timber supply impact policy cap. However, the two existing WHAs on Haida Gwaii were not affected. In recent years, the nest area in the Bonanza WHA has been the most successful known breeding site on Haida Gwaii.

In the first investigation that the Board conducted, it found that concerns about management of goshawk foraging habitat were valid, but they also noted that there were strategic initiatives underway that might provide direction to planners and decision makers for future management. These initiatives included a land use planning process; government-to-government negotiations with the Haida Nation; and goshawk recovery planning. The Board recommended a cautious interim management approach until new direction was in place, which was anticipated to be the summer of 2006.

In December 2007, the provincial government approved the final Haida Gwaii Strategic Land Use Agreement which provides strategic direction for a number of resource values and sets aside a significant amount of Haida Gwaii from harvesting. However, it does not provide specific direction on goshawk foraging habitat.

The cumulative effect of the land use agreement; removal of areas from the harvesting landbase under Part 13 of the *Forest Act*; and previous timber harvesting is that licensees are being concentrated into increasingly smaller areas on Haida Gwaii. Husby has lost many harvest opportunities in its operating areas of Naden Harbour and Eden Lake in the northern half of Graham Island and the company is now expanding its operations in the Rennell landscape unit to the south, where, until now, BC Timber Sales (BCTS) had been the main licensee operating in this area.

In July 2006, Husby submitted a forest development plan (FDP) amendment proposal to the Ministry of Forests and Range (MFR) for approval. The proposed plan included a helicopter-based partial-cut cutblock within the Bonanza WHA, an area that had previously been established to conserve goshawk nest sites and foraging habitat. In August 2006, MFR district manager approved an amendment to a BCTS FDP which proposed two more helicopter-based partial-cut cutblocks adjacent to the same WHA.

In addition to the concern that a cautious management approach was not being followed for goshawks, the complainant expressed concern about the hydrological impacts of the proposed plans in the Rennell Sound Landscape Unit. The main concern was that the proposed development could result in exceeding some equivalent clearcut area (ECA) limits recommended in a 2004 Coastal Watershed Assessment (CWAP) update. However, in April 2007, after the investigation was initiated, Husby rescinded its application for an FDP amendment. Also, a 2007 CWAP update conducted for BCTS found that areas in the watershed had begun to recover and the current ECA was relatively low. It also determined that cutblocks proposed by BCTS and Husby would not result in ECA thresholds being exceeded. The Board could not reach any conclusions beyond the findings of the recent CWAP update and did not

investigate this issue further. Both Husby and BCTS now have approved forest stewardship plans (FSPs) under the *Forest and Range Practices Act* (FRPA). Under FRPA they are required to conduct operations consistent with governments' legal objectives which include objectives to conserve water quality and fish habitat at the landscape level.

Discussion

In its previous investigation, the Board upheld the complainant's concern that goshawk foraging habitat was at risk and suggested a cautious approach to management. This investigation looked at what had changed since the 2006 Board report and, in particular, what measures the licensees and the agencies are taking that address foraging habitat.

Is goshawk foraging habitat being managed on the landscape?

To answer this question, the investigation considered the current status of goshawks and the activities of government agencies, the recovery team and the two licensees.

Current status of goshawks on Haida Gwaii

The Queen Charlotte goshawk is listed as threatened by the Committee on the Status of Endangered Wildlife in Canada. It is also listed provincially as a species at risk under FRPA.

The work on the genetic makeup of the goshawk populations on the coast has not been finalized and published. However, there has been no indication that the preliminary finding—that the Haida Gwaii population is isolated from mainland populations—will change. Recently, the US Fish and Wildlife Service responded to a petition to list the Queen Charlotte goshawk as threatened or endangered under the *United States Endangered Species Act*. It supports issuing a proposed rule to list the entire BC population as threatened or endangered under the US legislation.

In 2007, there were 13 known nest areas on Haida Gwaii, 9 of which were active but which produced only three young. The Bonanza WHA nest site has been the most successful, with a breeding pair present in 9 of the 12 years of monitoring.

What is Government doing?

The 2007 Land Use Agreement contains protection measures for known goshawk nesting sites, but doesn't provide specific protection or direction for goshawk foraging habitat. While the agreement does protect a large area on the northwest side of Graham Island, there are currently no known nesting sites in the area. Recent fieldwork by the federal goshawk recovery team has identified some potential habitat in the protected area, including suitable stand structure and prey species, but the high wind and rainfall there may limit the area's value to goshawks. As well, there is currently no evidence that goshawks can successfully nest and fledge young in this area; instead, research and inventory work indicate that the best goshawk habitat on the

Haida Gwaii is on the Skidegate Plateau on the east half of Graham Island, which is also where much of the development pressure is. Therefore, while a significant amount of mature and old forest may be protected by the agreement, the degree that this will contribute to the management of goshawk foraging habitat it is not yet known.

The ecosystem-based management objectives in the 2007 Land Use Agreement that refer to goshawks are directed at protecting nest sites. There is also an objective to maintain 30 percent of common old-growth ecosystems, which may also contribute to the protection of foraging habitat. These objectives are to be implemented through detailed strategic landscape level planning scheduled to be completed in approximately 18 months. Legal objectives will be established once the landscape level planning is completed.

Ministry of Environment (MOE)

MOE is responsible for managing and conserving Haida Gwaii's goshawk population. It has provided coordination and partial funding for mapping and siting reports for nest site surveys; and staff participate on the goshawk recovery team. As discussed earlier, in 2004 MOE revised the goshawk account in the IWMS. Instead of requiring a foraging area within WHAs, the revised account left foraging habitat to be maintained elsewhere on the landscape.

MOE also is responsible for issuing section 7 Notices which provide licensees with the government's expectations of habitat needs for species at risk. The overall timber supply impact of the Notice was limited to one percent of the mature timber harvesting landbase by government policy. This amounts to 1500 hectares of which about 1200 hectares were already allocated to the two existing goshawk WHAs. As foraging habitat would no longer be within WHAs under the new IWMS and nest site protection was being considered through the land use agreement, the remaining 300 hectares were allocated to marble murrelets and therefore, goshawks were not included on the section 7 Notice. The one percent is a policy cap and can be adjusted by land use planning and a Cabinet decision.

Ministry of Forests and Range (MFR)

Prior to the first Board investigation, the district manager refused to approve a BCTS FDP amendment based on what was at that time new information about goshawk biology. This decision was made under section 41 of the *Forest Practices Code of British Columbia Act* (the Code), which required the district manager to be satisfied that a plan adequately managed and conserved forest resources.

The amendment had included several cutblocks within the Bonanza WHA. A later amendment (#97 to BCTS FDP 2003-2007) was approved in August 2006 for the Bonanza watershed. The volume in this amendment had been reduced to 22,000 cubic metres of timber from 76,000 cubic metres put forward in the previous amendment proposal. In addition, the cutblocks within the

WHA had been removed and the plan proposed two helicopter partial harvest blocks adjacent to the Bonanza WHA.

In February 2006, the district manager rejected most of the cutblock proposals in another amendment put forward by Husby, largely on the basis of concerns about the silviculture system being used in their helicopter logging program. Because of the rejection, MFR did not assess the amendment for goshawk habitat. Husby submitted a revised amendment in July 2006 for 20 cutblocks, 11 of which were helicopter partial harvest blocks. This amendment was subsequently withdrawn.

In the past, section 41(1)b of the Code provided a mechanism for the district manager to ensure adequate management and conservation of goshawk habitat. With the move to the FRPA legislative regime which replaces FDPs with FSPs, there is no longer an “adequate to manage and conserve” test as was specified under the Code. With no allocation for goshawks in the section 7 order, licensees are not required to address goshawk foraging habitat in their FSPs, and the district manager has no authority to reject a plan that does not address goshawk foraging habitat. The result is that MFR is less involved in the management of goshawk habitat in BC.

Provincial Goshawk Recovery Team

A draft recovery plan has been produced by the federal goshawk recovery team. The recovery team is also conducting habitat suitability modelling to estimate the location and number of potential territories on Haida Gwaii. Field work to check the accuracy of the modelling has been completed.

By 2009, the recovery team hopes to determine habitat targets and distribution for each conservation region. In the interim, species experts are preparing a science-based guidance document, but a completion date and content of this are not yet known.

What are licensees doing?

Spatial designation of old growth management areas (OGMAs) in the Rennell Sound Landscape Unit was stalled while the land use planning process and negotiations between the Haida and the provincial government were underway, so the location of old growth retention is not known. To date, there is no formal planning process underway and the Integrated Land Management Bureau has proposed ending the spatial establishment of OGMA in 2008, except in specific situations. FSPs must be consistent with aspatial old growth targets established in the provincial *Old Growth Order*.

Licensees' FSPs must also be consistent with habitat requirements established in the Section 7 Notice for species at risk that MOE develops for each district. As mentioned previously, goshawks were not included in the notice because the timber supply impact policy limit has been reached. Licensees are not required to show proposed cutblocks in their FSPs.

BC Timber Sales

As discussed, BCTS's FDP amendment includes cutblocks adjacent to the Bonanza WHA. These blocks have been reduced in size from their original proposal and are partial harvest blocks. The map in BCTS's FSP identifies one forest development unit over the Rennell landscape unit which shows the approved cutblocks adjacent to the Bonanza WHA. However, there is no mention of goshawk foraging habitat in the FSP and at this time, BCTS has chosen to not harvest within the WHA, pending further planning for the entire landscape unit.

BCTS contributes to funding for goshawk nest site monitoring each year. It also obtained funding through the Forest Investment Account program to participate in, but not lead, a landscape strategy that would consider goshawk habitat; but this has not yet been initiated.

In the meantime, BCTS addresses goshawk habitat on a cutblock basis through block design and pre-harvest surveys. BCTS contractors and staff receive training to detect probable presence of goshawks and MOE staff are contacted for advice when goshawk presence is suspected.

Husby

Husby's FDP amendment submission proposed several partial cut helicopter harvest blocks within the Bonanza goshawk WHA, in the foraging portion of the WHA, but that amendment was withdrawn and Husby is now operating with an approved FSP.

The map in Husby's approved FSP identifies one forest development unit covering the Rennell landscape unit, similar to the BCTS FSP. It does not identify individual cutblocks except for those that were previously approved under its FDP, but that does not prevent Husby from developing cutblocks, including those proposed in the past. Such harvesting would be subject to meeting the government objectives as addressed in its FSP, none of which relate to goshawks. As with BCTS, there is no mention of goshawk foraging habitat in the FSP.

Similar to BCTS, Husby has been working with goshawk biologists to conduct nest site surveys in their operating areas. In addition, it conducted a review of previously harvested partial cut blocks in its Eden Lake operating area in another landscape unit. The study found that partial cut harvesting that retains a high level of trees did not significantly reduce the value of the area for goshawk foraging habitat.² However, the current amount of this form of harvesting is not enough to be significant in the management of goshawk foraging habitat.

² Doyle, F., and Nelligan, M., *Pre- and post-harvest habitat impacts of Husby heli-select harvesting on forest structure and focal wildlife species on Haida Gwaii/Queen Charlotte Islands*, 2004.

Summary

To date, measures to protect goshawk habitat have included:

- pre-harvest nest surveys by licensees;
- the establishment of two wildlife habitat areas;
- the refusal by the MFR district manager to approve proposed cutblocks within the Bonanza WHA;
- the removal of proposed cutblocks from the Bonanza WHA; and
- the protection of nest sites through the land use planning process and subsequent Land Use Agreement.

Since the Board's 2006 report, there has been no substantive change in the planning by either the licensees or government agencies in addressing goshawk foraging habitat outside of the established WHA in the Rennell Sound Landscape Unit. Both licensees were anticipating strategic direction from the land use plan process, but there was no direction that specifically discussed goshawk foraging habitat. However, several of the objectives in the Land Use Agreement may significantly contribute to maintaining foraging habitat. Neither licensee has specifically addressed goshawk foraging habitat in its FSP, though both licensees, along with MOE and MFR, are participating in the recovery team planning process.

Outside of the two WHAs and the Part 13 areas set aside through the Land Use Agreement, all efforts related to goshawks are focused on nest site surveys and monitoring. Licensees are communicating but there is no coordination of logging plans in terms of goshawk foraging habitat. This could be partly mitigated if partial cut harvesting is done in a manner that maintains goshawk foraging habitat, but high retention harvesting is not a significant portion of the overall cut. Currently, it appears that conservation of goshawk foraging habitat will have to happen incidentally, through meeting other government objectives.

Agencies expressed optimism that goshawk foraging habitat can be maintained through landscape level planning using the objectives for ecosystem-based management, old growth, riparian and cultural features provisions in the Land Use Agreement. This may depend on how closely the planning can accommodate the goshawks apparent need for at least 40 to 60 percent of a territory having mature and old forest stands.

There are some unknowns that could affect the prospects for goshawk foraging habitat:

- Mature second growth forests may contribute to providing foraging habitat but this will depend on the stand structure and age.
- Ecosystem-based management objectives in the Land Use Agreement for maintaining old growth may address foraging habitat. BCTS expects a 20 to 30 percent increase in retention on the landscape around riparian areas due to ecosystem-based management.

The degree to which foraging habitat is affected will not be known for some time, but government agencies feel that goshawk foraging habitat can be addressed.

- Deer foraging continues to damage habitat required by goshawk prey.

Finding

There is no landscape level strategy to manage goshawk foraging habitat and there are no measures in place to conserve or protect foraging habitat outside of WHAs in the interim until more specific guidance from the goshawk recovery team is available, or the detailed landscape level planning is implemented.

Conclusions

The situation for goshawks on Haida Gwaii is uncertain as forest management changes to accommodate the recent Land Use Agreement. Industry will have a reduced cut level, but that cut will also be concentrated on a reduced harvesting landbase.

While measures have been taken to protect nest sites with the implementation of the Land Use Agreement, and some caution has been applied to development within the WHA foraging area, there has not been a substantive change in management for goshawk foraging habitat in the Rennell Sound Landscape Unit since the Board's last report. Government has not implemented planning specifically for goshawk foraging habitat.

Licensees are communicating regarding harvesting plans, but there is no coordination with respect to possible impacts on foraging habitat.

Implementation of the Land Use Agreement will include detailed landscape level planning, within which goshawk foraging habitat may be considered, but there is currently no legal planning objective that applies to licensees to ensure that goshawk foraging habitat is maintained. The Board therefore feels that the onus is on government to provide the direction to licensees through planning and objectives.

Recommendations

Under section 131(2) of the *Forest and Range Practices Act* the Board makes the following recommendations:

1. The Integrated Land Management Bureau should complete old growth management area (OGMA) spatial establishment in the Rennell Sound Landscape Unit, addressing goshawk foraging habitat to the degree possible within the OGMA selection criteria.
2. Government should consider the unique situation of goshawks and foraging habitat on Haida Gwaii and advise the Board of its plans for managing foraging habitat there.

3. The goshawk situation on Haida Gwaii appears to be an example of where an adjustment to the one percent limit on timber supply impacts is warranted. Ecosystem based management objectives from the Land Use Agreement may address foraging habitat but implementation is 18 months away. In the interim, managers may need flexibility to provide protection within a specific goshawk territory. Government should consider increasing the Identified Wildlife Management Strategy budget, specifically for goshawks on Haida Gwaii, to provide this flexibility when it is needed.

Under section 132 of the *Forest and Range Practices Act*, the Board requests that the Integrated Land Management Bureau respond in writing to recommendation 1, and that the Ministry of Environment respond in writing to recommendations 2 and 3, by September 30, 2008.



DEC 02 2008

File: 0280-30
Ref: 161369

Dr. Bruce Fraser, Chair
Forest Practices Board
PO Box 9905 Stn Prov Govt
Victoria BC V8W 9R1

FOREST PRACTICES BOARD	
DEC 04 '08	
RECEIVED by:	
Original	<u>Bruce</u>
File #	
ACTION:	COPIES:
<u>Rob T</u>	<u>Ben</u> <u>Rob T</u>
<input type="checkbox"/> NIA Int:	<input type="checkbox"/> FYI Int:

Dear Dr. Fraser:

I am writing in regard to two Forest Practices Board reports: Goshawk Foraging Habitat Report (Goshawk Report) on the Queen Charlotte Islands (Haida Gwaii) and Wildlife and Cattle Grazing in the East Kootenay Report. These reports were forwarded to the Ministry of Agriculture and Lands. The Cattle Grazing Report touches on the mandates of the Ministry of Forests and Lands (MFL) and Ministry of Environment (MOE) and my colleagues in those agencies will respond.

The Goshawk Report touches on the mandate of MOE and within recommendation one, the mandate of MAL. The response below is in respect of recommendation one. My colleagues at MOE will respond on recommendations two and three.

Recommendation one suggests that the Integrated Land Management Bureau should complete old growth management area (OGMA) spatial establishment in the Rennell Sound Landscape Unit addressing goshawk foraging habitat to the degree possible within the OGMA selection criteria.

A detailed Strategic Planning Project is currently underway in this area assessing the application of the objectives resulting from the December 2008 Haida Gwaii Strategic Land Use Agreement (SLUA) between the Province and the Haida Nation. There are specific objectives in the SLUA for goshawk nesting habitat and ecosystem-based management (EMG). An assessment of whether goshawk foraging habitat is adequately managed through protected area and EBM measures (e.g. maintenance of tradition Haida Gwaii forest resources and monumental cedar, representation of old forest ecosystems, protection of red and blue listed species, establishment of riparian areas, etc.) will be undertaken as part of this project.

.../2



It is expected that the level and spatial distribution of old forest retained to conserve other values will approach the old forest requirements for goshawk foraging habitat. If this proves not to be the case, then other means of meeting these requirements can be considered (e.g., location of OGMA).

I appreciate the opportunity to respond directly to you on this issue. If the Board has additional questions regarding the project, please contact Dave Tudhope, A/Manager, Land Resource Use, Ministry of Agriculture and Lands, at 250 356-2728.

Sincerely,



Larry Pedersen
Deputy Minister

pc: Honourable Pat Bell, Minister of Forests and Range
Honourable Barry Penner, Minister of Environment
Jim Snetsinger, Chief Forester, MFR
Ralph Archibald, ADM, Environmental Stewardship Division, MOE
Gary Townsend, ADM, Regional Operations Division
Phil Zacharatos, A/ADM, Operations Division, MFR
Ian Miller, A/Director Forest Practices Branch, MFR
Kaaren Lewis, Director, Ecosystems Branch, MOE
Lindsay Jones, Director, First Nations Initiatives (Coast), ILMB
Heather MacKnight, Regional Executive Director (Coast), ILMB
Bruce Sieffert, Director, Land Use Planning, ILMB
Leonard Munt, District Manager, Haida Gwaii Forest District
Rodger Stewart, Regional Manager, Cariboo Region, MOE
Jennifer McGuire, Regional Manager, Lower Mainland Region, MOE
Andy Witt, Manager Habitat Management Section, MOE
Stewart Guy, Manager, Environmental and Economic Initiatives, MOE
Paul Rehler, Forest Practices Branch, MFR
Dave Tudhope, A/Manager, MAL

Reference: 101679



DEC 19 2008

Dr. Bruce Fraser, Chair
Forest Practices Board
3rd Flr - 1675 Douglas St
PO Box 9905 Stn Prov Govt
Victoria BC V8W 9R1

Dear Dr. Fraser:

Re: Complaint Investigation 060738 – Goshawk Foraging Habitat on the Queen Charlotte Islands/Haida Gwaii

Please accept this letter as Ministry of Environment's (MOE) response to recommendations 2 and 3 in the Forest Practices Board's Complaint Investigation Report 143, *Goshawk Foraging Habitat on the Queen Charlotte Islands/Haida Gwaii (July 2008)*.

Recommendation 2

Government should consider the unique situation of goshawks and foraging habitat on Haida Gwaii and advise the Board of its plans for managing foraging habitat there.

Response by MOE

The Strategic Land Use Agreement (SLUA) will provide significant protection for goshawk nesting habitats. Although there are no explicit provisions within the SLUA for the management of goshawk foraging habitat, considerable amounts of high and moderate quality foraging habitats will be captured during the protection of other resource values, including marbled murrelet, riparian areas and old-growth representation. Once legal objectives are established, the adaptive management and effectiveness evaluation framework part of the SLUA implementation process will enable government to assess how well goshawk nesting and foraging habitat values have been addressed.

Recommendation 3

The goshawk situation on Haida Gwaii appears to be an example of where an adjustment to the one percent limit on timber supply impacts is warranted. Ecosystem based management objectives from the Land Use Agreement may address foraging habitat but implementation is 18 months away. In the interim, managers may need flexibility to provide protection within a specific goshawk territory. Government should consider increasing the Identified Wildlife Management Strategy budget, specifically for goshawks on Haida Gwaii, to provide this flexibility when it is needed.

.../2

Response by MOE

The SLUA is the mechanism to deliver protection of goshawk habitat over and above the current government policy that allocates a 1% timber supply impact to habitat protection for all species at risk in any particular management unit. The SLUA addresses the balance of social, economic, and environmental considerations. In addition, an adaptive management and effectiveness evaluation framework will be put in place to implement SLUA, and assess how well goshawk habitat values are being addressed. In the interim, where specific situations are identified that may pose a risk to goshawk foraging habitat, MOE will continue to work with MFR and licensees to find ways to mitigate the impacts of forest harvesting.

If the Board has any questions regarding MOE's response, please contact Andy Witt, Manager, Habitat Management Section, Ministry of Environment, at 250-356-2353.

Yours truly,



Ralph Archibald
Assistant Deputy Minister

pc: Honourable Stanley B. Hagen, Minister of Agriculture and Lands
Honourable Pat Bell, Minister of Forests and Range
Honourable Barry Penner, Minister of Environment
Jim Snetsinger, Chief Forester, MFR
Tim Sheldon, ADM, Operations Division, MFR
Leonard Munt, District Manager, Haida Gwaii Forest District
Ian Miller, A/Director Forest Practices Branch, MFR
Paul Rehsler, Forest Practices Branch, MFR
Rodger Stewart, Regional Manager, Cariboo Region, MOE
Jennifer McGuire, Regional Manager, Lower Mainland Region, MOE
Kaaren Lewis, Director, Ecosystems Branch, MOE
Andy Witt, Manager Habitat Management Section, MOE
Stewart Guy, Manager, Environmental and Economic Initiatives, MOE
Larry Pedersen, Deputy Minister, MAL
Gary Townsend, ADM, Regional Client Services Division
Lindsay Jones, Director, First Nations Initiatives (Coast), ILMB
Heather MacKnight, Regional Executive Director (Coast), ILMB
Bruce Sieffert, Director, Land Use Planning, ILMB



File: 97250-20/060738

January 5, 2009

Ralph Archibald
Assistant Deputy Minister
Ministry of Environment
PO Box 9339 Stn Prov Govt
Victoria, BC V8W 9M1

Dear Ralph Archibald:

Re: Complaint 060738 response to recommendations 2 and 3

Thank you for your letter of December 19, 2008, providing the Ministry of Environment response to two recommendations made in the Forest Practices Board report *Goshawk Foraging Habitat on the Queen Charlotte Islands/Haida Gwaii*.

Regarding recommendation 2, I accept your response that the Strategic Land Use Agreement (SLUA) will be the main vehicle for protecting goshawk habitat. I am encouraged that, following the planning, goshawk foraging habitat will be assessed through the adaptive management and effectiveness evaluation programs.

Recommendation 3 deals with local manager's ability to address interim situations where foraging habitat may be at risk. The Board accepts that the proper mechanism for implementing habitat protection measures beyond the one percent cap is with the SLUA and it may now not be an effective mechanism for dealing with situations needing a quick response. However, the Board remains concerned that there is no formal process available under the *Forest and Range Practices Act* for either MOE or MFR managers to deal with the interim. MOE's response that MOE and MFR staff will work with licensees to mitigate impacts appears in reality to put the onus on the goodwill of the licensee and this may not be fair or effective given the constraints that licensees now face with implementation of the SLUA.

Yours sincerely,

A handwritten signature in black ink that reads "Bruce Fraser".

Bruce Fraser, PhD
Chair



Forest Practices Board

File: 97250-20/060738

January 6, 2009

Larry Pedersen, Deputy Minister
Ministry of Agriculture and Lands
PO Box 9120 Stn Prov Govt
Victoria, BC V8W 9B4

Dear Larry Pedersen:

Re: Complaint 060738 response to recommendation 1

Thank you for your letter of December 2, 2008 providing the Ministry of Agriculture and Lands response to a recommendation made in the Forest Practices Board report *Goshawk Foraging Habitat on the Queen Charlotte Islands/Haida Gwaii*.

I accept your response and am encouraged that there will be an assessment of whether goshawk foraging habitat is adequately managed as part of the detailed Strategic Planning Project for the Haida Gwaii Strategic Land Use Agreement. I trust that the planning groups will be made aware of this.

Yours sincerely,

Bruce Fraser, PhD
Chair



Forest Practices Board

File: 97250-20/060738

February 12, 2009

Jacques Morin
Sierra Club of Canada, Haida Gwaii Group

Dear Jacques Morin:

Re: Government responses to recommendations in the Board goshawk report

Government has responded to recommendations made by the Forest Practices Board in its *Goshawk Foraging Habitat on the Queen Charlotte Islands/Haida Gwaii* report. The response letters are attached.

I have accepted the response from the Ministry of Agriculture and Lands (MAL) to recommendation 1. The ministry said that it will assess whether goshawk foraging habitat is adequately managed as part of the detailed Strategic Planning Project for the Haida Gwaii Strategic Land Use Agreement (SLUA). If the measures in the SLUA do not provide the old forest requirements for goshawk foraging habitat, the ministry will consider other means, including the location of old growth management areas.

I have also accepted the Ministry of Environment's (MOE) response to recommendation 2. The ministry expects that implementation of the SLUA will include considerable amounts of goshawk foraging habitat. Achievement of this expectation will be assessed through the SLUA adaptive management and effectiveness evaluation programs after planning is completed.

In response to recommendation 3, MOE states that implementing habitat protection measures beyond the 1% cap should be done through the SLUA, however, in the

Jacques Morin
February 12, 2009
Page 2

interim, MOE and MFR staff will work with licensees to mitigate impacts in situations where foraging habitat may be at risk.

After discussing the response with MOE, I have now accepted it. Increasing the 1% cap may not be an effective short term mechanism as it would likely require amendments to the section 7 notice and licensee plans which take time. Currently, with reduced harvest levels, government feels that there is less short-term risk.

However, I advised MOE that the Board remains concerned that there is no formal process available under the *Forest and Range Practices Act* for either MOE or MFR managers to deal with interim situations where habitat is at risk.

In the Board's view, government needs to deal with all of the goshawk habitat requirements, not just nesting sites. Based on the response we received from both MAL and MOE, the Board expects that management of goshawk foraging habitat will be a component of the final detailed planning from the SLUA.

Yours sincerely,



Bruce Fraser, PhD
Chair

Attachments

Cc: Ralph Archibald, Assistant Deputy Minister, Ministry of Environment
Larry Pedersen, Deputy Minister, Ministry of Agriculture and Lands



Forest Practices Board

File: 97250-20-060738

June 29, 2010

Ralph Archibald
Assistant Deputy Minister
Ministry of Environment
PO Box 9339 Stn Prov Govt
Victoria, BC V8W 9M1

Gary Townsend
Assistant Deputy Minister
Integrated Land Management Bureau
PO Box 9352 Stn Prov Govt
Victoria, BC V8W 9M1

Jim Snetsinger
Chief Forester
Ministry of Forests and Range
PO Box 9525 Stn Prov Govt
Victoria BC, V8W 9C3

Re: Government's strategy to provide foraging habitat for new Northern Goshawk nests on Haida Gwaii

The purpose of this letter is to identify the Board's concern with current measures to manage goshawk foraging habitat. This was brought to our attention by the Sierra Club Haida Gwaii section who informed us of a new northern goshawk nest site in the Florence Creek area of the Skidegate Plateau on Haida Gwaii and their concern that a nearby cutting permit, recently issued to Western Forest Products Ltd (WFP), will impact needed foraging habitat. There are some short timeframes involved here and following discussions that we have had with government staff and the licensee, I felt it necessary to write directly to you.

Background

In July 2008 the Forest Practices Board reported on a complaint filed by the Sierra Club of Canada relating to the management of foraging habitat for the northern goshawk on Haida Gwaii.¹ The Queen Charlotte Islands northern goshawk is listed as Threatened by

¹ *Goshawk Foraging Habitat on the Queen Charlotte Islands/Haida Gwaii* FPB/IRC/143.
FPB/IRC/143 <http://www.fpb.gov.bc.ca/publications.aspx?id=3580>

the Committee on the Status of Wildlife in Canada and is a species at risk under the *Forest and Range Practices Act*. The goshawk population on Haida Gwaii is considered to be genetically isolated from mainland populations and research indicates that they require a larger area over which to forage than mainland goshawks due to the quality of the habitat.

Through that investigation the Board found that there were measures through the then draft Strategic Land Use Agreement (SLUA) to protect goshawk nest sites but government had no measures in place specifically for goshawk foraging habitat. The Board recommended that government consider the unique situation of goshawks and foraging habitat on Haida Gwaii and advise the Board of its plans for managing foraging habitat.

In a December 19, 2008 letter to the Chair, the Ministry of Environment responded that considerable amounts of high and moderate quality foraging habitat would be captured during the protection of other resource values with the implementation of the SLUA. After legal objectives were established, the adaptive management and effectiveness evaluation framework under SLUA would enable government to assess how well goshawk nesting and foraging habitat values had been addressed. In response to another recommendation, MOE responded that in the interim, where specific situations are identified that may pose a risk to goshawk foraging habitat, MOE would work with MFR and licensees to mitigate the impacts of forest harvesting.

In a December 2, 2008 letter to the Chair, the Integrated Land Management Bureau said that an assessment of whether goshawk foraging habitat was adequately managed through protected areas and ecosystem-based management measures would be undertaken as part of the detailed Strategic Planning Project under SLUA. Further they said that if the retention of old forest for other values does not meet the requirements for goshawk foraging habitat, other means, such as placement of old growth management areas, could be considered.

Our understanding of the current situation

We understand that the draft Land Use Order that was advertised earlier this year, incorporating the reserve planning for the SLUA objectives, is scheduled to be signed in July. Earlier this spring a new active nest site was located on the Skidegate Plateau, in the Florence Creek drainage, and it is the only known occupied nest found on Haida Gwaii this year. After the nest was found a cutting permit was issued to Western Forest Products Ltd near the 200 hectare nest reserve area provided under the SLUA.

It is our understanding that there is a commitment by WFP to defer harvesting until September 2010, after the breeding season. However there appears to be no clear commitment by government, and no requirement for the licensee, to conduct assessments of the landscape for alternate nest sites that nesting pairs use in association with an occupied nest, or to assess whether there is adequate foraging habitat in the surrounding landscape.

There is a need to conduct a field assessment of the Florence Creek site soon if alternate nest sites are to be included in the draft Land Use Order before it is signed in July. However, it is our understanding that, aside from some limited funding that the Ministry of Environment has recently found to initiate a partial assessment, funding sources and responsibility remain an issue. The situation is complicated by the fact that the tenure may transfer from WFP before harvesting is completed on the cutting permit.

There is also no obvious strategy to deal with the foraging habitat issue for this nest site. Despite government's expectation that foraging habitat would be covered with the strategic planning from SLUA, it is our understanding that this is not the case here and the licensee has not been asked to address it. Further, there appears to be no adaptive management plan or any plans to monitor the nest site.

There are two immediate issues we feel need addressing:

1. If it is the intention of government to include known nest sites in the Land Use Order, the Order needs to be amended soon to include the new nest site and alternate nest locations.
2. Government needs to be aware that some suitable foraging habitat near the new nest site may be under cutting permit and could soon be logged. Government should address the situation as a matter of urgency and make a considered decision as to what, if any, action is appropriate.

Finally, there is a need for a clear process for assessing new nest sites and foraging habitat, identifying responsibilities and funding beyond the Florence Creek site. It appears from this case that a workable strategy for dealing with new nest sites and foraging habitat on the landscape is lacking. The responsibility for conducting habitat assessments is not clear and there is no identified funding source. This is a problem when there is a time sensitive situation like Florence Creek. It appears that adequate management of foraging habitat in this and future nest site discoveries is not assured and will happen subject to the vagaries of the economy and the ability of the licensee to be flexible.

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June 29, 2010

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If you have any questions or require further clarification please contact Rob Thomson at 250-213-4719.

Sincerely,

A handwritten signature in black ink, appearing to read "Fred Parker", with a stylized flourish at the end.

Fred Parker
Executive Director

Cc:

Kaaren Lewis, MOE

Jim Sutherland MFR

Dave Tudhope ILMB

John Deal, Western Forest Products

Leonard Munt, Ministry of Forests and Range

Jacques Morin, Sierra Club of Canada



File: 280-30
Ref: 125172

July 29, 2010

Fred Parker, Executive Director
Forest Practices Board
PO Box 9905 Stn Prov Govt
Victoria, British Columbia
V8W 9R1

Dear Fred Parker:

On behalf of the Integrated Land Management Bureau (ILMB), Ministry of Environment (MOE), and Ministry of Forests and Range (MFR), please accept this letter as government's initial response to your letter of June 29, 2010, regarding government's strategy to provide foraging habitat for new Northern Goshawk (NOGO) nests on Haida Gwaii. Our actions here are consistent with our responses from December 2008 to Complaint Investigation 060738 (Goshawk Foraging Habitat on the Queen Charlotte Islands/Haida Gwaii).

To address the two immediate issues identified in your letter, government will undertake the following actions:

- The Haida Gwaii Joint Management Team, consisting of representatives from MFR, MOE, ILMB as well as representatives from the Council of the Haida Nation, will give consideration to incorporating the newly discovered NOGO nest into Schedule 12 of the final draft Land Use Objectives (LUO) Order prior to advancing it for approval.
- ILMB will conduct an analysis to determine the amount of foraging habitat captured within existing protected areas, including newly established conservancies, as well as within areas proposed for ecosystem-based management under the draft LUO Order for Haida Gwaii. ILMB anticipates that results from this analysis will be available in September.
- MOE has contracted a local independent registered professional biologist with experience on Haida Gwaii to review the recently discovered nest in FLO 1005 and provide information in support of a goshawk reserve design. The information gathered thus far is being reviewed but includes details on breeding status as well as a partial assessment of foraging habitat suitability and the potential presence of alternate nest sites. The scope of

the site assessments and alternate nest site searches was constrained by what could be achieved in the limited field time available through this contract. MOE staff are seeking additional funding to expand the area covered by this survey work.

The process for dealing with new nest sites is identified within draft LUO Order, Objective 20. The objective requires nesting sites not included in Schedule 12 to be reserved from harvest and reported to the province when discovered. Once the nesting sites are reported it is up to the licensee's resource professionals to determine how best to manage the sites in consultation with agencies and resource specialists (e.g., wildlife biologists and habitat specialists) and in accordance with Objective 20. A licensee may include an adaptive management plan as part of a forest stewardship plan result or strategy for Objective 20. Any new nest sites and associated reserves will be brought forward to the Haida Gwaii Management Council (a joint decision body of the Council of Haida Nations and Provincial Government) to consider any future amendment or recommendations to Schedule 12 of the LUO. As a follow-up to this letter, we have asked Rudi Mayser, A/Manager – Crown Lands and Resources, ILMB, to provide the Board an update on the status of the three actions identified above, in September.

If the Board has any questions regarding government's response, please contact Rudi Mayser, A/Manager – Crown Lands and Resources, ILMB, at 250-751-7130.

Yours Truly,



 Gary Townsend
Assistant Deputy Minister

pc: Kerry McGourlick, Chief Forester, Western Forest Products
Jim Snetsinger, Chief Forester, Ministry of Forests and Range
Ralph Archibald, Assistant Deputy Minister, Ministry of Environment
Dave Peterson, Assistant Deputy Minister, Field Operations Division, Ministry of Forests and Range
Jim Maxwell, Executive Director Field Operations, Ministry of Forests and Range
Sharon Hadway, A/Regional Executive Director (Coast), Ministry of Forests and Range
Heather MacKnight, Regional Executive Director (Coast), ILMB
Jim Sutherland, Director, Forest Practices and Investment Branch, Ministry of Forests and Range
Kaaren Lewis, Director of Ecosystems Branch, Ministry of Environment
Leonard Munt, District Manager, Haida Gwaii Forest District
Jeff Hoyt, Unit Head FRPA Standards and Guidelines, Ministry of Environment
Rudi Mayser, A/Manager – Crown Lands and Resources, Integrated Land Management Bureau
Dave Tudhope, A/ Manager Land Use Planning Policy, Ministry of Agriculture and Lands



Forest Practices Board

File: 97250-20/060738

Oct 1, 2010

Gary Townsend
Assistant Deputy Minister
Integrated Land Management Bureau
PO Box 9352 Stn Prov Govt
Victoria, BC V8W 9M1

Dear Gary Townsend:

Re: Government's strategy to provide foraging habitat for new Northern Goshawk nests on Haida Gwaii

Thank you for your July 29, 2010 letter responding to our concerns about how government is managing foraging habitat for northern goshawks on Haida Gwaii.

The most immediate concern was with the new Florence Creek nest site and managing foraging habitat. The larger issue, however, is the lack of direction on providing foraging habitat on the landscape for nest sites that are not covered by the Land Use Agreement reserves.

We appreciate your assurance that planning for the 200 hectare nest site reserve will occur for the Florence Creek site and this will be considered for the Land Use Order. However, even with the time sensitive situation of Florence Creek, Ministry of Environment staff were still trying to find sufficient funding for the needed surveys at the time of your letter. This reinforces the Board's concern that there is no identified funding source for this work.

The Board is also concerned that your response fails to address the issue of managing foraging habitat outside of the 200 hectare reserve, both for the Florence Creek nest site and for future nest sites that may not be covered by the Land Use Agreement reserves. You state that for future sites, licensees can propose strategies in accordance with Objective 20 of the draft Land Use Order.

Gary Townsend
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It is our understanding that Objective 20 only refers to the 200 hectare nest site reserve and makes no mention of the foraging requirements on the landscape.

It is our view that planning for and managing foraging habitat on the landscape is a government stewardship responsibility and is not likely to be addressed by licensees unless government makes it a requirement. It continues to appear that, despite the low number of known active nests, government does not intend to actively manage foraging habitat on the landscape beyond what is captured in implementing the Land Use Agreement.

Sincerely,

A handwritten signature in dark ink, appearing to read 'W. Fred Parker', with a large, stylized loop at the beginning.

W. Fred Parker
Executive Director

Cc:

Kerry McGourlick, Chief Forester, Western Forest Products
Jim Snetsinger, Chief Forester, MFR
Dave Peterson, ADM MFR
Lynn Bailey, ADM, MOE
Kaaren Lewis, MOE
Jim Sutherland, MFR
Dave Tudhope, ILMB
John Deal, Western Forest Products
Leonard Munt, Ministry of Forests and Range
Jacques Morin, Sierra Club of Canada
Bill Beldessi, Haida Nation