BRITISH COLUMBIA
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FOREST PRACTICES BOARD
DEC 04 '08
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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

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.

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Office of the Deputy Minister
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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 Rehsler, Forest Practices Branch, MFR
Dave Tudhope, A/Manager, MAL

Reference: 101679

DEC 1 9 2008

BRITISH COLUMBIA
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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.

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Ministry of Environment | Office of the Assistant Deputy Minister Environmental Stewardship Division | Mailing Address: PO Box 9339 Stn Prov Govt Victoria BC V8W 9M1 | Telephone: (250) 356-0121 Facsimile: (250) 953-3414 Website: www.gov.bc.ca/env

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 access 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 Sheldan, 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

Forest Practices Board

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,



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

Bruce Fraser, PhD
Chair

Forest Practices Board

File: 97250-20/060738

February 12, 2009

Jacques Morin
Sierra Club of Canada, Haida Gwaii Group
[redacted]

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

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
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Gary Townsend
Assistant Deputy Minister
Integrated Land Management Bureau
PO Box 9352 Stn Prov Govt
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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 at Threatened by

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[1] *Goshawk Foraging Habitat on the Queen Charlotte Islands/Haida Gwaii* FPB/IRC/143. FPB/IRC/143ttp://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.

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

Sincerely,

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

BRITISH COLUMBIA

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

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Assistant Deputy Minister
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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.

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,

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