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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.

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Ministry of Agriculture
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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
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Ian Miller, A/Director Forest Practices Branch, MFR
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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
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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

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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
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Gary Townsend, ADM, Regional Client Services Division
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Bruce Sieffert, Director, Land Use Planning, ILMB



Forest Practices Board

File: 97250-20/060738

February 12, 2009

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