



Ref: 266387

August 24, 2021

EMAIL: kevin.kriese@bcfpb.ca

Kevin Kriese, Chair
Forest Practices Board
PO Box 9905 Stn Prov Govt
Victoria, British Columbia
V8W 9R1

Dear Kevin Kriese:

On behalf of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD), I ask you to please accept this letter as Government's response to the Forest Practices Board's recommendations in its report *Logging in Fisher Habitat near Prince George, BC (May 2021)*.

As the Forest Practices Board is likely aware, FLNRORD is currently drafting a provincial Fisher Management Plan as outlined in the ministry's response to the investigation report *Timber Salvage Harvesting and Fisher Management in the Nazko Area, 2018*. This Provincial Management Plan will support fisher management on a go forth basis, including providing strategic direction and a coordinated approach to conservation actions for this species across the province.

Included below are FLNRORD's responses to the Board's report on this operational issue related to forest harvesting in fisher habitat near Prince George. More specifically, FLNRORD partially accepts the board's recommendations.

Forest Practices Board Report Recommendations 1 and 2:

Ministry of Forests Lands Natural Resource Operations and Rural Development (FLNRORD) promptly clarify its expectations to licensees for application of best practices for fisher, including application of the fisher tool in the Prince George Natural Resource District.

Once FLNRORD clarifies its expectations, Canfor incorporate them into its forest stewardship plan.

Government Response:

Although FLNRORD agrees with the use of best management practices, using the fisher tool, professional reliance and continuing to work with forest professionals on training and information dissemination, we are concerned with the Board recommendation to set expectations and direct agreement holders to include non-legislated guidance into their respective Forest Stewardship Plan. This approach likely diminishes the value of qualified professionals and professional reliance while setting the expectation that District Manager's will prescribe these practices for all species at risk.

In the meantime, FLNRORD has many ongoing fisher related initiatives, including:

- Continuing work with forest licence holders to ensure their forest professionals have access to best available information and training related to fisher, including best management practices and the fisher tool.
- Initiation of a project to develop a provincial fisher management plan, recovery plan and respective implementation plans. This work will continue in the coming year and will develop information to inform provincial management including information and guidance to support improved forest planning in fisher habitat by forest licence holders, including CANFOR.
- Actively working with BC Trappers to modify current trapping equipment to reduce bi-catch on at risk fisher populations.
- Currently assessing the need to modify fisher trapping regulations given population trends and the recent red listing of the Central Interior population by the British Columbia Conservation Data Centre.

Forest Practices Board Report Recommendation 3:

FLNRORD apply the legal provisions in FRPA to identify and conserve the habitat required for fisher in the Prince George Natural Resource District.

Government Response:

FLNRORD agrees with this recommendation. FLNRORD intends to apply the legal provisions within FRPA to identify and conserve the habitat required for fisher. Work is currently underway within FLNRORD assessing the appropriate tool to use based on the specific circumstances in the District of Prince George, while also assessing opportunities to expand these tools for application across the province. The process to identify and conserve fisher habitat will be either a Section 7 Notice, pursuant to the *Forest Planning and Practice Regulation*, or Wildlife Habitat Areas (WHA), as outlined in the *Government Action Regulation*. These tools set legal direction regarding the management of fisher habitat and they will also describe the amount, distribution and attributes of the habitat that needs special management. This work is currently underway and is considered a priority for FLNRORD staff in Omineca Natural Resource Region. Once delivered, FLNRORD expects this legal direction will address all three of the Board's recommendations.

Kevin Kriese

Congruent with this legal direction, FLNRORD has ongoing work to spatialize the Prince George TSA Biodiversity Order as described in FLNRORD's response to the recent *Management of Biodiversity in the Prince George Timber Supply Area (2020)* investigation. As part of this spatialization process, fisher habitat is being considered as part of multi-value approach to broader biodiversity planning. It is anticipated that this work will have significant benefits to fisher and other provincial species at risk at the landscape scale, which as noted in your report, is currently lacking in the planning unit.

In closing, I would like to again thank the Forest Practices Board for its report and recommendations on Logging in Fisher Habitat near Prince George, BC. The ministry looks forward to continued engagement with the Forest Practices Board on management of fisher and other species at risk.

Yours truly,



Lori Borth
Acting Regional Executive Director
Omineca Natural Resource Region

pc: Mike Hykaway, Acting Assistant Deputy Minister, North Area
Diane Nicholls, Assistant Deputy Minister, Chief Forester
David Muter, Assistant Deputy Minister, Resource Stewardship Division
Russ Laroche, Executive Director, Species at Risk Recovery Branch
John Huybers, District Manager, Prince George Natural Resource District
James Jacklin, Director of Resource Management, Omineca Natural Resource Region
Rachael Pollard, Acting Director, Resource Practices Branch
Norah White, Manager, Sustainable Resource Management, Resource Practices Branch



Forest Practices Board

File: 97250-20/19042

November 1, 2021

VIA Email

Lori Borth
Regional Executive Director
Omineca Natural Resource Region
Ministry of Forests, Lands, Natural
Resource Operations and Rural Development
499 George St.
Prince George, BC V2L 1R5

Dear Lori Borth:

Re: Government's response to recommendations - Complaint Investigation 19042

Thank you for your August 24, 2021 letter responding to the recommendations the Forest Practices Board made in its *Logging in Fisher Habitat Near Prince George, BC* report, and for meeting with us on October 4, 2021.

The Board made three recommendations:

1. Ministry of Forests Lands Natural Resource Operations and Rural Development (FLNRORD) promptly clarify its expectations to licensees for application of best practices for fisher, including application of the fisher tool in the DPG.
2. Once FLNRORD clarifies its expectations, Canfor incorporate them into its forest stewardship plan.
3. FLNRORD apply the legal provisions in FRPA to identify and conserve the habitat required for fisher in the DPG.

Fisher is a red-listed species because it is particularly vulnerable to disturbance, especially from forest harvesting. The Board directed recommendation 1 to government, and recommendation 2 to Canfor, to encourage the management of fisher habitat in the short term, recognizing that legal provisions to manage fisher habitat (recommendation 3) may take some time.

We understand that government is concerned that by clarifying its expectations to licensees for application of best practices for fisher, including application of the fisher tool (recommendation 1), it could be perceived as directing licensees to adopt non-legal requirements, and this might diminish the value of professional reliance. However, setting

non-legal expectations of licensees is part of the FRPA framework of continuous improvement, and a multi-faceted approach of legal and non-legal measure has proven necessary for the effective management of wildlife. An example of government's expectations for the management of goshawk habitat in the Skeena Region is referenced below ¹. The Board fully appreciates that expectations are not legal requirements, and that licensees could decide to take another approach based on professional advice.

We are encouraged that government agrees with recommendation 3 and that work is underway to identify and conserve fisher habitat through either a Section 7 notice or wildlife habitat areas. Government is optimistic that this will be done in the new year. However, the potential for unforeseen delays and the timelines associated with forest stewardship plan renewal underscore the need for immediate action to protect fisher habitat, and we believe that could easily be done through a letter of expectations. Even if the province is able to quickly implement legal objectives, there will be a need to clarify how the fisher tool and related best practices can be used by professionals and licensees to achieve those objectives.

We will continue to monitor government's progress in managing fisher habitat and we would appreciate an update as planned legal provisions are implemented. Thank you for your positive response to recommendation 3. Now that we have clarified what the Board hoped to achieve through its recommendations, we consider the file closed.

Sincerely,

Kevin Kriese,
Chair

cc: Mike Hykaway, Acting Assistant Deputy Minister, North Area
Diane Nicholls, Assistant Deputy Minister, Chief Forester
David Muter, Assistant Deputy Minister, Resource Stewardship Division
Russ Laroche, Executive Director, Species at Risk Recovery Branch
John Huybers, District Manager, Prince George Natural Resource District
James Jacklin, Director of Resource Management, Omineca Natural Resource Region
Rachael Pollard, Acting Director, Resource Practices Branch
Xin Yuan, Sustainable Forest Management Policy Forester, Resource Practices Branch

¹<ftp://ftp.for.gov.bc.ca/DND/external/!publish/FSP/2016%20FSP%20Expectation%20Supporting%20Information/Goshawk%20expectation%20letter.pdf>