

Hello Sue and the CRB,

Anne Hetherington has asked me to forward this to the CRB members.

> From: Anne Hetherington <anneehetherington@gmail.com>
> Date: December 14, 2022 at 8:23:14 AM PST
> To: Curtis Paul <Curtis.Paul@gov.bc.ca>
> Cc: Tobi Anaka <Tobi.Anaka@gov.bc.ca>, "Patricia LWRS:EX Tomchuk" <Patricia.Tomchuk@gov.bc.ca>, BV Community Resources Board <info@bvcrb.ca>
> Subject: Tye trails/BCTS logging proposal in WHMA support clarification
Anne sent me a correction regarding item 3 in her message. The LRMP forbids logging in defined areas for timber production, but the SRMP allows that as long as the ecosystem's structure is maintained.

Hello Curtis,

Thank you for returning my call Nov 21, 2022 and for the update on BCTS harvest plans for the Wildlife Habitat Management Area, within the 2,400 ha Goshawk Territory (GT), above Tye Lake.

The purpose of my call was to reconnect with you after my retirement as FLRN Species & Ecosystems at Risk Specialist, and to get an update. It was also to be clear that the work I did with you on this area was strictly as part of the Skeena Goshawk Stabilization Team's developing examples of tactical planning for future, official Goshawk Territories (GTs). These examples will be very helpful for foresters once the Regionally Important Wildlife legislation is finally signed off and the GTs can be implemented. Skeena is the provincial pilot project for Regionally Important Wildlife, using goshawks as the regionally listed species for population stabilization and biodiversity planning.

The improvements we made collaboratively in 2020, lowered the site-specific, negative impacts expected from the original BCTS proposal, but they will not maintain a goshawk pair if done as a BCTS sale, without it being a part of the more comprehensive, official GT management plan (General Wildlife Measures) for the goshawk territory polygon identified. This GT is already at the threshold for the minimum amount of old and mature forest needed to support a long-term, viable GT and the other species and biodiversity values a healthy GT supports.

The tactical plan the Goshawk Team was developing, which would support a light, careful selective harvest, was also dependent on extending the Tye L Wildlife Habitat Management Area (WHMA) boundary to include a key missing piece of untenured Crown Land across Babine Lk Rd, in/adjacent to the LRMP Landscape Connectivity Corridor. This new addition was to replace an adjacent WHMA by Jean Baptiste IR which was sold. It is in the current package proposal for a new Wildlife Management Area under the Conservation Lands Program (contact Tobi Anaka, Ecosystems). Apart from its own value as oldgrowth spruce-cottonwood and red-listed fisher habitat, adding this area to the WHMA boundary would increase the % area of old forest in the GT, and so raise the threshold, and allow for a limited, habitat-retention-focused harvest, once the GT is legalized and the management plan approved.

There are several outstanding issues with the Tye L WHMA site that still need to be resolved before any road, harvest or even field work is considered. In my opinion, BCTS would be in

breach of Professional Reliance if they proceeded before four serious issues are resolved. These are:

1) This WHMA is part of the Conservation Lands provincial proposal to transfer Crown Lands, identified for their conservation value, from the Land Act where they are highly vulnerable to development, to the Wildlife Act where they would be secure as a designated Wildlife Management Area (WMA). A WMA is funded and is required to have a signed-off management plan which prioritizes conservation and identified wildlife such as goshawk, other oldgrowth-related bird species, red-listed fisher and moose. Other compatible uses, as agreed to by the decision maker under the Wildlife Act, can be included but only as part of an official, spatial, long-term plan.

The Auditor General Report (2020) on how well government was managing Conservation Lands was critical of Skeena Region's management on this issue and Skeena managers committed to improving. Harvesting in a proposed Conservation Lands Wildlife Management Area, prior to completion of this process, works counter to that commitment. Many Lands Act s16s and s 17s were cancelled by the Director of Authorizations (2019-2020), in contradiction to the Conservation staff's (me at the time) written recommendations to keep. This was because 'consultation' under Land Procedures: lands with conservation value (2015) s 4.3.1 states that conservation staff only have to be given "... an opportunity to provide a rationale or recommendation..." but the Director of Authorization has complete discretion on cancelling or changing protection. (Len Vanderstar Freedom of Information and Ombudsperson's investigation file # 20-183989 March 2012)

2) BCTS cannot control what happens after a timber sale is sold, so there can be no assurance that the planned habitat outcomes will be achieved, or that there won't be a subsequent sale once regeneration has reached free-growing.

3) Harvesting within a WHMA is not permitted for timber purposes under the Bulkley Land Use Plan (LRMP). Harvesting is permitted only if for habitat management or pest-control purposes. The LRMP directed the WHMAs to be protected under Land Act S17, or if this not possible, then to find an alternate legal status (which is a Wildlife Management Area or possibly an Indigenous Protected and Conserved Area).

4) The Tye L WHMA has been identified as being in a predicted Goshawk Territory (2,400 ha) and is currently at the maximum threshold for viability based on its clearcut/disturbance harvest level. Goshawks have been in steady decline in Skeena, based on 25 years of data, because of loss of habitat and are at high risk of extirpation. A Skeena regional goshawk stabilization plan is also in process and any harvest within a Goshawk Territory, without a legal, spatial plan for long-term habitat retention has a high probability of goshawk nest failure.

In summary, and in my personal (retired) opinion, the Tye L WHMA should not be harvested until the Skeena Regional Goshawk Stabilization Plan is implemented, the Community Resources Board is on board and the Skeena Conservation Lands (Wildlife Management Area) plan has been completed. I emphasize that the work we have collaborated on, and your site-level problem-solving, has been very worthwhile, constructive and needs to continue. It's just premature to plan a BCTS sale until the issues noted above are resolved. If you have any questions or would like to discuss please don't hesitate to call me.

Sincerely

Anne Hetherington