



**Forest
Practices
Board**

**Goshawk Foraging Habitat on the Queen
Charlotte Islands/Haida Gwaii**

Complaint Investigation 060738

FPB/IRC/143

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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 OGMAs 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.