

Letter to BC government regarding Marbled Murrelet habitat areas in Brittain River (March 1, 2002)

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Daniel Bouman, Executive Director

to

Hon. Michael de Jong,
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Larry Pedersen
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Hon. Joyce Murray,
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March 1, 2002

RE/ Brittain River Marbled Murrelet WHA proposals.

Dear Sir / Madame,

I am again writing to you on a matter of urgent concern that is also an opportunity to affect the survival in the Vancouver Forest Region of a Red-Listed/Threatened species, the Marbled Murrelet. I am referring to the possibility of legally establishing the Brittain-1 and Brittain-2 candidate Wildlife Habitat Areas in Jervis Inlet.

As you are aware, a recent judicial review has established that significant errors in law were made during the process by which logging approvals were given in documented Marbled Murrelet nesting habitat in the Brittain River drainage. Justice Catliff, of the BC Supreme Court, has ordered the district manager, Greg Hemphill, to reconsider these decisions. Briefly, I would like to draw your attention to several aspects of this situation.

According to exhibits submitted to the Supreme Court of British Columbia , and other assessments recently commissioned by the Forest Practices Board , there is an acute shortage of suitable nesting habitat for this old growth dependent seabird in the Sunshine Coast Forest District (SCFD) and especially so in the Brittain Landscape. The habitat within this district that is suitable has been captured within the ~170 candidate WHAs proposed by the Fish and Wildlife Habitat Protection Branch for Marbled Murrelets. Of these candidate areas, application of biological criteria conclusively shows that designation of the Brittain candidate WHAs is the most urgent priority for the survival of the species in this forest district. There are virtually no credible options.

The Brittain River Judicial Review and the recent Administrative Review of Interfor's 2001 North Jervis Forest Development Plan show a failure to implement the law and policy of the Forest Practices Code. It is apparent that in hesitating to designate Wildlife Habitat Areas the statutory designators have deferred to the wishes of the district manager while the district manager has cited the failure of statutory designators to act as grounds to approve logging in candidate WHAs. This circular protocol has arrested the process of designating critical habitat and led directly to a crisis for Marbled Murrelets (and other species) in the SCFD. Obviously this pattern must be corrected if species-at-risk are to be adequately managed and conserved in the province of British Columbia.

As conservation advocates we recognize the necessity of addressing economic issues in the course of proposing habitat conservation. We also accept the necessity of using, where possible, stands of marginal economic potential for Wildlife Habitat Areas. In Brittain River the Small Business sale of 141,000 cubic meters, four blocks of which compromise the Brittain-1 & 2 candidate WHAs, was made for \$2.23 cu/m. The cost to the MOF of making this sale was \$400,000 . In addition to this expenditure the MOF has committed to a silviculture program costing ~\$400,000 and must engage in various supervisory and auditing functions costing roughly ~\$100,000 over the term between disturbance and the establishment of a free-growing stand . The income from stumpage is only \$314,410 yet the costs of the sale and obligations of management total over \$900,000 resulting in a direct loss of ~\$600,000! Clearly, the cost of habitat protection has never been more affordable. In any case the question must be asked: by what rationale is the highest priority wildlife habitat in the region discarded in favor of a large below-cost sale?

In closing, I ask the Chief Forester and the Deputy Minister of WLAP to review the best currently available and scientifically verifiable information regarding Marbled Murrelet nesting habitat in the SCFD and especially in the Brittain Landscape Unit. Further, I ask that re-considerations of the Brittain-1 & 2 WHA candidates comply with the procedures specified in the Forest Practices Code Act of BC and are not fettered by district managers or others with vested interests.

Thank you for your attention to these critical issues of habitat conservation in the Sunshine Coast Forest District.

Yours truly,

Daniel Bouman

cc Hon. Stan Hagen, Minister, SRM
Jon O'Riordan, Deputy Minister, SRM
Bruce Morgan, Environmental Stewardship, Biodiversity Branch, WLAP
Peter Jones, Program Director, Lower Mainland Planning, SRM
Brian Clark, Regional Manager, Fish and Wildlife, WLAP
Stewart Guy, Identified Wildlife, WLAP
Dave Dunbar, Rare and Endangered Species Specialist, Fish and Wildlife, WLAP
Darryl Reynold, Forest Ecosystem Specialist, Fish and Wildlife, WLAP
Bill Cafferata, Chair, Forest Practices Board
Calvin Sandborn, FPB
Ben van Dremmelen, FPB
Matt Pollard, Arvay Finlay, Barristers