

MEETING NOTE

DATE: February 3, 2023

PREPARED FOR: Honourable Nathan Cullen, Minister of Water, Land and Resource Stewardship

REGARDING: Meeting with Minister Stephen Guilbeault regarding Spotted Owl determination of imminent threat to recovery and survival.

INTRODUCTIONS: Lori Halls, Deputy Minister, Ministry of Water, Land and Resource Stewardship

STRATEGIC CONSIDERATION AND MESSAGES:

- BC has always been and will continue to be a leader in conservation and protection of biodiversity. BC was among the first jurisdictions to achieve the international target of 17% land conservation and has recently committed to 30% by 2030.
- The approximately 281,000 hectares of habitat protection already in place for spotted owls is science-based and expected to support the population recovery objective of 125 breeding pairs (250 owls). There were no socio-economic factors incorporated into the identification of these protections for this objective.
- Experts with decades of experience in Spotted Owl recovery within the Ministry of Water, Land and Resource Stewardship (WLRS) do not recommend that additional habitat protection measures are needed at this time as there is already significant protections in place.
- BC's experts recommend a science-based, adaptive habitat management approach that ensures habitat protection measures are adjusted and applied as more owls are released and we learn more about where and how released owls disperse and establish territories.
- Forests are naturally changing through time, climate change is creating uncertainty, and the recovery timeframe for spotted owls is expected to be more than 50 years. These temporal factors are part of the reason taking a science-based, adaptive habitat management approach is important.
- Species at Risk Act (SARA) is inflexible and does not have clear provisions for a science based adaptive habitat management approach. The petition from Ecojustice is taking advantage of this inflexibility.
- Existing protections well exceed the needs of the few owls in the wild. Expanding protections now will have immediate impact on industry and jobs and provide no incremental benefit to spotted owl recovery.
- The protection of critical habitat on a species by species basis cannot be our only tool and that is why we are transforming the forest sector to prioritize ecosystem health and biodiversity.
- The combination of existing spatial protections and an ecosystem health approach to future harvesting is expected to recruit habitat options, which also support an adaptive management strategy.
- Environment and Climate Change Canada (ECCC) staff have been informed that BC intends to extend the deferrals in Spuzzum and Utzilius, that we have no evidence of harvesting in the deferred or high priority old growth areas and that in spite of Canada's approval of Trans Mountain with little or no mitigation for the captive breeding facility, Trans Mountain has now agreed to mitigate concerns based on guidance from BC staff. It was only through BC's insistence and leadership that Trans Mountain has recently agreed to undertake steps to mitigate these risks.
- While SARA forces Minister Guilbeault to recommend an emergency habitat protection order, the federal Cabinet can consider other factors including provincial input such as expert advice on the need for an adaptive habitat management approach and socio-economic impacts. BC

wants to ensure any consideration by the federal Cabinet on an emergency order is fully informed by these other factors.

SUMMARY:

- The Honourable Steven Guilbeault, Minister of Environment and Climate Change is expected to recommend to federal cabinet (likely fall 2023) the need to implement an emergency habitat protection order for Spotted Owls based on a petition from Ecojustice representing their client Wilderness Committee.
- Staff with Environment and Climate Change Canada (ECCC) are preparing the briefing package for the federal cabinet for the emergency habitat protection order. In advance of this presentation to the federal cabinet, ECCC will engage with First Nations with traditional territory that overlaps with the historic range of Spotted Owls in BC. BC staff in WLRS will support the development of this engagement and will participate in the meetings in order to ensure that provincial expertise is shared.
- While SARA forces Minister Guilbeault to recommend an emergency habitat protection order, the federal cabinet can consider other factors including provincial input. BC has already put in place over 281,000 hectares of habitat protection for Spotted Owls. An emergency habitat protection order could increase protection by 120,000 hectares of suitable habitat that occurs throughout the historic range of spotted owl which will have significant impacts on forest sector jobs and provincial revenue. To date Canada has never provided compensation for socio-economic impacts of emergency habitat protection orders.
- BC has protected over 281,000 hectares of critical habitat in Wildlife Habitat Areas; enough to support a long-term population target of 125 breeding pairs. Due to the very low wild population (22 owls in 2006 and now only 3 known remaining wild Spotted Owl), BC initiated in 2007 the first ever Spotted Owl captive breeding program. The first release of three owls raised through the captive breeding program occurred in August 2022. One owl was apparently hit by a train and returned to the captive breeding centre. The two remaining owls are being monitored along with the last known wild owl.
- Given that SARA does not allow flexibility for Minister Guilbeault to consider other factors such as socio-economic impact of critical habitat conservation or an adaptive habitat management strategy, BC will need to ensure that the federal Cabinet is fully informed of both the socio-economic impact of protecting a further 120,000 hectares and the provincial commitment to recovering Spotted Owls in BC:

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REVIEWED BY:

	Initials	Date
DM	LH	February 8, 2023
ADM	DM	February 3, 2023
Program Dir/Mgr.		