

Spotted Owl Habitat Team

Terms of Reference

February 2008

1. BACKGROUND

Based on the advice of the Canadian Spotted Owl Recovery Team (CSORT)¹, the BC Government announced its Northern Spotted Owl Recovery Action Plan² in the Spring of 2006. This plan includes three components: protecting known active owl sites; revising habitat areas to better meet recovery goals; and initiating measures to rebuild Spotted Owl populations. Following this announcement, government established the Spotted Owl Population Enhancement Team³ (SOPET) to review CSORT's population augmentation advice, and to recommend the most effective means to increase the population size and recover the Spotted Owl. SOPET identified captive breeding of Spotted Owls as the highest priority action needed to augment the existing population and prevent extirpation. However, SOPET cautioned that this action must work in concert with improved habitat protection and, if owls were to remain in the wild, a strategy to manage problem Barred Owls.

Ten years of experience and inventory have shown that some of the habitat protected and managed for Spotted Owls under the 1997 Spotted Owl Management Plan (SOMP) has not been used by breeding pairs of owls. As a result, it has been suggested that it may be possible to improve the distribution of habitat for the Spotted Owl population in BC by redeploying some of the protected and managed habitat to other locations. The concept of revising habitat areas has increased in importance since SOPET's March 2007 recommendation to undertake captive breeding of Spotted Owls for release back into suitable habitat in the wild.

In fall 2007, an Inter-agency Northern Spotted Owl Steering Committee (INSOSC) was established to oversee the implementation of all recovery efforts for the Spotted Owl. To effectively achieve its mandate, INSOSC established two Management Teams; one to address habitat issues and the other to address the management and re-establishment of a viable owl population (see Appendix 1). To ensure scientific credibility, INSOSC also established an independent team of expert scientists to review and evaluate the work performed by the two Management Teams.

¹ http://www.sararegistry.gc.ca/virtual_sara/files/plans/rs%5Fspotted%5Fowl%5Fcaurina%5F1006%5Ffe%2Epdf
² http://www2.news.gov.bc.ca/news_releases_2005-2009/2006AL0012-000514.htm
³ http://ilmbwww.gov.bc.ca/sarco/so/files/HWGSOPET_Proposed_5year_Action_Plan-20070330.pdf

2. PURPOSE OF THE SPOTTED OWL HABITAT TEAM

Based on the recovery goals and objectives provided by INSOSC, the Habitat Team (HT) will develop a recommended habitat plan for the BC population of the Northern Spotted Owl based on the best available data, current scientific understanding, and government direction contained in the April 2006 Spotted Owl Recovery Action Plan.

In developing the new habitat plan, the HT is expected to consider reconfiguring, adding to, or deleting habitat designated in the 1997 Spotted Owl Management Plan (SOMP) and recent provincial legislation, consistent with government policy on impacts (see Appendix 2). The new habitat plan will support and complement other elements of the 2006 Spotted Owl Recovery Action Plan, including the population enhancement measures recommended by the SOPET. Ultimately it is hoped that the revised habitat plan, along with other components of BC's Recovery Action Plan, will bring about recovery of the Spotted Owl in British Columbia.

Preliminary discussions have been held between the Ministry of Environment and the Ministry of Forests and Range on the first draft of a revised habitat plan for part of the Spotted Owl's range in BC. These discussions indicate that there may be options to improve the distribution of owl habitat while maintaining or improving timber harvesting opportunities in the area. This draft plan is expected to form the basis for the initial work of the HT, but it will need to be expanded to the whole range of the Spotted Owl in BC if the consensus is that it is a promising approach. Otherwise, alternative, appropriate approaches will be developed for each forest district.

3. OPERATING PRINCIPLES

3.1 Governance

The HT will report directly to the INSOSC (see Appendix 1):

- The INSOSC will provide direction and advice to the HT on recovery goals and objectives consistent with the 2006 Spotted Owl Recovery Action Plan.
- The HT will deliver its findings and recommendations to the provincial government through the INSOSC.
- The HT will provide regular updates, information, and reports to the INSOSC; and will identify any outstanding issues and provide recommendations to resolve them, as they relate to habitat for recovering the owl population.
- Major decisions pertaining to Spotted Owl recovery that may impact stakeholders will be made by the INSOSC.
- Decisions pertaining to Spotted Owl recovery that do not impact stakeholders will be made by the HT, with advice from the Scientific Review Team as appropriate.

3.2 Membership

- Ian Blackburn, Ministry of Environment (MOE), Lower Mainland Region
- John Surgenor (proposed), MOE, Thompson Region
- Louise Waterhouse, Ministry of Forests and Range (MOFR), Coast Forest Region
- Gene MacInnes, MOFR, Chilliwack Forest District
- Andre Germain, MOFR, Squamish Forest District
- Christine Galliazzo, MOFR, Cascades Forest District
- Liz Williams, Species at Risk Co-ordination Office
- Brian Nyberg, Consultant (Co-ordinator)

3.3 Member Contributions

- Members will commit to the goals, process and timing of the HT until recommendations have been developed, and will have the capacity to continue after this date if required.
- Members will bring a high degree of technical expertise and credibility to the HT.
- Members may be from government agencies but will work within these terms of reference to provide independent expertise, rather than representing a position of their employer.
- Members may draw on expertise and advice from outside the HT as required, and will inform other HT members of who was consulted and on what subject when this occurs.
- Members must be willing to participate in a team environment.
- Members must be willing and available to respond quickly to changing information.

3.4 Participation

- Members will endeavour to participate in all HT meetings, whether in person or by conference call.
- Members may request attendance of other experts on an ad hoc basis at HT meetings if helpful.
- Members will prepare for meetings by reviewing and/or providing materials, as requested by the Coordinator, prior to meeting dates.
- Members will seek peer evaluation of recommendations wherever possible.

3.5 Decision-making

- Decisions will be made by consensus if possible. Consensus means that all HT members feel that the decision is technically sound and supported by the best available information, with the view to reaching the overall goal of recovering the Spotted Owl in BC.
- If consensus is not possible, recommendations will be made by majority vote, with dissenting opinions and rationales recorded in the HT's recommended Habitat Plan and meeting minutes.
- Decision-making will be transparent: agendas, minutes, reports, and other documents will be made available to the INSOSC and the Species at Risk Coordination Office.

3.6 Confidentiality

- Members will not represent the opinion of the HT to the public or the media. Public communications remain the role of the Coordinator and INSOSC.

4. GUIDING PRINCIPLES

4.1 Uncertainty

The HT acknowledges uncertainty around the outcomes of its analyses and interpretations. It recognizes that habitat is subject to unpredictable use of habitat by Spotted Owls and to unpredictable variations in weather, climate, and natural disturbances (especially fire).

4.2 Habitat

The HT will consider both the capability of existing habitat to support Spotted Owls in the short term (20 years) and medium term (50 years) and the amount of habitat that would be needed to support one or more desired (target) populations of Spotted Owls.

4.3 Government Direction on Impacts

The BC government has determined that there is to be no net loss of Spotted Owl habitat and no net loss of timber harvesting opportunities as a result of revisions to the existing habitat plan (SOMP). The Inter-agency Northern Spotted Owl Steering Committee (INSOSC) has approved a set of principles for how the no-net-loss policy will be applied (see Appendix 2). These principles will be respected by the HT during its work.

4.4 Scientific Oversight

- To enable the independent Scientific Review Team to provide oversight and critical review of the revised habitat plan, the HT will document the assumptions, principles, methods, and data used in developing the revised habitat plan.
- The HT will consider advice provided by the Scientific Review Team and will incorporate that advice whenever feasible.
- When the HT considers it infeasible to incorporate advice from the Scientific Review Team, it will document the reasons and communicate them to INSOSC for direction and the Scientific Review Team for information.

5. ROLES AND RESPONSIBILITIES

5.1 Role of the HT Coordinator

- Establish and confirm appropriate membership in the HT.
- Organize, conduct, and report on regular team meetings according to accepted rules of procedure.

- Produce materials for meetings and ensure team members receive these in a timely manner prior to meetings, to allow for their review.
- Ensure maintenance of HT files and provide copies to the BC government as appropriate.
- Monitor and coordinate communication between team members.
- Provide administrative and secretariat services for the HT.
- Consolidate the analyses and recommendations of the HT. (The coordinator is not considered a HT member for the purposes of providing recommendations on the habitat plan).
- Liaise with the Scientific Review Team to obtain advice and ensure review of the habitat recommendations.
- Present the HT's recommendations and workplans to government.
- Communicate with stakeholders, government, and the public as necessary.

5.2 Role of the HT Members

- Provide analyses and interpretations on the capability and suitability of habitat to support Spotted Owls in the wild in British Columbia. These analyses and interpretations will be based on results of scientific studies, local knowledge of habitat and Spotted Owls in BC, and expert opinion.
- Recommend a revised habitat plan for the natural range of the Spotted Owl in BC that provides the best option for recovery of the BC population while respecting the direction contained in the April 2006 Recovery Plan.
- Liaise as needed with the Spotted Owl Population Management Team and Captive Breeding Working Group.
- In collaboration with the Population Management Team, estimate the owl population that could be supported by the revised habitat plan.
- Provide advice to the INSOSC on related matters including:
 - the location of habitat, and management regimes needed in the short- and mid-terms to meet the recovery population target;
 - priority areas of habitat suitable as release sites for captive-reared owls,
 - silvicultural techniques to enhance habitat values, and
 - recommended approaches for habitat management in areas where owls may be found after the new habitat plan is complete.

5.3 Role of the BC Government

- Provide expertise, data analysis, and support for the HT and district-level habitat analysis teams.
- The BC Ministry of Environment has the statutory authority to implement population enhancement measures for provincial wildlife.
- The BC Ministry of Forests and Range has the statutory authority to implement habitat management measures that may be recommended to address active sites or future habitat needs.

Note: The Species at Risk Coordination Office will manage invoices and authorize expenditures associated with the work of the HT, in conjunction with the HT Coordinator and the Fraser Basin Council. Reimbursement for travel and per diem expenses will be consistent with policies of the Fraser Basin Council and the provincial government.

6. DELIVERABLES

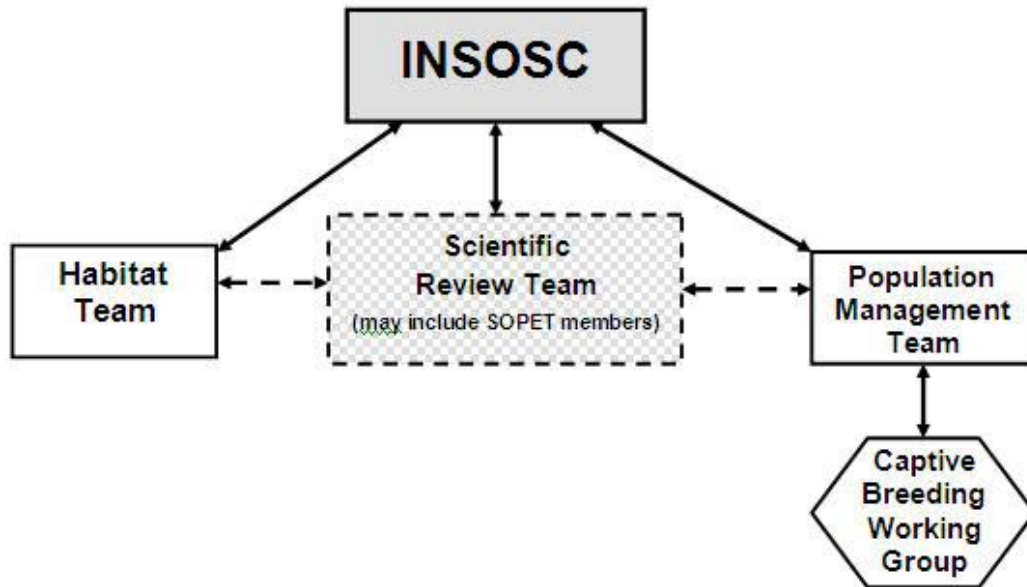
By September 30, 2008, the HT will provide to INSOSC:

1. A recommended Spotted Owl Habitat Plan that supports Spotted Owl recovery in British Columbia by:
 - defining the habitat needed for survival, recovery, and reintroduction of owls;
 - identifying (mapping) the bounds and confirm the management regimes of habitat needed in the short- and mid-terms to meet the recovery population target;
 - identifying implementation measures required to establish appropriate habitat management regimes on the forest land base; and
 - developing a policy on how to address mitigation requirements of forest licensees affected by the revised habitat measures.

2. Working with the Population Management Team and the Captive Breeding Working Group, estimates of Spotted Owl population targets for re-introduction and population recovery that could be supported by the plan in the short term (20 years) and medium term (50 years).

Appendix 1

Governance Structure for Implementing the Spotted Owl Recovery Action Plan



Appendix 2

“No Net Loss” Principles and Process for Timber Supply and Spotted Owl Habitat

BACKGROUND

In March 2006, the Species at Risk Coordination Office presented options to Cabinet for Spotted Owl recovery. The approved option (announced in the April 2006 Spotted Owl Recovery Action Plan) included undertaking limited revisions to existing Spotted Owl management areas, with no net loss of short-term timber harvesting opportunities or owl habitat. No net loss of timber harvesting opportunities was defined to mean no impacts associated with access to volume or quality of timber, planning and operating costs, or other indirect costs.

In July 2007, ADMs of the Ministry of Forests and Range; Environment; and the Integrated Land Management Bureau mandated the Inter-agency Northern Spotted Owl Steering Committee (INSOSC) to provide clarity on no net loss as it relates to Spotted Owl habitat and the timber harvesting land base. This document provides that clarity, and is intended to support the analysis needed to develop a revised habitat plan for Spotted Owl.

This document is intended to be consistent with government’s April 2006 Spotted Owl Recovery Action Plan. It does not supersede or override existing or future land use decisions made by government that may affect Spotted Owls.

DEFINITION

1. No Net Loss of timber supply

- No net loss of timber supply means no reduction in the volume and/or value of commercial timber including consideration for operational planning issues, constraints on the land base and other timber supply review parameters.

2. No Net Loss of Spotted Owl habitat

- No net loss of habitat means no reduction to the amount of habitat; quality of habitat features and attributes; and viability in terms of size, location and connectivity.
- No net loss of habitat means no overall loss of current timber supply allowances for habitat for Spotted Owl as prescribed and spatially defined in the Section 7 notices. This includes the allowances associated with the 1997 SOMP, 1999 Spotted Owl Resource Management Plans (RMPs), and the Matrix Activity Centre Phase-out Strategy within the

Chilliwack and Squamish forest districts. The Lillooet TSA has a total THLB allowance of 5000 ha of mature timber (some of which has been deployed in three Lillooet WHAs established in 2006).

EXAMPLE OF A PROCESS TO DETERMINE NO NET LOSS OF TIMBER SUPPLY

1. No Net Loss of timber supply

No net loss of timber supply will be determined through negotiations with affected licensees and will be based on a comparative analysis of the timber volumes, values and harvesting opportunities of the proposed protected area for Spotted Owl and the replacement area for future harvesting. The primary option for finding replacement areas will be in identified Spotted Owl areas that are known through established Section 7 notices under the *Government Actions Regulation* of FRPA and that are not currently occupied by Spotted Owls. Secondary options for replacement will be determined through negotiations with MOFR and MOE using other constrained areas such as visually managed areas and old growth management areas.

2. Agreements needed prior to proceeding to the analysis phase

- Licensees will voluntarily cease operations and move to another location.
- All previously felled and bucked timber will be removed.
- MOFR will waive obligations for removal of the remaining standing timber held in cutting permits in the proposed protected area.
- Licensees will be required to meet their obligations regarding silviculture, road deactivation, and Special Use Permit clean-up.
- Licensees will be provided an economically viable replacement area of timber supply that is equal to or better than the area voluntarily relinquished, based on a comparative analysis.
- MOFR will negotiate alternate economically viable short term timber supplies to offset the loss of harvesting opportunities in cutting permits voluntarily relinquished. The stands will be of comparative volume and value. Any outstanding economic issues will be resolved through negotiation.

3. Comparative analysis of Long Term Activity Centres (LTACs)

- MOFR will provide an analysis of both the protected area and replacement area to determine the similarities of constraints, age, species, volume and value of the stands.
- MOFR Economics and Trade Branch will do a market value comparative analysis of the proposed protected area and the replacement area using BCTS recent auction information and cutting permits of similar volume, operational parameters and quality of timber.

4. Significant revisions of SOMP

In the event that significant revisions are required for the long term survival of Spotted Owls, no net loss of timber supply will be evaluated through a timber supply review. The TSR will use the current TSR information as a baseline for impact analysis.

Appendix 3

Process for Consulting with Forest Licensees on Potential Revisions to the Habitat Plan for the Spotted Owl

Representatives of the MOFR and MOE will meet with affected forest licensees in the Fraser, Soo, and Lillooet Timber Supply Areas (TSAs) individually, collectively, or both; first to outline proposed concepts and required actions for revising the existing Spotted Owl habitat plans, and subsequently to communicate final plan changes to affected licensees. Meetings will be chaired by the MOFR District Manager or designate.

1. Initial meetings for each TSA will be by the end of March 2008 for the Fraser TSA and by the end of April 2008 for the Soo and Lillooet TSAs. The purpose of these meetings is to:
 - outline the purpose of the revised habitat plan including benefits, adversities and overall impacts to the timber supply with licensees who will be directly affected and licensees who may be affected over time;
 - outline how the Habitat Team will approach the proposed habitat plan changes (principles, assumptions, communication);
 - clarify the role and responsibilities of INSOSC, the Scientific Review Team and the Population Management Team; and
 - develop an action plan that addresses the individual MOFR/MOE/Licensee discussions, decisions, opportunities, challenges, and mitigation strategies if applicable.
2. Once drafts of the revised habitat plan are available for each TSA, meetings will be held with affected licensees to communicate the changes in the final plan and strategy. These meetings will be held by June 30 2008 in the Fraser TSA and by July 30 2008 in the Soo and Lillooet TSAs. Comments on the final plan will be accepted from the affected licensees until August 30 2008, after which the consolidated comments will be presented to the Inter-agency Northern Spotted Owl Steering Committee.