
TO: CITY MANAGER **DATE:** 2006 February 07

FROM: DIRECTOR PARKS, RECREATION AND CULTURAL SERVICES

SUBJECT: CORRESPONDANCE FROM SIERRA LEGAL DEFENCE FUND AND WESTERN CANADA WILDERNESS COMMITTEE IN DEFENCE OF CANADA'S SPOTTED OWL

PURPOSE: To provide Council with information on the issue raised in correspondence from the Sierra Legal Defence Fund and Western Canada Wilderness Committee regarding the defence of Canada's Spotted Owl.

RECOMMENDATION:

1. **THAT** this report be received for information purposes.

REPORT

Council at its meeting of 2006 February 06 received the attached correspondence (Attachment #1) from the Sierra Legal Defence Fund (SLDF) and Western Canada Wilderness Committee (WCWC) requesting that the Mayor and Council send a letter to the Honourable Pat Bell, Minister of Agriculture and Lands, supporting the recommendations outlined in their research publication entitled "In Defence of Canada's Spotted Owl". The SLDF and WCWC are asking that Minister Bell act immediately to halt the logging on spotted owl habitat.

The SLDF and WCWC research publication outlines the current state of spotted owl protection in B.C. The report was written in response to the continued decline of the spotted owl population and habitat since the release of the 2002 report "Logging to Extinction: The Last Stand of the Spotted Owl in Canada" by the Forest Watch of BC, SLDF, and WCWC.

The spotted owl habitat is old growth climax stage forests with an area greater than 200 ha. under 1,000 m. in elevation. The Canadian habitat range is from Vancouver, north to Carpenter Lake, east to Lillooet and South to Manning Park.

The spotted owl population in British Columbia is estimated to have declined from over 200 owls in 1992 to 23 owls in 2005 and is forecasted to be extinct by 2010. Logging of old growth stands is the primary factor cited for the decline in the spotted owl population. Other factors that contribute to the owls decline include increased competition from barred owls, increased predation, loss of prey, pathogens, persecution and lastly the "Alee effect" which is the odds of finding a mate in the decreasing population.

To: City Manager
From: Director Parks, Recreation and Cultural Services
Re: CORRESPONDENCE FROM SIERRA LEGAL
DEFENCE FUND AND WESTERN CANADA
WILDERNESS COMMITTEE IN DEFENCE OF
CANADA'S SPOTTED OWL

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Since the release of the 2002 report, Canfor and Interfor withdrew their logging operations from the spotted owl management areas, however, there is a continued habitat loss primarily from old growth logging performed by the Provincial Government under the B.C. Timber Sales (BCTS) program.

Even though the northern spotted owl has been designated "endangered" in Canada by the Committee on the Status of Endangered Wildlife in Canada since 1986 and is on B.C.'s "red list" for the most endangered species, B.C. has never designated the spotted owl for legal protection despite Sierra Legal fighting for protection to the highest courts in British Columbia. The lack of protection has partially led to the publication of this most recent report in combination with the announcement that the Sierra Legal Defence fund is launching a federal court case under Canada's *Species at Risk Act* (SARA). Currently the Federal Government has the legal authority to protect the spotted owl under SARA but has not done so.

The SLDF and WCWC report outlines recommendations for decisive action to protect spotted owl habitat as shown in Attachment #2. The recommendations are focused on protecting current habitat by implementing a logging moratorium and creating habitat along with staffing to ensure all species at risk are protected through stand alone legislation. There currently is no spotted owl habitat within Burnaby. As the previously harvested forest on Burnaby Mountain reaches an old growth climax stage it is possible that implementation of Recommendation #3 of the report could eventually affect management strategies within the Burnaby Mountain Conservation Area. However, this possibility is unlikely due to its small size, heavy urban use and lack of interconnectedness to other suitable habitat in the historic range of Canada's spotted owl.

The SLDF federal court challenge is the last legal avenue for defending the spotted owl and if won the case may create sufficient pressure for the Provincial and Federal Governments to protect other species at risk under legislation. As there are "red listed" species in the City of Burnaby a successful challenge by SLDF could set precedent for future legal cases under SARA that may impact the City of Burnaby.



Kate Friars
DIRECTOR PARKS, RECREATION AND CULTURAL SERVICES

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Attachments (2)

P:\ADMIN\TC\COUNCIL\PK-CORRESPONDANCE FROM SEIRRA LEGAL DEFENCE FUND

CORRESPONDENCE
2006 FEBRUARY 06

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BC Head Office
214 - 131 Water Street
Vancouver BC V6B 4M3
www.sierralegal.org



WESTERN CANADA
WILDERNESS
COMMITTEE

National Office
227 Abbott Street
Vancouver BC V6B 2K7
www.wildernesscommittee.org

Mr. Derek Corrigan, Mayor
City of Burnaby
4949 Canada Way
Burnaby BC V5G 1M2

January 20, 2006

Dear Mayor and Council:

Please find enclosed our newly released research publication entitled **In Defence of Canada's Spotted Owl**.

Three years have passed since we first published the report *"Logging to Extinction: The Last Stand of the Spotted Owl in Canada,"* which documented the devastating impact of industrial logging practices on Canada's critically imperiled Northern spotted owl.

In Defence of Canada's Spotted Owl shows that today the spotted owl is struggling even harder to hold on to its old-growth habitat. Some of this old-growth forest habitat is situated near your community, which is one of the reasons we have sent you a copy of the report.

What we have found is that the actions taken by the provincial government to manage the owl since we released our first report have not been successful. Since 2002 the numbers of spotted owls in BC has decreased to just 23 birds and BC Timber Sales, the government's own logging operation, has actually increased logging in spotted owl habitat. This is despite large forestry companies such as Interfor and Canfor voluntarily withdrawing their operations from spotted owl management areas out of concern for the owl.

Scientists predict that without immediate intervention and protection of the owls' remaining old growth habitat that the owl could become extinct in BC before 2010 – the first wildlife casualty in Canada due to industrial logging. The loss of the spotted owl would not only alarm British Columbians, the vast majority of whom want to see our endangered species adequately protected, but it would give British Columbia a black eye internationally.

** Available in the Clerk's Department.*

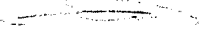
Attachment 1


COPY: CITY MANAGER
DIR. PARKS, REC. & CULT. SERV.

Your help as an elected representative is urgently needed to save the spotted owl – and the many other species that depend on the same oldgrowth forests in southwestern BC. We request that Mayor and Council send a letter to the Honourable Pat Bell, Minister of Agriculture and Lands, giving your support for the report's recommendations and asking Minister Bell to act immediately to halt the logging of spotted owl habitat.

We would also be pleased to meet with you to discuss the report, at your earliest convenience.

Yours truly,


Devon Page
Staff Lawyer
Sierra Legal Defence Fund


Gwen Barlee
National Policy Director
Wilderness Committee

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**Excerpt from the 2005 Sierra Legal Defence Fund and Western Canada Wilderness
- Report entitled "In Defence of Canada's Spotted Owl"**

Recommendations:

1. Halting all BCTS logging and cancel all category "approved", "proposed", and "information" blocks of all BCTS and other forest licenses, in forests aged greater than 100 years, within the historic range of the spotted owl in B.C., until such time as habitat and population modelling and expert opinion determine which forests are important for the recovery of the spotted owl, owl movement, dispersal, and protection of non-territorial single owls, throughout the historic range of the owl in B.C.
2. Implementing adequate habitat protection for the spotted owl by permanently halting all logging in all forests greater than 140 years of age in the historic range of the owl in B.C.
3. Implementing a moratorium on logging in all forests between 100-140 years of age and under 1,000 metres in elevation until such time as habitat and population modelling and expert opinion identify stands important to protect for owl dispersal and movement throughout the historic range of the owl in B.C.
4. Creating three large, interconnected protected area complexes capable of housing 30 pairs of owls each.
5. Creating 3,200 ha of protected contiguous high quality spotted owl habitat, aged greater than 140 years, at each of the historic and current owl locations in B.C.
6. Recruiting and protecting habitat through time from the working forest land-base to create interconnected pockets of habitat, less than 100 meters elevation, at least 140 years in age, and 500-2,000 ha. in size, throughout the historic range of the owl in B.C., particularly in theoretically capable owl movement corridors
7. Implementing population augmentation as determined by the Canadian Spotted Owl Recovery Team.
8. Developing an independent, non-government, academic peer-review process to analyze the effectiveness of habitat protection and population augmentation and all other spotted owl management actions.
9. Immediately creating strong stand-alone provincial endangered species legislation that mandates habitat protection, adequate for full recovery, of all species at risk in B.C.
10. Returning staffing to pre 2001 levels for all ministries involved with the management of species at risk and their habitat.

