

FW: Old Growth Specklebelly Lichen - Cliff#

From: Bennett, Kendra FLNR:EX s.15
To: Peel, Darcy E FLNR:EX <Darcy.Peel@gov.bc.ca>
Sent: November 12, 2021 3:14:48 PM PST
Attachments: FW: Draft Wording/Bullets CLIFF ID 268179

Hi Darcy,

This email is to go from you to Adam Olsen on behalf of MKC. Happy to chat about process. Original email and response request attached. I'll put this in eApprovals as well.

Cheers,
Kendra

Hi Adam,

Some species at risk and conservation document background and the answers to your three questions, below:

Oldgrowth specklebelly (*Pseudocyphellaria rainierensis*) lichen is listed as Special Concern in the federal *Species at Risk Act* (SARA) and is not listed in any provincial legislation. As such, there is no federal or provincial legal tool or ministerial authority available to protect this species. Under the federal SARA there are legal tools to conserve and recover species listed as Threatened or Endangered. Provincial legal tools for species at risk are limited to species listed in the *Forest and Range Practices Act* (FRPA) and the *Wildlife Act*. Presently lichen is not legally considered wildlife in any provincial legislation and as such no legal tools are available to protect individuals of this species nor its habitat. This species may occur in wildlife habitat areas in and around TFL46 and would therefore be protected under umbrella species such as northern goshawk, marbled murrelet and coastal tailed frog.

The provincial/federal management plan for Oldgrowth Specklebelly lichen (2017) is a jointly developed document containing recommended conservation actions intended to prevent this species from becoming threatened or endangered across the species range in BC. Conservation and recovery documents such as management plans and recovery plans are developed and published as *science advice* and are not legal conservation action commitments.

In answer to your specific questions:

1. Were comprehensive biodiversity surveys done prior to allowing road construction and logging in TFL 46 and are comprehensive species surveys ever carried out prior to clearcutting, road-building and other forestry operations? Comprehensive biodiversity and species surveys are not required prior to clearcutting, road-building and other forestry operations. Licensees cannot be issued permits for forestry operations until a Forest Stewardship Plan is approved by a district manager. The Forest Stewardship Plan includes biodiversity values that must be met, at a landscape level, by the licensee. As you know, the Province operates under a Professional Reliance model and as such, it is the responsibility of the licensee to ensure that a professional (Registered Professional forester in this case) is involved and has the expertise to ensure harvest operations meet the objectives and stipulations of the Forest Stewardship Plan.
2. Given the published commitment to protect the species and its habitat, will you immediately protect these rare lichens and host trees? As described above, a Management Plan is not published commitments by government to protect a species or its habitat, but is published *science advice* on the steps necessary to prevent the species from becoming threatened or endangered. This lichen is not listed in federal nor provincial legislation and as such cannot be specifically managed.
3. How do the proposed amendments to FRPA ensure that endangered species are identified and protect prior to logging or road construction – and, if at-risk species or ecosystems are found during these surveys, will logging or road-building be halted in the relevant areas? The proposed FRPA amendments do not speak directly to endangered

species. There are no legal tools that prevent harvesting in areas where species at risk occur on crown land, outside of Identified Wildlife Management areas, parks and ecological areas.

From: Malo, Courtney FLNR:EX <Courtney.Malo@gov.bc.ca>

Sent: November 9, 2021 3:21 PM

To: Wilson, Sara V FLNR:EX <Sara.V.Wilson@gov.bc.ca>

Cc: Tripp, Allison FLNR:EX <Allison.Tripp@gov.bc.ca>; Brown, Edena FLNR:EX <Edena.Brown@gov.bc.ca>; Jones, Tristan FLNR:EX <Tristan.Jones@gov.bc.ca>

Subject: FW: Old Growth Specklebelly Lichen

Can this please be actioned for response – Minister sig.

Thank you!
Courtney

From: Conroy, Katrine^{s.17}

Sent: November 9, 2021 10:40 AM

To: Olsen, Adams^{s.17}

Cc: Furstenau, Sonia^{s.17} ; Siddon, Stephanie LASS:EX <Stephanie.Siddon@leg.bc.ca>

Subject: Re: Old Growth Specklebelly Lichen

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Hi Adam. In the interest of getting back to you in a timely way I will forward this to staff to get started on your questions

Take care, Katrine

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From: Olsen, Adams^{s.17}

Sent: Tuesday, November 9, 2021 9:52:25 AM

To: Conroy, Katrine^{s.17}

Cc: Furstenau, Sonia^{s.17} ; Siddon, Stephanie <Stephanie.Siddon@leg.bc.ca>

Subject: Old Growth Specklebelly Lichen

Hello Minister Conroy,

I am writing today with respect to a species of concern and logging activity. I am not sure if this situation has been brought to your attention previously, however I have been contacted by a number of individuals with respect to Old Growth Specklebelly Lichen, a species of Special Concern according to COSEWIC.

As I understand it, British Columbia is home to the only remaining occurrences of this rare species in Canada. Volunteer citizen scientists and biologists recently identified what may be Canada's largest stand of host trees, located near Fairy Creek on Vancouver Island. The stand had been damaged by logging road construction, and a number of host trees were lost.

Those citizens followed due process, and submitted a formal complaint to the Forest Practices Board in July, 2021. They then received (August 5th) a written correspondence from Teal Cedar who stated "The information you provided to the FPB, including locations of the sightings has been forward to us and we would like to thank you for providing this important information". In a follow-up correspondence, the citizens then asked Teal Cedar what plans they had to protect the remaining host trees and remediate the damage from road construction but received no response. Incredibly, cutting has in fact resumed, and at least 19 more host trees have been lost as of November 2nd.

BC and Canada have published a plan in 2017 to conserve and recover this species, and it includes a commitment to “secure long-term protection for the known populations and habitats of oldgrowth specklebelly”.

I have three questions that I hope will allow be to better understand the situation and your authority to protect this species.

1. Were comprehensive biodiversity surveys done prior to allowing road construction and logging in TFL 46 and are comprehensive species surveys ever carried out prior to clearcutting, road-building and other forestry operations?
2. Given the published commitment to protect the species and its habitat, will you immediately protect these rare lichens and host trees?
3. How do the proposed amendments to FRPA ensure that endangered species are identified and protect prior to logging or road construction – and, if at-risk species or ecosystems are found during these surveys, will logging or road-building be halted in the relevant areas?

Thank you for your attention to this important matter.

Best Regards,

Adam Olsen (he/him)
Member of the Legislative Assembly

Saanich North and the Islands
BC Green Party Caucus
[Website](#) | [Facebook](#) | [Twitter](#)

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9828 Fourth St., Sidney, BC V8L 2Z3
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FW: Draft Wording/Bullets CLIFF ID 268179

From: Robertson, Anastasia FLNR:EX <Anastasia.Robertson@gov.bc.ca>
To: Peel, Darcy E FLNR:EX <Darcy.Peel@gov.bc.ca>, Bennett, Kendra FLNR:EX <Kendra.Bennett@gov.bc.ca>, Wiebe, Heather I FLNR:EX <Heather.Wiebe@gov.bc.ca>
Sent: November 10, 2021 3:51:04 PM PST
Attachments: 268179 - incoming 1.msg, FW: Old Growth Specklebelly Lichen
Hi all,

Who would be best to draft a response obo Minister for this item?

Thank you,

Anastasia Robertson
Program Assistant
Species at Risk Recovery Branch
(she/her)

From: DM-CSS <FLNR.correspondence@gov.bc.ca>
Sent: November 9, 2021 3:30 PM
To: Robertson, Anastasia FLNR:EX <Anastasia.Robertson@gov.bc.ca>
Cc: Robertson, Anastasia FLNR:EX <Anastasia.Robertson@gov.bc.ca>; Larkin, Brenda FLNR:EX <Brenda.Larkin@gov.bc.ca>; Leahy, Gwen FLNR:EX <Gwen.Leahy@gov.bc.ca>; Mlinar, Shannon C FLNR:EX <Shannon.Mlinar@gov.bc.ca>
Subject: Draft Wording/Bullets CLIFF ID 268179

Minister Response - sent to RS-SRR, please provide:

1. Draft bullets or wording
2. List of people to be copied, any external email addresses
3. Approved by (OPR to enter into Log Notes in CLIFF)
4. Drafter's name (OPR to complete drafter field in CLIFF)
5. OPR to Create eApp item (add eApp item # into Cliff log)

This is due to CSS by Nov 26.

Please notify CSS (FLNR.Correspondence@gov.bc.ca) if this is NOT your issue within 2-3 days.

D

M- **Referral Slip for ID:268179**

CSS

2021/11/09

CONFIDENTIAL

Log Type:	Email	Action:	Draft Reply	Due:	2021/11/30
Batch:		Sig Level:	Minister		

Type:	MLA-Green	Written:	2021/11/09	Resp Type:	
	Adam Olsen, MLA	Received:	2021/11/09	File No.:	s.15
	Saanich North and the Islands	Due:	2021/11/30	Entered By:	
	9828 Fourth St., Sidney, BC V8L 2Z3	Approved:		Approved By:	
	Sidney, BC, V8L 2Z3	Signed:		Signed By:	
Phone :	250-655-5600	Closed:			
Email:	s.17				

Address To:	Minister Katrine Conroy	Copy To:	MLA Furstenau
Rsp Office:	RS-Species Risk Recovery	Issue:	Old Growth Habitat
X-Ref:		Drafter:	
With BN:			

Subject

I am writing today with respect to a species of concern and logging activity. I am not sure if this situation has been brought to your attention previously, however I have been contacted by a number of individuals with respect to Old Growth Specklebelly Lichen, a species of Special Concern according to COSEWIC.

Log Notes

2021/11/09 Minister Response - sent to RS-SRR, please provide:

1. Draft bullets or wording
2. List of people to be copied, any external email addresses
3. Approved by (OPR to enter into Log Notes in CLIFF)
4. Drafter's name (OPR to complete drafter field in CLIFF)
5. OPR to Create eApp item (add eApp item # into Cliff log)

This is due to CSS by Nov 26.

Please notify CSS (FLNR.Correspondence@gov.bc.ca) if this is NOT your issue within 2-3 days.

Referral DM-CSS -> MO-Minister

From:	DM-CSS	Sent:	2021/11/09	Status:	Completed	Ref Action:	FYI/File
To:	MO-Minister	Received:		Reason:		Sig Level:	
Assign To:		Completed:	2021/11/09	Due:		File No.:	

Referral DM-CSS -> MO-Minister -> DM-CSS

From:	MO-Minister	Sent:	2021/11/09	Status:	Pending	Ref Action:	Coordinate Response
To:	DM-CSS	Received:		Reason:		Sig Level:	
Assign To:		Completed:		Due:	2021/11/26 (Pending (12))	File No.:	

Referral DM-CSS -> MO-Minister -> DM-CSS -> RS-Species Risk Recovery

<i>From:</i>	DM-CSS	<i>Sent:</i>	2021/11/09	<i>Status:</i>	Pending	<i>Ref</i>	Draft
						<i>Action:</i>	Wording/Bullet s
<i>To:</i>	RS-Species Risk Recovery	<i>Received:</i>		<i>Reason</i> :		<i>Sig</i> <i>Level:</i>	
<i>Assign</i> <i>To:</i>		<i>Completed</i> :		<i>Due:</i>	2021/11/26 (Active (12))	<i>File</i> <i>No.:</i>	

FW: Old Growth Specklebelly Lichen

From: Correspondence Serv. Sectn, FLNR:EX <FLNR.Correspondence@gov.bc.ca>
To: Robertson, Anastasia FLNR:EX <Anastasia.Robertson@gov.bc.ca>
Sent: November 10, 2021 12:23:20 PM PST
Attachments: image001.png, image003.jpg, Fwd: Old Growth Specklebelly Lichen (1 of 2)

Hi Anastasia,

Please be advised this has been added to log 268179 as a secondary incoming from MLA Olsen.

Thank you,

Sidnie Wilson

Correspondence Coordinator

Correspondence Services Section
Ministry of Forests, Lands, Natural Resource Operations
and Rural Development

From: Wilson, Sara V FLNR:EX <Sara.V.Wilson@gov.bc.ca>
Sent: November 10, 2021 12:19 PM
To: Correspondence Serv. Sectn, FLNR:EX <FLNR.Correspondence@gov.bc.ca>
Subject: FW: Old Growth Specklebelly Lichen

Can we send this to staff that are working on the response? Cliff 268179.

Thanks,

Sara Wilson
Team Lead, Client Services and Information Management
Deputy Minister's Office
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
P: 778 698-9035



From: Malo, Courtney FLNR:EX <Courtney.Malo@gov.bc.ca>
Sent: November 10, 2021 12:06 PM
To: Wilson, Sara V FLNR:EX <Sara.V.Wilson@gov.bc.ca>
Cc: Tripp, Allison FLNR:EX <Allison.Tripp@gov.bc.ca>
Subject: RE: Old Growth Specklebelly Lichen

MLA Olsen followed up with the attached information. Can this be sent to the staff responding?

Thank you!
Courtney

From: Malo, Courtney FLNR:EX
Sent: November 9, 2021 3:20 PM
To: Wilson, Sara V FLNR:EX <Sara.V.Wilson@gov.bc.ca>
Cc: Tripp, Allison FLNR:EX <Allison.Tripp@gov.bc.ca>; Brown, Edena FLNR:EX <Edena.Brown@gov.bc.ca>; Jones, Tristan FLNR:EX <Tristan.Jones@gov.bc.ca>
Subject: FW: Old Growth Specklebelly Lichen

Can this please be actioned for response – Minister sig.

Thank you!
Courtney

From: Conroy, Katrine ^{s.17}
Sent: November 9, 2021 10:40 AM
To: Olsen, Adam^{s.17}
Cc: Furstenau, Sonias.¹⁷ ; Siddon, Stephanie LASS:EX <Stephanie.Siddon@leg.bc.ca>
Subject: Re: Old Growth Specklebelly Lichen

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Hi Adam. In the interest of getting back to you in a timely way I will forward this to staff to get started on your questions
Take care, Katrine

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From: Olsen, Adam^{s.17}
Sent: Tuesday, November 9, 2021 9:52:25 AM
To: Conroy, Katrine^{s.17}
Cc: Furstenau, Sonias.¹⁷ Siddon, Stephanie <Stephanie.Siddon@leg.bc.ca>
Subject: Old Growth Specklebelly Lichen

Hello Minister Conroy,

I am writing today with respect to a species of concern and logging activity. I am not sure if this situation has been brought to your attention previously, however I have been contacted by a number of individuals with respect to Old Growth Specklebelly Lichen, a species of Special Concern according to COSEWIC.

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Those citizens followed due process, and submitted a formal complaint to the Forest Practices Board in July, 2021. They then received (August 5th) a written correspondence from Teal Cedar who stated "The information you provided to the FPB, including locations of the sightings has been forward to us and we would like to thank you for providing this important information". In a follow-up correspondence, the citizens then asked Teal Cedar what plans they had to protect the remaining host trees and remediate the damage from road construction but received no response. Incredibly, cutting has in fact resumed, and at least 19 more host trees have been lost as of November 2nd.

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I have three questions that I hope will allow be to better understand the situation and your authority to protect this species.

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2. Given the published commitment to protect the species and its habitat, will you immediately protect these rare lichens and host trees?
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Thank you for your attention to this important matter.

Best Regards,

Adam Olsen (he/him)
Member of the Legislative Assembly
Saanich North and the Islands
BC Green Party Caucus
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Fwd: Old Growth Specklebelly Lichen (1 of 2)

From: Conroy, Katrine^{s.17}
To: Malo, Courtney FLNR:EX <Courtney.Malo@gov.bc.ca>
Sent: November 10, 2021 11:45:59 AM PST
Attachments: IMG_2960.JPG, IMG_2965.JPG, IMG_2959.JPG, IMG_2989.JPG

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From: Olsen, Adam^{s.17}
Sent: Wednesday, November 10, 2021 10:21 AM
To: Conroy, Katrine
Cc: Furstenau, Sonia; Siddon, Stephanie
Subject: FW: Old Growth Specklebelly Lichen (1 of 2)

Hello Minister Conroy,

I am following up with an email I sent yesterday regarding the Old Growth Specklebelly Lichen. I've had a number of images shared with me showing the impact on this species. Please forward to your staff reviewing my initial email to be added as part of my inquiry.

Best Regards,

Adam Olsen (he/him)
Member of the Legislative Assembly
Saanich North and the Islands
BC Green Party Caucus
[Website](#) | [Facebook](#) | [Twitter](#)

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Page 11 of 14 to/à Page 14 of 14

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Reference: 268179

January 28, 2022

VIA EMAIL: s.17

Adam Olsen
MLA – Saanich North and the Islands
Parliament Buildings
Victoria, British Columbia
V8V 1X4

Dear MLA Olsen:

Thank you for your email of November 9, 2021, regarding Oldgrowth Specklebelly and your specific questions regarding provincial authority to protect this lichen species in the Fairy Creek area. I apologize for the delayed response.

Oldgrowth Specklebelly Lichen is listed as special concern in the federal *Species at Risk Act* (SARA) and is not listed in any provincial legislation. Under the federal SARA, there are legal tools to conserve and recover species listed as threatened or endangered. In addition, provincial legal tools for species at risk are limited to species listed in the *Forest and Range Practices Act* (FRPA) and the *Wildlife Act*. As such, there is no federal or provincial legal tool or ministerial authority available to specifically protect this species.

However, Oldgrowth Specklebelly Lichen may occur in wildlife habitat areas in and around Tree Farm Licence 46 and would therefore be indirectly protected under umbrella species such as northern goshawk, marbled murrelet, and coastal tailed frog.

The provincial/federal management plan for Oldgrowth Specklebelly Lichen (2017) is a jointly developed document containing recommended conservation actions intended to prevent this species from becoming threatened or endangered across the species range in BC. Conservation and recovery documents such as management plans and recovery plans are developed and published as advice; they are not commitments made by the Province.

With regards to comprehensive biodiversity and species surveys, they are not required prior to clearcutting, road-building and other forestry operations. However, licensees cannot be issued permits for forestry operations until a Forest Stewardship Plan is approved by a district manager. The Forest Stewardship Plan includes biodiversity values that must be met, at a landscape level, by the licensee. Licensees are responsible for ensuring a Registered Professional Forester is involved and has the expertise to ensure harvest operations meet the objectives and stipulations of the Forest Stewardship Plan.

Page 1 of 2

Adam Olsen, MLA, Saanich North and the Islands

Regarding your final question, the recently adopted FRPA amendments do not speak directly to endangered species. The Province manages species at risk by designating Identified Wildlife Management areas, parks and ecological areas in order to conserve species and support biodiversity.

Again, thank you for writing to share your concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Katrine Conroy', written in a cursive style.

Katrine Conroy
Minister