



ALBERTA WILDERNESS ASSOCIATION

"Defending Wild Alberta through Awareness and Action"

Honourable Robin Campbell
Minister
Alberta Environment and Sustainable Resource Development
323 Legislature Building
10800 – 97 Ave. NW
Edmonton, AB T5K 2B6

By email: Robin.Campbell@gov.ab.ca

December 30, 2013

Dear Minister Campbell,

Re: Findings from AWA's FOIP Request into Logging in Hidden Creek

Alberta Wilderness Association (AWA) would like to take this opportunity to congratulate you on your new position and welcome you to the post of Minister of Alberta Environment and Sustainable Resource Development (AESRD). We have copied Deputy Minister Bill Werry on this letter and wish to offer him our congratulations on his appointment as well.

Founded in 1965, AWA is a province-wide conservation organization with 7,000 members and supporters in Alberta and around the world. AWA promotes awareness and protection of Alberta's wild lands, wildlife and wild waters.

We are writing to request a meeting with you to discuss our concerns regarding the management of Hidden Creek, a tributary of the upper Oldman River, particularly in light of what we learned in documents through the FOIP process and to follow through on our conversations and correspondence with previous AESRD Minister Diana McQueen about the management of our forests. The issue of logging in Hidden Creek is of great concern to AWA because it is an area vitally important to the Oldman watershed as critical native trout habitat and is recognized as unsuitable for logging. Equally as important, AWA believes the decision making process and actions taken by the Forestry Division of AESRD in this file fail what reasonable Albertans would expect this division to be capable of and responsible for.

As this file is complicated and covers a number of key issues, we have prepared a detailed overview for your reference. We look forward to meeting with you in the New Year.

I. Background on Hidden Creek and Context

Throughout the years, AWA has had the opportunity on a number of occasions to engage with AESRD and previous ministers regarding issues of common concern. One of these issues regards the logging undertaken in southwest Alberta by Spray Lake Sawmills (SLS) in the C5 Forestry Management Unit (FMU). As you are aware, FMUs are public lands located in the Green Area of the province and designated by ESRD for harvest under section 14 (1) of the *Forests Act*. Forest management planning responsibility for an FMU is held by the Alberta government, and we believe it is reasonable for Albertans to expect the management of all FMUs will be held to the highest standards that represent the most recent research findings and knowledge.

In November of 2012, AWA became aware that an approval was being granted to log several cut blocks in the Hidden Creek valley of the Oldman River headwaters, within the C5. We have had a longstanding interest in the Hidden Creek watershed. We objected in 1984 to logging in the headwaters of Hidden Creek, especially to the removal of old growth timber (some trees over 400 years old) for the ostensible reason this forest was threatened by fire. In 1984, we received a promise from the (then) department of Energy and Natural Resources that the seismic line – the only access into Hidden Creek – would be re-contoured and reclaimed. We have repeatedly asked for the closure and restoration of the problematic seismic line that still has not been completed.

AWA objected to last November's harvest approval on several counts: the closure of the seismic line promised in 1984 never happened; no proper environmental assessment of the logging operation had been performed; the steep slopes of the Hidden Creek valley would cause erosion and siltation in the creek, vital spawning ground for a number of threatened fish species including bull trout and westslope cutthroat trout; and the logging action would be inconsistent with AESRD's freshly-announced moratorium on logging elsewhere in the C5 pending the outcome of the South Saskatchewan Regional Planning (SSRP) process.

Approval was nevertheless granted and logging proceeded over the course of roughly three months from November 2012 through February 2013, albeit under the directive that Hidden Creek be treated as a Class 'A' watercourse for the protection of those threatened fish species.

AWA participated in a site visit as well as follow-up discussions with AESRD Forestry Department staff and officers, where we determined that not only had numerous exceptions to the Class 'A' related limitations in SLS' Operating Ground Rules been granted, but that there were many other deficiencies in other aspects of the operation. Details of these findings are included in the three letters (dated November 7, 2012, January 18, 2013, and July 31, 2013) that AWA sent to Minister McQueen. Copies of these letters are attached for your reference; the July 31 letter has yet to be answered.

II. Response to FOIP Request

On November 6, 2012, AWA submitted a request under the provisions of the *Freedom of Information and Protection of Privacy Act* (FOIP) for information regarding:

- the decision to log Hidden Creek ("*Who in the Forest Service made the decision to overrule the hold placed on logging Hidden Creek and the rationale*");

- the reclassification of Hidden Creek to a Class 'A' watercourse (*"All explanations about why this re-designation request from AB Fish and Wildlife (almost 3 years ago) is being ignored and Spray Lakes Sawmills has been directed to proceed with logging plans and logging in Hidden Creek"*); and
- any Fish and Wildlife objections to same (*"All objections to logging and road building by Fish and Wildlife with the accompanying decision to overlook those objections"*).

AWA finally received a response to the request this autumn and, after having now scrutinized the material, we have a number of concerns to bring to your attention.

First and foremost, we find that the contents of the FOIP response shed a disturbing light on decision-making processes within AESRD, and on how concerns raised by one department within the ministry are seemingly continually ignored and overruled at the behest of other interests. As a point of emphasis, AWA found very similar concerns in a FOIP request of documents regarding Caw Ridge a number of years ago where the advice and concerns of Fish and Wildlife staff were over-ruled.

Reading chronologically through the documents the FOIP response comprises, we are struck by the repeated recommendations against logging Hidden Creek made by Fish and Wildlife (F&W) staff: an analysis that their job requires them to do, and which, by AESRD rules, must be performed before they sign off on any Annual Operating Plan (AOP). Key among those recommendations:

- The harvest as a whole should be deferred for a period of at least 5 years to evaluate alternatives.
- Tributaries to Hidden Creek should also be considered Class 'A' for a distance of 2km upstream from the mouth of the tributary.
- Neither the 'High Road' nor the 'Low Road' proposed to access the cut blocks would represent an acceptable level of risk to the Hidden Creek fishery. [The "high road" and "low road" options being the two alternatives contemplated regarding the issue of the access road requiring the grant of a substantial deviation from SLS' OGRs to run within the 100m buffer for up to 2km of length.]
- Maintaining a low grade quad trail following road reclamation would only serve to encourage their continued use by recreational OHVs following harvest; hence no such trail should be left in place.
- It was unlikely that the work could avoid migration, spawning and incubation periods for both the threatened Bull Trout and Westslope Cutthroat Trout species.

The conclusion reached by Fish and Wildlife staff was that:

"This portion of the AOP [proposing the harvest of blocks within the immediate vicinity of Hidden Creek] is not approved and is deferred based on the following information:

1. [...] Fish and Wildlife considers Hidden Creek to be Class 'A' [...] and will be pursuing a legislation change to reflect this new information. [...] Bull Trout [...] populations throughout the province are threatened and [...] Hidden Creek [...] is one area in the [Upper Oldman] watershed for which current data unequivocally supports a critical habitat designation.
2. Genetic data [...] has identified pure strain Westslope Cutthroat Trout as residing in Hidden Creek as well. [...] Because of the highly restricted distribution [...] all habitat occupied by this species is critical to its continued viability."

The specific passages can be found in the FOIP document on pp.13-14 with the conclusion on p.26 (dated March 9 and April 20, 2009). In forms of various similarity they are repeated on p.62 (date unknown but most likely early 2010), p.80 (August 6, 2010), p.102 (August 2011) and p.121 (22 February, 2012). They are also excerpted in the chronology / summary analysis of the FOIP response attached to this letter.

At various points, F&W also point out additional concerns, especially notable being those following an August 2011 site tour; the following excerpts from a 23 April, 2012 email (found on pp.133-134):

- The tour was conducted with the understanding that deviations from the OGR requirements for Class 'A' streams could still be approved and Hidden Creek could continue to be treated as a Class 'B' watercourse.
- There was unanimous support amongst the management team that SLS must clearly demonstrate that whatever they propose for Hidden Creek will not impact the Bull Trout spawning habitat, and that above and beyond normal mitigation measures will be used.
- The proposed road crosses two tributaries ~60 m from Hidden Creek, which are well within the distance before suspended sediment would settle out of the water column and immediately upstream of a 1.8 km section of the creek with the highest Bull Trout redd densities anywhere in the Oldman basin. Bull Trout are [...] particularly sensitive to sedimentation. [...] The AOP does not demonstrate that these impacts of harvest have been assessed by SLS. No aggressive erosion control measures have been identified in the AOP.
- The [...] letter [sent by the Forestry Department to SLS] indicated harvest could actually proceed [...] but it clearly specified the conditions no roads, landings, decking, bared areas, or removal of timber within 100 m of Hidden Creek.
- There are still some block boundaries where there is no flat ground beyond the edge, and they extend to the top of the bench with steep slopes down to Hidden Creek.

What is notable is that initially the Forestry Department in AESRD, through the Forestry Program Manager, wrote to confirm many of the F&W recommendations. In their 20 April, 2009 letter to SLS (found on p.27) the additional notation was included:

- This area is to be deferred until such time as the re-classification of Hidden Creek has been completed. **SRD will then initiate a compartment assessment** within this watershed area to further assess overall forest management objectives. (**emphasis added**)

Yet through the early months of 2012, there was increased impatience and pressure within that very department to have SLS' 2012-2013 AOP approved for Hidden Creek and to start logging. As early as February 14, 2012, there is a reference (on p.112) to the area forester having "[requested] that SLS resubmit an AOP. This is despite the original letter sent to SLS April 20, 2009."

A week later, further comments were made, for example, within the Forestry Department (pp.119-120): "I would suggest that we reply [...] that [SLS] has reached the point that they want to clean up this small volume [of timber]." Also: "I have been unable to get a written response from [Fish and Wildlife] that would allow approval of a fall early winter harvest. This is outstanding and should have been dealt with months ago."

Further noteworthy excerpts include those from pp.123-124 (dated 5 March, 2012): "My understanding is that we are proceeding with reviewing the changes to roading and moving to AOP approval this spring. [...] this

means [...] that decisions have been made by upper management to proceed with the AOP.” Also, from the same email thread: “How long do we hold off, waiting for the designation to change before we make a decision?”

Finally, on May 28, 2012 we see a meeting between F&W and Forestry, after which there is no further reference to any of the earlier F&W concerns, or their recommendations that Forestry had at one time supported. This is followed up by a letter on p.165 (dated 16 July, 2012) in which F&W submit a list of conditions they would want to see in place, under which they would agree to the logging. These conditions make no reference to any of the aforementioned concerns or recommendations, and indeed read almost completely differently from the F&W position throughout the entire previous 165 pages of correspondence.

It is impossible to tell from the materials provided in the FOIP response what was discussed in the May 28 meeting; the notes were not included with the materials we received. Without the meeting notes, and given the documentation we have it leads us to believe that those within the Forestry department had come to decide on timber yield as their one and only priority for the management of Hidden Creek, and Fish and Wildlife was unable to take an opposing point of view any longer.

III. Ramifications

The concerns repeatedly highlighted by F&W throughout the FOIP response mirror very closely AWA’s concerns, these concerns were communicated to your office and emphasize the manner in which the Hidden Creek logging operations have unfolded.

In the (attached) letters that AWA has sent AESRD over the past year, we expressed serious concerns about observed practices that we believed would lead to slumping, erosion and ongoing negative impacts in Hidden Creek. Subsequent observations made over the course of this summer and fall have borne those worries out. The heavy rainfall events that precipitated flooding elsewhere also affected Hidden Creek. Clearcut logging and the removal of the canopy, changes the hydrologic response of the watershed to rainfall and snowmelt events. Immediately after the late June rainfalls, Hidden Creek began to discharge massive amounts of sediment-laden water. This continued for most of the summer and early fall. Several inspections showed the stream running completely clear upstream of the area of the watershed that had been logged. Each of the tributary streams affected by cut blocks had evidence of high energy runoff. Yet none of the tributary streams upstream of the logged portion displayed this. Several naturally unstable banks on Hidden Creek within the sphere of logging had substantial slumping and erosion; comparable unstable banks upstream of the logging displayed no erosion.

We believe lack of due diligence by the Forestry Department, and their failure to use both risk assessment procedures and cumulative effects analysis to make logging decisions, has led to the sediment problem in Hidden Creek. It remains to be seen whether the province’s westslope cutthroat trout will be able to withstand this disruption to a creek that provides spawning habitat to 80 percent of the Oldman Basin pure-strain population.

What has been made equally evident is that the FOIP materials reveal a focus on timber quotas, not a coordinated, integrated approach to resource management that respects the expertise within all related departments and the contribution of a dedicated and knowledgeable conservation community. Albertans have

a right to expect a level of cooperation and decision making regarding our natural resources and ecosystems that embraces and reflects the very best knowledge available at the time.

We are attaching our earlier letters and our chronological review and assessment of the FOIP documents AWA received. As AWA has now compiled its review of the FOIP materials and prepared our letter of response to you, we will post these materials on our website for our conservation colleagues and the public to have access.

The Hidden Creek file is complicated and AWA has a great deal of concern with the manner decisions have been made. We look forward to continued correspondence on this matter and trust you will arrange a meeting at your earliest convenience.

Sincerely yours,
ALBERTA WILDERNESS ASSOCIATION



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Attachments

1. AWA Letter to Premier Redford and AESRD Minister McQueen re: Hidden Creek and Seismic Line
November 7, 2012
2. AWA Letter to AESRD Minister McQueen re: Site Visit and Compartment Assessments
January 18, 2013
3. AWA Letter to AESRD Minister McQueen re: Response to Previous Letter
July 31, 2103
4. AWA Chronology and Summary Analysis of FOIP Response Materials

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