

# Alberta's Response to AWA's Hidden Creek FOIP Request: the Good, the Bad and the Muddy

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Last September, ten months after AWA requested materials related to the license granted to Spray Lake Sawmills (SLS) to log in Hidden Creek over the winter of 2012/2013, we received a response. The request was a *Freedom of Information and Protection of Privacy Act* (FOIP) request and was directed to Alberta Environment and Sustainable Resource Development (ESRD).

In November 2012, AWA learned that an approval was being granted to log several cut blocks in the Hidden Creek valley of the Oldman River headwaters within the C5 Forestry Management Unit. AWA objected to that cutting approval on several counts: that the closure of a seismic line threatening the creek that was promised in 1984 never happened; that no proper environmental assessment (especially a compartment assessment) of the logging operation had been performed; that logging the steep slopes of the Hidden Creek valley would cause erosion and siltation in the creek, a vital spawning ground for a number of threatened fish species including bull trout and westslope cutthroat trout; and that the logging action would be inconsistent with ESRD's freshly-announced moratorium on logging elsewhere in the C5 unit 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. SLS was ordered to treat Hidden Creek as a Class 'A' watercourse in order to protect those threatened fish species.

AWA participated in a site visit as well as follow-up discussions with ESRD Forestry Department staff and officers. It was clear to us that there had been numerous exceptions to the Class 'A' related limitations in SLS' Operating Ground Rules (OGRs) and that other aspects of the operation suffered from many other deficiencies (for more on these and other concerns related to the Hidden Creek logging operation, see Lorne Fitch's article in the June/July 2013 issue and Sean Nichols' article in the February 2013 issue of WLA).

On November 6, 2012 AWA submitted a FOIP request 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"*).

The government's response raises many concerns. Despite promises to release a substantial amount of information, the final amount delivered is less than a tenth of what had been expected. Nevertheless this slim offering sheds a disturbing light on decision-making processes within ESRD. The

government documents describe a process whereby sound science-based judgments are ignored or overruled at the behest of logging interests.

## Analysis of the Government's Response

Reading through the FOIP documents, we were struck by the repeated recommendations made by Fish and Wildlife staff; those recommendations are part of an analysis ESRD must perform before they approve an Annual Operating Plan (AOP). Key recommendations included:

- 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 were two alternatives contemplated for routing the access road. They required the Ministry to approve a substantial deviation from SLS' OGRs to allow the road to run inside the mandatory 100m buffer from Hidden Creek for nearly 2km.
- Maintaining a low-grade quad trail following road reclamation would only serve to encourage recreational OHVs to use it following harvest; no such trail should be left in place.
- It was unlikely that the work could avoid migration, spawning, and incu-

bation periods for both the threatened bull trout and westslope cutthroat trout species.

Fish and Wildlife staff concluded:

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.

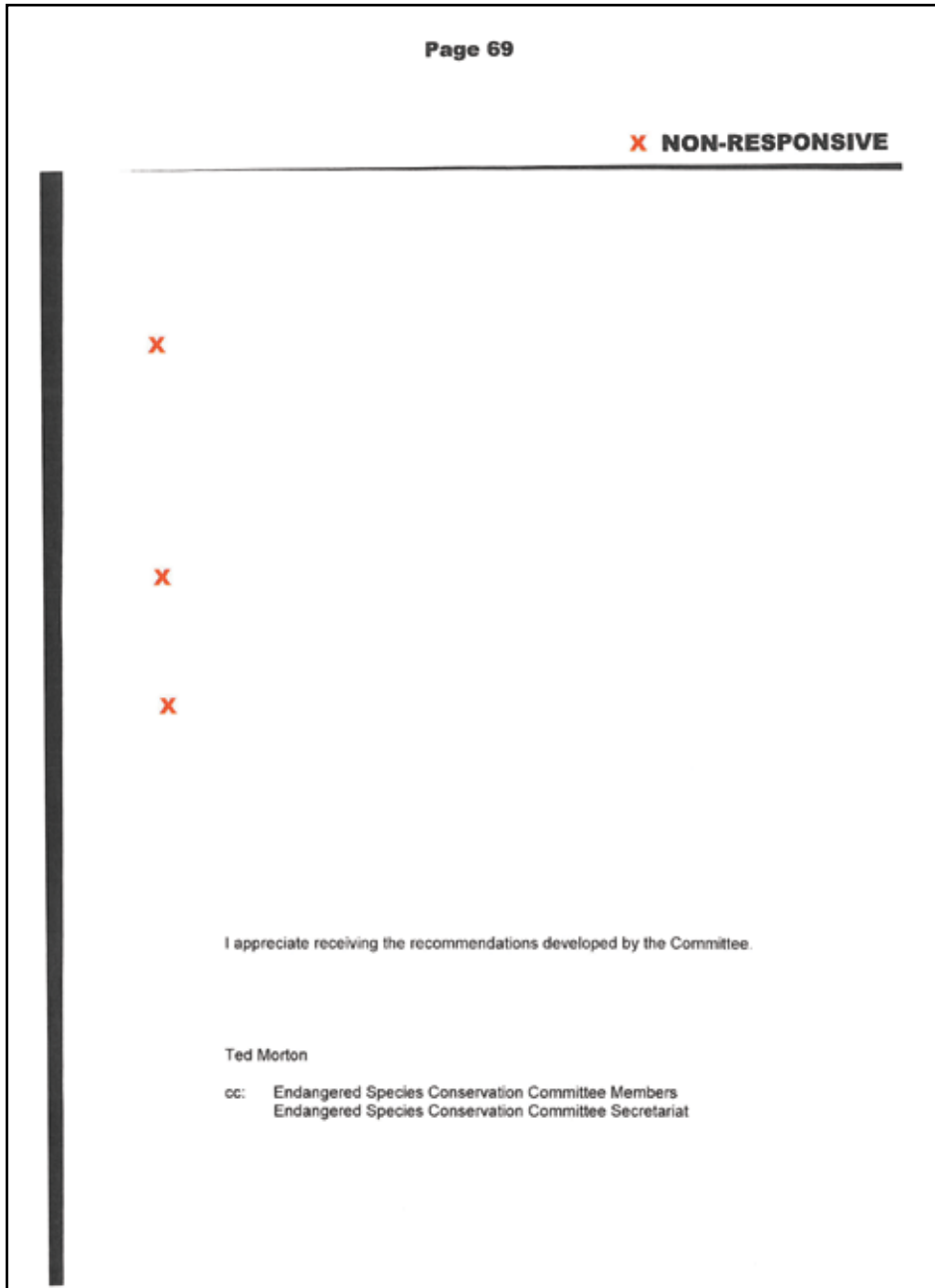
2. Genetic data [...] has identified pure strain Westslope Cutthroat Trout as residing in Hidden Creek as well. [...] Because of the highly restricted distri-

bution [...] all habitat occupied by this species is critical to its continued viability.

At various points, Fish and Wildlife added other concerns. Especially notable were those made following an August 2011 site tour:

- 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.** (my emphasis)
- 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.** (my emphasis)
- 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 most notable is that initially the Forestry Department in (then) SRD, through the Forestry Program Manager,



AWA welcomed the information that Minister Morton appreciated the recommendations. Darn though... we had hoped to see some indication or glimpse of the substance of what the Minister was appreciating. A red "x" indicates the information has been redacted; the government refused to release any information about the recommendations themselves.



AWA staff, joined by Lorne Fitch, on a Hidden Creek site tour conducted by Spray Lakes Sawmills PHOTO: © C. CAMPBELL

wrote to confirm many of the Fish and Wildlife recommendations and in an April 20, 2009 letter to SLS included the additional notation:

- **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 approve SLS’ 2012-2013 AOP and to start logging. As early as February 14, 2012, there is a reference 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 from forestry staff suggested that they “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: “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 the same email thread at one point asks: “How long do we hold off, waiting for the designation to change before we make a decision?”

Finally we discovered there was a meeting on May 28, 2012 between Fish and Wildlife and Forestry, after which all references to any of the earlier Fish and Wildlife concerns stop. Nor is there any more reference to their recommendations that had once had forestry staff support. This is followed up by a letter in which Fish and Wildlife submit a watered-down list of conditions they would want to see in place in order to agree to the logging. These conditions

again make no reference to any of the aforementioned concerns or recommendations. Indeed they stand in sharp contrast to the Fish and Wildlife position maintained throughout the previous 165 pages of correspondence.

The FOIP materials don’t help us to determine the tone of the May 28 meeting. However the above context, taken as a whole, paints a very explicit and quite disturbing picture: forestry officials decided that timber yield was their one and only priority for managing Hidden Creek and one can surmise they told Fish and Wildlife to “get in line.”

## Implications for Hidden Creek, Alberta’s Forests, and Forest Species

Those concerns repeatedly highlighted by Fish and Wildlife throughout the FOIP response mirror very closely the conclusions AWA had drawn and communicated to ESRD about the Hidden Creek operation. These comments reflected our worry that

the observed practices and that the inability of ESRD to properly address them would lead to slumping, erosion, and significantly damage Hidden Creek's habitats.

Subsequent observations from the summer and fall of 2013 have borne those worries out. The heavy rainfall events that caused flooding elsewhere significantly affected Hidden Creek. Clearcut logging and the removal of the canopy changed the hydrologic response of the watershed to rainfall and snowmelt events. Immediately after the late June rainfalls, Hidden Creek began to fill with massive amounts of sediment-laden water. It's crucial to note that inspections showed the stream running completely clear upstream of the logged area of the watershed. This continued for most of the summer and early fall. Several naturally unstable banks on Hidden Creek within the sphere of logging slumped and eroded substantially; comparable unstable banks upstream of the logging didn't.

AWA is concerned that the lack of diligence on the part of forestry officials has led to this sediment problem in Hidden

Creek. Despite repeated recommendations for such diligence, no risk assessment, compartment assessment, or any cumulative effects analysis was performed. None of these exercises were ever used to decide on logging. It remains to be seen whether the province's westslope cutthroat trout will be able to withstand this disruption to a creek providing spawning habitat to 80 percent of the Oldman Basin pure-strain population.

What the FOIP documents suggest is that considerable pressure was exerted on other parts of the department to "sign off" and agree to logging. There is a clear focus on timber quotas and the bottom line. What is missing is a coordinated, integrated approach to resource management that encourages and demonstrates respect for the expertise within all related departments. 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.

What is perhaps most distressing is that this is not an isolated example. Previous

FOIP requests and responses have revealed similar decision making processes. Logging continues to occur throughout southern Alberta in crucial habitat for fish species with scant concern for the needs of those species.

AWA has sent a letter to the minister of ESRD expressing in no uncertain terms the same concerns detailed in this article. In that letter we have requested a meeting with that minister and his staff to work through these issues. At the same time we are working with the rest of Alberta's conservation community to search for grass-roots solutions. We are planning a *Fish and Forests* public forum for sometime in 2014 that will include working with, and soliciting feedback from, our membership and the wider public on this issue.

Between the conservation community, the scientific community, the provincial government, and the concerned public, we are hopeful that a brighter and more sustainable future for Alberta's fish and forests can be forged. ▲



As this photo by Trout Unlimited's Brian Meagher illustrates so well, this reclaimed portion of the Hidden Creek access road has left a trail for OHV access. PHOTO: © B. MEAGHER