

# William J. Andrews

## Barrister & Solicitor

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April 26, 2017

Stefan Borge, RFT  
Planning Coordinator  
Canadian Forest Products Limited, Vavenby Division  
Box 39, Vavenby  
V0E 3A0  
By email: Stefan.borge@canfor.com

Dear Mr. Borge:

**Re: Canfor Cutblocks T-121, T-106, T-115, T-122, T-123,  
Endangered Southern Mountain Caribou**

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I represent the Upper Clearwater Referral Group and the Wells Gray Gateway Protection Society regarding their efforts to protect critical habitat of the endangered<sup>1</sup> Wells Gray-Thompson Local Population Unit of southern mountain caribou against proposed clearcut logging in the Upper Clearwater Valley.

I am writing to ask you to defer operations regarding cutblocks on the west side of Trophy Mountain, both indefinitely and certainly pending a decision by the federal government whether to make an emergency order under the *Species at Risk Act*, as explained below.

My understanding is that the A/Regional Director has approved cutblock T-121 and is reviewing applications regarding cutblocks T-106, T-115, T-122, and T-123. Further, my understanding is that the Province takes the position that Canfor, not FLNRO, is responsible for ensuring that this timber harvesting does not threaten the recovery or survival of the Wells Gray caribou herd. For its part, Canfor has publicly accepted this responsibility. For example, Don Kayne, Canfor President and CEO, emphasized to the Special Committee on Timber Supply that:

“We will not support actions that impact parks, riparian areas or areas that provide critical habitat for species at risk, or other important environmental values such as biodiversity and old growth.”<sup>2</sup>

As you may know, cutblocks T-121, T-106, T-115, T-122, and T-123 are located within matrix range critical habitat identified in the 2014 Recovery Strategy for Southern Mountain Caribou<sup>3</sup> under the federal *Species at Risk Act* (SARA).

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<sup>1</sup> COSEWIC Assessment and Status Report on the Caribou *Rangifer tarandus*, Northern Mountain population, Central Mountain population and Southern Mountain population in Canada. Committee on the Status of Endangered Wildlife in Canada. 2014. ([www.registrelepsararegistry.gc.ca/default\\_e.cfm](http://www.registrelepsararegistry.gc.ca/default_e.cfm)).

<sup>2</sup> Presentation to Special Committee on Timber Supply, Don Kayne, President and CEO, Canadian Forest Products Ltd, July 9, 2012. Underline added.

<sup>3</sup> Environment Canada. 2014. Recovery Strategy for the Woodland Caribou, Southern Mountain population (*Rangifer tarandus caribou*) in Canada.

([http://www.sararegistry.gc.ca/virtual\\_sara/files/plans/rs\\_woodland%20caribou\\_bois\\_s\\_mtn\\_0614\\_e.pdf](http://www.sararegistry.gc.ca/virtual_sara/files/plans/rs_woodland%20caribou_bois_s_mtn_0614_e.pdf)). See the map of critical habitat for the Wells Gray-Thompson LPU on page 87 of the Recovery Strategy.

Matrix range is habitat that is critical because it is the source of predators, e.g., wolves, that are impacting the caribou population. The wolf density in the area of the subject cutblocks already considerably exceeds the prescribed standard for “low risk of predation of caribou.” Additional timber harvesting in the subject area is likely to increase the wolf density<sup>4</sup> and exacerbate the threat to the survival and recovery of the endangered caribou in Wells Gray Park.

On April 7, 2017, I filed an application under section 80 of SARA for an emergency order prohibiting timber harvesting and related road building within matrix range critical habitat on provincial Crown land in the Upper Clearwater Valley of British Columbia adjacent to southern Wells Gray Provincial Park. This includes cutblocks T-121, T-106, T-115, T-122, and T-123. A copy of the application is enclosed, for your information.

Under SARA s.80, the federal minister of environment and climate change will decide whether the proposed timber harvesting is an imminent threat to the survival or recovery of the listed species. If so, then the Governor in Council would make the final decision whether to prohibit the timber harvesting in question.

As indicated above, my request is that Canfor defer operations regarding the provincially approved cutblock T-121, and the other cutblocks within critical Wells Gray caribou habitat if and when they receive provincial approval. A deferral by Canfor would be respectful of the federal government’s decision-making process under the *Species at Risk Act*. And it would honour Canfor’s commitment to avoid actions that would harm parks, critical habitat for species at risk and biodiversity.

I look forward to your response to this request.

Yours truly,



William J. Andrews  
Barrister & Solicitor  
Encl.

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<sup>4</sup> Field, Kate A., Paul C. Paquet and Chris T. Darimont. “Wolf (*Canis lupus*) Density and Probable Effects of Logging in Matrix Range Critical Habitat within the Wells Gray-Thompson Local Population Unit for Woodland Caribou (*Rangifer tarandus caribou*), Southern Population.” March 28, 2017. Copy at pdf p.80 of Application for an Emergency Order, enclosed.