

# Request for Decision



To: Regular Meeting  
From: **Deputy Manager of Operations and Sustainability**  
Date: April 23, 2019  
Subject: Lewis' Woodpecker Management Plan  
Recommendation: **RESOLVED THAT Council adopts and directs staff to implement the Lewis' Woodpecker Management Plan**

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## Background

The Urban Forest Policy No. 1105 states that the City will “identify areas with wildlife habitat value and potential danger tree issues requiring further assessment;”, and that “The City will comply with the federal Migratory Birds Convention Act, federal Species at Risk Act and the provincial Wildlife Act”. Lewis' Woodpecker use the many Cottonwood trees in the City as habitat. In fact, the City has the highest density of nesting Lewis' Woodpecker in the province. They listed as Threatened under Schedule 1 of the *Species at Risk Act*. This means their critical habitat, the many Cottonwood trees used in the City, is protected by federal law.

Staff consulted a local biologist and a biologist from Environment and Climate Change Canada about the best course of action to manage Lewis' Woodpecker habitat AKA Cottonwood trees. The advice centered around showing that the City has undertaken all reasonable means to avoid or minimize harm to a species at risk. For example, when habitat is destroyed, it is expected that mitigation measures will take place. One nest tree in City Park had a plan written specifically for it. Because we have so many Cottonwood trees on public land, staff wanted to have a plan that addressed the issue across the City.

The management plan aims to guide the City in maintaining compliance with legislation, to identify appropriate land use decisions, and ultimately to maintain the breeding population of Lewis's Woodpecker. It identifies what areas are potential habitat, and how those areas should be managed. Succinctly, Cottonwood trees are to be protected, new growth restored, and disturbances minimized during the breeding season. By adopting a comprehensive plan, staff will have guidance on maintenance in the habitat areas, compliance with legislation will be enhanced, and tree removal permit applications will better demonstrate that the City has taken all reasonable means to avoid or minimize harm.

Follow up items from the plan include further study to map critical habitat at a finer scale than existing data, incorporating a LEWO Development Permit Area in the Official Community Plan, and designating some critical habitat on City land as Protected Natural Areas.

Staff introduced the plan at the April 8, 2019 Committee of the Whole. Council asked about the cost to implement the plan and how it would affect operations. Staff clarified

that using a plan that encompasses the habitat areas on municipal lands would save time and money in the permitting process for removal of dangerous trees. For example, a nest tree had been identified in City Park and an individual mitigation plan was created for that tree. The management plan includes the overall mitigation and restoration efforts so those portions will not need to be recreated for each danger tree that needs to be removed.

Because of how much habitat we have in Grand Forks, we are already budgeting for management of the cottonwood trees. Implementing the management plan could require up to \$10,000 in additional spending in the next couple of years to better map the habitat areas, but this can be compared to a cost of about \$500 for an individual tree plan. Staff expect to save money on planning and permitting moving forward.

The management plan is now presented to Council for adoption.

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## Benefits or Impacts

### General

Implementing the Lewis' Woodpecker Management Plan will ensure compliance with federal legislation and show proper due diligence.

### Policy/Legislation

Urban Forest Policy No. 1105  
*Species at Risk Act*  
Official Community Plan

## Attachments

Lewis' Woodpecker Management Plan

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## Recommendation

**RESOLVED THAT Council adopts and directs staff to implement the Lewis' Woodpecker Management Plan**

## Options

1. THAT Council accepts the report.
2. THAT Council does not accept the report.
3. THAT Council refers the matter back to staff for further information.

