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The Honourable Catherine McKenna
Minister of Environment and Climate Change
200 Sacré-Coeur Boulevard
Gatineau QC K1A 0H3
ec.ministre-minister.ec@canada.ca

Sent Via Email and Courier

Dear Minister McKenna:

Re: Petition for the Protection of Critical Habitat for Two Local Ranges of Boreal Caribou in Northwestern Ontario, *Species at Risk Act*, s. 61

I am legal counsel to the David Suzuki Foundation, Ontario Nature, and Wildlands League (collectively, the “Petitioners”) in respect of this matter. The Petitioners present for your consideration the enclosed *Petition for the Protection of Critical Habitat for Two Local Ranges of Boreal Caribou in Northwestern Ontario* (“*Petition*”) and a compendium of supporting documents. The Petitioners request, through this *Petition*, that you recommend to the Governor in Council that the critical habitat of the Brightsand and Churchill caribou populations be protected by an order under section 61 of the *Species at Risk Act*.

Founded in 1990, the David Suzuki Foundation is a national, non-profit organization that uses evidence-based research, education and policy analysis to conserve and protect the natural environment, and help create a sustainable Canada.

Ontario Nature has been working to protect Ontario’s wild species and wild spaces through conservation, education and public engagement since 1931.

Wildlands League is a not-for-profit charity that has been working to protect public lands and resources in Ontario since 1968, beginning with a campaign to protect Algonquin Park from development.

The Petitioners collectively have a longstanding interest in the protection and recovery of boreal caribou in Ontario and throughout Canada.

The critical habitat of the Brightsand and Churchill populations has been, and continues to be impacted by industrial activities such as forestry, mining, mineral exploration, and linear features

including roads, railways, and utility lines. The *Recovery Strategy for the Woodland Caribou* (*Rangifer tarandus caribou*), *Boreal population, in Canada* sets a target of no more than 35 percent disturbed habitat for each local population in order to give the population a 60 percent chance of becoming self-sustaining. The most recent provincial numbers show that habitat disturbance in the Brightsand and Churchill ranges sits at 43.5% and 45.5% respectively. Surveys conducted between 2008 and 2013 showed caribou population levels in these ranges to be in decline – however, despite declining populations and increasing disturbance levels, Ontario has not conducted a single population survey since 2013.

Environment and Climate Change Canada released its *Progress Report on Unprotected Critical Habitat for the Woodland Caribou (Rangifer tarandus caribou), Boreal population, in Canada* in April 2018. It described gaps in legal protection for Ontario and stated “that the regime is not fully consistent with the provisions of SARA and cannot be expected to achieve a protection outcome equivalent to what would be required under SARA.”

The enclosed *Petition* and supporting documents strongly reinforce ECCC’s conclusion. They clearly demonstrate that the critical habitat of the Brightsand and Churchill ranges has already been, or is on the verge of being, destroyed or degraded. That habitat remains unprotected by federal or provincial laws.

The posting of the recovery strategy for boreal caribou was unlawfully delayed by 5 years. The posting of a finalized action plan for boreal caribou was delayed by more than two years beyond the deadline of December 2015. There is no need for further delay in order to protect the critical habitat of these two ranges. As stated by Madam Justice Mactavish in *Western Canada Wilderness Committee v Minister of Fisheries and Oceans*, 2014 FC 148:

To state the obvious, the *Species at Risk Act* was enacted because some wildlife species in Canada are at risk. As the applicants note, many are in a race against the clock as increased pressure is put on their critical habitat, and their ultimate survival may be at stake.

The Petitioners believe that you must immediately recommend an order pursuant to section 61 to protect the critical habitat of the Brightsand and Churchill herds. We respectfully request a response to our *Petition* on or before **February 14, 2019**.

Sincerely,



Sarah McDonald
Barrister & Solicitor

Enclosures:
Petition
Compendium