

Ontario Woodland Caribou Conservation Plan

CPAWS Wildlands League's comments on consultation draft April 27/09

(EBR Registry Number: 010-4421)

May 21, 2009

[A] Executive Summary

Ontario's Woodland Caribou Conservation Plan is a clearly conflicted document. While it does provide some positive indications that the province is moving towards a more science-driven direction, it fails to meet the spirit and intent and requirements of the *Endangered Species Act*. This means it fails as a plan to protect and recover the species. For example, no description is given of how "net benefit" to the species will be defined or met. The new concept of an "insurance policy" provides more insurance for loggers to log than it does for protecting caribou and its habitat from further threat. Further, the document misrepresents caribou re-occupancy of logged over areas and the role of vegetation management in providing quality habitat. It lacks an immediate action plan with specific interim steps and contains of disturbing pattern of relying on mitigation to address the caribou extinction crisis. It is troubling that status quo activities would be allowed to continue in impacted ranges until such time as the population assessment can be performed. Current scientific analysis on the status of caribou consistently calls for immediate action and cannot be construed to support a continuation of this "log and talk" or "log and study" approach, despite significant research gaps. To make matters worse, the province overstates its confidence in bringing caribou back to clear-cut and roaded areas. Without any scientific evidence to support a continued expansion of industrial disturbances into remaining intact habitat in caribou ranges, the province must immediately protect the best remaining habitat in the commercial forest as an emergency stop-gap measure.

Wildlands League's central recommendations are summarized below.

Ontario must immediately:

- 1. Halt logging and road building in the intact Boreal Forest**, as a critical interim step, thereby removing human caused threats to the species in the best remaining habitat in the Area of the Undertaking;
- 2. Immediately assess range condition**, by determining the total amount of industrial development in individual caribou ranges to understand how much more disturbance can be tolerated in their respective (hypothetical) ranges before allowing any further activities to proceed. The recent "*Scientific Review for the Identification of Critical Habitat for Woodland Caribou (Rangifer tarandus caribou), Boreal Population, in Canada*" provides sound scientific guidance on this issue; and,
- 3. Refrain from permitting industrial development in any given range**, except where it can be credibly and scientifically defended that such development pressures are unlikely to exceed understood thresholds of development pressure, and incorporate appropriate measures of safety margin.

[B] General Concerns

Fails to meet the requirements of the Endangered Species Act.

To the extent that the CCP represents the Minister's formal response to the Recovery Strategy and subsequent advice, there are specific requirements of it under the Act. The Minister is obligated to summarize the actions that this government intends to take, and its priorities with respect to those actions¹.

One interpretation of the document might be that the numbered paragraphs are the proposed actions, however this has not been made clear and these statements are largely notional, without any priority sequencing, and no timelines established. Another significant part of this lack of clarity is that this document includes much additional discussion with embedded positions that go beyond the points raised in the numbered statements, and the role of this discussion and its embedded positions are unknown and not indicated. The traditional interpretation of policy is to read it in its entirety to understand the full context of individual direction. Unfortunately, this approach only produces more confusion and, in some cases, competing positions.

Critical linkages to the implementation and timelines of the Act missing.

As a basis for explaining how this government intends to meet the intent and the elements of the Act, this document is inadequate with no mention of how habitat will be protected once the Act is in force for this species (an imminent horizon), no clear description of how activities will be permitted in caribou ranges under the Act at that time, and no description of how "net benefit" to the species will be defined or met, to submit just a few pressing examples. This failure to meet the needs of the policy moment is inexcusable, particularly after a year-long exemption of the forest industry from the application of the Act.

Lacking clear integration and prioritization, this document is not a "Plan".

It is perhaps telling that the overall impact of the document, more closely resembles an inconclusive brainstorming on the subject. A good plan is clearly "implement-able"; the pieces work together and do not provide contradictory or misleading information, and clear priorities and timelines are established where necessary. Despite having some good ingredients and a clear objective identified, the analysis and synthesis, with integration, and systematic prioritization of proposed actions that normally characterize a Plan, are conspicuously absent here.

¹ *Endangered Species Act, S.O. 2007, S.11(8).*

A Plan (noun)

A scheme, program, or method worked out beforehand for the accomplishment of an objective. A proposed course of action. A systematic arrangement of elements or important parts.

Emphasis is on research gathering activities – no interim positions

Rather than protecting range until such time as information identifies further development as being acceptable, this proposal consistently identifies activities that will collect information to inform such decisions in the future. This lack of providing a definitive interim position that will actually protect range by default, fails to (a) truly embrace the adaptive management principle identified (where identifying a conservative draft position based on best available science is a reasonable starting place to refine from), (b) ignores the fact that best available science indicates that ranges within the area of occurrence should be maintained at current levels of disturbance until information can be improved, (c) ignores the precautionary principle (embraced by the Act and the definition in this document) by assuming ongoing threats are acceptable in the face of uncertainty, (d) ignores the premise of the Act where the concept of “lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize threats,” and (e) fails the purpose of the Act to protect the known habitat of a listed species until a future, undetermined, date.

No consistent adherence to goal.

The stated goal is appropriate and desirable. However, the failure of the rest of the document to consistently and logically support this goal significantly undermines the product. It is apparent that a cultural shift towards a more appropriate scientific basis and away from the status quo is at play, but both positions can be identified in this document, to the detriment of its comprehension and utility as a path forward.

Important concepts variably described.

There are several instances in this document where key concepts each appear to be addressed with variable language. Deferrals and continuous occupancy for caribou are two such examples. Where a singular key concept is being identified in multiple ways this must be avoided in order for the reader to understand that it is a singular concept. Conversely, where there actually are distinct concepts, they need to be sufficiently described and differentiated for the reader to understand the distinction. Each of these instances of potential reader confusion will be treated separately in these comments for clarity. Ill-defined language, particularly when describing key concepts only confuses the issue and reduces the likelihood of achieving clear and effective outcomes that meet the stated goal.

Inappropriate introduction of two bodies of “science”

Evident in this document, and in the discourse of the MNR staff in a recent SOS/MNR meeting, is a notion of two separate bodies of science. That stakeholders repeatedly hear of a science and “our science” (MNR’s) distinction

from MNR staff suggests a dangerous pattern of ignoring the underlining tenants associated with science: that it is transparent, credible, replicable, and available for peer review. The fact that it is the “MNR science” that has been consistently relied upon to date without meeting such criteria, and in the face of a substantive body of contrasting science that meets these tests is problematic. It signals a fundamental problem with the ability of the Ministry to adequately engage in the realm of credible scientific debate, and to meet its trust and transparency obligations to the public interest.

Misleading statements

Similarly, concepts such as “suitable habitat” (ignoring significant negative influencers of habitat quality) are inadequately defined for the purposes of this exercise, without regard to the best available science that would suggest its limitation (see discussion on this example in section C). Another example is the apparent use of the concept of logging “deferrals” (relying upon potentially putting off future logging, while presenting ongoing threats to the species).

Undue reliance upon mitigation

A disturbing pattern in this document is... the persistent use of mitigation as a front-line of action, and the apparent lack of more comprehensive consideration of alternate threat management tools, most importantly including the permitting of recognized human disturbance threats in the first place. An assumption that all threats can be sufficiently mitigated as to pose no threat does not reflect the best available science advice on the matter, and thus is likely a flawed premise.

mitigation (def.)

to act in such a way as to cause an offense to seem less serious; to lessen or to try to lessen the seriousness or extent of; to make less severe or harsh; to make less severe or intense; to reduce, lessen, or decrease.

mitigation (applied def.)

A means of reducing the significance of adverse effects. Under CEAA, mitigation is "the elimination, reduction or control of the adverse environmental effects of the project, and includes restitution for any damage to the environment caused by such effects through replacement, restoration..."²

The use of mitigation as the primary course of action is not necessarily in keeping with the Act, where the purposes are to protect and recover species threatened with extinction. Mitigation is a normal course of action that is generally used in status quo management, where reasonable risks are being managed including habitat of abundant species. Its proper use under the circumstances of species threatened with extinction is different under the Act, where prohibitions on the destruction of habitat are a specific focus, and the test of quantity of reduction of a proposed impact is not necessarily the primary concern, versus avoiding any level of risk.

² E.g. www.ceaa.gc.ca/013/0001/0004/a_e.htm

[C] Specific Concerns by Section

Guiding Principles:

Adaptive management...

“Consideration of social, economic and environmental concerns in ensuring long-term caribou survival.” [pg 1]

Social and economic factors cannot be a guiding principle. It is incumbent on the authors to clearly identify how “considering social and economic concerns can ensure long-term caribou survival” and is relevant as a guiding principle in meeting the stated goal. It is not evident, nor reasonable on its merits.

Further, it is critical to remember that, as directed by the Act, the Minister, explicitly cannot consider social and economic factors in the publishing of the government’s response (the CCP) to the recovery strategy³. The Act limits, through specific exclusion of this subsection, the ability of these factors to be considered (never mind elevated to the role of a guiding principle) for the government’s response to the Recovery Strategy.

Scope and Scale of the Plan:

Important concepts variably described.

The first confusing term appears in this section - how does the term “extent of occurrence” used in the Goal relate to the term “continuous distribution” used in Fig 1. ? The definitions provided in the glossary only beg additional discussion of the relative implications of and/or distinctions between these two apparently similar areas.

Habitat Management:

Mis-framing of management needs.

There continues to be an unfortunate and persistent characterization of the exercise as “habitat management” when clearly it needs to be about managing threats to the species within its identified habitat. While some management of impacted habitat might be appropriate, at least as much emphasis needs to be placed on threat avoidance and removal, particularly in the first steps. Ill-framing the exercise only confuses the issue and reduces the likelihood of achieving clear and effective outcomes that meet the stated goal.

³ *Endangered Species Act, S.O. 2007, S.11(12).*

Silvicultural effectiveness misrepresented.

The characterization of silvicultural uncertainty is a misleading understatement that fails to capture the degree to which effective conifer regeneration can actually be expected after the logging of primary forests. Significant conversion towards hardwood composition has been the trend in this province⁴. Failure to acknowledge these limitations in this context further undermines the Ministry's credibility to adequately address the real problem at hand.

“...there are few areas where caribou re-occupancy of logged habitats can be fully documented since this can take 40-60 years after disturbance.”
[pg 5]

Caribou re-occupancy misrepresented.

Why include a misleading statement like this when (a) there are no such areas credibly documented to date, and (b) the implication is that it is possible, when it is actually only a hypothesis at this time?

“Margin of Protection” concept not adequately described.

Versus definition and use of the “precautionary principle” identified in the ESA? Versus “Insurance Policy” concept? New and ill-defined language, particularly that which is notionally similar to that already used in the Act only confuses the issue and reduces the likelihood of achieving clear and effective outcomes that meet the stated goal. Being conservative, ie. Employing the precautionary principle, is usefully described as “where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat” in the Act.

Managing roads and fragmentation missing.

A discussion of habitat management that includes manipulation of forest cover erroneously implies that this is the only source of anthropogenic disturbance that can be managed. The ongoing pressures of range loss for this species have been convincingly identified in the science to include, and often be driven by, access and fragmentation of habitat. It is disingenuous to ignore the significant management levers available through (a) planning (eg. choosing to access virgin habitat or not), and (b) through roads management (eg. where to locate, how much right of way is necessary, what road networks should not be linked together, and what roads should be decommissioned and rehabilitated, etc...).

There is a solitary sentence in this section that generically identifies the concept of human disturbance thresholds, but fails to provide any additional details or linkages to the harvesting discussion above it. While this statement should actually be the organizing focus of this section, it currently appears to be un-integrated with the body of the section. Harvesting, roads, and other human

⁴ For example Hearndon et al. 1992; Carleton and McLellan 1994; and Jackson et al. 2001

disturbances are known threats to the species that can only be tolerated within thresholds.

Caribou Conservation Through Adaptive Management:

Adaptive Management.

A feedback system is a great recognition of the dynamics at play in our understanding of an issue. It should not, however, be used as rationale for putting off necessary initial actions until better information is arrived at.

1.0 Enhance Caribou Science (pg. 6)

1.1 Starting a Research Program laudable, but in interim?

The benefits of enhanced science (1.0) overall towards reducing our uncertainty in addressing the issues around caribou protection and recovery are evident, laudable, and extremely overdue. We fully support these approaches in general, but they must not be used as rationale for further delaying an interim government position with immediate actions that are likely to move us towards the stated goal.

1.2 Re-occupancy of caribou in clearcuts misrepresented.

The research program identified in this statement seems reasonable, though any reliance upon it as a credible assumption (until demonstration has been adequately and credibly documented) is not a precautionary approach and can only be treated as an untested hypothesis to date. In the interim, precaution and best available science are the two principles that must be embraced on this subject. This reasonably translates into the clear treatment of this concept as a research experiment, to be undertaken in controlled manner and relying on existing cutblocks to experiment with, and not as a key assumption in the Plan.

1.3 Generation of Human Disturbance Thresholds without interim position.

What is disturbing in this statement is that, by identifying threshold “establishment” as an output of these activities, it implies forestalling developing an interim position until such time as results of these programs begin to contribute to decision-making. In keeping with the spirit of adaptive management portrayed here, we cannot put off assessing known risks due to the lack of results from a research program that we have not yet commenced (though it can certainly be expected to significantly affect the adaptation of the Plan in the future). Putting off action until further information is available has only bought this species unabated threats for each year that action has been avoided.

Just as there is enough information currently available to generate “hypothetical ranges”, reasonably quickly, there is also enough information available to generate a reasonable understanding of the aggregate disturbance currently

present in each of these ranges (call them hypothetical disturbance thresholds if necessary) without undue effort. Both the data (a simple overlap of fire and anthropogenic disturbance by area, within established hypothetical range boundaries) and an available protocol⁵ are readily available to do this with minimal GIS effort required. That readily developed analysis tools such as these are simply being identified as “research priorities”, without a timeline is not appropriate.

2.0 Adopt a Range Management Approach (pg. 7)

2.1 Interim management decisions not provided direction.

Again, this is a sound policy direction, but (a) what is the gameplan before this information is determined and (b) what are the timelines to develop?

Management needs explicit, precautionary direction to guide interim management decisions until such time as it can be reasonably determined whether or not additional development pressures can be tolerated.

3.0 Improve Planning (pg. 8)

3.4 Habitat Regulation must reflect range commitment.

The level of detail provided in this statement is completely insufficient. Further, it implies that habitat quality can be managed by only addressing “amount and arrangement”. For most of the ranges in Ontario in caribou country, this ignores the more predictive habitat quality influencer which is the aggregate amount of disturbance. In order to implement the Range spatial unit for management identified in 2.0, and the various range management tools including Disturbance Thresholds (e.g. 1.3, 2.3), it is imperative that all of the hypothetical ranges be included in their entirety in this Regulation. If this is the intent, then it must be made much clearer here.

Also, the concept of a landscape approach to habitat conservation needs to be clarified to reflect what this means versus the Landscape Guide development. It is insufficient to rely upon the Landscape Guide direction for this species as it does not reflect the Range unit specified herein, but rather an ecoregional spatial unit.

3.5 Dynamic caribou habitat plan concept unclear

This statement contains several concerning red flags. Because of the slow-motion nature of range recession and impacts on the species, the implication that planning will be undertaken “dynamically” suggests that the original proposal of rotating protection and the status quo mosaic of rotating clearcuts is still being relied upon here, rather than a more static and precautionary planning regime

⁵ SAG report, March 2009.

based on known time lags and disturbance thresholds advising what is possible in forest management planning.

Insurance Policy

3.5 Insurance Policy concept extremely poorly developed

The “insurance policy” concept is completely new language that is inadequately defined and difficult to understand logically or technically. The concept of insurance needs to be arrayed against the plain language meaning of the word and the context of this problem where it is a poor fit to begin with, particularly when applied broadly and in the absence of range condition information.

Insurance (def.)

In law and economics, insurance is a form of risk management primarily used to hedge against the risk of a contingent loss. Insurance is defined as the equitable transfer of the risk of a loss, from one entity to another, in exchange for a premium, and can be thought of as a guaranteed small loss to prevent a large, possibly devastating loss.

Additionally, the concept as presented also includes the following specific problems:

Confusing / inappropriate use of the term “deferral”.

This concept references deferrals, but nowhere else in this document is this discussed in more detail. Any details of a proactive deferrals program that actually forego industrial conversion of habitat remains conspicuously absent in this document. The alternate, and apparent interpretation is that the “deferrals” being referred to are simply the harvest blocks that haven’t yet been accessed by the forest industry. Though also not clear, this appears to be the definition being supported in the glossary, simply implying 20 year mosaic blocks scheduling and referencing only “near-term” deferrals. This is an unfortunate use of the term deferrals, as these lands have all been scheduled for harvest.

In other areas of the CCP there is reference to “long-term deferrals”, though no further supporting description of what this means has been provided.

A more appropriate use of the word deferral would involve clearly identifying the forgoing of part or all of a scheduled harvest until a later time. Calling the next scheduled harvest blocks deferrals by default is disingenuous and misleading.

Future blocks that are being proposed to have contingent conditions attached to their future access for logging could qualify as deferrals, however they are future contingents and do nothing to stem threats being posed by current and short term logging and access.

Deferral (noun)

The act of putting off or the condition of being put off: adjournment, deferment, delay, postponement, stay, suspension, waiver.

The criteria listed are also unclear, particularly versus some of the other statements in this document. For example:

Forest management centric / missing other impacts.

Ignores the fact that other impacts will occur from various other sectors / resource decisions. Ignores the fact that forest management triggers other known pressures, and other uses can influence forest management decisions (particularly regarding access). Cumulative impacts matter, and using the best available science is known to represent the most significant predictor of caribou persistence. The best available science further indicates that managing forest cover, without addressing this suite of pressures is highly unlikely to achieve the stated goal.

Myopic use of “currently suitable” habitat description.

The concept of “currently suitable” is not defined, particularly versus the “disturbance threshold” concept outlined earlier. It is not enough to identify habitat quality based on forest cover criteria only, and this appears to be the definition here. Based on the dual use of the term in both bullets, and given the intrinsically roaded status of the cutblocks, use of the word “suitable” does not include the presence/proximity of anthropogenic threats as a quality criterion. It is well established that these human disturbance threats, together with fire disturbance are the known primary influencers of caribou habitat quality based on caribou use. To this extent the status quo of forest cover management is being unduly relied upon as the only management variable, in the presence of better predictors of habitat quality.

Without considering the aggregate extent of disturbance, including anthropogenic threats (in keeping with the best available science) this is a myopic and inadequate interpretation of what caribou need that does not represent a departure from how forest management impacts are currently mitigated for this species. It should also be pointed out that, until the advent of silvicultural failures after logging, forest cover trajectories were not an issue for caribou – sites consistently renewed for thousands of years after periodic fire disturbance with good results for the species that was adapted to these disturbances. Human threats have been reliably identified as thoroughly different matter, which is why advancing clearcuts further into ranges with unknown disturbance thresholds is the antithesis of “insurance”, of sustainability, and of precaution.

This further highlights the need to manage threats to the species as the first priority and best framing of this exercise – forest cover management

is an insufficient management perspective given the context of the problem, of the stated goal, and of the purposes of the Act.

Contradicting ESA by attempting to “balance” economic default

To the extent that this Plan represents the Ministry’s response to the Recovery Plan and subsequent advice, the response must identify what is being done for the species at hand to meet the purposes of the Act for the species. As mentioned earlier, economic considerations are explicitly excluded from the perspectives to be weighed in developing this response. It is perhaps useful to point out that, arguably, this “insurance policy” actually provides more insurance for loggers to log than it is about meeting the stated goal and the purposes of the Act.

Missing human disturbance criteria.

While the statement of population viability is laudable and the need for assessment is identified to determine this, the exclusion of disturbance, (including anthropogenic disturbance) as an overt element of that assessment is missing. The ability of a relatively rapid and resource efficient assessment of range condition as an interim surrogate for this is a critical gap. The way that this reads is that the status quo will continue in impacted ranges until such time as the population assessment can be performed, with no timelines indicated, and the implication is a “log and study” approach, which builds on a long history of “log and recovery plan”. This is not an acceptable policy response. With the best available science in hand (including the advice from both the provincial science panel and the federal Science Action Group), and sufficient information available on the best indicators of the known threats to this threatened species, a rapid assessment can be undertaken for each range that can tell us a lot of information quicker and less expensively. This can tell us now what ranges can sustain additional human disturbance, which cannot, and which are likely in trouble. While future population work can certainly refine rapid assessment as investments are made and data becomes available, it is not responsible to put off making these determinations later.

Proposed timing of FMP adjustments inappropriate.

Doing range assessment updating before each new plan would be useful. However, the delays involved with FMP cycle should not influence an initial baseline assessment. Forest Management Plans have an amendment process for accommodating new findings, they are prepared under an assumption of sustainability and obligated to meet these provisions under the Crown Forest Sustainability Act, and the licences to harvest are granted conditionally on that basis. Further, the Endangered Species Act takes precedent in this matter and must be accommodated.

Caribou screening filter concept unclear, mitigation conclusion inadequate.

The caribou screening filter is a new concept with an insufficient level of detail provided. It would be useful and prudent to link it directly to the range where new projects are proposed, so that the project could be assessed versus the specific range condition before approval decisions are made. This is missing here. Further, by only suggesting that “options for “limiting” impacts on caribou” will be explored, the implication is that the ability to say no is not being reserved or actively contemplated. This prevailing mitigation focus may be suitable for species that are not listed, but is in contravention to the Act for other species, where protection (the ability to say no) must remain a necessary tool in the decision makers’ toolbox in keeping with the purposes of the Act.

Cumulative impact assessment lacks interim position.

This statement provides appropriate long-term direction. It does not indicate any interim action to describe what will be done until assessment results are provided.

Road density tool proposal unnecessary and confusing.

This is another new concept being added without adequate linkage or integration with other concepts, specifically: (a) cumulative impacts, where a road density tool is useless in the absence of consideration of the various ancillary land-uses that such roads service, and (b) disturbance thresholds (an existing protocol is well described in the SAG report), where assessing the aggregate cumulative effect of disturbances on caribou at a range level intrinsically addresses anthropogenic disturbances including roads and provides an established model for addressing both roads and cumulative impacts. This proposed tool, while an interesting research idea, has the potential to add confusion, is redundant and inferior in addressing the above concepts, and represents an unnecessary effort and resource expense.

Thresholds of human disturbance vague and future-oriented.

This statement provides appropriate long-term direction and, unlike other statements in this document, this one identifies an interim position. However, simply stating that best available science will be used, without identifying it fails to respect the level of attention that this subject has received at the hands of the leading caribou scientists in this country. The relationship between disturbance levels and population viability have been developed and published in the recent SAG report⁶, based on caribou populations from across the country. It provides the best available science in this regard with direct applicability to this problem of managing threats to the species. By being unnecessarily vague on the interim source of scientific direction, and putting all of the emphasis on establishing and awaiting the results of yet another research venture, the stated approach fails to contribute clear action.

⁶ SAG Report, Fig 8. Pg. ???

A much better approach would be to (a) clearly identify the thresholds established in the SAG report as the default, (b) establish the described research program to (c) ultimately refine those thresholds as necessary.

3.7 range assessment unnecessarily delayed to the future

Similarly, while this range assessment statement generally contains the right ingredients, it fails to identify an interim position. Sufficient population monitoring is a substantial effort that will take time. Because this statement explicitly indicates that range assessment will occur after population monitoring, an interim approach is required. Unlike the Thresholds statement above, “best available science” is not identified as an interim default, leaving a conspicuous gap here. It is insufficient to put off making determinations about the condition of ranges when sufficient information exists to make reasonable proxy determinations with minimal investment.

The statement goes on to somehow include current land-use and resource management decisions in the assessment, such that additional mitigation measures can be identified. This portion of the statement seems like it belongs somewhere else other than in Range Assessment, as it constitutes a separate layer of information from the physical status of the species and the condition of its range. The limited consideration of “**mitigation**” only in this context is also worrying, including the examples provided. Those decisions will have to be made in accordance with the Act, and cannot be limited to mitigation.

Figure 7 further illustrates this unacceptable reliance upon **mitigation**, by “maybe” giving development special conditions in ranges where uncertainty exists about whether or not caribou are self-sustaining, for example. The green, yellow, red matrix provided is a start to the kind of decision-tree that would be very useful to this exercise but, in its current form, seems ill-conceived versus the stated principles, the stated goal, and the purposes of the Act. The assertion that the illustration somehow portrays a “**mature** habitat assessment” is appalling if such decisions are being contemplated in the face of such uncertainty. It defies the precautionary approach, the notion of **maturity**, and is more likely to exacerbate regression away from the stated goal and the purposes of the Act than achieve any progress towards them.

A much better approach would simply employ the “best available science” and efficiently produce an interim range assessment to work with until refinement is possible. This paper-based disturbance assessment is readily produced using current information, and can act as a credible interim position using the established relationship between aggregate disturbance and population viability identified in the SAG report and the draft ranges provided in this document. This “hypothetical” range assessment can be further refined when better information becomes available in the acknowledged spirit of adaptive management (first guiding principle identified).

Inordinate reliance upon future “awareness” and “mitigation” programs

As mentioned above, this use of the standard tools of awareness and mitigation is at odds with the needs of listed species. While not without a small support role, the persistent use of “mitigation” as the only example of constraint on impacts is inadequate. What is also required is the clear intent to decline the approval of development projects that present inordinate impact. Trying to reduce impacts of new development pressures is not an acceptable solution in a range that already suffers from too much anthropogenic pressure, as many of our ranges likely exhibit.

4.0 Enhance Caribou Habitat (pg. 12)

4.0 Unfortunate lack of distinction between intact and impacted habitat.

It is unfortunate that it is not specified that “enhancement” of caribou habitat can only be applied in areas already impacted. This distinction would go a long way to meeting the purposes of the Act in each range. It is clear that the focus of management activity in each of these two areas (intact habitat, and impacted habitat) within each range require different priorities, further affected by the overall range conditions. If stratified in this way, appropriate management tools would be much more obvious. In already impacted areas, the priority may be investing in silvicultural success monitoring, active decommissioning of roads, erasing past moose management effects, and/or vigorous investments in silviculture. This is the sort of responsive management regime that would set the stage for an approach that might meet the stated goal of the Plan.

4.1 New “Dynamic Caribou Habitat Plan” concept inadequately described

This new term seems to embody the mitigation logic that has been at the heart of the caribou “mosaic” clearcutting practice since 1999. Again, the lack of mention of managing human disturbance levels as a part of this proposed Plan in favour of simply managing the extent of forest cover objectives, makes its likelihood of achieving the stated goal of the CCP extremely unlikely. Forest cover is only one aspect of habitat quality, and is most important for recovery activities in already impacted portions of a range. The best available science would indicate that it must always be considered in tandem with the level of disturbance in these situations, and pales in comparison with the most important aspect of range management: managing human disturbance levels, in intact portions of a range.

4.1.1 Inordinate reliance upon “natural variability” as a tool.

Understanding the natural limits of forest variability is a reasonable research project in any spatial unit. But its application to this particular problem as presented is insufficient, as it presumes that forest cover management will be the exclusive tool in these ranges, that it is more important to caribou than managing human disturbance levels, and that there exists sufficient knowledge about the species behaviour to micromanage for various aspects of a caribou’s lifecycle needs. To exclusively rely on this type of approach belies the realities of a very

short history of management interaction, significant Ministry under-resourcing of the companion research, extremely limited population data, and a presumption that any behavioural understanding of the species is sufficiently robust to direct comprehensive intervention of the magnitude implied here. In contrast, the best available science tells us that managing levels of disturbance, particularly human disturbance, in a range is the most appropriate tool available. These other concepts, with these implicit assumptions, must necessarily be considered to be experimental. While controlled versions of these experiments may be useful, they cannot reasonably be expected to be the basis for a Plan that is aiming to protect and actually recover the species.

It is also important to note that the Landscape Guide mentioned here, while a useful tool, is based on a different spatial unit of assessment than the range management unit committed to in this Plan.

4.1.2 Silvicultural Effectiveness Monitoring...

Subject to the criteria used for assessing success and a reasonable period of assessment being employed, the elements of this proposed direction are appropriate. Ontario has experienced an unprecedented change in forest cover change in the commercial forest since the onset of highly mechanized logging⁷, resulting in a documented and dramatic increase in hardwood composition and decrease in conifer composition where it has been employed⁸. It is important that this Plan not inordinately rely upon silvicultural potential, but rather what is practically achieved.

Nowhere in this document are these long-term deferrals detailed further. The term deferrals provided specifically references near-term. This concept is the basis for a very appropriate interim government position, yet is only elusively referenced in a couple instances without any details, nor discussion of how it would be employed versus any of the other statements provided.

4.2 “mitigation”-centred caribou habitat policy inappropriate focus

See previous concerns around inappropriate use of mitigation as a focus. Where is the right to refuse or re-direct projects? How does this link to range and range condition?

4.2.1 future roads policy fails to meet current pressures

This action fails to arrest the current ongoing threats that resource access roads contribute to the problem and ignores the fact that these roads are actually publicly subsidized. The government response to this part of the problem must be more effective than relying on future policy while its actions predictably exacerbate the problem in direct conflict with the stated goal of the Plan and the purposes of the Act.

⁷ e.g. Jackson et al. 2001

⁸ e.g. Carleton and MacLellan 1994

5.0 Manage the wildlife community

5.6 habitat “management” ignores role of roads in predator/prey dynamics

Again, the habitat management proposal appears to ignore the role of human disturbance threats in exacerbating the problem at hand. It also fails to address the variability of context in management priorities. In areas where habitat is already essentially “in a natural condition”, and particularly where range conditions reflect high levels of disturbance overall, this approach will predictably fail the stated goal and the purposes of the Act. New roads and new clearcuts in such intact areas are known and significant influencers of predator-prey dynamics and the role of decision-making around such new threats is conspicuously missing from the list of management elements identified here.

6.0 Focus on geographic priority areas

6.1 the ESA does not contemplate pilot areas of application.

By separately discussing caribou in the area of “discontinuous” distribution in 6.2, it implies that the continuous range will be variably approached through a “pilot” program type approach to action. By contrast, the Act will logically apply to at least the broad area of continuous distribution and cannot be parsed into priority areas from an application perspective. It is expected that the law will apply to all threats to the species within this area.

6.1 prevailing lack of discussion of “protection” purpose of the Act

While strategic recovery is a laudable activity in keeping with one of the purposes of the Act, it cannot eclipse or diminish the “protection” goal or distract from the need to maintain existing range as the critical foundation to recovery. In fact, the absence of any discussion of the relative priority of “protection” and “recovery” themes is a significant gap in this Plan that would contribute substantially to the missing organizing principles for the disparate statements proposed therein.

6.1 Pilots contribute additional research agendas without interim action

It is conspicuous that the actions proposed in the pilots are all research oriented with future information outputs only. Even the review of potential recovery actions listed here fails to include anything that could overtly limit human disturbance threats. No direct actions that will result in cessation or modification of status quo development are identified. Most of these activities are also conspicuous in that, while generally logical in theme, none of them appear to have been initiated since the proclamation of the Act, despite their predictable utility to the purposes of the Act and the stated goal of the CCP.

MOVING FORWARD

It is unclear how this section relates to the preceding numbered set of statements, so the following comments are provided assuming that this section is somehow integrated with the preceding list of statements with some guiding status.

“Our decisions about boreal ecosystem management must balance the demand for northern resources, boreal forest health, and the needs of woodland caribou.” [pg. 15]

Persistent and inappropriate policy framing

Arguably, the above statement is testimony to the unclear policy framing that is behind much of the confusion evident in this process generally, and in this document particularly. It fails to accurately reflect the legislative framework of these decisions. This persistent “balancing” paradigm is not the guiding principle of either the Crown Forest Sustainability Act (where long-term forest health takes an overt priority upon which demand can then be based), nor the ESA (where the needs of the species take default precedent due to their extraordinary listed status).

I. What are we adapting? – missing interim position on population viability

With no discernable actions that are likely to provide any appreciable improvements to range condition it is unlikely that a 2014 review will be able to chart any progress other than information gains. It is not clear whether the “State of the Woodland Caribou Resource Report” proposed is the same tool or not, or whether it is the proposed annual review.

The token mention of “considering population viability when making decisions about the allocation of deferred areas for potential future forest harvesting” is an inordinately weak statement that provides no clear position, but only alludes to the critical importance of this piece of information which could be readily identified now (and begs the question why no surrogate has been produced to date to help guide us at this point).

II. Range management appropriate premise, but the “how” remains unclear

As a spatial and logical management unit, range is certainly appropriate. The disclaimer that identifies the ongoing refinement of local populations and ranges as the subject of adaptive management is also appropriate and understandable. What is not understandable is that a similar approach to addressing the condition of each of those populations and ranges has not been taken, which defeats the credibility of the entire Plan as it is the pivotal focus that the ultimate implementation of the ESA will need to address.

III. Performance baseline likely to shift from “insurance policy” clearcuts

How the health and habitat are being “linked directly” to long-term deferrals is thoroughly unclear. This is exacerbated by the misleading definition of deferral already mentioned, which fails to refer to long-term at all, referring only to the

near term, which conceivably means the next scheduled harvest block, though this remains unclear. The “insurance policy” concept referenced appears to be centrally relied upon as a core element of this Plan but, with the level of detail provided in the Plan, amounts to simply another new branded term that offers the reader little confidence that it will actually contribute to the stated goal of the exercise. The further reliance upon the notional evolution and future maturing of this regime do little to strengthen this.

V. Priorities and scheduling missing, vague assertion of immediate action

From the title, this section appears to be the place that the reader is expected to understand how the elements discussed are likely to play out in priority and over time. Unfortunately, any presentation of such logic has been replaced only by a vague assurance that the MNR will take immediate action to work with the forest industry, with the rest being relegated to further vague references to future prioritization and funding constraints.

Wildlands League’s Summary Recommendations

Our central recommendations are summarized below. Ontario must immediately:

1. Halt logging and road building in the intact Boreal Forest, as a critical interim step, thereby removing human caused threats to the species in the best remaining habitat in the Area of the Undertaking;

2. Immediately assess range condition, by determining the total amount of industrial development in individual caribou ranges to understand how much more disturbance can be tolerated in their respective (hypothetical) ranges before allowing any further activities to proceed. The recent “*Scientific Review for the Identification of Critical Habitat for Woodland Caribou (Rangifer tarandus caribou), Boreal Population, in Canada*” provides sound scientific guidance on this issue; and,

3. Refrain from permitting industrial development in any given range, except where it can be credibly and scientifically defended that such development pressures are unlikely to exceed understood thresholds of development pressure, and incorporate appropriate measures of safety margin.