

# The Endangered Species Act

(Submitted by the Timmins Chamber of Commerce)  
– Adopted by the Ontario Chamber of Commerce

## Issue:

Species recovery strategies and conservation plans, created under the Endangered Species Act (ESA), are not subject to socio-economic impact analyses and, as a result, may have significant negative impacts on Ontario's forestry industry.

The Ministry of Natural Resource Caribou Conservation Plan (CCP), produced under the ESA, has the potential to negatively impact Ontario's forestry industry by limiting access to sustainably and responsibly managed Crown fibre and by duplicating the habitat and animal/species-life consideration requirements already provided for under the Crown Forest Sustainability Act. At present, there is no indication as to whether any analysis will be done on the socio-economic impacts of the CCP.

## Background:

Ontario's Endangered Species Act, 2007 (ESA) prohibits damage or destruction of habitat for species (plants, birds, fish or mammals) classified as 'endangered' or 'threatened' on the Species at Risk in Ontario list.

Once a species is listed as endangered or threatened, its habitat is automatically protected according to a broad definition contained within the legislation, until a legally regulated, species-specific habitat regulation is prepared. Once a species is listed, the development of a species recovery strategy (*advice to government developed by MNR and external representatives*), and the development of a government response statement (*government's official outline of the recovery activities that will be implemented*) begins.

At present, there are recovery strategies for 22 species in Ontario and 14 government response statements. However, despite the economic value that forests bring to the province, conservation plans and recovery strategies and corresponding government response strategies are under not subject to socio-economic impact analyses.

### *The Caribou Example*

Ontario's forest-dwelling boreal Woodland Caribou, an ecotype of a sub-species, is listed as threatened under the Endangered Species Act, 2007 (the caribou ecotype that lives to the north, in the tundra area of Northern Ontario, is not at risk). In fall 2009, the Ministry of Natural Resources initiated the development of a Caribou Conservation Plan (under subsection 11(8) of the ESA) to help guide caribou conservation and recovery efforts in Ontario.

The Caribou Conservation Plan has nine guiding principles, including: the consideration of social, economic and environmental concerns in the context of long-term caribou survival (page 2). The

plan also indicates that “the boreal forest provides many important social and economic benefits...our decisions... must balance the demand for northern resources, boreal forest health, and the needs of woodland caribou.” Despite these statements within the CCP, the action plan schedule (page 19-20) does not indicate whether any socio-economic analysis will be completed.

Further, in January 2011, the Ministry of Natural Resources announced “A proposed approach for habitat protection for Woodland Caribou (forest-dwelling boreal population) under the Endangered Species Act, 2007”. In particular, it proposes the establishment of three types of protection zones, including a “conservation zone, consisting of areas of continuous caribou distribution within the AoU [Area of Undertaking] where specific development activities would be exempted by regulation **provided they meet conditions aimed at the protection and recovery of caribou and its habitat. (For the forest industry these conditions would mirror those being implemented through the Caribou Conservation Plan, which has been in place since 2009).** [Emphasis added]

Creating an exemption through regulation is a positive step. However, using adherence to the Caribou Conservation Plan as criteria for exemption is a flawed approach. Fundamental science to support the plan is lacking. This is especially concerning because:

- Baseline data is lacking due to incomplete monitoring programs. Of the eight caribou ranges identified in Ontario, seven of them have the population condition listed as “unknown”;
- In the current system, the forest manager is obligated to manage *habitat*, not *populations* of species within a habitat. There are many factors that affect populations (hunting, weather, factors influencing reproduction rates, predation levels) that are well beyond the control of the forest manager;
- The “Insurance Policy” included in the CCP (page 11) requires that “the local Woodland Caribou population must be viable, based on an assessment, at the local population range level, of caribou presence, population size, and trends”; presumably assigning the responsibility of population management to forestry managers;
- It is uncertain within the scientific community as to whether extirpated areas can be re-populated by caribou.

Little attention is paid to the potential socio-economic impacts of the CCP; yet negative impacts could result from: the immediate review, revision and amendment of all forest management plans (current and in preparation); decommissioning and removal of some resource access roads; modified silvicultural practices and objectives; the addition of redundant and unnecessary caribou habitat provision objectives in forest management plans; amendments to Crown land use policies; and the implementation of a “Caribou Insurance Policy”, which will result in further delays to forestry companies wishing to access deferrals (forest areas set aside from logging and usually not available for 20 years or more).

Under the Crown Forest Sustainability Act, forestry companies are already obligated to create a forest management plan that outlines management objectives relating to Crown forest diversity objectives, including animal life habitats. Indeed, this is acknowledged in “Discussion Paper: Keeping Caribou in Ontario” (August 2008):

*...active caribou habitat management has been occurring through forest management planning, beginning in the early 1990's in northwestern Ontario, and expanding more recently to northeastern Ontario. Guidelines for protecting and conserving caribou winter habitat, calving areas, summer habitat and migration routes, as well as refuge habitat, are incorporated into forest management plans.*

A 2010 impact analysis by the Ontario Forestry Industries Association (OFIA) on the anticipated caribou habitat regulation, based on government data and assumptions, found that the forest industry could lose access to up to 33% of the provincial wood supply, severely hampering the overall industry and the communities reliant on it. This socio-economic impact analysis also found that there could be 600-3200 direct jobs lost once the habitat regulation is implemented.

Although not fully implemented, management units/Sustainable Forest Licences in Ontario are experiencing a reduction in fibre supply as a result of the CCP.

Sound economic policies are critical to ensure stability and prosperity of Ontario's industries, but within context of conservation plan development are only able to be considered 'after the fact'. It is our belief that a healthy environment can be maintained alongside conditions for socio-economic prosperity. As such, it is necessary that socio-economic impact analyses are conducted to ensure the decisions made benefit the environment, jobs and the economy.

## **RECOMMENDATIONS:**

### **The Ontario Chamber of Commerce urges the Government of Ontario to:**

1. Recognize that caribou habitat protection and management framework exists under the Crown Forest Sustainability Act, by establishing an exemption regulation based on adherence to forest management plans rather than the Caribou Conservation Plan.
2. Conduct, publicize and consider the results of a socio-economic impact analysis on the proposed strategies outlined in the Caribou Conservation Plan, with impacts on the forestry industry, communities, jobs and government tax revenue clearly outlined.
3. Commit to conducting economic impact analyses on all conservation plans developed under the Endangered Species Act (2007), subjecting results to public review and consider the results.
4. Consider the social and economic impact analyses when developing future conservation plans.