

ONTARIO FEDERATION OF ANGLERS & HUNTERS



Ontario Conservation Centre

P.O. Box 2800, 4601 Guthrie Drive, Peterborough, Ontario K9J 8L5
Phone: (705) 748.6324 • Fax: (705) 748.9577 • Visit: www.ofah.org • Email: ofah@ofah.org

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March 10, 2011

Mr. Michael Gluck
Manager, Caribou Conservation Section
Ministry of Natural Resources
955 Oliver Road
Thunder Bay, Ontario
P7B 5E1

Dear Mr. Gluck:

Subject: Caribou Habitat Regulation Stakeholder Session – Toronto, March 1, 2011

During the introduction to the Caribou Habitat Regulation Stakeholder session, the facilitator, Karen Wianecki, promised participants that the purpose of the session included giving participants ample opportunity to not only provide feedback on the proposed approach, but also the opportunity to discuss and propose alternative approaches.

However, given the highly structured format of the meeting presentations and break-out sessions, and the highly compressed time allotted for each, the actual opportunities for fulsome discussion about alternative approaches were extremely limited.

Also, while it would have been helpful to distribute the Stakeholder Consultation Participant Guides in advance of the meeting, especially Section 5.0 (Key Questions), these were provided to us only upon arrival, and not referred to at all during the session. We suspect many other participants did not even read the guide and “Key Questions” until after the workshop.

Therefore, we wish to take this opportunity to submit the following responses to those Key Questions, because we arrived at the meeting fully prepared to present an alternative approach that we believe would focus caribou habitat protection where it would produce the greatest protection and restoration benefit, while also providing northern communities and resource industries greater clarity about where caribou habitat protection is not needed.

The Proposed Zoned Approach

The Ontario Federation of Anglers and Hunters (OFAH):

- agrees that the discontinuous zone should not be included in habitat regulation;
- agrees with a protection and conservation zone approach, in principle, but not the geographic delineation of these zones as presented;
- does NOT believe that the best available science, or a precautionary approach supports including all of the continuous zone as “Woodland Caribou habitat” for the purpose of regulation; and
- recommends the addition of two additional zones: strategic caribou recovery zones (regulated); and unregulated habitat (made up of unimportant caribou habitat, and caribou-averse “sink” areas, where habitat is not limiting and not conducive to caribou survival or production).

.....2

Mr. Michael Gluck
March 10, 2011
Page Two

Suggestions for an Alternative Approach

In our opinion, a better balance between effective caribou habitat protection and optimal development of northern economies, communities, and fish and wildlife recreation and resources can be achieved with an alternative approach.

Caribou Protection Areas:

- should be more biologically based (i.e. on what area and features are critically important for Woodland Caribou production and survival [i.e. adequate area to secure caribou “source” populations]) including:
 - known and high potential caribou calving shore-zones and islands;
 - winter refugia/predator avoidance areas (e.g. large black spruce bogs, fens);
 - reasonable Woodland Caribou densities (e.g. greater than 0.05/km²); and
 - very low predation potential (i.e. occur where Moose densities are less than 0.10/km²);
- linear corridors and damaging developments should be prohibited within critical habitats in the protection zones;
- Moose, wolf and Black Bear hunting should be maintained or enhanced in these zones, and at a sub-WMU level where appropriate, to maintain low predation and/or increase caribou survival and recruitment; and,
- enhanced White-tailed Deer harvest in order to reduce caribou mortality potential resulting from brain-worm (*Parelaphostrongylus tenuis*).

Caribou Conservation Areas:

- should be biologically based, generally surrounding critical protection zones, including:
 - range areas frequently used by caribou (i.e. important, but not critical habitat);
 - enough area within caribou range to capture 90-95% year-round occupation;
 - a reasonable area for balance between protection and development (i.e. areas between, for example, 0.05 and 0.03 caribou/km²);
 - strategic recovery areas (adjacent “future critical habitat” per caribou mosaic); and
 - low predation potential (i.e. where Moose densities are less than 0.20/km²);
- Endangered Species Act (ESA) instruments may be used to mitigate negative impacts from development within caribou conservation zones, as proposed; and
- Moose, wolf and Black Bear hunting should be maintained and facilitated in these areas, and sub-WMU Moose objectives and management established if necessary (to maintain low wolf densities/caribou predation in caribou areas, and emphasize enhanced Moose management in more productive areas).

Caribou “Sink Habitat”:

- do NOT include areas where self-sustaining caribou do not currently exist. Unregulated areas will generally include:
 - areas of more productive soils not conducive to Woodland Caribou habitat;
 - areas caribou infrequently use, and where densities/occurrence probability is very low; and
 - areas where Moose densities and objectives are greater than 0.20 moose/km²;
- caribou roaming into these areas should be fully protected with full enforcement of the FWCA and ESA S.9, but S.10 habitat protection is neither necessary, nor beneficial in these areas where caribou are not limited by habitat, but by predation and other mortality factors.

A more detailed and referenced description of our alternative approach and the science behind it will be provided to the MNR Species at Risk Branch (Caribou Conservation) as a subsequent submission to this letter.

Mr. Michael Gluck
March 10, 2011
Page Three

Conditions, Activities by Zone

It would be a mistake for the MNR to classify all of the continuous zone as “Woodland Caribou habitat” in regulation. Northern communities, resource industries, wildlife managers, and investors should not be put in the insecure position of applying “for exemption” from the ESA. The far more balanced approach for caribou and northern development alike, is to be crystal clear about where protection and conservation applies, beneficially, to important caribou habitat, and where it is simply not needed. The burden of scientific proof demonstrates that much of the area infrequently used by caribou does not actually benefit caribou production.

The MNR is suggesting including the entire continuous caribou zone in habitat regulation – an area so large that present caribou density within it would be extremely low (something like 0.01 caribou/km²). That, biologically speaking, is absurd for a mammal that exists at densities 50 times greater, and on a much smaller landscape, in the absence of predation. This fact alone tells us that Woodland Caribou in Ontario are not generally limited by habitat in the boreal forest, but by low calf recruitment and/or high mortality – meaning the proposal to regulate all development everywhere in the continuous zone, with all of the economic costs and uncertainty that entails, could end up accomplishing very little in terms of caribou enhanced protection and recovery. A much more reasonable and habitat-based description of “caribou area,” for the purpose of regulation, would be to include only those areas where caribou densities are meaningful (but a still very precautionary 0.05/km²). Such an initial density-based habitat regulation would mean focusing protection and conservation zones in the most important caribou habitat – generally northern – within the continuous zone. This would provide northern communities, resource industries, wildlife managers, recreational anglers and hunters, and investors, some certainty about where S.11 habitat protection/conservation is not necessary and will not be applied.

Otherwise, the present MNR suggested caribou habitat approach is akin to regulating all of agricultural Ontario as “habitat” for a species that really depends only on large woodlots. To reiterate: our advice is to focus habitat regulation, and S.11 protection and permitting, only where it will benefit Woodland Caribou. Achieve the balance between caribou protection and resource use and development by concentrating caribou habitat protection, conservation and recovery where it is needed, and impose no S.11 ESA requirements or protections on the much greater part of northern Ontario where caribou habitat is not limiting.

What land uses, activities, developments, etc., should be permitted in each area should depend on the needs for caribou conservation particular to that area. That is, these should be assessed on a range-by-range basis depending on:

- herd status (i.e. is the herd self-sustaining, growing, or declining);
- where the herd is limited by habitat (and then focusing on what habitat is critical, what can be improved or created through time); and
- whether the herd is limited by habitat at all (in many areas, the OFAH is convinced that Woodland Caribou are limited by high mortality, and not habitat at all).

Where research suggests that Woodland Caribou herds are limited by predation, the focus should not be on habitat protection so much as on enhanced Moose management, including enhanced Moose and Black Bear hunting, and direct and indirect management of wolf densities through maintained and enhanced hunter access.

In all of Woodland Caribou range (regulated and unregulated habitat), the MNR should adopt a “zero tolerance” policy approach on poaching and unregulated harvest of Woodland Caribou.

Size and Location of Protection (and Conservation Zones)

As explained in our response above, the “habitat area” described in regulation should not include all of the “continuous zone,” but should reflect a much smaller area of greater Woodland Caribou density. We believe a meaningful and constructive description of important Woodland Caribou habitat which uses realistically habitat-based, but still conservative densities (such as areas with greater than 0.05 Woodland Caribou per km²) should focus protection and conservation on something like 30% +/- 10% of the “continuous zone.”

ONTARIO FEDERATION OF ANGLERS AND HUNTERS

Mr. Michael Gluck
March 10, 2011
Page Four

We disagree with the suggested configuration of the "protection zone," because, as proposed, it does not appear to be based on the habitats that are actually critically important. In the alternative approach proposed by the OFAH, protection areas would be based on an understanding of the actual habitat "source" areas that contribute to caribou recruitment, production, and herd growth.

"Sink" areas where caribou infrequently and randomly roam, and where the probability of mortality by predation and factors unrelated to habitat is high, should not be included in regulation, and not included in protection or conservation areas/zones.

This is based on the certainty that Woodland Caribou in Ontario are not limited by habitat, and that Woodland Caribou protection and recovery will benefit more from full S.9 protection, and by spatially partitioned and enhanced wildlife management (of Moose, Black Bears, and wolves) more than by S.10 habitat protection and conservation.

Periodic Review of Habitat Regulation

We would expect that described caribou habitat (and associated protection/conservation/recovery area) would be reviewed every 10 or 20 years, as knowledge about caribou range use, and the range itself improves.

Please consider this submission in addition to the OFAH response to EBR Registry #011-2303. We would especially welcome an opportunity for greater discussion about the merits of our proposed alternative approach.

Yours in Conservation,



Ed Reid
Senior Wildlife Biologist



Matt DeMille
Land Use Specialist

ER/MD/jb

cc: Honourable Linda Jeffrey, Minister of Natural Resources
Eric Boysen, Director, MNR Biodiversity Branch
Marc Rondeau, Director, MNR Species at Risk Branch
Deb Stetson, Manager, MNR Wildlife Policy Section
Jamie Stewart, Wildlife Policy Advisor, MNR Wildlife Policy Section
Jennifer Chikoski, Senior Policy Advisor, MNR Species at Risk Branch
Darren Elder, Caribou Biology Specialist, MNR Species at Risk Branch
Brad Allison, Senior Biologist, MNR Northwest Regional Planning Unit
Peter Davis, Senior Wildlife Biologist, MNR Regional Planning Unit
Karen Wiancki, Facilitator, Caribou Habitat Regulation Stakeholder Session
Scott Jackson, Ontario Forest Industries Association
Federation of Northern Ontario Municipalities
Northwestern Ontario Municipal Association
OFAH Board of Directors
Mike Reader, OFAH Executive Director
Angelo Lombardo, OFAH Executive Manager
Dr. Terry Quinney, OFAH Provincial Manager, Fish and Wildlife Services
Dawn Sucee, OFAH Fish and Wildlife Biologist