

ONTARIO FEDERATION OF ANGLERS & HUNTERS



Ontario Conservation Centre

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Ms. Jennifer Chikoski
Senior Policy Advisory
Ministry of Natural Resources
Policy Division/Species-at-Risk Branch
c/o Centre for Northern Forest Ecosystem Research
955 Oliver Road
Thunder Bay, Ontario
P7B 5E1

Dear Ms. Chikoski:

Subject: OFAH Response to the Proposed Approach for Habitat Protection for Woodland Caribou Under the Endangered Species Act, 2007 (EBR Registry # 011-2303)

The OFAH is Ontario's largest nongovernment, conservation-based organization, committed to science-based fish and wildlife management and conservation for sustainable and optimal social, ecological and economic benefits for all society. We represent 100,000 members, supporters and subscribers, and 670 member conservation clubs and associations from all parts of this great province.

We have been submitting responses to the Ministry of Natural Resources (MNR) for improved Woodland Caribou population and habitat conservation for more than 10 years, and through every public consultation stage relating to the Woodland Caribou recovery strategy, research needs and priorities, caribou conservation planning, forest management planning, Endangered Species Act (ESA) implementation, etc. Throughout, we have attempted to help the MNR achieve a workable balance between effective caribou conservation and optimal resource management and sustainable development, but to date many of our questions and/or recommendations relating to caribou population and habitat conservation, relative to our members activities, remain unaddressed.

OFAH Comments on MNR's Proposed Approach

We agree with some elements of the proposed approach, and disagree strongly with others. Overall, we strongly recommend an alternative approach to describing habitat regulation.

Discontinuous Caribou Zone - Unregulated:

- The OFAH agrees that the area of discontinuous caribou distribution should not be regulated as habitat.

Continuous Caribou Zone:

- Caribou habitat regulations should apply only to well-defined caribou ranges that actually contribute to caribou protection, production and recovery (i.e. "source" habitat).
- The MNR knows that not all habitat used by caribou actually contributes to caribou protection, production and recovery. Not all areas caribou infrequently occupy within the "continuous zone" actually contribute to caribou production or conservation. Habitat regulations should NOT be applied to those areas within the described continuous zone that Woodland Caribou do not, in fact, depend on or benefit from (i.e. areas where caribou mortality exceeds production – what are known as caribou "sinks").

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- The Caribou Conservation Plan (CCP) commits the MNR to assess, delineate, and refine individual ranges within the continuous zone, and we believe that this exercise should confirm existing evidence of large interceding areas between some individual ranges where *self-sustaining* caribou populations do not exist. Habitat regulations should not apply to areas that are not necessary to sustain Woodland Caribou herds. (The OFAH notes that compared to other Canadian jurisdictions, most of which have delineated and prioritized individual Woodland Caribou ranges, Ontario lags far behind in refining range habitat assessment and geographic mapping.)

The OFAH recommends an alternative approach to Woodland Caribou habitat regulation:

- The MNR should identify the critical elements and most limiting factors for each herd/range. The regulated range habitat area should be defined to capture all important elements and areas used by individual herds, but should not include areas that are “not a critical factor for Woodland Caribou” (e.g. summer range and other nonlimiting habitats).
- Describe Woodland Caribou habitat, in regulation, in terms of “sink” and “source” range. Regulate and focus caribou habitat protection in “source” range, where it will best serve caribou conservation objectives. Do NOT regulate habitat in “sink” ranges where caribou are not limited by habitat, but are limited by high mortality rates, particularly predation.
- Best available science tells us that predation of caribou by wolves becomes more limiting at Moose densities greater than 28 Moose/100 km² (and wolf densities and predation probably peak at higher Moose densities in the 0.40 to 0.60/km² range). **Therefore, we recommend that habitat regulations be applied only to those areas of the continuous zone where Moose densities are less than 0.20/km.**
- Caribou “sink” areas (and other habitat not important to caribou) should not be subject to ESA S.10 protection.
- caribou conservation focus throughout caribou range should include strict enforcement of ESA S.9 (i.e. a zero tolerance policy on caribou poaching and unregulated harvest);
- Caribou protection and recovery should also be enhanced by strategic improvements to alternate prey and predator management (i.e. enhanced management of Moose [and therefore, wolves], White-tailed Deer [and therefore, the brainworm threat to caribou], and Black Bears to increase caribou production, calf survival and recruitment.
- Describe Woodland Caribou core range/habitat areas in regulation, according to reasonable occupation probability (e.g. 90 or 95 percentile) and/or some realistic density threshold (e.g. areas with greater than 5.0 caribou per 100 km²). This will have the effect of focusing future habitat protection and restoration efforts where it will have the greatest positive impact on Woodland Caribou, while also providing clarity to northern communities, forest and mining industry, wildlife managers, and others where caribou conservation within the so-called continuous zone is not necessary to meet Woodland Caribou conservation objectives.
- Recognize that caribou use of the landscape, and habitat itself, is dynamic and will change over time and increased knowledge. Regulated caribou habitat areas should be periodically reviewed and updated every 10-20 years.
- Assess relative trends/risks/status of individual herds and prioritize conservation focus accordingly on a range-by-range basis.

Protection and Conservation Zones:

- Within regulated caribou habitat, there are some activities that should simply not be allowed, such as developments that would likely degrade or interfere with *critical* Woodland Caribou habitat such as known or high potential caribou calving shore-zones and islands, and known winter shelter/predator avoidance habitat (e.g large black spruce bogs).
- Please assure the OFAH that public access for Crown land hunting, fishing, and nature appreciation will not be negatively affected by protection/conservation zones.
- In the proposed conservation zone, yes, consider allowing the exemption of certain developments on a case-by-case/range-by-range basis; otherwise, the best approach to find the balance between protection and northern development is to simply show northern communities, resource industries, and other stakeholders where caribou habitat regulations are not beneficial for caribou protection, and therefore, will not be applied).

Protection Zones:

We agree with this much: protection zones should consist of “defined caribou range areas, within the continuous zone, within the Area of the Undertaking (AoU) for forest management that are required to provide *an adequate amount* of caribou habitat.” However, as recommended, the OFAH believes caribou protection should be focussed ONLY on those areas within the continuous zone where caribou range is defined according to critical habitat elements, and a reasonable occurrence rate and density (i.e. that it is truly “source” habitat that caribou depend on, where caribou production is sustained, and NOT areas where individuals randomly wander in summer, or areas that are likely to be mortality “sinks”).

Conservation Zones:

These zones should include those areas within the continuous zone that are not considered to be critical, but where caribou range is defined according to a reasonable occurrence probability and density. “Sink” areas should not be included in the conservation zone.

Unregulated Caribou Areas:

As previously explained, we strongly recommend that low density caribou “sinks” (areas where caribou are not limited by habitat, but by high mortality) NOT be described as “habitat” for the purpose of S.10 ESA regulation. (The MNR, of course, should apply full S.9 protection to all Woodland Caribou through a “zero tolerance” policy on unregulated Woodland Caribou harvest and poaching.)

Additional Comments & Information:

The caribou range maps within the Caribou Conservation Plan are identified as “preliminary.” We would hope that important range habitat (source habitat) will be refined and further delineated as the plan is implemented adaptively. Neither the ESA nor the CCP should lead the MNR to conclude that “all continuous caribou distribution” should be included in habitat regulations. Our understanding is, a species so thinly distributed on the landscape as caribou, is clearly NOT limited by habitat.

We believe that the OFAH recommended alternative approach to defining caribou habitat:

- is consistent with the requirements of the Endangered Species Act, 2007;
- is consistent with the implementation of the Caribou Conservation Plan;
- is consistent with MNR Cervid Ecological Framework (CEF) direction for CEF Zones A and B (meaning CEZ A should be primarily caribou focused, but accommodating low density Moose; and CEZ B should be demarcated as either Woodland Caribou-Moose focused (where Moose densities are low) or Moose-production areas where medium and high density Moose presently exist);
- is consistent with scientific methodology for determining and mapping Woodland Caribou home range and habitat use (e.g. 95% occupation probability);
- if applied, will focus caribou habitat protection and recovery where it will be most beneficial; and,
- if applied, will provide greater clarity and security to northern Ontario communities, forest and other resource industries, and fish and wildlife managers about where caribou habitat is, and is not, an impediment to sustainable and optimal resource management.

The CCP goal includes maintaining *self-sustaining populations...where they currently exist*. (It does not imply protecting “sinks.”)

The CCP goal also includes “...*strengthen security and connections among isolated mainland local populations, and facilitate the return of caribou to strategic areas near their current extent of occurrence.*” This should be done strategically and locally within the continuous zone (but certainly not within the whole of the area described in the proposal as “continuous zone”).

In our opinion, the CCP goal does not include geographic connections or habitat corridors between isolated populations. It does include “genetically connected” local populations, which can be achieved through strategic relocation and caribou management, such as the relocation of caribou in “surplus years” from Slate Island to augment and diversify genetically isolated populations. Habitat corridors, where self-sustaining caribou do not presently exist, should not be included in habitat regulation.

Regulatory Impact on Anglers and Hunters:

We believe that the impact of the proposed habitat regulations on anglers and hunters will be:

Neutral if:

- the MNR focuses caribou habitat regulations ONLY on those range areas within the continuous zone where self-sustaining caribou populations presently exist (and depend upon); and
- medium and high density Moose areas are NOT included in caribou habitat regulations.

Negative if:

- the result of the above was to convert medium and high density Moose habitat to lower quality, low productively “caribou habitat” over time;
- the result of the above also included reduced access to forest area for hunting, angling, nature appreciation, Crown camping, etc.; and
- the effect of the above also results in widespread and increased use of herbicide in silvicultural attempts to create and “restore” pure conifer stands.

It should be added that we doubt that the loss of the above recreational opportunities would be offset by any significant gains in caribou conservation.

The OFAH sees little potential long-term benefit for our members’ activities from Woodland Caribou habitat protection, under current proposed direction; however, IF the effect of carefully defined habitat regulations combined with enhanced Moose, wolf and Black Bear harvest (including enhanced public access for Moose, deer, and predator hunting in caribou areas) resulted, we recognize that there could be the potential for positive benefit for caribou, and hunting and angling. Although scientific support exists for managing Moose densities and wolf predation through hunter access to new harvest areas, we see little evidence to date that the MNR is moving forward in this direction, vis-à-vis forest management plans in caribou range.

We strongly encourage the MNR to seriously consider the full costs and benefits of our recommended approach to habitat regulation, both in terms of the social and economic benefits we believe it would provide to northern communities, industries, tourism, etc., but also in terms of the greater productivity and conservation effect it would have for both Moose and Woodland Caribou habitat.

In this regard, the OFAH is very concerned that a potential cost of applying caribou habitat regulations and protection too broadly (i.e. throughout the continuous zone) will mean a significant loss of public access to Crown hunting, angling and other nature-appreciation activities.

Even a very crude economic impact analysis based only on the value of Moose hunting and angling in the continuous zone, and an assumption that unfocused caribou habitat regulation, and all that implies, could reduce access angling and Moose hunting by one-third in the continuous zone, the OFAH estimates that would translate into approximately \$200,000,000 loss of sustainable economic activity, annually (from data in the MNR 2005 Moose Hunting Fact Sheet; MNR 2005 Survey of Recreational Fishing In Canada: Results for Fisheries Management Zones of Ontario).

It must be noted that negative impacts on hunting and angling will be reflected in MNR fish and wildlife management budgets – that reduced license and tax revenues also means less funds for Woodland Caribou assessment and conservation.

(Indeed, although it is currently not possible because of the ESA listing, there is a strong evidence-based argument to be made that the best thing that could happen for Woodland Caribou conservation in Ontario would be removing the "at-risk" status and begin managing them as hunted, regulated big game species.)

What is very important to the OFAH is that the habitat regulation is applied in a way that it will focus caribou habitat protection where and only where it is really needed and beneficial.

We are further concerned that the MNR is not considering the effects of predicted climate change, and its own bio-climatic modelling that suggests that its efforts to convert and restore pure "natural" conifer forest for caribou habitat in its southern range will ultimately prove futile. The further north the focus for caribou conservation and habitat protection, the lesser the negative impacts on biodiversity, recreation, northern communities, economies, and public enjoyment of Crown forests.

As mentioned above, we would appreciate an opportunity to meet with MNR Caribou Conservation Program staff, along with MNR Forest and Wildlife Management Specialists, to discuss our recommended approach to regulated habitat definition and delineation. (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.)

Yours in Conservation,



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Senior Wildlife Biologist



Matt DeMille
Land Use Specialist

ER/MD/jb

cc: Honourable Linda Jeffrey, Minister of Natural Resources
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