

# ONTARIO FEDERATION OF ANGLERS & HUNTERS



*Ontario Conservation Centre*

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OFAH FILE: 345/413/794  
March 5, 2018

Public Input Coordinator  
Species at Risk and Biodiversity Protection Section  
Ministry of Natural Resources and Forestry  
300 Water Street  
Peterborough, Ontario  
K9J 8M5

Dear Sir/Madam:

**SUBJECT: Amendments of Ontario Regulation 242/08 (General Regulation – Endangered Species Act, 2007) relating to forest operations in managed Crown forests, incorporating species recently listed to the Species at Risk in Ontario List, and safe harbour.**

On behalf of the Ontario Federation of Anglers and Hunters (OFAH), its 100,000 members, subscribers and supporters, and 740 member clubs, we have reviewed the abovementioned proposal and submit these comments for consideration.

The OFAH has been involved in ongoing discussions about ways to integrate the Endangered Species Act (ESA) and the Crown Forest Sustainability Act (CFSA). Through the course of these discussions, it has become clear that there is important common ground between these acts – namely, the goal of conserving wildlife. It is unrealistic to believe that protection and recovery of species at risk (SAR) can only be achieved through the strictest interpretations and implementation of the ESA. The ESA alone does not have the necessary tools to properly manage SAR under the myriad conditions and circumstances that exist across the province. There are certain species and pressures where the current application of the ESA has limited/no demonstrable benefit to SAR, but could likely benefit from other non-ESA tools.

Ontario's forest industry in the Area of Undertaking is an excellent example of a regulated activity with the potential to benefit SAR beyond the traditional application of the ESA. Forestry on Crown land is governed by comprehensive legislation and policies with a focus on biodiversity, ecosystem function, and wildlife/fisheries values. Our forest management system is replete with species inventories, planning, implementation, monitoring, compliance, and auditing processes. Forest management plans under the CFSA already consider SAR values, making the CFSA an ideal implementation mechanism to complement the ESA in the Area of Undertaking. A separate, parallel system under the ESA would be incapable of benefitting SAR to the degree that the existing forest management system has the capacity to do. The inclusion of new caribou direction in the Forest Management Guide for Boreal Landscapes, while imperfect, is proof-of-concept that non-ESA tools are capable of integrating species at risk considerations.

ONTARIO FEDERATION OF ANGLERS AND HUNTERS

Ministry of Natural Resources & Forestry  
March 5, 2018  
Page Two

We fully agree with the need to extend the current exemption period to give the government an opportunity to undertake further discussions on the development of a system that provides certainty and direction for both wildlife conservation and the forest sector. However, we believe that an additional two years is an unrealistically short time frame in which to accomplish the ambitious goals outlined in this proposal, specifically the creation of an independent panel of experts tasked with developing a long-term solution to integrating species at risk considerations in Crown forest management. **As such, we recommend that the current exemption be extended for five years, until July 1, 2023.**

Safe harbour agreements hold significant potential as a tool to encourage and enable species at risk stewardship, but the use of this tool is in its infancy in Ontario. As a member of the federal Species at Risk Advisory Committee, I can confirm that considerable uncertainty remains in how best to utilize conservation agreements and under what circumstances. We certainly support exploring opportunities to use safe harbour and other conservation agreements to benefit SAR, but we are concerned that too many conditions on the future use of safe harbour habitat will act as a barrier to participation and discourage use of agreements. Extending the exemption period will also give the MNRF an opportunity to formalize the use of safe harbour agreements and allow the process to mature into a system that benefits both species at risk and applicants.

Thank you for considering our concerns and recommendations.

Yours in Conservation,



Mark Ryckman  
Manager of Policy

MR/gh

cc: Ian Dunn, Ontario Forest Industries Association  
OFAH Board of Directors  
OFAH Land Use/Access/Trails Advisory Committee  
Angelo Lombardo, OFAH Executive Director  
Matt DeMille, OFAH Manager, Fish & Wildlife Services  
OFAH Fish & Wildlife Staff