

March 3, 2019

Species Conservation Policy Branch, Policy Division  
Ministry of Natural Resources and Forestry  
300 Water Street, 5<sup>th</sup> Floor N  
Peterborough, Ontario  
K9J 8M5

Dear Sir / Madam:

**Re: 10 Year Review of Ontario's Endangered Species Act**

Thank you for the opportunity to comment on this discussion paper and Rayonier Advanced Materials (RYAM) welcomes the opportunity to review the ESA with a view to making its implementation more effective.

RYAM has, and always will be committed to the protection of endangered species. It is simply, the right thing to do. We have demonstrated this through our commitments as direct forest managers and as members in partnership style SFLs managing a total of eight forest management units in Ontario. In addition, we are among the global leaders in total area of Forest Stewardship Council (FSC) certified forests. Our commitment to the responsible stewardship of endangered species, and indeed all pillars of sustainability (social, environmental, and economic values) is demonstrated by our successful Independent Forest Audits (IFA) and FSC audits.

Since the introduction of the Endangered Species Act (ESA) in 2007, there have been practical challenges with integrating the existing requirements of the Crown Forest Sustainability Act (CFSA) and required elements of the ESA. For 10 years, numerous processes and efforts have been made to harmonize these 2 pieces of legislation to ensure we properly conserve endangered species while also considering other important environmental, social, and economic values. Based on this experience we offer the following recommendations:

**Recommendations**

- For operations subject to the requirements of the CFSA, there exists potential conflicts with the ESA that adds judicial risk to approved forest management plans (FMP). For example, the ESA under section 10 (1) speaks to "Nobody shall damage or destroy the habitat of..." This creates uncertainty because damage and destroy are not defined and could cause conflict with approved activities under the CFSA. Therefore, we recommend the CFSA be the primary legislation the forest industry works under and it be considered equivalent with requirements under the ESA to prevent this potential conflict and risk to approved FMP's.

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- Review the concept and applicability of expanding landscape approaches to managing habitat. Such an approach may be desirable for authorizing activities at a broader scale for species which are wide ranging and if the approach eliminates the need for complex and overly restrictive area of concern (AOC) prescriptions. Prior to establishing a landscape approach, clear guidelines for the management strategy should be in place prior to implementation. This would ensure the approach doesn't add to the complexity of management or conflict with existing policy direction. Where a landscape approach is contemplated, the conservation strategy should consider areas outside the SFL boundaries as contributing to the management of the species. We recommend using sound science to justify the approaches to be taken in the future.
- Review the listing process and protections for species at risk ensuring that sound science based on defensible data be used to properly list a species or de-list a species if required. The intent of the ESA is to protect species that are at a high risk of extinction or extirpation. In our view, it is important for COSSARO to revise the criteria they use for species assessments to ensure that the listing process will achieve the purposes of the ESA. There is a need to distinguish species that are truly at high risk of extinction or extirpation from those that are still relatively common and widespread and to adapt the listing process based on new information. Field observation in central Ontario (for example) indicates an abundance of Blanding's turtle, while new research indicates growing numbers of bank swallow, barn swallow and bobolink.
- Sufficient time should be allowed for the development of a comprehensive Government Response Statement once a species is listed. The current approach (9 months) is too short.
- The requirement to review progress towards the protection and recovery of a species within 5-years is too short a timeframe to properly assess the success of efforts made for some species (e.g. caribou). In some cases, more time is needed to improve habitat conditions and to evaluate the effectiveness of efforts made.
- Recovery strategies should propose a landscape approach for multiple species to ensure that habitat is being managed for endangered species (and the other identified species on the SFL) over time and space. The current ESA single species approach does not work well for forest management where we are balancing the needs of multiple wildlife species and other values over a wide range of forest conditions.
- Ontario should consider what the federal government is proposing (i.e. ECCC Framework Document - Pan-Canadian approach to SAR Conservation) before moving ahead with an alternative approach as there may be benefits from alignment with the federal government.

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- The authorization process also needs to be revisited. As stated above, all the committees and processes over the last 10 years aimed at harmonization of ESA and CFSA have not yielded the desired end result. Success needs to demonstrate sound protection measures that are also clearly visible to the general public. Our preferred approach is based on the principle that we need to operate under a clear set of rules and any ambiguity between different legislation is clarified. As described in our first bullet point, we request that the CFSA be considered equivalent with the ESA. To help with this, we believe Section 55 (1) (b) be re-worded to clarify the impression that the forest industry could be “exempted” from the ESA. Section 55’s primary purpose is to allow for the development of regulations under the Act which could help clarify the approaches that are used to protect endangered species. We support this.

RYAM has spent a lot of time on these topics over the last 10 years and believe we can offer constructive ideas to address the issues identified. We are willing to continue to work with government to complete this important initiative.

Sincerely,



Alan Thorne, RPF, P.Eng  
Chief Forester, Ontario