

Office of the
County Warden



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February 28, 2019

Public Input Coordinator
Species Conservation Policy Branch
300 Water Street, Floor 5N
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To whom it may concern,

Thank you for providing the opportunity to comment on the review of the *Endangered Species Act, 2007* (ESA).

Attached please find comments for your consideration which are provided by Ms. Lacey Rose, R.P.F., County Forester on behalf of the County of Renfrew. The County of Renfrew has had and voiced concerns with the implementation and impact of the ESA since its inception, and welcomes this review of the Act in its 10th year. We hope that your government's review will acknowledge existing policies that provide protection for species at risk, evaluate the potential for species at risk protection using a landscape-level approach that provides habitat for all species through sustainable forest management practices, and increases meaningful consultation with the public, stakeholders and Indigenous people before listing and regulating species.

Once again, thank you for providing the opportunity to provide comment on the review of the *Endangered Species Act*.

Sincerely,

Jennifer Murphy, Warden
County of Renfrew
warden@countyofrenfrew.on.ca

Attach.

- c. Minister Phillips, Ministry of Environment, Conservation & Parks
Minister Yakabuski, Ministry of Natural Resources & Forestry

Public Input Coordinator
Species Conservation Policy Branch
300 Water Street, Floor 5N
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February 28, 2019

Re: 10th Year Review of Ontario's Endangered Species Act (ERO # 013-4143)

Thank you for the opportunity to provide input on the review of the Endangered Species Act, 2007 (ESA). The County of Renfrew has raised concerns since the inception of the Act about the impacts on the local forest industry, private landowners, as well as the species themselves. The forest sector is essential to our communities. There are approximately 6,900¹ people in Renfrew County directly or indirectly employed by the forest sector, a significant number for this area with a total population of 102,395 and 42,780 households². Many rural communities are highly dependent on the local forest industry: 17% of the total labour force in Madawaska Valley and 15% of Killaloe, Hagarty and Richards are directly employed by the forest industry³. The forestry sector in Renfrew County has a 3.4 employment dependency ratio⁴, higher than any other sector in the local economy⁵.

The businesses that receive wood from forests in Renfrew County are family-owned, some having been in operation for 5+ generations. A serious concern exists for operators and producers in Central Ontario regarding access to wood. Significant harvest area has been lost, or become too costly to access due to species at risk restrictions, resulting in an estimated \$1.50-\$2.00/m³ added cost to producing forest products⁶. Approximately 30% of the productive forest land base on Crown lands in Renfrew County has some form of species at risk restriction on regular operations⁷. We hope that the review of the ESA will create more certainty for businesses operating in Ontario's forests, and enable a more balanced approach in managing all forest values, including species at risk.

As per the 10th Year Review of Ontario's Endangered Species Act: Discussion Paper, our comments and proposed solutions are outlined below in the Areas of Focus described in the paper.

¹ Approximately 2,800 direct jobs with an additional 4,100 indirect jobs, using a regional employment multiplier of 1.48 based on an economic model developed for MNRF.

² 2016 Census Data. Statistics Canada Profile for Renfrew County.

³ 2011 Ottawa Valley Forest Management Plan, Supplementary Document D. Social and Economic Description.

⁴ This means that 3.4 times more of the population in Renfrew County is employed by the forest industry than the average population base in Ontario.

⁵ 2011 Ottawa Valley Forest Management Plan, Supplementary Document D. Social and Economic Description.

^{6,7} Improving the Endangered Species Act: Impacts on Renfrew County. February 2014, County of Renfrew.

Area of Focus 1 – Landscape Approaches

Issue 1.1 A common concern and observation by forestry workers in the Renfrew County area is that many species deemed to be “at risk” are frequently observed, for example, Blanding’s turtle. The Ontario population in the 2017 Ontario Species at Risk Evaluation Report for Blanding’s Turtle (COSSARO)⁸ was estimated at 50,000 mature individuals – a drastic increase from the 10,000 estimate used in the previous assessment, yet the designation did not change. The fact that forests in this area have been managed for upwards of 200 years, and the species continues to be frequently spotted, with suitable habitat covering significant portions of the County, has caused some animosity. Significant amounts of the forest landbase are shut down 6 months of the year as a result of timing restrictions associated with the species’ presence. As a result, businesses are reluctant to invest in new equipment and have a hard time attracting new talent.

SOLUTION: Evaluate species populations and determine COSSARO status geographically. For example, although Blanding’s turtle may be at risk in Southern Ontario, it may not be in Renfrew County. This would require adequate resources available for population surveys and research, and a willingness by COSSARO to designate geographic populations instead of a blanket-approach across the Province.

SOLUTION: More research should take place on actual risk posed by forest management in species at risk (SAR) habitat, particularly Blanding’s turtle, ginseng, wood turtle, and whip-poor-will. The science behind Area of Concern timing restrictions is weak, and often leads to a zero-risk approach as a result. Although species may be present, what is the risk that conflict will occur with equipment, especially in partial harvesting systems that are common in Central Ontario? Can this risk be mitigated through operator education or other adjustments?

Issue 1.2 Sustainable forest management means the balancing of all objectives and values in the forest. A significant part of this occurs at a landscape level, ensuring that forest types, ages and habitats are represented in amounts that would be present in the absence of human intervention. This is a major part of what Registered Professional Foresters do to ensure forests can provide the same values for all future generations as they do today. Of course, site-level actions are also important to protect species with specific requirements or that may be sensitive to disturbance. However, site-level emphasis on even the *potential* of species at risk since the inception of the ESA has meant that protection and management for other species and forest values has become secondary. Approximately 30% of the productive forest land base on Crown lands in Renfrew County has some form of SAR restriction on regular operations⁹. SAR are also present on private and municipally owned lands. Renewal of certain forest types (e.g. white and red pine) has become more challenging because of timing restrictions. In some cases, areas do not get harvested because of overlapping timing restrictions or inability to access due to reserves, meaning economic plan objectives do not get met. Forest Management Plan Authors are having a hard time certifying that a plan is sustainable when it is unable to meet economic, social and landscape-level objectives because of stand-level species at risk restrictions.

⁸ Ontario Species at Risk Evaluation Report for Blanding’s Turtle (*Emydoidea blandingii*), Committee on the Status of Species at Risk in Ontario (COSSARO). Assessed by COSSARO as Threatened. May 2017.

⁹ Improving the Endangered Species Act: Impacts on Renfrew County. February 2014, County of Renfrew.

SOLUTION: Recognize that a coarse-filter, landscape level management approach attempts to provide habitat for all species and aims to emulate natural disturbance patterns. In some cases, perhaps certain species would be better served by the landscape level management approach that is already occurring. When appropriate, site-level requirements in species at risk habitat must be science-based, evaluate risk, consider other species and values, and be subject to change when new science emerges.

SOLUTION: Recognize that, in a landscape where fires are suppressed, forest management is the key to maintaining healthy, natural ecosystems. Many species at risk benefit as a result of the disturbances created during forestry activities – whip-poor-will and the Algonquin Wolf are excellent examples. Species protection measures should align with this, not restrict the ability to create or maintain SAR habitat.

SOLUTION: Allow the Crown Forest Sustainability Act (CFSA) to act as the vector for SAR protection on Crown land, either through creating a perpetual Section 55 Regulation or otherwise rewording the ESA to recognize that the CFSA provides protection for SAR.

Area of Focus 2: Listing Process and Protections for Species at Risk

Issue 2.1 Membership on the Committee on the Status of Species at Risk in Ontario (COSSARO) has appeared to consist of mainly ecologists, conservationists, biologists and other specialists. It is important to evaluate proposed actions on a higher level, and the impact that protection measures will have on forest ecosystems and other species.

SOLUTION: Evaluate if COSSARO is the most transparent, meaningful and effective way of designating species at risk in Ontario by comparing to methods used for evaluating in other provinces.

If COSSARO is to continue in its current function, include more diverse representation of broader skill sets on COSSARO instead of single species, family or genus experts. COSSARO should include stakeholders such as forest practitioners (Registered Professional Foresters), Indigenous peoples, and others with knowledge and experience on the landbase. Have species experts provide information to the Committee to aid in evaluating species. Socio-economic analyses should be complete before all listings. COSSARO should be held accountable in some means, to ensure that decisions are based on fact and peer-reviewed data, rather than opinions or data deficiencies. If insufficient data or information is presented, or new information comes to light, the government should have the ability to overturn or reverse decisions made by COSSARO.

Area of Focus 3: Species Recovery Policies and Habitat Regulations

Issue 3.1 Although input may be sought, it is sometimes difficult to see the impact of consultation, reviews or socio-economic impact analyses in Government Response Statements.

SOLUTION: Allow adequate time and resources to properly evaluate recovery strategies, complete realistic socio-economic impact analyses, and consider input from stakeholders and Indigenous

peoples. These analyses and their impacts should be shared with stakeholders before policies are implemented.

SOLUTION: As new population data and science emerges, regular COSSARO reviews should occur to determine if a species' designation should change. The timeline for this should not be extended, and in some cases, may warrant acceleration.

Area of Focus 4: Authorization Processes

Issue 4.1 The Act adds duplication and delay for activities that are subject to other legislative or regulatory frameworks, like forestry under the CFSA.

SOLUTION: Enable the CFSA to act as the legislation that manages for and protects SAR on Crown land in Ontario. This would help achieve the balance among competing objectives that the CFSA requires, while meeting the intent of the ESA in a reasonable way that recognizes forestry's role in maintaining healthy, diverse ecosystems. It should reflect the fact that forestry can have an overall benefit for the majority of species in the short and long term.

Issue 4.2 The definitions and interpretations of "harm, harassment or killing" and "damage or destruction of habitat" are problematic and create fear and retribution on private land.

SOLUTION: Sustainable forest management should be recognized as good land stewardship. Providing clear, reasonable guidance on how to manage forests in species at risk habitat could improve the public's attitude toward species at risk in rural areas. Develop an effective, positive incentive program for maintaining habitat or potential habitat (e.g. similar to the Managed Forest Tax Incentive Program (MFTIP)), especially if landowners operate under a forest management plan or choose to maintain a third-party certification to guarantee their forest is managed sustainably. Changing the approach from a punitive to rewards-based would have positive outcomes.

Thank you for the opportunity to provide input on the review of the Endangered Species Act. I would be happy to further discuss any of these issues with you at your convenience.

Sincerely,



Lacey Rose, RPF

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