

## Notice of Decision

### Application for Review – File No. R2016011

On March 30, 2017, the Ministry of Natural Resources and Forestry (MNRF or the Ministry) received from the Environmental Commissioner's Office (ECO) the Application for Review No R2016011 under the *Environmental Bill of Rights* (EBR).

#### SUMMARY OF APPLICATION

The application asks the MNRF to review the Slate Islands Provincial Park (SIPP) Management Plan, to review the need for an approved management plan for Michipicoten Island Provincial Park (MIPP), and create a Lake Superior Islands Caribou Reservation (LSICR) to address the Lake Superior caribou herd.

The applicants assert that:

- i. The extirpation of the Lake Superior caribou herd cannot be avoided unless immediate action is taken to augment the management plans of SIPP and MIPP to sustainably manage the wolf and caribou populations in the parks.
- ii. There is presently no management, either active or in principle of the caribou and their predators in either SIPP or MIPP.
- iii. SIPP is operating under a 1991 approved management plan, despite work to address the outdated plan in 2011, and MIPP is operating under a rudimentary 1986 interim management plan. MIPP does not address the management of caribou or predators which prey on caribou in its management plan.
- iv. Ontario is non-compliant with its own *Endangered Species Act*.
- v. The federal government classification of the caribou herd does not remain true with wolves now in SIPP and MIPP.
- vi. The creation of the LSICR will serve as the umbrella entity, comprising MIPP and SIPP, bringing Ontario into compliance with federal and provincial statutes.

In response to this request for review and in accordance with Part IV, Section 67 (1) of the EBR, the delegate of the Minister of Natural Resources and Forestry (the Delegate) considered this application in a preliminary way to determine whether the public interest warrants a review in the Ministry of the matters raised in the application.

The Delegate's preliminary consideration has been limited to the request for a review of legislation, policies, regulations and instruments under the Ministry's jurisdiction, specifically the *Slate Islands Provincial Park Preliminary Management Plan*, the draft *Michipicoten Island Provincial Park Preliminary Management Statement*, the *Endangered Species Act, 2007*, *Ontario's Woodland Caribou Conservation Plan*, and the *Provincial Parks and Conservation Reserves Act, 2006*.

Section 70 of the EBR also requires the Minister to give notice of the decision whether or not to conduct a review, together with a brief statement of the reasons for the decision. This Notice of Decision has been prepared to fulfil the Minister's obligations

under the EBR. The Delegate's decision and the reasons in support of it are set out below.

## **DECISION**

The Delegate has considered the Application for Review and determined that the public interest does not warrant review under Part IV of the EBR of the matters raised in the Application, as the Ministry is already reviewing park management direction and has policies in place for the protection and management of caribou.

## **RATIONALE**

### **Park Management Planning**

All provincial parks are planned and managed by MNRF to protect natural and cultural values, conserve biodiversity, and support research and monitoring. The management of SIPP and MIPP must comply with applicable provisions of the *Provincial Parks and Conservation Reserves Act, 2006* (PPCRA), the *Endangered Species Act, 2007* (ESA), the (PPCRA), *Ontario's Woodland Caribou Conservation Plan* (CCP), and the *Environmental Assessment Act* (EAA). Two fundamental principles guide all aspects of planning and management of provincial parks: to maintain and restore ecological integrity where possible, and to provide opportunities for consultation. Ecological integrity includes, but is not limited to, healthy and viable populations of native species, including species at risk, and maintenance of the habitat on which the species depend.

Management direction is established for every provincial park following a public planning process. Park management planning involves the collection and analysis of relevant information such as monitoring results, ecodistrict studies, inventories and input from Indigenous communities, the public and stakeholders. Broader MNRF management interests are also considered in park management planning and those focused on conservation are usually acknowledged in management plans (such as broader caribou conservation efforts). Management direction guides protection of park values, and park management and development (if/where appropriate) over a 20-year period. Management direction for SIPP and MIPP is being replaced; both planning processes are at the preliminary direction stage.

The SIPP Preliminary Management Plan is currently posted on the Environmental Registry for public review of 59 days, closing on July 7, 2017 (EBR Registry number: 011-2469). Management direction for MIPP is being drafted and will be released for public review once the preliminary management statement is completed. MNRF recognizes the importance of the caribou populations in SIPP and MIPP in supporting caribou population security and persistence within the Lake Superior Coast Range. The presence of caribou has been an important consideration in planning for these parks. While draft direction focuses on recreation management for caribou conservation,

opportunities to consider additional approaches in keeping with provincial caribou conservation and park management interests can be explored.

### **Caribou Conservation in Slate Islands Provincial Park and Michipicoten Island Provincial Park**

As regulated provincial parks since 1985, SIPP and MIPP are afforded permanent protection of their representative ecosystems, biodiversity, and provincially significant natural and cultural heritage elements under the PPCRA.

Native wildlife populations including natural predator-prey dynamics are normally left to function freely as part of the species protection mandate for provincial parks. Wildlife population management decisions in provincial parks are carefully considered weighing the benefits of the undertaking against the impacts on the broader management interests of the park, recognizing MNRF's obligations under the PPCRA, the ESA, the EAA and other applicable policies.

Ontario takes an adaptive management approach when making resource management decisions for provincial parks and caribou conservation. Several research projects are being conducted in SIPP and MIPP. MNRF will use the findings of this work to assess the appropriateness of wildlife community management for the security and persistence of caribou within the Lake Superior Coast Range.

There is no provincial 'caribou reservation' designation therefore no regulatory/policy basis or planning framework to establish and manage such a designation. The provincial parks designation provides the highest level of protection for ecosystems, biodiversity and natural values on regulated park lands. Other provincial special wildlife areas or special management areas would not afford additional protection beyond that provided by provincial park designation.

### **Caribou Conservation in Ontario**

Caribou (boreal population) (*Rangifer tarandus caribou*) is listed as a threatened species on the Species at Risk in Ontario (SARO) List. As a threatened species, caribou receive both species and habitat protection under the ESA. Ontario's caribou population is also a component of the threatened national boreal caribou population.

Under the ESA, caribou habitat on the Slate Islands and Michipicoten Island is protected, and the damage and destruction of this habitat is prohibited. In 2009, MNRF released the government's response statement through Ontario's Woodland Caribou Conservation Plan (CCP). The CCP outlines the government's goal for the recovery of caribou, provides broad policy direction and identifies the actions the Ontario government intends to take to conserve and recover caribou in Ontario.

Ontario's caribou conservation goal is *'to maintain self-sustaining, genetically-connected populations of Woodland Caribou (forest-dwelling boreal population) where they*

*currently exist, improve security and connections among isolated mainland local populations, and facilitate the return of caribou to strategic areas near their current extent of occurrence.* In addition to this goal, the CCP identifies that *'The Lake Superior coastal population will be managed for population security and persistence. The focus will be to protect and manage habitat and encourage connectivity to caribou populations to the north.'* Resource management decisions in the Lake Superior Coast Range consider this specific objective.

The CCP includes intended actions *to maintain naturally-occurring low densities of prey (e.g., Moose, White-tailed Deer) and predators.* The CCP also enables the MNRF to *"assess the feasibility and effectiveness of directly and indirectly influencing predator densities in very specific situations, and develop criteria and guidelines for managing the prey-predator balance as required."*

Ontario is implementing a range management approach in support of caribou conservation. Ranges are large geographical areas used by a caribou population and form the basis for planning and resource management decisions that consider caribou requirements. The caribou population on the Slate Islands and Michipicoten Island are part of the larger Lake Superior Coast Range. Ontario recognises the importance of the SIPP and MIPP caribou population to the population security and persistence of the Lake Superior Coast Range population as a whole.

Environment and Climate Change Canada identifies 'local populations' as its basis for analysis in the Recovery Strategy for the Woodland Caribou Boreal population in Canada (2012). The federal analysis of habitat and population condition was based of the best available information (including observational and telemetry data, and biophysical analyses) provided by provincial and territorial jurisdictions at that time.

## **Subsection 67(2)**

The Ministry has given consideration to the following provisions of Subsection 67 (2) of the EBR in the review of this application.

### **67(2)(a) the ministry statement of environmental values**

Decisions made through park management planning are made in respect of MNRF's Statement of Environmental Values (SEV) and are documented as part of the decision record.

Policy direction released under the legislative framework of the ESA are also made in respect of MNRF's SEV and are documented as part of the decision record.

**67(2)(b) the potential for harm to the environment if the review applied for is not undertaken**

The potential for harm to the environment if the review is not undertaken is nil or negligible because any potential for harm is addressed through other applicable legislation, including those previously discussed and detailed below. In total, the management of SIPP and MIPP must comply with applicable provisions of the:

- *Endangered Species Act*, with caribou listed as a threatened species they receive both species and habitat protection;
- *Provincial Parks and Conservation Reserves Act*, protection of their representative ecosystems, biodiversity, and provincially significant natural and cultural heritage elements;
- *Ontario's Woodland Caribou Conservation Plan*; detailing the government's goal for the recovery of caribou and necessary actions; and
- *Environmental Assessment Act*, and more specifically the Class Environmental Assessment for Provincial Parks and Conservation Reserves (2005).

Furthermore, scientific research in both SIPP and MIPP is contributing to advancements in the understanding of how natural values in the parks and elsewhere can be most effectively managed. Current research in the parks is examining ecological integrity, caribou population dynamics, and predator-prey (e.g., wolf-caribou, wolf-beaver) interactions. The Ministry takes an adaptive management approach and the results of wildlife research will be used to inform management actions.

**67(2)(c) the fact that matters sought to be reviewed are otherwise subject to periodic review**

The *Recovery Strategy for the Woodland Caribou (Forest-Dwelling, Boreal Population) in Ontario* (2008) advises MNRF on ways to ensure healthy number of the species return to Ontario. From this advice, MNRF released its government response statement(CCP) which outlines broad policy direction regarding caribou conservation and recovery in the province. In 2014 Ontario released the *State of the Woodland Caribou Resources Report* which reports on the progress towards the protection and recovery of a species 5 years after the publication of the CCP.

As previously noted, new management direction for both parks is under development which will guide park management.

**67(2)(d) any social, economic, scientific or other evidence that the minister considers relevant;**

As previously noted, research and monitoring efforts in both parks will help inform wildlife management decisions. Opportunities for public involvement will be provided.

**SUMMARY**

For the reasons outlined above, the Delegate has determined that the public interest does not warrant a review in the Ministry of the matters raised in the application. The Delegate is satisfied that the existing policies are sufficient and enable the protection and management of caribou. Moreover, findings from ongoing science and monitoring will support future park planning and management decisions in both SIPP and MIPP.