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Dear Public Input Coordinator,

The Natural Resources Defense Council (NRDC) is writing to submit comments on the draft Conservation Agreement for Boreal Caribou in Ontario between Canada and Ontario's governments.

NRDC is an international non-governmental organization with over three million members that works on critical global climate and conservation issues. For decades, NRDC has worked closely with Indigenous Nations and Canadian non-governmental organizations to advocate for policies that would benefit communities, species, and the global climate, including more sustainable forest product supply chains to the United States and elsewhere. We engage collaboratively with Canadian experts and organizations to identify policies that threaten cross-border collaboration around species protections and stabilizing the global climate.

With the United States as the destination for more than 90 percent of Ontario's forest product exports, a broad range of U.S. stakeholders have an interest in federal and provincial regulatory safeguards that ensure the sustainability of the province's forest products.<sup>1</sup> The draft Conservation Agreement proposed by your governments would undermine Canada's biodiversity

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<sup>1</sup> Jennifer Skene, Cutting It Close: How Unsustainable Logging in Canada's Boreal Forest Threatens Indigenous Rights, Wildlife, and the Global Climate, NRDC, July 2018, <https://www.nrdc.org/sites/default/files/cutting-it-close-logging-canadas-boreal-report.pdf>.

and climate goals, while enhancing growing concerns about the sustainability of Ontario forest products.

The draft Conservation Agreement would reinforce the recent rollbacks of a series of critical environmental protections in Ontario, and would make Environment and Climate Change Canada (ECCC) fall short of its legal requirements and commitments under the Species at Risk Act (SARA). The draft Agreement would not protect any critical caribou habitat in Ontario, nor would it impose limitations on the disturbance of critical caribou habitat consistent with the federal government's own Boreal Caribou Recovery Strategy. It would not benefit boreal caribou or enhance their survival in the wild, as required for conservation agreements by SARA section 11(1). It does not commit to the restoration of critical caribou habitat. It would make no meaningful remediation of the fact that Ontario has failed to produce a boreal caribou recovery plan with protections for critical caribou habitat for more than four years since the federal deadline for these recovery plans passed.

Instead, the proposed Conservation Agreement would reward Ontario's inaction and implement policies at odds with, and significantly weaker, than the guidance of ECCC's own Recovery Strategy. The Recovery Strategy, compiled with input and guidance of Indigenous Nations and caribou scientists, found that boreal caribou require a minimum of 65% undisturbed habitat in a range in order to support that local population's long-term survival.<sup>2</sup> As emphasized in the strategy, and reiterated in guidance from caribou scientists, this is a lenient threshold.<sup>3</sup> Allowing up to 35% disturbance can significantly disrupt caribou life functions, and creates a 40% risk that local populations will not be self-sustaining.<sup>4</sup> Thus 35% disturbance should be treated as a *maximum* allowance; its leniency appears to be based far more on accommodating industries such as the industrial logging industry than meeting ideal conditions for boreal caribou. Yet the Conservation Agreement would not even honor this minimum requirement, abandoning already-threatened caribou habitat to be clearcut by destructive practices.

Rather than fulfilling ECCC's obligations and honoring the guidelines of its own Recovery Strategy, the proposed Conservation Agreement would enable and advance the same industrial logging practices that have already brought various caribou herds to the brink of local extinction. For example, the Conservation Agreement would not remedy the fact that Ontario has permanently exempted forestry operations from its own *Endangered Species Act*, nor would it resolve the erosion of public input into environmental policies that has taken place under the current provincial government.<sup>5</sup> Ontario has announced plans to double logging rates in the

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<sup>2</sup> Environment and Climate Change Canada, Recovery Strategy for the Woodland Caribou (*Rangifer tarandus caribou*), Boreal population, in Canada, Species at Risk Act Recovery Strategy Series, 2012, [https://www.registrelep-sararegistry.gc.ca/virtual\\_sara/files/plans/rs\\_caribou\\_boreal\\_caribou\\_0912\\_e1.pdf](https://www.registrelep-sararegistry.gc.ca/virtual_sara/files/plans/rs_caribou_boreal_caribou_0912_e1.pdf).

<sup>3</sup> Vince Crichton et al., "Re: Response from Scientists to Claims Made by the Forest Products Association of Canada Regarding the Scientific Underpinnings of the Federal Boreal Caribou Recovery Strategy," letter to Catherine McKenna, Canada's Minister of Environment and Climate Change, and James Carr, Canada's Minister of Natural Resources, September 22, 2017, [https://albertawilderness.ca/wp-content/uploads/2017/11/20170922\\_It\\_scientists\\_to\\_eccminister\\_car\\_strong\\_science.pdf](https://albertawilderness.ca/wp-content/uploads/2017/11/20170922_It_scientists_to_eccminister_car_strong_science.pdf).

<sup>4</sup> Environment and Climate Change Canada, Recovery Strategy for the Woodland Caribou.

<sup>5</sup> Emma McIntosh, "Doug Ford Facing Second Lawsuit Over Environmental Assessment Changes," Canada's National Observer, August 31, 2020, <https://www.nationalobserver.com/2020/08/31/news/dougford-facing-second-lawsuit-over-environmental-assessment-changes>.

province, at the same time refusing to implement a disturbance threshold-based limit for industrial activities threatening caribou habitat.<sup>6</sup> Studies from boreal forest sites in Ontario illustrates that logging practices are resulting in significantly undercounted levels of permanent deforestation.<sup>7</sup> Recently Ontario's own Auditor General determined that Ontario's policies are endangering species at risk.<sup>8</sup> Yet the draft Conservation Agreement remedies none of these issues, and relies on vague, open-ended guidance without binding, meaningful safeguards. It represents a "talk and log" approach which would largely allow business as usual to continue while ostensibly agreeing to monitor and assess threats to caribou, even though ECCC has already established that industrial disturbances pose the key threat to boreal caribou's long-term survival. It would reward Ontario's refusal to implement a caribou recovery plan years after Canada mandated them, creating a dangerous precedent.

The protection of boreal caribou is in itself an important goal that furthers Canada's biodiversity and climate commitments. More broadly, advancing this draft Conservation Agreement would signal that the Trudeau and Ford governments are unwilling to use their mandate and authority to protect some of Canada's –and indeed the world's— last primary forests. Canada's boreal forest is one of the world's most vital natural carbon stores, protecting more carbon per hectare than even tropical forests.<sup>9</sup> Boreal caribou habitat has a high level of overlap with some of these largest stores.<sup>10</sup> Thus protecting caribou habitat is a clear means of safeguarding this carbon, aligning Canada's caribou conservation strategy with its climate commitments. This proposed Conservation Agreement would undermine both. This would have significant repercussions for Canada's global reputation and leadership on conservation and climate. Moreover, its passage would undermine the social license for Ontario's forest products in the U.S. and international marketplace.

Rather than reinforcing an approach that continues to drive boreal caribou decline, we urge you to implement protections consistent with the requirements of the federal Recovery Strategy, including binding limits that keep range disturbance below 35%. Where Ontario is failing to protect caribou habitat, we urge the federal government to use available tools to step in and protect that habitat.

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<sup>6</sup> Government of Ontario, "Sustainable Growth: Ontario's Forest Sector Strategy," August 2020, <https://www.ontario.ca/page/sustainable-growth-ontarios-forest-sector-strategy#section-1>.

<sup>7</sup> Trevor Hesselink, "Boreal Logging Scars: An Extensive and Persistent Logging Footprint in Typical Clearcuts of Northwestern Ontario, Canada," Wildlands League, 2019, <https://loggingcars.ca/report/>.

<sup>8</sup> Office of the Auditor General of Ontario, "Value-for-Money Audit: Protecting and Recovering Species at Risk," November 2021, [https://www.auditor.on.ca/en/content/annualreports/arreports/en21/ENV\\_ProtectingSpecies\\_en21.pdf](https://www.auditor.on.ca/en/content/annualreports/arreports/en21/ENV_ProtectingSpecies_en21.pdf).

<sup>9</sup> Jennifer Skene and Michael Polanyi, "Missing the Forest: How Carbon Loopholes for Logging Hinder Canada's Climate Leadership," October 2021, <https://www.nrdc.org/sites/default/files/missing-forest-canada-logging-carbon-loophole-report.pdf>.

<sup>10</sup> Matt Carlson, Jeff Wells, and Dina Roberts, The Carbon the World Forgot: Conserving the Capacity of Canada's Boreal Forest Region to Mitigate and Adapt to Climate Change, Boreal Songbird Initiative and Canadian Boreal Initiative, 2009, <https://www.borealbirds.org/sites/default/files/pubs/report-full.pdf>.

Sincerely,



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