

Elaine Hardy  
Ontario Ministry of Natural Resources, Regional Operations Division  
77 Grenville Street, Floor 5  
Toronto, Ontario M5S 1B3

January 27, 2014

RE: An Introduction to the Far North Land Use Strategy (EBR Registry Number: 012-0598)

Dear Ms. Hardy,

As scientists specializing in fish and wildlife ecology, conservation biology, and landscape ecology in Ontario's Far North with Wildlife Conservation Society (WCS) Canada (Appendix 1), we are grateful for the opportunity to provide comments on the introductory paper to the Far North Land Use Strategy mandated under Ontario's *Far North Act, 2010*. We have invested our efforts, since 2004, in Ontario's Far North because of the opportunities and challenges in conserving one of the largest, intact landscapes in the world characterized by high ecological integrity. We recognize that it is also a homeland for Nishnawbe Aski First Nations. To address the ambitious objectives in the *Far North Act*, planning for conservation and development in this landscape will require a regional approach to:

- evaluate and manage terrestrial and aquatic cumulative effects, including those from new roads and transmission features.
- address ecological processes, particularly Ontario's commitments to caribou and lake sturgeon conservation.
- address climate change impacts on both ecological and social systems, particularly given current and future industrial development planned for the world class wetland and peatland ecosystems.
- develop a regional, robust monitoring strategy that is designed to support environmental decision-making about industrial development and its impacts on key ecological and social indicators in the Far North, particularly in the Ring of Fire.
- create a planning process that supports First Nations, their capacity to participate, and their traditional economies and treaty and aboriginal rights.

We are concerned that current legislated approaches to environmental planning, specifically community based land use planning and project-based environmental impact assessment (EIA), as well as permitting under the *Endangered Species Act* (ESA) and best management practices, lack the necessary temporal and spatial framework to meet the ecological objectives in the *Far North Act*. That is, the scope of project-based EIA and the typical planning areas being designated in Ontario's planning with First Nations communities cannot address

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regional ecological and social processes and functions. In addition, the lack of integration between environmental planning regimes in the Far North means that the rate of development and decision-making can outpace and supersede land use planning by Ontario Ministry of Natural Resources (MNR) and First Nations with imperfectly understood impacts on the environment. The risks of a "business as usual" environmental planning approach on the ecological systems and First Nations in the Far North are well described in Ontario's own *Far North Science Advisory Panel Report*<sup>1</sup>. The current planning approach also creates uncertainty for First Nations and traditional economies that depend on this unique environment, particularly given plans for the Ring of Fire.

The Far North Land Use Strategy provides an important opportunity to create an alternative planning approach that acknowledges and addresses the risks associated with introducing new development into this ecologically important, but environmentally sensitive region. While the possible policy topics for the Far North Land Use strategy identified in the Act provide a place to start, we take this opportunity to highlight the issues that we feel strongly that MNR should address in the discussion paper to support positive conservation outcomes and meet the Act's objectives.

1. **Planning and managing cumulative effects of industrial development in Ontario's Far North.** The Far North Land Use Strategy must consider how cumulative effects will be addressed at the regional scale in order to meet Objective 3 of the *Far North Act* to maintain biological diversity, ecological processes, and ecological functions. Cumulative effects are "changes to the environment that are caused by an action in combination with other past, present and future human actions"<sup>2</sup>. Cumulative effects assessment (CEA) requires consideration of the biophysical and socio-economic consequences of past, current and potential future activities and is required under federal legislation<sup>3</sup>. However, there is a large body of evidence that shows CEA, as practiced under project-based EIA, consistently fails to address the cumulative biophysical or socio-economic effects of development activities. This is because project-based EIA constrains CEA to a narrow, reactive spatial and temporal scope that is often divorced from broader scale ecological processes, synergistic effects of multiple projects, and the socio-political context for decision-making. For example, a project-based EIA in the Ring of Fire cannot address the downstream impacts on aquatics systems or First Nations communities in Mushkegowuk's traditional territory or the range level impacts on caribou. In general, experience demonstrates that project-based EIA will be better equipped to consider cumulative effects when they are carried out in the context of regional and strategic environmental assessments (<http://www.seataskteam.net/>). In the Ring of Fire in particular, the absence of attention to sustainability and legacy effects of non-renewable resource exploitation pose significant risk to ecological systems and First Nations because of the limitations of CEA under project-based EIA.
2. **Ontario's current policy commitments to conserving woodland caribou.** Given the scale at which caribou conservation needs to be considered (a typical caribou population can use areas of 30,000 km<sup>2</sup>

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<sup>1</sup> Ontario's Far North Science Advisory Panel. 2010. Science for a Changing Far North. Ontario Ministry of Natural Resources. Available from: [www.mnr.gov.on.ca/en/Business/FarNorth/2ColumnSubPage/266512.html](http://www.mnr.gov.on.ca/en/Business/FarNorth/2ColumnSubPage/266512.html).

<sup>2</sup> Hegmann, G., C. Cocklin, R. Creasey, S. Dupuis, A. Kennedy, L. Kingsley, W. Ross, H. Spaling, and D. Stalker. 1999. Cumulative Effects Assessment Practitioners Guide. Prepared by AXYS Environmental Consulting Ltd. and the CEA Working Group for the Canadian Environmental Assessment Agency, Hull, Quebec.

<sup>3</sup> The Canadian Environmental Assessment Act (CEAA) 2012 requires consideration of cumulative effects for "designated projects" and does not cover many smaller projects that may have overall cumulative impact on the receiving environment or communities and reduced scope. CEA is not **explicitly** required under Ontario's Environmental Assessment Act (EAA).

or more) and the current development plans for the Far North, particularly in the Ring of Fire, caribou conservation inherently requires a regional approach that can consider intensity, pace, and configuration of disturbance within and across ranges. In addition, caribou conservation requires a planning approach that considers cumulative effects related to new linear features such as infrastructure, and climate change. MNR cannot rely on community based land use plans and project-based EIA to conserve ranges, particularly given the scale and locations of protected areas identified in public community land use plans to date. In addition, planning under MNR's process cannot address the rate and intensity of development or address limits on development given levels of disturbance from natural and anthropogenic sources. It remains to be seen how the interconnected patchwork of protected areas and development zones emerging from community based planning will support range management of caribou in the Far North. It is our opinion that the Far North Land Use Strategy must provide an overarching process that explicitly considers caribou conservation at the range scale and enables the range management approach that is mandated in both the Caribou Conservation Plan and the province's obligation to effectively protect boreal caribou critical habitat (as per the 2012 federal recovery strategy).

3. **Ontario's commitment to conserving lake sturgeon.** The Committee on the Status of Species at Risk in Ontario assessed the Far North population as a species of *special concern*, a status that is recognized in Ontario's *Recovery Strategy for Lake Sturgeon*, released in 2012. Hydro-electric development is a major known threat to lake sturgeon populations; dams and related facilities impede migrations to spawning areas, fragment habitat, and mobilize contaminants, such as mercury, into aquatic systems, with negative impacts on reproductive success. Strategies to mitigate such impacts have had minimal effectiveness to date. Yet, Ontario's total renewable energy supply, and the province's *Long Term Energy Plan* indicates that more hydro-electric power capacity will be added to Ontario's electricity system in the next eight years than the total added over the previous 40 years, including small-scale projects. Planning for new transmission to support mining (with a possible opportunity to connect remote First Nations communities) starts with the identification of zones that permit such land uses in the community based land use plans, but decisions on locations, rate and intensity of development and associated infrastructure do not come into play until later. This underscores the importance of an overarching strategy, at a regional scale, to guide the development of the infrastructure footprint as it relates to valued ecosystem components such as lake sturgeon. Currently, only the two threatened lake sturgeon designatable units in southern Ontario receive explicit obligations from MNR to manage protection under the ESA, but management of special concern units still carries with it provincial obligations to prevent them from becoming endangered or threatened. The Far North Land Use strategy should address conservation planning for freshwater aquatic systems and acknowledge the intact and ecologically sensitive nature of northern river systems as well as commitments to First Nations on hydro-electric development in Ontario's Far North.
4. **Climate change adaptation and mitigation.** Both the Far North Science Advisory Panel Report and Ontario's *Climate Ready: Ontario's Adaptation Strategy and Action Plan* highlight the importance of climate change in Ontario's Far North, including impacts on both the ecological systems and First Nations that are occurring today<sup>4</sup>. They both also highlight scenarios for the future. *Climate Ready* identifies the Far North Land Use Strategy as Ontario's Action for addressing climate change. Finally,

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<sup>4</sup> The impact of climate change on northern economies is significant (see Bristow, M. and V. Gill. 2011. Northern Assets: Transportation Infrastructure in Remote Communities. Conference Board of Canada. Report 12-139, Ottawa).

Ontario's *Far North Act* includes an objective specifically focused on the storage and sequestration of carbon as a strategic action in the government's plan to address climate change. Yet, in practice, it is not clear to the public how MNR is addressing climate change in environmental planning and climate change is not considered in project-based EIA decision-making, particularly as it affects infrastructure and drives cumulative effects. Given that development and infrastructure is being planned in world class peatlands and wetlands, attention to carbon, green house gas accounting, and wetland and peatland protection are vital components of addressing climate change in the Far North. We encourage MNR to ensure that climate change is explicitly addressed in the Far North Land Use Strategy.

5. **Monitoring.** Ontario's Far North Science Advisory Panel urged Ontario to establish long-term, securely-funded monitoring programs coordinated between ministries, governments and researchers, and advised that these monitoring programs should formally report to the Legislature on the "State of the Far North" every five years. There is no sign of any intention for this to happen. In fact, Ontario and MNR has had limited engagement on sampling in the Far North on broad scale monitoring for freshwater fish and the recent sunseting of Ontario's initial investment in Far North science having recently ended, makes the province's intention with respect to continuing (and expanding) this necessary work unclear. In addition, MNR and MOE lack tools that consider cumulative effects and climate change in their decision-making which are critical issues for an intact landscape where decision-making is already spread across various ministries with different mandates. Finally, MNR has no commitment to protected area planning<sup>5</sup> beyond what emerges from community based land use planning to "offset" impacts of development and climate change. We reiterate the need for a commitment to monitoring, supporting the Environmental Commissioner of Ontario's recommendation that "*MOE, MNR and MNDM make a statutory commitment to long-term environmental monitoring for the Far North, including the Ring of Fire*" (ECO 2012: 72)<sup>6</sup>. The Far North Land Use Strategy must address the need for scientific baseline research and monitoring explicitly, while finding better processes for considering traditional knowledge and supporting First Nations understanding of change on the land.

Finally, **how** MNR creates planning processes in Ontario's Far North is critical. Some communities are pursuing community based land use planning following Ontario's terms, but capacity remains a significant issue for First Nations participation and engagement in both land use planning and environmental planning processes. First Nations also invoke international human rights standards such as the United Nations Declaration on the Rights of Indigenous People (UNDRIP) and their constitutionally protected aboriginal and treaty rights to insist that they are necessary participants and partners in determining the future of Ontario's Far North. The capacity for First Nations to participate in community based land use planning, regional planning, and project-based EIA are significant concerns for equitable and informed decision-making about the future and sustainability of the Far North. Ontario's approach must also address regional scale issues that affect First Nations including infrastructure planning, cumulative effects, capacity within communities and across ministries, overlap issues, and sustainability for First Nation livelihoods given the typical boom-bust cycles being promoted with industrial models of development whether mining or forestry. We suggest that to address sustainability of the environment and, ultimately, the people that depend on it, Ontario will need to establish the Far North Regional

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<sup>5</sup> There are models for protection being promoted by some First Nations (e.g., Kitchenuhmaykoosib Inninuwug First Nation's water declaration) that could provide alternative approaches to protection and recognize Indigenous governance (<http://www.iccaconsortium.org/>).

<sup>6</sup> Environmental Commissioner of Ontario (ECO). 2013. Serving the Public, ECO Annual Report 2012-13. Environmental Commissioner of Ontario, Toronto, ON.

Land Use Strategy as a planning and visioning exercise that engages all First Nations, enables timely participation by interested stakeholders, and ensures independent scientific evaluations of alternate future scenarios for Ontario's Far North in light of legacy effects of mining, hydro-electric development, and climate change.

We look forward to being engaged with MNR on the Far North Land Use Strategy on any of the topics we have mentioned above. We also welcome the opportunity to discuss ways in which we may contribute to a positive planning process and product. Please contact Cheryl Chetkiewicz ([cchetkiewicz@wcs.org](mailto:cchetkiewicz@wcs.org) or 807-472-1440) if you require further clarification of our comments.

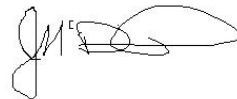
Sincerely yours,



Cheryl Chetkiewicz, PhD



Justina Ray, PhD



Jenni McDermid, PhD

cc: Gord Miller, ECO

## Appendix 1. Information about WCS Canada

WCS Canada ([www.wcscanada.org](http://www.wcscanada.org)) was established in May 2004 as a Canadian non-government organization with a mission to conserve wildlife and wildlands by improving our understanding of and seeking solutions to critical problems that threaten key species and large wild ecosystems throughout Canada. WCS Canada generates knowledge through research and tools for conservation of the northern boreal's fish and wildlife species and ecosystems and the services they support. WCS Canada provides this information to Government and First Nations decision-makers to create policies and governance systems that support conservation, sustainable use of biological resources, and best practices for industrial development.

Dr. Cheryl Chetkiewicz is an Associate Conservation Scientist hired to support broad scale and community based conservation planning in the Far North, specifically wildlife research and monitoring and developing cumulative effects landscape models for northern Ontario.

Dr. Justina Ray is Executive Director and Senior Scientist and has been engaged in field research in northern Ontario. She is one of the few biologists to spend significant time in this remote region over the last decade, with a specific focus on wolverine and caribou. Dr. Ray serves on MNR's Provincial Caribou Technical Committee and the Ontario Wolverine Recovery team and was a member of the MNR's Far North Science Advisory Panel.

Dr. Jenni McDermid is a Fish Conservation Research Scientist conducting research to address impacts of increased access, mining activities, hydro-electric development, and climate change on freshwater fish.