

406 East Victoria Avenue, Thunder Bay, Ontario, Canada, P7C 1A5

Phone: (807) 623-4635 Fax: (807) 623-9331

[rsmin@tbaytel.net](mailto:rsmin@tbaytel.net) [www.rsmin.ca](http://www.rsmin.ca)

# Crown Forest Sustainability Act and Endangered Species Act Integration

The MNRF is proposing an integration of the Crown Forest Sustainability Act and the Endangered Species Act. The proposed integration materials were presented to Red Sky Métis Independent Nation TM and other Indigenous stakeholders on August 2nd, 2017. The following is a summary of the Working Drafts of the “Forest Management Guide for Species at Risk and Their Habitats – all 28 species” and “Forest Management Guide for Species at Risk and Their Habitats Background and Rationale for Direction” as well as the information presented on August 2nd, 2017. If you have concerns about the information presented please contact Red Sky Métis Independent Nation.

**Clarifications**

**RSMIN** – Red Sky Métis Independent Nation

**VCC** – Valued Community Components means the cumulative collection of Traditional Knowledge, and collective community consultation interests and concerns.

**CFSA** – Crown Forest Sustainability Act

**ESA** – Endangered Species Act

**SAR** – Species at Risk

**FMU** – Forest Management Unit

**AOC** – Area of Concern refers to an environmentally sensitive area; in this case containing a SAR

**Value** – A group or individual of a SAR and its associated habitat

**Endangered Species Act Section 9:** Section 9 of the Endangered Species Act is found under “Protection and Recovery of Species” and applies to the Prohibition on killing etc. In summation, the section states that “No person shall, kill, harm, harass, capture or take a living member of a species that is listed on the Species at Risk in Ontario List” \*\*

**Endangered Species Act Section 10**: Section 10 of the Endangered Species Act is found under the “Protection and Recovery of Species” and applies to the “Prohibition on damage to Habitat etc. In summation, the section states that “No person shall damage or destroy the habitat of, a species that is listed on the Species at Risk in Ontario List as an endangered or threatened species.” \*\*

\*\*This does not apply to Indigenous peoples exercising their treaty rites.

**Introduction**

The proposed integration of the CFSA and the ESA is in response to the upcoming expiration of the Forestry “Exemption” for working around threatened or endangered species. As of June 30th, 2018, Forestry will no longer be exempt from rules and regulations surrounding endangered species. To prepare for the end of the exemption the MNRF has proposed the integration of the CFSA and ESA. The MNRF has created two Working Drafts that outline how the Crown Forest Sustainability Act and Endangered Species Act will be integrated. This integration will create species specific prescriptions for how to conduct Forestry Operations in the presence of Endangered Species and Species at Risk. These prescriptions will then become part of the Forest Management Guide.

Having these prescriptions in the Forest Management Guide will allow Forestry Groups to place these prescriptions into their Forest Management Plans instead of applying for specific permits.

The specific prescriptions that were included are this proposed integration were created because it is believed that the Stand and Site Guide did not fully address the needs of the Species at Risk.

All proposed prescriptions would become mandatory if adopted, except in extraordinary circumstances that must be justified when creating a new Forest Management Plan. Traditional knowledge may be used to adjust the dates of emergence, hibernation, active seasons etc. for the species.

**Species with Proposed Prescriptions**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Mammals** | **Plants and Lichen** | **Birds** | **Snakes** | **Turtles** | **Insects** |
| Woodland Caribou | American Ginseng | Bank Swallow | Eastern Fox Snake | Blanding’s Turtle | Bogbean Moth |
| Cougar | Butternut | Barn Swallow | Eastern Hog nosed snake | Spotted Turtle |  |
| Wolverine | Ogden’s Pondweed | Cernulean Warbler | Massasauga | Wood Turtle |  |
| Gray Fox | Pale-bellied Frost Lichen | Chimney Swift | Gray Rat Snake |  |  |
| Algonquin Wolf | Small flowered lipocarpha | Eastern whip-poor-will |  |  |  |
| Northern Myotis | Lowland toothcup | Kirtland’s Warbler |  |  |  |
| Eastern Small Footed Myotis | Branched bartonia | Least Bittern |  |  |  |
| Little Brown Myotis | Small white lady’s slippers |  |  |  |  |
| Tri-coloured Bat | Eastern Prairie Fringe Orchid |  |  |  |  |

Forest management operations have generally not been found to contribute the decline of fish or mussels that are endangered or threatened. Thus, the general direction laid out in the Stand and Site Guide for maintaining suitability of aquatic and wetland habitats is considered sufficient and no species-specific direction is prescribed. However, the Stand and Site Guide dictates that the highest level of protection will be given to aquatic features that contain fish and/or mussels that are species at risk, as they are considered to have potentially high sensitivity to forest management operations. This includes species listed as at risk both provincially (under the ESA) and federally (under the Species at Risk Act (S.C. 2002, c. 29) (SARA)). In addition to the direction in the Stand and Site Guide, all operations around water are guided by the MNR/DFO Fish Habitat Referral Protocol for Ontario (2009) and must adhere to the Fisheries Act (R.S.C., 1985, c. F-14).

**Species Prescription Options**

When formulating the prescriptions for the specific species the MNRF separated the prescriptions into three categories. First is the Avoidance Option, which involves avoiding the value and AOC. This means that Forestry Operations will not interfere with a group or individual of a SAR or with the habitat surrounding that comprising the AOC. This directly follows sections 9 and 10 of the Endangered Species Act. The second option is the Overall Benefit Option, which may involve working with the AOC or removing an individual of a SAR but leaving the species as a whole better off. This could involve removing a single tree that is considered endangered to create a road but then planting 20 seedlings of that species elsewhere to leave the species in a better place. The third option is the Minimizing Adverse Effects Option which involves doing as little harm to a SAR as possible. In circumstances where following the Avoidance or Overall Benefit options are not possible while conducting Forestry Operations, Minimizing Adverse Effects aims to do as little damage possible in the AOC and to the SAR. Each of the species may not have all three types of prescriptions but most species have two prescription options.

**Species found within the Robinson Superior Treaty**

While all species listed in the CFSA and ESA integration draft documents are found in Ontario, only 13 of the species are found within the Robinson Superior Treaty. The species include Woodland Caribou, Wolverine, Gray Fox, Cougar, Wood Turtle, Little Brown Myotis, Eastern Small-footed Myotis, Northern Myotis, Eastern whip-poor-will, Least Bittern, Chimney Swift, Barn Swallow and Bank Swallow.

Of all the proposed species specific prescriptions in the integration the Caribou Prescription Options would have the greatest impact on the Red Sky Métis Independent Nation Community. The MNRF is proposing two types of Caribou prescriptions: An Avoidance Option and a Minimizing Adverse Effects Option. One of these two options would need to be applied in any Forest Management Unit that overlaps with the 7 Caribou management ranges. These Caribou management ranges have been placed where caribou are currently found, across Northern Ontario from Manitoba to Quebec in ranges that are south of the Area of the Under Taking (refer to Figure 1. Below).

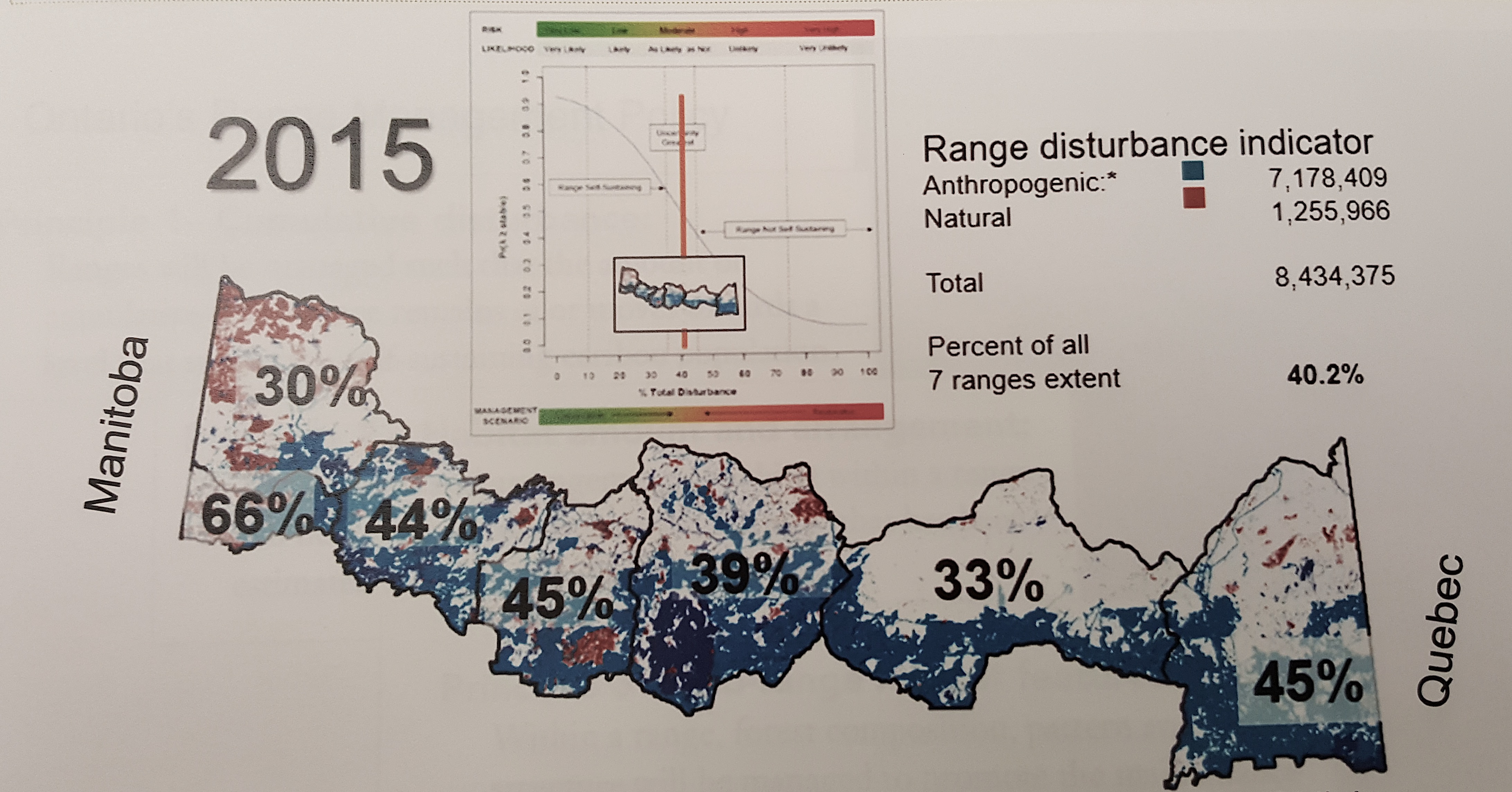
The proposed Avoidance prescription involves limiting the disturbance level of each range to 35% total disturbance. The total amount of disturbance in a range is calculated by combining all of the natural and anthropogenic disturbance in a range. Natural disturbance is classified as something that occur in the nature for example fire or flooding. Anthropogenic disturbance is classified as “man-made” disturbances, such a forestry operations and road construction. Since the total disturbance is limited to 35%, Forestry operations can only be conducted in ranges with disturbances less than 35% and operations would additionally be limited to category 3 caribou habitat. Category 3 habitat are areas within the range that support caribou populations indirectly. This habitat maintains the overall refuge function within the caribou range. Category 3 habitat generally has similar forest composition and biophysical features to seasonal ranges but are currently young or disturbed (<40 years old). Additionally, they are generally not occupied by caribou for long period of time. When designing the prescription, it was determined that an area is considered to be disturbed if it is younger than 36 years old. The range was determined to be disturbed at an age younger than 36 years based on the category 3 habitat description and the Dynamic Caribou Habitat Schedule. The proposed avoidance prescription also stipulates that regardless of the range level disturbance, no harvesting in category 1 or 2 habitat could occur, no new permanent disturbance could be created, and forestry operation would not allow activities that may cause sensory disturbance. The final requirements for the proposed avoidance prescription are that operations must implement silviculture that ensures conifers are regenerated as soon as possible in cases where harvesting is allowed and that no forest cover is removed when habitat amounts are below the natural range variation. If a FMU were to choose to incorporate the proposed avoidance prescription into their Forest Management Plan they would not require ESA authorization to immediately implement the prescription.

Figure 1. This image was taken from the CFSA-ESA Integration, Caribou Prescription Options, Regional Indigenous Information Sessions, August 2017. This figure displays the 7 separate Caribou ranges in Ontario and the total level of disturbance within each range. The total disturbance is a combination of the total amounts of both natural and anthropogenic disturbance. The graph above the range diagram represents the about of disturbance and its relationship to the sustainability of a caribou population.

The proposed Minimizing Adverse Effects prescription is also known as the Integrated Caribou prescription option. The Minimizing Adverse Effects prescription involves achieving time-based disturbance milestones to manage for range level disturbance. The MNRF will develop and deliver disturbance milestones to planning teams if this integration of the CFSA-ESA is adopted. These milestones will be mandatory directions with specific achievable time-related targets and will demonstrate progress toward the objective of self-sustaining caribou ranges. Milestones will be delivered and implemented in the earliest phases of the strategic planning phase of a forest management plan in order to minimize plan amendments. The milestones would consider things such as risk to caribou habitat, socio-economic impacts, legal and policy risks and the ecological potential of the landscape. In addition to creating and implementing milestones the proposed Minimizing Adverse Effects prescription would also have Forest Management Plans show how disturbance would decrease over the remaining period of the plan, where possible. This would in the place until milestones are delivered at the mid plan check in or at the plan renewal. This work would be part of the plan to address disturbance, prior to milestones.

The Minimizing Adverse Effects prescription itself is a combination of several components that will have to be integrated into Forest Management Plans as they are renewed. The major components of the prescription are Range Disturbance, Simulated Range of Natural Variances for the Boreal Landscape Guide in the Caribou Regional Forest Units, General Habitat Description of Category 1 habitat, Permanent Disturbance and Silviculture. The component of Range Disturbance is comprised of Range Disturbance Prior to delivery of Milestones and Range Disturbance Upon the delivery of milestones. In order for Forestry Operations to meet the component of range disturbance the mandatory achievement of time-based disturbance milestones must be reached. Prior to the delivery of milestones, a phased approach will be required to take action or demonstrate a decrease in range disturbance until the end of the plan term or the mid-plan check. Once the milestones have been created for a Forest Management Plan they are considered to be delivered and upon their delivery milestones become mandatory time-based disturbance achievements. The component of the Simulated Range of Natural Variations for the Boreal Landscape Guide for Caribou Regional Forest Units are mandatory achievements of caribou Simulated Range of Natural Variation. To meet the component of the General Habitat Description of category 1 habitat, all forestry operations must avoid harvesting the all category 1 habitat for the 10-year term of the forest management plan. Under the Minimizing Adverse Effects prescriptions any new permanent disturbance must be offset by maintaining or creating additional habitat. Finally, the silvicultural practices must add rigour to the current direction of more closely emulating natural disturbances.

The proposed Caribou prescription options would have the greatest impact on the Robinson Superior Treaty Area and the community member of RSMIN, compared to any of the other proposes prescriptions for species in Northern Ontario. If the CFSA and ESA Integration was adopted by the MNRF, it has the potential to impact Traditional RSMIN Economic Activity, access to Country Foods and Medicinal Plants and Current and Potential Future RSMIN Traditional Land-Use. The Robin Superior Treaty area overlaps with two of the Caribou Management Ranges; the Nipigon and Brightsand ranges. The Robinson Superior Treaty also over laps with the Discontinuous Distribution range of caribou, which is an area that spans between Nipigon and Wawa and goes North from Lake Superior until it reaches the Nipigon and Pagwachuan Caribou ranges. The Discontinuous Distribution range would not have the same Caribou prescription options applied to it but it would use large landscape patches to create and ensure connectivity between the Lake Superior and Continuous Distribution Caribou populations. Given the overlap between the ranges and the discontinuous distribution the proposed prescriptions will have a large impact on forestry operations in the treaty area. The Nipigon range was at 39% total disturbance and the Brightsand range was at 45% total disturbance as of 2015. This means that all forestry operations would have to stop in these ranges until the total disturbance is under 35% total disturbance and harvesting could only occur in areas that are considered category 3 habitat; which is less than 40 years old. This limitation would have major impacts on community members in the forest industry. If the FMUs in the treaty area chose to work with the Minimizing Adverse Effects option they would still be limited by milestones set by the MNRF at the time of their Forest Management Plan renewal. The parameters of both the proposed Avoidance and Minimizing Adverse Effects Options could also change community members access to Country Foods and Medicinal Plants by creating large landscape patches for Caribou. The Current and Potential Future RSMIN Traditional Land Use of the community may also be affected depending on where the landscape patches are distributed in the Discontinuous Distribution range and how the range will be regulated.

While attending the Regional Indigenous Information Session for this integration on August 2nd, 2017 several other communities expressed concern about these proposed prescriptions would affect their communities. Many community members and leaders even expressed that caribou hadn’t been seen in their community for decades and that they did not want the burden of this high-level management. Many of the community members that attended the information session were from areas within the Caribou Ranges and informed the MNRF that their communities would experience a great economic loss if these restrictions were added to their Forest Management Plans.

The additional 12 species that can be found within Northern Ontario are not expected to have as great of an impact on Traditional RSMIN Economic Activity, access to Country Foods and Medicinal Plants and Current and Potential Future RSMIN Traditional Land-Use, as the caribou prescriptions. The proposed prescriptions do not impact large geographic areas and apply only in circumstances where individuals of the SAR are found before or during Forestry Operations. The following tables contain brief summaries of the 12 SAR that can be found in North Western Ontario. For full details on the species-specific prescriptions and their background and rationale please refer to the Working Drafts for both the “Forest Management Guide for Species at Risk and Their Habitats – all 28 species” and “Forest Management Guide for Species at Risk and Their Habitats Background and Rationale for Direction”.

|  |  |
| --- | --- |
| **Avoidance Prescription for the Wood Turtle** | |
| **Description of Value** | Wood turtle feeding, thermoregulation, and movement habitat:  Suitable aquatic habitat (SAH) within 6 km of reliable observations of wood turtles reported within the past 40 years and the area within 500 m comprise the AOC.  The AOC is divided into 3 zones:  Zone A consists of SAH and the area within 30 m.  Zone B consists of the area within 31 to 250 m of SAH.  Zone C consists of the area within 251 to 500 m of SAH. |
| **Harvest, Tending and Renewal Operations** | Harvest, renewal, and tending operations are not permitted within Zone A.  Harvest, renewal, and tending operations are permitted within Zone B and Zone C subject to timing restrictions.  Application of herbicides is not permitted, except for ground-based hand application.  Heavy equipment is not permitted in zones 2 and 3 during terrestrial periods. |
| **Forestry Aggregate Pits** | New forestry aggregate pits are permitted within the AOC if new forestry aggregate pits are not permitted within Zone A or Zone B and forestry aggregate pits in Zone C avoid high use wood turtle habitat. |
| **Roads** | New branch or primary roads are not permitted within the AOC.  New landings are permitted within the AOC subject to meeting certain conditions.  New operational roads and associated landings are permitted within the AOC but new operational roads are not permitted within Zone A or Zone B and new operational roads in Zone C will have restrictions. |

|  |  |
| --- | --- |
| **Overall Benefit Prescription for the Wood Turtle** | |
| **Description of Value** | Wood turtle feeding, thermoregulation, and movement habitat:  Suitable aquatic habitat (SAH) within 6 km of reliable observations of wood turtles reported within the past 40 years and the area within 500 m comprise the AOC.  The AOC is divided into 4 zones:  Zone A consists of SAH within 2000 m of reliable observations of wood turtles within the past 40 years and the area within 30 m.  Zone B consists of the area within 31 to 250 m of SAH described in Zone A.  Zone C consists of the area within 251 to 500 m of SAH described in Zone A.  Zone D consists of SAH within 2001 to 6000 m of reliable observations of wood turtles within the past 40 years and the area within 500 m. |
| **Harvest, Tending and Renewal Operations** | Harvest, renewal, and tending operations are not permitted within Zone A.  Harvest, renewal, and tending operations are permitted within Zone B and Zone C subject to timing restrictions.  Aerial and machine-based ground application of herbicides is not permitted within 120 m of SAH.  Heavy equipment is not permitted in zones 2 and 3 during terrestrial periods. |
| **Forestry Aggregate Pits** | New forestry aggregate pits are permitted within the AOC subject to conditions that work to protect the wood turtle. |
| **Roads** | New primary and branch roads are permitted in the AOC subject to conditions that work to protect the wood turtle. |

|  |  |
| --- | --- |
| **Avoidance Prescription for Northern Myotis, Eastern Small-Footed Myotis and Little Brown Myotis** | |
| **Description of Value** | Hibernation sites used by threatened or endangered bats.  Hibernation sites known or suspected 1 to have been used by threatened or endangered bats at least once within the past 20 years and the area within 400 m comprise the AOC.  Maternity roost sites occupied by threatened or endangered bats  Trees or other natural features known to be occupied by roosting female bats with pups that belong to threatened or endangered species and the area within 45 m comprise the AOC. |
| **Harvest, Tending and Renewal Operations** | Harvest, renewal and tending operations are permitted within the AOC subject to timing restrictions. |
| **Forestry Aggregate Pits** | New forestry aggregate pits are not permitted within 200 m of hibernation sites.  Operations associated with forestry aggregate pits are not permitted within the AOC during the hibernation period.  Operations associated with existing forestry aggregate pits are permitted within the AOC maternity roost; construction of new forestry aggregate pits is not permitted from June 1 to July 31. |
| **Roads** | New roads and landings are not permitted within 200 m of hibernation sites.  Operations associated with existing roads and landings are permitted; construction of roads and landings is not permitted during the hibernation, fall swarming, or spring emergence periods.  Operations associated with existing roads and landings are permitted within the AOC of maternity roosts; construction of new roads and landings is not permitted from June 1 to July 31 in the year(s) roost sites are known to be occupied. |

|  |  |
| --- | --- |
| **Avoidance Prescription for Cougar** | |
| **Description of Value** | Occupied cougar den sites:  Den sites known or suspected to be occupied by cougars and the area with 200 m comprise the AOC. |
| **Harvest, Tending and Renewal Operations** | Harvest, renewal, and tending operations are not permitted within 20 m of the den entrance.  Harvest, renewal, and tending operations are not permitted within the AOC during the denning period. |
| **Roads** | New roads and landings are not permitted within 20 m of the den entrance.  Construction of new roads and landings is not permitted within the AOC during the denning period. |
| **Forestry Aggregate Pits** | New forestry aggregate pits are permitted within the AOC subject restrictions and that new forestry aggregate pits are not permitted within 20 m of the den entrance. |

|  |  |
| --- | --- |
| **Avoidance Prescription for Gray Fox** | |
| **Description of Value** | Occupied gray fox den sites:  Den sites known or suspected to be occupied by gray foxes and the area with 100 m comprise the AOC. |
| **Harvest, Tending and Renewal Operations** | Harvest, renewal, and tending operations are not permitted within 20 m of the den entrance.  Harvest, renewal, and tending operations are not permitted within the AOC during the denning period. |
| **Roads** | New roads and landings are permitted within the AOC subject to restriction and that new roads and landings are not permitted within 20 m of the den entrance. |
| **Forestry Aggregate Pits** | New forestry aggregate pits are permitted within the AOC subject to restrictions and that new forestry aggregate pits are not permitted within 20 m of the den entrance. |

|  |  |
| --- | --- |
| **Avoidance Prescription for Wolverine** | |
| **Description of Value** | Wolverine den sites:  Natal or maternal dens known to have been occupied by wolverines within the past 10 years (unless documented as unoccupied for ≥3 consecutive years) and the area within 4 km comprise the AOC. |
| **Harvest, Tending and Renewal Operations**  **Forestry Aggregate Pits** | Normally prohibit harvest, renewal, and tending operations, road construction, and aggregate extraction within the AOC. However, some operations may be permitted to meet ecological, social, or economic objectives. |
| **Roads** | Reasonable efforts will be made to incorporate the AOC into a large block of unharvested and un-roaded forest.  Include a Use Management Strategy for existing roads that will provide locally-appropriate measures to minimize road-associated impacts on wolverines. This may include access controls while roads are in use and a decommissioning plan for roads following use |

|  |  |
| --- | --- |
| **Avoidance Prescription for Bank Swallow** | |
| **Description of Value** | Bank swallow nest sites:  Natural or artificial bank/pit faces containing burrows, or structurally supporting burrows, that are known or suspected 1 to have been occupied by breeding bank  Swallows within the past 10 years for natural sites or 3 years for artificial sites and the area within 50 m comprise the AOC.  Pit faces that are suitable for nesting are vertical (≥ 70 degrees), at least 2 to 3 m tall, and composed of recently exposed fine sands, silt, loose clay, or other erodible substrates. |
| **Harvest, Tending and Renewal Operations** | Harvest, renewal, and tending operations are not permitted within 10m (low impact operations), 25m (moderate impact operation), or 50m (high impact operations) of occupied burrows during the critical breeding period. |
| **Roads** | New roads are permitted New roads (and water crossings) are not permitted within the AOC associated with riverine nest sites. |
| **Forestry Aggregate Pits** | Operations associated with forestry aggregate pits are not permitted within 10m (low impact operations), 25 m (moderate impact operations), or 50 m (high impact operations) of occupied burrows during the critical breeding period |

|  |  |
| --- | --- |
| **Avoidance Prescription for Barn Swallow** | |
| **Description of Value** | Barn swallow nest sites:  Nest structures known or suspected 1 to be or have been occupied by barn swallows and the area within 5 m comprise the AOC. |
| **Harvest, Tending and Renewal Operations** | Harvest, renewal, and tending operations are not permitted within the AOC. |
| **Roads** | Operations that damage nests or alter the supporting structure (e.g., bridge or culvert) to the extent that nests are no longer suitable for breeding are not permitted within the AOC.  Operations associated with roads are not permitted within the AOC during the critical breeding period. |
| **Forestry Aggregate Pits** | Not applicable. |

|  |  |
| --- | --- |
| **Overall Benefit Prescription for Barn Swallow** | |
| **Description of Value** | Barn swallow nest sites:  Nest structures known or suspected 1 to be or have been occupied by barn swallows and the area within 5 m comprise the AOC. |
| **Harvest, Tending and Renewal Operations** | Harvest, renewal, and tending operations are not permitted within the AOC. |
| **Roads** | Operations that remove, damage, or destroy nests or alter the supporting structure (e.g., bridge or culvert) to the extent that nests and/or supporting structures are no longer suitable for breeding are not permitted unless the overall benefit actions are conducted. |
| **Forestry Aggregate Pits** | Not applicable. |

|  |  |
| --- | --- |
| **Avoidance Prescription for Cerulean Warbler** | |
| **Description of Value** | Cerulean warbler breeding habitat:  Suitable habitat within 250 m of observations of breeding cerulean warblers reported within the past 30 years comprises the AOC.  Suitable habitat to be delineated by MNRF typically includes dense (i.e., ≥ 20 m 2 /ha basal area and/or ≥ 70% canopy closure) mature tolerant hardwood forest. |
| **Harvest, Tending and Renewal Operations** | Harvest, renewal, and tending operations are not permitted within the inner 125 m of the AOC.  Harvest, renewal and tending operations are not permitted within the AOC during the critical breeding period. |
| **Roads** | New branch or primary roads or associated landings are not permitted within the AOC.  Operations associated with existing branch or primary roads or associated landings are not permitted within the AOC during the critical breeding period. |
| **Forestry Aggregate Pits** | New forestry aggregate pits are not permitted within the AOC.  Operations associated with existing forestry aggregate pits are not permitted within the AOC during the critical breeding period. |

|  |  |
| --- | --- |
| **Avoidance Prescription for Chimney Swift** | |
| **Description of Value** | Natural chimney swift nest and roost sites:  Trees with suitable nest/roost cavities known or suspected 1 to be or have been occupied by nesting or roosting swifts and the area within 30 m comprise the AOC. |
| **Harvest, Tending and Renewal Operations** | Harvest, renewal, and tending operations involving heavy equipment or that might otherwise adversely affect nest/roost trees or the amount of vertical or lateral cover are not permitted within the AOC. Other operations are permitted subject to timing restrictions. |
| **Roads** | New roads and landings are not permitted within the AOC.  Operations associated with existing roads or landings are not permitted within 5m (low impact operations), 15m (moderate impact operations), or 30m (high impact operations) of occupied nests/roosts during the critical breeding/roosting period. |
| **Forestry Aggregate Pits** | New forestry aggregate pits are not permitted within the AOC.  Operations associated with existing forestry aggregate pits are not permitted within 5m (low impact operations), 15m (moderate impact operations), or 30m (high impact operations) of occupied nests/roosts, respectively, during the critical breeding/roosting period. |

|  |  |
| --- | --- |
| **Avoidance Prescription for Eastern Whip-poor-will** | |
| **Description of Value** | Eastern whip-poor-will breeding habitat  A 30ha patch of suitable habitat associated with a breeding pair of eastern whip poor-wills, based on reliable observations reported within the past 10 years 1 comprises the AOC.  The AOC, to be delineated by MNRF, may be a circle or irregular polygon that encompasses observations of breeding activity and captures a mosaic of habitats suitable for nesting (e.g., upland forest with dense tree cover adjacent to open areas), foraging (e.g., open areas or forests with sparse tree cover), and/or both nesting and foraging (e.g., upland forests with moderate tree cover). |
| **Harvest, Tending and Renewal Operations** | Harvest, renewal, and tending operations are permitted within the AOC subject to timing restrictions. |
| **Roads** | New primary roads are not permitted within AOC; branch (and operational) roads are permitted within the AOC.  Construction of new roads or landings is not permitted during the critical breeding period. |
| **Forestry Aggregate Pits** | New forestry aggregate pits are permitted within the AOC if constructed outside the critical breeding period. |
| **Overall Benefit Prescription for Eastern Whip-poor-will** | |
| **Description of Value** | Eastern whip-poor-will breeding habitat:  A 30ha patch of suitable habitat associated with a breeding pair of eastern whip poor-wills, based on reliable observations reported within the past 10 years 1 comprises the AOC.  The AOC, to be delineated by MNRF, may be a circle or irregular polygon that encompasses observations of breeding activity and captures a mosaic of habitats suitable for nesting (e.g., upland forest with dense tree cover adjacent to open areas), foraging (e.g., open areas or forests with sparse tree cover), and/or both nesting and foraging (e.g., upland forests with moderate tree cover). |
| **Harvest, Tending and Renewal Operations** | Harvest, renewal, and tending operations are permitted within the AOC subject to timing restrictions (see below) and the following condition: nests encountered during operations will be retained in an unharvested residual patch > 20 m in radius. |
| **Roads** | New roads (all classes) and landings are permitted within the AOC.  Operations associated with new or existing roads and landings that result in the removal of nesting cover are not permitted during the critical breeding period. |
| **Forestry Aggregate Pits** | New forestry aggregate pits are permitted within the AOC.  Operations associated with new or existing forestry aggregate pits that result in the removal of nesting cover are not permitted during the critical breeding period. |

|  |  |
| --- | --- |
| **Avoidance Prescription for Kirtland’s Warbler** | |
| **Description of Value** | Kirtland’s warbler breeding habitat:  Suitable habitat within 500 m of observations of breeding Kirtland’s warblers reported within the past 20 years comprises the AOC.  Suitable habitat to be delineated by MNRF typically includes young stands of jack pine or red pine, 1.5 to 5 m tall, with ≥ 3000 pine stems/ha, and an understory containing low sweet blueberry, bearberry, sweet fern, bracken fern, Canada mayflower, and various grasses. |
| **Harvest, Tending and Renewal Operations** | Harvest, renewal and tending operations are not permitted within the AOC unless compatible with enhancing or maintaining habitat as specifically identified and justified within the FMP AOC planning process, conducted outside the critical breeding period. |
| **Roads** | New roads are not permitted within the AOC except in extraordinary circumstances, the patch of suitable habitat associated with the AOC is > 80 ha in size, the road, including specific location, is identified and justified through FMP AOC planning process. |
| **Forestry Aggregate Pits** | New forestry aggregate pits are not permitted within the AOC. |

|  |  |
| --- | --- |
| **Avoidance Prescription for Kirtland’s Warbler** | |
| **Description of Value** | Least bittern breeding habitat:  Suitable habitat within 400 m of observations of breeding least bitterns reported within the past 20 years comprises the AOC.  Suitable habitat to be delineated by MNRF typically includes marshes and shrub swamps with tall and robust emergent herbaceous and/or woody vegetation interspersed with open water (hemi-marsh conditions). |
| **Harvest, Tending and Renewal Operations** | Harvest, renewal, and tending operations are not permitted within the AOC. |
| **Roads** | New all-weather roads are not permitted within the AOC.  New winter roads are permitted within the AOC subject to conditions deemed necessary by MNRF to avoid adverse effects. |
| **Forestry Aggregate Pits** | Not applicable. |