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*Sent via mail and online comment*

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**Re: Amendment to two regulations under the Fish and Wildlife Conservation Act, 1997 to extend and expand the Black Bear Pilot Project in parts of northern and central Ontario for an additional five years and to regulate the baiting of black bears (EBR Registry No. 012-5485).**

To whom it may concern:

We write on behalf of Ecojustice to voice concern with respect to the above-noted proposed regulatory amendments to extend and expand the Spring Black Bear Hunt Pilot Project for an additional five year period.

Ecojustice is Canada's premier non-profit organization providing free legal and scientific services to protect and restore the environment and human health. From offices at four locations across Canada, Ecojustice scientists and legal counsel work on the leading environmental issues across the country, at every level of court and government. Since forming in 1990, legal reforms and litigation supporting scientific integrity in government decisions affecting the environment have formed a core part of our work.

Our overarching concern with the proposed pilot project amendments is that they are unlikely to achieve the stated objective of reducing human-bear conflicts in northern Ontario communities. Easy access to garbage and other bear attractants, as well as scarcity in natural food availability, are key factors in human-bear interactions. For example, in 2003, the Nuisance Bear Review Committee found that over 50 per cent of the nuisance bear complaints it reviewed involved the presence of food attractants that were considered easily removable.<sup>1</sup> Research has shown that

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<sup>1</sup> Nuisance Bear Review Committee. 2003. Report and Recommendations.

increased hunting does not reduce human-bear conflicts<sup>2</sup>, and according to the conclusion of the Nuisance Bear Review Committee, the spring hunt has little to no impact on nuisance bear activity.

Given that the Ministry of Natural Resources and Forestry (MNRF) had difficulty evaluating the two-year pilot project, we also question how the MNRF will determine the five-year pilot project's success. The proposed extended pilot project purports to provide additional data with which to assess the impacts of the spring hunting season. However, to effectively evaluate the project's role in reducing human-bear conflicts, variations in natural food abundance must be measured, as well as availability of food attractants and other factors that might affect the frequency of human-bear conflicts. It is not clear whether these variables are going to be assessed in the project's evaluation to help inform long-term black bear management activities. In the face of scientific uncertainty, where there are threats to the environment – including wildlife – decision-making should err on the side of environmental protection. The approach proposed in this case does not appear to adopt the precautionary principle – in essence, the MNRF does not know the effects of two years of the spring black bear hunt and so is proposing to expand the trial. This is an uncontrolled experiment with the potential for real consequences for black bears.

While the hunt may not have a significant ecological impact on the province's black bear population, the consequences of errors can be significant. Black bear populations are vulnerable to overharvest and population dynamics are most sensitive to survival of adult females, as they reach sexual maturity late in life and have few offspring. The MNRF informed the Environmental Commissioner of Ontario that at least 32 female bears had been killed in the 2014 spring hunt.<sup>3</sup>

The pilot project is proposing to continue to only prohibit the killing of females accompanied by cubs, but because mother bears often leave their cubs in trees while searching for food, the potential is there for hunters to unknowingly kill mothers without visible cubs in the area, thereby orphaning their cubs. In its 2003 report, the Nuisance Bear Review Committee recommended that if a spring bear hunt is to be re-instated that it be a male-only harvest in order to protect the critical adult female component of the black bear population. It would appear to us that the Ministry is taking the stance that the anticipated positive economic benefits to hunters, tourist outfitters and local economies far outweigh the potentially negative risk for orphaning cubs. Given the lack of a clear and precautionary scientific basis for the proposed amendments, the adverse effects that could result for the black bear population, including in the form of orphaned cubs, are not justified from a scientific standpoint.

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<sup>2</sup> E.J. Howe, M.E. Obbard, R. Black, and L.L. Wall. Ontario Ministry of Natural Resources. 2010. Do public complaints reflect trends in human–bear conflict? *Ursus* 21(2):131–142.

<sup>3</sup> Environmental Commissioner of Ontario. 2015. *Small Things Matter: Annual Report 2014/2015. The Return of the Spring Bear Hunt.* Pgs. 134-139.

It is essential that government decision-making in environmental matters, including those pertaining to regulated harvests of wild animals, be supported and based on the best available evidence, scientific knowledge and demonstrably successful management practices.

Please do not hesitate to contact us should you have any questions or require clarification regarding these submissions.

Sincerely,



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