

DRAFT Government Response Statement
to the
Recovery Strategy for the Eastern Whip-poor-will in Ontario

1 **Eastern Whip-poor-will**

2 **Ontario Government Response Statement**

3 **Protecting and Recovering Species at Risk in Ontario**

4 Species at risk recovery is a key part of protecting Ontario's biodiversity. The
5 *Endangered Species Act, 2007* (ESA) is the Government of Ontario's legislative
6 commitment to protecting and recovering species at risk and their habitats.

7 Under the ESA, the Government of Ontario must ensure that a recovery strategy is
8 prepared for each species that is listed as endangered or threatened. A recovery
9 strategy provides science-based advice to government on what is required to achieve
10 recovery of a species.

11 Generally, within nine months after a recovery strategy is prepared, the ESA requires
12 the government to publish a statement summarizing the government's intended actions
13 and priorities in response to the recovery strategy. The response statement is the
14 government's policy response to the scientific advice provided in the recovery strategy.
15 In addition to the strategy, the government response statement considers (where
16 available) input from Indigenous communities and organizations, stakeholders, other
17 jurisdictions, and members of the public. It reflects the best available local and scientific
18 knowledge, including Traditional Ecological Knowledge where it has been shared by
19 communities and Knowledge Holders, as appropriate and may be adapted if new
20 information becomes available. In implementing the actions, in the response statement,
21 the ESA allows the government to determine what is feasible, taking into account social,
22 cultural and economic factors.

23 The [Recovery Strategy for the Eastern Whip-poor-will \(*Antrostomus vociferus*\) in](#)
24 [Ontario](#) was completed on December 5, 2019.

25 Eastern Whip-poor-will is a well-camouflaged, medium-sized bird that is about the size
26 of a robin. It is grey and brown in colour. The species is active at night (nocturnal) and
27 nests on the ground. These birds are heard more often than they are seen and can be
28 identified by the distinct "WHIP-Poor-WEEL" call for which the species is named.

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30 **Protecting and Recovering Eastern Whip-poor-will**

31 Eastern Whip-poor-will is listed as a threatened species under the ESA, which protects
32 both the bird and its habitat. The ESA prohibits harm or harassment of the species and
33 damage or destruction of its habitat without authorization. Such authorization would
34 require that conditions established by the Ontario government be met.

35 Eastern Whip-poor-will also receives protection under the *Migratory Birds Convention*
36 *Act, 1994*, which protects adults and young birds, as well as their nests and eggs in
37 Canada, and under the federal *Species at Risk Act* as a threatened species.

38 The species' breeding distribution extends from Saskatchewan to the Maritime
39 provinces in Canada south to Oklahoma and Georgia in the United States. Its wintering
40 range is found in the southern United States, Mexico and Central America and extends
41 from coastal South Carolina to Honduras and Panama in the south. The size of the
42 Canadian population has been estimated at about 120,000 birds; however, this estimate
43 is considered to have low reliability as the surveys on which it is based are not designed
44 for nocturnal birds. Canadian Eastern Whip-poor-will populations have been declining
45 over the past several decades and the species' range has also been retracting, most
46 notably in southwestern Ontario. While the species is still exhibiting signs of decline, the
47 decline is thought to have slowed in recent years. The highest Canadian concentration
48 of the species is thought to occur in Ontario where it breeds from southern Ontario to as
49 far north as the southern boreal forest.

50 The Eastern Whip-poor-will is usually associated with areas with a mix of forest and
51 open areas. Nesting habitats can include young forests or woodlands, rock or sand
52 barrens with scattered trees, savannahs, areas previously burned in forest fires, and
53 sparse plantations of coniferous trees. Nesting sites and eggs are difficult to detect and
54 rarely located, but based on limited observations, eggs are thought to be laid directly on
55 dead leaves or directly on the ground and placed in the shade of a small plant. Eastern
56 Whip-poor-will is an aerial insectivore (an animal that specializes in feeding on flying
57 insects), and its prey consists mainly of insects such as large moths and scarab beetles.
58 The species feeds close to dawn and dusk and forages in open areas such as prairies,
59 agricultural fields, wetlands and forest clear-cuts. The home range of the species can
60 vary greatly in size from 20 to 500 ha. There is some evidence that the species may
61 require a minimum forest patch size for nesting, but the size requirement has not yet
62 been determined.

63 Eastern Whip-poor-will lays a clutch of only two eggs (although it may rarely produce
64 more than one clutch a year in southern Canada), and nests on the ground which may

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65 increase vulnerability to predation by small mammals. These biological characteristics
66 may have an impact on how quickly the species is able to recover from declines.

67 The causes of the decline in Eastern Whip-poor-will are not well understood, but
68 reduced availability of insect prey and habitat loss in the species' wintering grounds are
69 thought to be high concern threats. The impacts of climate change and activities that
70 result in habitat loss and degradation in the species' breeding grounds are also of
71 significant concern. Aerial insectivores, including Eastern Whip-poor-will, have been
72 declining over several decades, suggesting changes in flying insect populations are
73 impacting bird species that rely on them for food. Although insect populations have
74 been undergoing significant declines worldwide, the exact reasons for the declines are
75 not understood. It is thought that insect populations are impacted by loss of habitat or
76 changes in habitat use (e.g., agricultural expansion and intensification), pesticides and
77 other toxins, light pollution, acid precipitation, and changes in predator communities.

78 Climate change may impact Eastern Whip-poor-will due to increased severe weather
79 events during migration, breeding and overwintering and through changes in forest fire
80 frequency, intensity and duration. Changes in climate may also impact food availability
81 by creating a mismatch between the times when the birds produce young and peak food
82 abundance. Within Ontario, agricultural expansion and intensification have resulted in
83 the loss of natural habitat and reductions in habitat diversity. They may also contribute
84 to increased pollution from nutrients and pesticides used on crops. Urban expansion
85 and energy development and mineral extraction can also result in habitat loss or
86 reduced habitat suitability. In addition, light pollution associated with urbanization may
87 also have impacts on the species and their insect prey. Activities associated with
88 agriculture, urban expansion, forestry and energy development may also lead to
89 unintentional harm to the birds, their nests, or their eggs.

90 Forest management activities may have short-term negative effects on nesting birds or
91 their breeding activities; however, forest management can also improve habitat
92 conditions for the species when undertaken in a compatible manner. In some
93 circumstances, the abandonment of agricultural land or the suppression of forest fire
94 activity can lead to the development of more mature forests that are less suitable for the
95 species. Outside of Ontario and Canada, forest harvesting and conversion of forest to
96 agricultural and urban areas, may impact the species' wintering grounds and migratory
97 routes.

98 Due to the nature and scale of the threats impacting the species, protecting and
99 recovering Eastern Whip-poor-will will require collaboration and cooperation between
100 partners and jurisdictions. Although actions to maintain or enhance habitat and to

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101 address local threats are important to begin recovery efforts for the species, they should
102 be completed in combination with broader inter-jurisdictional efforts. Mitigating threats
103 such as reduced insect prey populations and climate change will be especially
104 challenging and cannot be achieved by provincial actions alone; efforts must also be
105 undertaken in wintering habitats and along migration routes in order for the recovery of
106 the species to be successful. Given this, the province will focus on first slowing the
107 population decline, and then on supporting natural increases in the species' population
108 and distribution over a longer time period.

Government's Recovery Goal

109 The government's short-term goal for the recovery of Eastern Whip-poor-will is to slow
110 the population decline by mitigating threats and promoting suitable habitat conditions
111 over the next 10 years. The long-term goal is to support natural increases in the
112 species' abundance and distribution.
113

114 Actions

115 Protecting and recovering species at risk is a shared responsibility. No single agency or
116 organization has the knowledge, authority or financial resources to protect and recover
117 all of Ontario's species at risk. Successful recovery requires inter-governmental co-
118 operation and the involvement of many individuals, organizations and communities. In
119 developing the government response statement, the government considered what
120 actions are feasible for the government to lead directly and what actions are feasible for
121 the government to support its conservation partners to undertake.

122 Government-led Actions

123 To help protect and recover Eastern Whip-poor-will, the government will directly
124 undertake the following actions:

- 125 • Continue to protect Eastern Whip-poor-will and its habitat through the ESA.
126 Continue to implement the species-specific [habitat description for Eastern Whip-](#)
127 [poor-will](#).
- 128 • Undertake communications and outreach to increase public awareness of
129 species at risk in Ontario.
- 130 • Continue to monitor populations and mitigate threats to Eastern Whip-poor-will
131 and its habitat in provincially protected areas, where feasible and appropriate.

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- 132 • Educate other agencies and authorities involved in planning and environmental
133 assessment processes on the protection requirements under the ESA, including
134 appropriate survey techniques.
- 135 • Encourage the submission of Eastern Whip-poor-will data to Ontario's central
136 repository (Natural Heritage Information Centre, NHIC) through the [NHIC \(Rare
137 species of Ontario\) project in iNaturalist](#) or directly through the [NHIC](#).
- 138 • Continue to support conservation, agency, municipal and industry partners, and
139 Indigenous communities and organizations to undertake activities to protect and
140 recover Eastern Whip-poor-will. Support will be provided where appropriate
141 through funding, agreements, permits (including conditions) and/or advisory
142 services
- 143 • Work with partners and stakeholders to support beneficial insects in Ontario
144 through actions such as education and promoting integrated pest management
145 and best management practices.
- 146 • Continue to apply provincial direction for Crown forestry practices in areas
147 occupied by Whip-poor-will.
- 148 • As indicated in Ontario's [Made-in-Ontario Environment Plan](#), commit to lowering
149 greenhouse gas emissions to 30 per cent below 2005 levels by 2030 and
150 regularly report on progress.
- 151 • Conduct a review of progress toward the protection and recovery of Eastern
152 Whip-poor-will within five years of the publication of this document.

153 **Government-supported Actions**

154 The government endorses the following actions as being necessary for the protection
155 and recovery of Eastern Whip-poor-will. Actions identified as "high" may be given
156 priority consideration for funding under the Species at Risk Stewardship Program.
157 Where reasonable, the government will also consider the priority assigned to these
158 actions when reviewing and issuing authorizations under the ESA. Other organizations
159 are encouraged to consider these priorities when developing projects or mitigation plans
160 related to species at risk.

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162 **Focus Area:** **Research and Monitoring**
163 Objective: Increase understanding of the threats impacting Eastern Whip-
164 poor-will as well as its ecology, habitat characteristics, and
165 population and habitat trends.

166 A comprehensive understanding of the threats impacting Eastern Whip-poor-will, both
167 within and outside of Ontario and at multiple scales, is needed to better focus protection
168 and recovery efforts. Similarly, it is important to understand the species' ecology and
169 habitat characteristics to ensure efforts are directed in a manner that provides the
170 greatest benefit to the species. Monitoring Eastern Whip-poor-will, its habitat, and
171 trends in its insect prey will help track progress and determine whether efforts to
172 maintain or enhance habitat are successful. As monitoring of Eastern Whip-poor-will is
173 complicated by its large range and nocturnal habits, use of alternative survey
174 approaches and citizen-based efforts may assist with understanding the species'
175 distribution and population trends in Ontario, particularly in remote areas of province
176 where less monitoring coverage exists.

177 **Actions:**

- 178 1. **(High)** Undertake collaborative research to investigate causes of
179 provincial declines and threats impacting Eastern Whip-poor-will in
180 Ontario. This may include evaluating:
- 181 ○ declines in insect prey populations and associated causes (e.g.,
182 effect of insect control programs and pesticides);
 - 183 ○ links between changes in insect prey availability and Eastern Whip-
184 poor-will declines;
 - 185 ○ mismatches in the timing of peak insect prey abundance and Eastern
186 Whip-poor-will migration or production of young, particularly in the
187 context of climate change; and
 - 188 ○ how specific activities may impact Eastern Whip-poor-will or its insect
189 prey (e.g., development, forest management regimes).
- 190 2. **(High)** Further refine understanding of the species' ecology and habitat
191 characteristics. Actions may include:
- 192 ○ investigating factors influencing spatial aggregation of individuals and
193 associated population dynamics;
 - 194 ○ determining dispersal distances and migratory paths;

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- 195 ○ studying habitat attributes (e.g., composition and configuration,
196 spatial scale) and their influence on the selection and quality of
197 habitat;
- 198 ○ developing, validating or improving habitat models for the species;
199 and,
- 200 ○ determining whether important migratory stopover sites exist for the
201 species and, if they exist, describing these locations.
- 202 3. Monitor the species' distribution, population and habitat trends in Ontario
203 through actions such as:
- 204 ○ exploring the use of alternative survey approaches such as electronic
205 acoustic monitoring and citizen-based databases (e.g., eBird,
206 Breeding Bird Atlas) in more remote parts of the species' range
207 **(High)**;
- 208 ○ developing and implementing standardized monitoring protocols;
- 209 ○ surveying historical occurrences at regular intervals; and,
- 210 ○ tracking trends in species abundance, provincial distribution, habitat
211 conditions and insect prey populations.
- 212 4. Investigate the impact of threats occurring outside of Ontario (e.g., in
213 wintering areas and along migration routes) on Eastern Whip-poor-will.
214

215	Focus Area:	Stewardship and Management
216	Objective:	Implement actions to mitigate threats to Eastern Whip-poor-will and 217 promote availability of suitable habitat for the species and its insect 218 prey.

219 The recovery of Eastern Whip-poor-will will require stewardship and management action
220 on a variety of scales, both within and outside of Ontario. Within Ontario, efforts can be
221 undertaken to mitigate threats and improve the availability of breeding and foraging
222 habitat for the species and its insect prey. Best management practices can help to
223 maintain or enhance the availability of habitat and are particularly important in areas
224 where habitat has been lost or is likely to be lost or degraded in future. Given the scale
225 of the threats impacting the species, including climate change and declines in insect
226 prey, implementation of efforts must be undertaken at various scales and by a variety of
227 individuals, including governments, industry, Indigenous communities, and individual
228 citizens, in order achieve success. It is important that collaborative efforts to support the
229 recovery of Eastern Whip-poor-will, and aerial insectivores in general, be undertaken

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230 wherever possible to achieve efficiency, prevent duplication of efforts and ensure action
231 is taken in a timely manner.

232 **Actions:**

- 233 5. **(High)** Develop and implement best management practices (BMPs) that
234 support the maintenance or enhancement of habitat for Eastern Whip-
235 poor-will, other aerial insectivores and their insect prey at both local and
236 landscape levels.
- 237 6. Promote the implementation of policies and programs that promote
238 beneficial insects and reduce light pollution and the pollutants that
239 contribute to climate change.
- 240 7. Encourage collaborative efforts to support the recovery of Eastern Whip-
241 poor-will and other aerial insectivores. Actions may include undertaking
242 cooperative, coordinated efforts to better understand and mitigate threats
243 impacting the species, share information, or improve habitat
244 availability/suitability.

245

246 Focus Area:	Education and Awareness
247 Objective:	Increase level of public awareness of and engagement in protecting 248 and recovering Eastern Whip-poor-will in Ontario.

249 Eastern Whip-poor-will has a broad range in Ontario and the species occurs in a variety
250 of habitats including agricultural, forested, and wetland areas. Furthermore, the threats
251 impacting the species also occur at a variety of scales. As a result, the involvement of
252 several groups and organizations will be necessary to implement recovery actions and
253 promote awareness of the species and its threats. Increased promotion and volunteer
254 participation in established survey and monitoring programs will further awareness of
255 the species, as well as contribute to filling knowledge gaps.

256 **Actions:**

- 257 8. Collaborate with conservation partners, industry and Indigenous
258 communities and organizations to promote awareness of Eastern Whip-
259 poor-will among people engaged in stewardship activities, forest
260 management, and urban and agricultural development by sharing
261 information on:
- 262 ○ how to identify the species;
 - 263 ○ the species' habitat requirements;

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- 264 ○ the protection afforded to the species and its habitat under the ESA;
265 and,
266 ○ actions that can be taken to avoid or minimize impacts to the species
267 and its habitat.
- 268 9. Promote awareness and volunteer participation in established surveys
269 and monitoring programs, such as eBird, or the Atlas of the Breeding
270 Birds of Ontario.

271 **Implementing Actions**

272 Financial support for the implementation of actions may be available through the
273 Species at Risk Stewardship Program. Conservation partners are encouraged to
274 discuss project proposals related to the actions in this response statement with Ministry
275 of the Environment, Conservation and Parks staff. The Ontario government can also
276 advise if any authorizations under the ESA or other legislation may be required to
277 undertake the project.

278 Implementation of the actions may be subject to changing priorities across the multitude
279 of species at risk, available resources and the capacity of partners to undertake
280 recovery activities. Where appropriate, the implementation of actions for multiple
281 species will be co-ordinated across government response statements.

282 **Reviewing Progress**

283 The ESA requires the Ontario government to conduct a review of progress towards
284 protecting and recovering a species no later than the time specified in the species'
285 government response statement, or not later than five years after the government
286 response statement. The review will help identify if adjustments are needed to achieve
287 the protection and recovery of Eastern Whip-poor-will.

288 **Acknowledgement**

289 We would like to thank all those who participated in the development of Ontario's
290 Recovery Strategy and the Government Response Statement for the Eastern Whip-
291 poor-will (*Antrostomus vociferus*) for their dedication to protecting and recovering
292 species at risk.
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294 **For Additional Information:**

295 Visit the species at risk website at ontario.ca/speciesatrisk

296 Contact the Ministry of the Environment, Conservation and Parks

297 1-800-565-4923

298 TTY 1-855-515-2759

299 www.ontario.ca/environment