

10th Year Review of the Endangered Species Act Discussion Questions

Landscape Approaches

- 1) In what circumstances would a more strategic approach support a proposed activity while also ensuring or improving outcomes for species at risk? (e.g., by using a landscape approach instead of a case-by-case approach, which tends to be species and/or site-specific.)

Do not amend the ESA to accommodate landscape level approaches. Case-by-case approaches are necessary to determine all site-specific and species-specific impacts to species at risk. The advantages for case-by-case permitting processes greatly outweigh the disadvantages and allow for greater government oversight than ECC's permit-by-rule system. Although processing times may be increased, it is vital that officials take the time to analyze all potential harmful effects of proposed projects and that proponents receive individual government approval.

- 2) Are there existing tools or processes that support managing for species risk at a landscape scale that could be recognized under the Endangered Species Act?

No, do not amend the ESA to authorize harmful activities at a broad scale. Authorizations for harmful activities must be site-specific and species-specific.

Listing Process & Protections for Species at Risk

- 3) What changes would improve the notification process of a new species being listed on the Species at Risk in Ontario List?

No amendments are to the ESA are needed to address concerns about notifications of new species listings.

- 4) Should there be a different approach or alternative to automatic species and habitat protections? (e.g., longer transition periods or ministerial discretion on whether to apply, remove or temporarily delay protections for a threatened or endangered species, or its habitat.)

No there should not be a different approach to automatic species and habitat protection. The challenges are implementation issues and do not require legislative changes. Protections for a threatened or endangered species and its habitat should not be removed until the population has been sufficiently stabilized. Removing these measures would simply be undoing over a decade worth of work and protection.

- 5) In what circumstances would a different approach to automatic species and habitat protections be appropriate? (e.g., there is significant intersection between a species or its habitat and human activities, complexity in addressing species threats, or where a species' habitat is not limiting.)

No, keep ESA as is and retain automatic protections for threatened and endangered species.

- 6) How can the process regarding assessment and classification of a species by the Committee on the Status of Species at Risk in Ontario be improved? (e.g., request an additional review and assessment in cases where there is emerging science or conflicting information.)

No current changes to the ESA are necessary.

10th Year Review of the Endangered Species Act Discussion Questions

Species Recovery Policies & Habitat Regulations

- 7) In what circumstances would a species and/or Ontarians benefit from additional time for the development of the Government Response Statement? (e.g., enable extending the timeline for the Government Response Statement when needed, such as when recovery approaches for a species are complex or when additional engagement is required with businesses, Indigenous peoples, landowners and conservation groups.)

Retain legal requirements to produce Government Response Statements within nine-months of listing (sec. 11(8)). Failure to meet the legislated nine-month deadline is an implementation issue. Ensure adequate government investment in staffing and consultation to meet this legislated deadline.

- 8) In what circumstances would a longer timeline improve the merit and relevance of conducting a review of progress towards protection and recovery? (e.g., for species where additional data is likely to be made available over a longer timeframe, or where stewardship actions are likely to be completed over a longer timeframe.)

Retain legal requirements and current time frame when conducting a review.

- 9) In what circumstances is the development of a habitat regulation warranted, or not warranted? (e.g., to improve certainty for businesses and others about the scope of habitat that is protected.)

Do not amend the ESA provisions regarding habitat regulation. Protections should not be reduced for the benefit of developers and businesses and changes to the Endangered Species Act should improve protections, not reduce them.

Authorization Process

- 10) What new authorization tools could help businesses achieve benefits for species at risk? (e.g., in lieu of activity-based requirements enable paying into a conservation fund dedicated to species at risk conservation or allow conservation banking to enable addressing requirements for species at risk prior to activities.)

Do not create a fee-in-lieu conservation fund that will make it easier for industry/development proponents to harm species at risk and damage or destroy their habitats. Businesses should not be permitted to develop on SAR habitat. Sensitive habitats cannot be recreated elsewhere, mimicked or replaced. The major disadvantage of this approach is that conservation banking programs are implemented in response to development pressure, therefore having developers managing compensations constitutes a conflict of interest.

- 11) Are there other approaches to authorizations that could enable applicants to take a more strategic or collaborative approach to address impacts to species at risk? (e.g., create a new authorization, such as a conservation agreement.)

From the perspective of the ORMLT, our conservation easement agreements are an option that exist. Conservation easement agreements are one option that exist for landowners that are interested in protecting significant natural features on their land. CEA's allow landowners to voluntarily enter into a legal agreement with a land trust. The terms and conditions of the easement are registered on the property title and apply to the easement donor and all future owners of the property. Landowners permanently protect the significant features of their property, while continuing to enjoy it. CEA's are a collaborative and strategic tool that benefit both SAR, their habitat and landowners.

**10th Year Review of the Endangered Species Act
Discussion Questions**

- 12) What changes to authorization requirements would better enable economic development while providing positive outcomes and protections for species at risk? (e.g., simplify the requirements for a permit under s. 17(2)d, and exemptions set out by regulation.)

Make no changes to section 17(2)d permits or any other section of the ESA.

- 13) How can the needs of species at risk be met in a way that is more efficient for activities subject to other legislative or regulatory frameworks? (e.g., better enable meeting Endangered Species Act requirements in other approval processes.)

Do not amend the ESA to harmonize its requirements with other legislative or regulatory frameworks.

- 14) In what circumstances would enhanced inspection and compliance powers be warranted? (e.g., regulations.)

Province needs increased capacity for inspection and compliance enforcement of the ESA.