

The *Endangered Species Act, 2007* (ESA) is an effective species-at-risk management tool as it is, however it could benefit from certain updates. That being said, the ESA has many strong points that should remain as they are in order to benefit both Ontario's species-at-risk and its citizens. I will go through each of the Areas of Focus outlined in the Discussion Paper and comment on some of the proposed changes.

#### AREA OF FOCUS 1: LANDSCAPE APPROACHES

The ESA's current focus on protecting **species**-at-risk has its merits, however the process could be made more efficient by focusing on **landscapes**-at-risk.

When developing a conservation strategy for a species-at-risk, predator population control is often considered. However, when two species in a predator-prey relationship are listed as at-risk, then their individual recovery strategies can conflict. In these cases, listing an ecosystem or landscape type as at-risk would conserve both species, as well as others occupying the same habitat. A landscape-level approach would replace the implementation of separate conservation strategies, which would lower costs and administrative burdens. This strategy would be especially effective at lowering costs when two recovery strategies work against each other, such as in a strong predator-prey relationship.

Conserving a landscape rather than an individual species would keep special concern or not-at-risk species population levels healthy, reducing their probability of needing individual ESA protection in the future. Conserving landscapes would also promote a variety of ecosystem services to be enjoyed by all Ontarians, such as clean air and water.

#### AREA OF FOCUS 2: LISTING PROCESS AND PROTECTIONS FOR SPECIES AT RISK

The ESA's current listing process has some aspects which are crucial to the viability of listed species and should remain untouched.

Automatic species/habitat protection without ministerial discretion is one of the strongest aspects of the ESA which some other legislation in Canada lacks (e.g. *Species At Risk Act, 2003* (SARA)). By implementing automatic protection to listed species, the population is being protected while discussion surrounding the social or economic drawbacks of listing are being discussed. It provides emergency protection while a more effective strategy is being developed for the Response Statement. Time is crucial for a rapidly declining species, making automatic protections all the more necessary.

It is suggested in the Discussion Paper to extend the timeline for the Government to publish a Response Statement. Extending the timeline for developing a comprehensive recovery strategy may result in further population declines. It would be better to act sooner rather than later when making conservation decisions to avoid incurring irrecoverable losses to the population.

#### AREA OF FOCUS 3: SPECIES RECOVERY POLICIES AND HABITAT REGULATIONS

The species recovery policies and regulations have some room for improvement, however there are important regulatory aspects that should remain as they are.

Increasing the progress review timeline from five to 10 years after releasing the Response Statement may be a beneficial use of resources. For some species, especially long-lived organisms, population-level changes may not become noticeable within five years.

The development of a species-specific habitat regulation to replace the automatic general habitat regulation is a key aspect of the recovery process for a species listed under the ESA. General habitat protection is meant to be a temporary conservation strategy while a more thorough and highly-researched habitat regulation could be defined. Moving away from well-researched conservation strategies to vague, 'good enough' strategies risks changing the ESA from a strong piece of legislation to an empty framework which only gives the illusion of conserving Ontario's species-at-risk.

#### AREA OF FOCUS 4: AUTHORIZATION PROCESS

Although the current authorization and permitting process under the ESA can be burdensome, it is a necessary step in ensuring the viability of the listed species. Permits and authorizations are necessary to maintain an appropriate balance between nature and development.

Contrary to what many people believe, it is possible to have development which results in a win-win situation for both the economy and nature. Achieving this requires a compromise on both sides. Extensive regulation is the trade-off for economic development, and habitat loss is the trade-off for nature. Reducing the number of permits needed for development risks tilting the scales in favour of development, which would have costly impacts for not only nature, but for the health of present and future Ontarians.

In conclusion, the ESA as it currently stands is effective at conserving species-at-risk in Ontario. However, there is always room for improvement as discussed above. Unfortunately, some of the proposed changes outlined in the Discussion Paper would harm the effectiveness of the ESA and would be doing a disservice to Ontarians. The decision to revamp the ESA should not be taken lightly, and the various legal issues associated with the SARA should act as a cautionary tale for Ontario's government. Ontario is rich in beautiful, natural landscapes which many Ontarians consider part of their identity. These natural areas and their species-at-risk should be conserved for future generations to enjoy.