



***10th Year Review of Ontario's Endangered Species Act: Discussion Paper.
EBR Registry Number: 013-4143***

IFAW, with approximately 22,000 Ontario supporters, thanks you for the opportunity to comment on the **10th Year Review of Ontario's Endangered Species Act: Discussion Paper, EBR 013-4143** (hereafter referred to as "the Discussion Paper").

Founded in Canada in 1969, IFAW is a global non-profit organization that protects animals and the places they call home. We believe that individual animals matter to species conservation, and our work seeks to link the value of individual animals to the health of the population and ecosystem at large. IFAW works to protect habitat and combat wildlife trafficking with a focus on long-term survival of populations and species.

We are now in the midst of the sixth mass extinction even on earth, with species disappearing at an alarming rate. Globally, almost one in eight birds, one in four mammals, and one in three amphibians are in jeopardy. Habitat loss and degradation, climate change, invasive species, pollution and overexploitation of natural resources are driving the decline.

In Ontario, there are over 230 plant and animal species that are at-risk of extinction or extirpation, a number which is growing every year. Their loss or decline affects the functioning and resilience of food webs and landscapes, and jeopardizes the well-being of all living things, including humans. A healthy and vibrant Ontario requires healthy, functioning ecosystems

In this context, we welcome the commitment of the Government of Ontario, as stated in the Introduction to the Discussion Paper, to ensuring stringent protections for species at risk. However, the Discussion Paper raises some concerns, which we would like to comment on.

Notably, the issues identified in the Discussion Paper are concerned with implementation of the Act, not the Act itself. To improve outcomes for species at risk (which is the intent of the Act) we need to improve implementation, not weaken legislation. The 'activities' referred to throughout the Discussion Paper are, largely, harmful activities currently prohibited by the ESA. We are greatly concerned that the overall direction of the options being considered is deregulation, facilitating activities that harm species at risk and their habitats.

Focus 1: Landscape approaches

We sympathize with the Ontario government's concerns about the lengthy process of getting through the steps in the Act, and agree that assessing and recovering species is a complex and often time consuming matter. The notion of a landscape approach to recovery is a positive one, and a

broad-scale, multi-species approach may be appropriate when there are multiple species sharing similar threats and geographies, and where individual species are wide-ranging and sensitive to cumulative impacts.

However, landscape / multi-species approaches have been considered in Ontario for years. **The mechanism and tools to implement a broad scale, strategic, landscape approach are already provided for within the ESA and thus no change to the existing legislation is required.** The species remains the most appropriate focus for effectiveness monitoring, and landscape approaches should augment, not replace, species-specific approaches which are required for assessments and reassessments, and for understanding individual species' recovery needs. **The ESA should not be amended to authorize harmful species at a broad scale.**

Focus 2: Listing processes and protections

The science-based listing of species at risk by the Committee on the Status of Species at Risk in Ontario (COSSARO), and automatic protection of species and their habitats, are cornerstones of the ESA and must remain intact. Again, the challenges described in the discussion paper involving listings are implementation issues, and not issues with the legislation itself.

The premise behind automatic listing is to avoid spending excessive time and effort deciding whether a species should be listed, and to allow focus on recovery. We know from experience that the longer we wait to begin recovery efforts, the more time consuming and expensive these efforts become. Improving notification is an implementation issue which should be addressed through better communications with stakeholders and proponents.

Ontario must recognize the difference between scientific concerns and stakeholder concerns regarding the basis of listing a species in a clear and transparent manner. Science based listings and automatic protections provide certainty and clarity. Changing the law to allow ministerial discretion on automatic protections will politicize the process, fuel controversy and weaken protections for species at risk. The ESA currently provides sufficient flexibility through permits and exemptions. **Legislative amendments to the ESA are not required, nor will they address the problems outlined in the Discussion Paper.** The challenges described can, and should, be addressed through better implementation.

Focus 3. Recovery processes and habitat.

We are sympathetic to the difficulties in meeting mandatory timelines for production of documents, and obviously this is a cause for concern. However, there is no analysis provided as to why timelines are not being met, nor of the potential consequences of lengthened timelines. As noted above, the longer the delay in endangered species recover, the more time consuming, expensive, and less effective it becomes.

There should be no change to the legal requirement to produce Government Response Statements (GRS) within 9 months of the release of Recovery Strategies, nor the 5 year reporting on progress. Clear timelines for action ensure that effectiveness is monitored, and that increased costs – to both species at risk and the Ontario taxpayer - are not being incurred through

delays. More attention on coordinating the process of developing recovery strategies and GRS, creating recovery strategies and GRS for multiples species when appropriate (for example when they share a particular geography or facing similar threats), and understanding and using the provisions which currently exist in the ESA are likely to be more beneficial measures that could be adopted.

Focus 4: Authorization processes:

There currently exist sufficient flexibility mechanisms in the ESA; more are not needed. The facilitation of harmful development activities is inconsistent with the purpose and intent of the ESA. The priority must remain on protecting and recovering species at risk. There are already sufficient authorization tools in the ESA that should not be simplified. **Proponents of harmful activities should not be allowed to pay into a conservation fund in lieu of meeting requirements to provide tangible benefit to species that they negatively impact.**

Conclusion: The “challenges” identified in the Discussion Paper concern implementation of the ESA, not the Act itself. They therefore will not be remedied by amendments to the ESA – the Act does not need to be changed, it needs to be better implemented.

The challenges identified should be addressed through improved implementation by focusing on effective habitat protection measures that simultaneously improve outcomes for multiple species, by taking a strategic and holistic approach to developing recovery plans and measures, including proactively addressing and incorporating species needs into provincial processes such as land use planning, cumulative effects assessments and decisions about annual allowable cut and prioritization of geographies. The earlier a species’ needs can be addressed, the less expensive and more effective it will be, as meaningful protection is deferred, the more the condition of a species deteriorates, and the more complicated and expensive recovery becomes.

Species are at risk because of habitat loss and degradation. To improve our efforts for species at risk, we need to improve habitat protection, not make it easier for habitat to be destroyed, and harmful activities, as referred to throughout the paper, should not be facilitated.

Improved planning, implementation, and investment in outreach to stakeholders, program development, and staffing would benefit not only species at risk, but Ontarians through job creation and ecosystem restoration. Healthy ecosystems are integral to a vibrant and healthy Ontario economy, and play an important part in the quality of life and enjoyed by Ontarians.

Thank you again for the opportunity to comment on the Discussion Paper.

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Submitted electronically to EBR:
3/4/19