



**10th Year Review of Ontario's  
Endangered Species Act: Proposed Changes**

May 18, 2019

**Introduction**

From the City's perspective, a major issue associated with the current iteration of the Endangered Species Act (ESA) is on the implementation of the legislation with significant under investment by the province to administer the Act.

Any proposed changes to the ESA needs to focus on the Act's key mandate which is to prevent the further extinction of flora and fauna in Ontario. Currently, Ontario has seen the extinction/extirpation of 24 species, with another 243 species listed as Species at Risk.

The City of Brampton has identified the following key concerns with the proposed ESA change include:

- No longer automatically listing species as threatened or endangered that have been determined to be at risk by a committee of scientists;
- Changes to "edge of range" species means considering populations outside of Ontario when listing a species at risk, which will allow Ontario to simply opt out of protecting species at home.. This will result in reduce biodiversity and reduce ecological health of Ontario's green spaces;
- Opening the scientific committee, Committee on the Status of Species at Risk in Ontario (COSSARO), to non-scientist members;
- Giving the Minister the discretion to interfere with the listing of at risk species; and
- Potential downloading of the administration of the ESA to municipalities

The City supports the following proposed ESA changes:

- Proposed greater notice and transparency regarding the listing of at risk species;
- Introducing social and economic concerns into COSSARO's decision making process
- Introducing pay-to-proceed system on harmful activities.
- Taking a Landscape approach to compensation

## Detailed Comments

The proposed changes and City comments are outlined below under five categories:

### 1. Assessing species at risk and listing them on the Species at Risk in Ontario List

- The City of Brampton agrees with the proposed requirement for an earlier notice of COSSARO species assessment but the City has concern with extending the time before a species is listed to the Species At Risk Ontario (SARO) from 3 to 12 months because this may cause harm to listed species.
- Proposed changes to the Act must clarify the scientific framework that would permit the Minister to require COSSARO to reconsider a SARO listing.
- The City is concerned with the proposal to broaden the scope of COSSARO assessment of at risk species to populations outside of Ontario. This change will allow Ontario to simply opt out of protecting species at home and reduce Ontario's biodiversity and ecological health of its green spaces.
- The proposal to broaden COSSARO's member qualifications to members with "community knowledge" has the potential for negative and positive outcomes. The City urges the Province to ensure that COSSARO remains a scientific focused and governed committee by limiting the number members with "community knowledge"

### 2. Defining and implementing species and habitat protections

- In City's view, de-coupling automatic at risk species protections and greater Ministerial discretion has the potential to harm the protection of endangered species.
- The City of Brampton is concerned with delaying species and habitat protection for 3 years. The criteria for delay needs to clearly laid out in the proposed legislation including defining the following terms:
  - "significant economic and social impacts;; and
  - "other criteria that may be specified by regulation".
- The Province is proposing to remove the mandatory requirement within strict timelines to develop habitat regulation. In addition, the proposed revision would allow the Minister to decide **not** to develop habitat regulations. This proposed changes will have impacts on protecting at risk species .

- The City of Brampton supports the proposal to enable the Minister, rather than Lieutenant Governor in Council (LGIC) to make species-specific habitat regulations.as it is expected to result in more timely permit approvals.

### **3. Developing species at risk recovery policies**

- It is the City's view, that should the Minister be given more discretion to extend the timeline for a Government Response Statement, a clear decision making framework needs to be develop to ensure the decision is based on a sound scientific rationale.

### **4. Issuing *Endangered Species Act* permits and agreements and developing regulatory exemptions**

- The City of Brampton supports the creation of a Species at Risk Conservation Trust as it has the potential to result in greater efficiencies and greater overall benefits to the species. However, the City would like greater clarity on how these funds will be disperse, ideally, these funds should be required to be spent within the same subwatershed where the impact has occurred.

This proposed change closely resembles the City's West Humber Strategy which takes a sub watershed perspective on impacts and compensation.

- The City is concerned with the proposed changes to section 18 that may allow ESA authorizations under other legislation (i.e. Planning Act, Environmental Assessment Act). While the City supports the elimination of duplication, this change has the potential to download some ESA approval responsibilities onto municipalities.