



**Ganaraska Region
Conservation Authority**

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MEMBER OF
CONSERVATION ONTARIO

May 17, 2019

Public Input Coordinator
Species Conservation Policy Branch
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Floor 5N
Peterborough, On K9J 3C7

Thank you for allowing an opportunity for the Ganaraska Region Conservation Authority (GRCA) to comment on the "10th Year Review of Ontario's Endangered Species Act: Proposed Changes, 2019".

The following document contains comments regarding the proposed changes to the Act.

If you have any questions please contact the undersigned.

Yours truly,

Lindsay Champagne
Watershed Biologist

Encl.
File.



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Re: 10th Year Review of Ontario's Endangered Species Act (ERO #013-5033)

Thank you for allowing an opportunity for the Ganaraska Region Conservation Authority (GRCA) to comment on the "10th Year Review of Ontario's Endangered Species Act: Proposed Changes, 2019". The following represents comments compiled from staff associated with management of the Ganaraska Forest, the planning department, stewardship and the watershed services.

We understand that the government is undertaking a review of the Act to consider modern and innovative approaches to protect species at risk. The GRCA has an ongoing interest in the protection of wildlife and their habitat given our mandates as:

1. A regulator under Section 28 of the Conservation Authorities Act; and
2. A public commenting agency under the Planning Act and Environmental Assessment Act.

In these roles, GRCA works with and supports our municipal partners in implementing natural heritage policies of the Provincial Policy Statement including the effects of development on species at risk. With GRCA's roles and experience in mind, we offer the following comments regarding the 10th Year Review of Ontario's Endangered Species Act.

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

GRCA agrees with earlier notification of COSSARO's species assessment. However, we do not agree that there should be an extension of time between the receiving of the report to listing. By increasing the time to one year as oppose to three months, it allows for less protection of the species during a period in which the species still has a better chance to recover.

The status of species should not be impacted negatively due to the status outside of Ontario. COSSARO stands for The Committee on the Status of Species at Risk in Ontario. Therefore the committee should be concerned about the species that are at risk in the region and not concerned about the status in other geographical areas of their range. If the status of a species is declining in Ontario, the province should protect all critical habitats and not just within its range. With the pressures of climate change species are needed to adapt to environments that were not once a part of their range. It is known that climate change is increasing the temperatures of Ontario, and therefore the northern limits of a species range may not be viewed as a high priority, but they are the populations that will be more resilient to the changing climatic conditions and be able to migrate further outside of their current range.

GRCA agrees that the COSSARO members should consist of a broader group with different perspectives. However the members of the group must be qualified individuals with the aligned goal to protect species at risk.

2. Defining and implementing species and habitat protections

Referring to the Endangered Species Act, 2007; the purposes of this Act are to:

- 1) To identify species at risk based on the best available scientific information, including information obtained from community knowledge and aboriginal traditional knowledge.
- 2) To protect species that are at risk and their habitats, and to promote the recovery of species that are at risk.
- 3) To promote stewardship activities to assist in the protection and recovery of species that are at risk. 2007, c. 6, s. 1.

The criterion for suspension is easily met and therefore may apply to a great deal of species. The purpose of the Endangered Species Act (as mentioned above) is to protect species at risk and their habitats. Therefore by implementing a delay or suspension on their protection is in conflict with this Act. GRCA strongly believes that automatic protection for species at risk should remain in place until further studies can provide proof that the population is stable and does not need to be listed.

3. Developing species at risk recovery policies

In addition to the automatic protection being mandatory, it is strongly advised that there be no delay in Government Response Statements regarding newly listed Species at Risk. In order to fulfil objective 2 of the purpose of this Act, species that are at risk must be protected and therefore policies must be in place to enforce their protection.

GRCA understands that there needs to be clarification between the Recovery Strategy and the Government Response Statement. However, the Government Response Statement is the policy that dictates the regulations and is enforceable by appropriate agencies. A Recovery Strategy is not enforceable, because as mentioned in the proposed changes, the Recovery Strategy is simply advice to government agencies and not a written policy like the Government Response Statement. Without the Government Response Statement not actions can be implemented to protect the species and their habitats.

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

By implementing a Species at Risk Conservation Trust and allowing proponents to pay a charge in lieu of fulfilling the requirements for-the-ground activities, will facilitate the reduction of accountability and the ease of causing harm to species at risk and their habitats. The endangered Species Act is meant to protect all the listed species and their habitats including, the ones that are in areas being proposed for development.

Section 9.1(a) and 10.1(a) of the Endangered Species Act, 2007 states that no person shall kill, harm, or harass a species listed on the Species at Risk on Ontario List, as well as damage or destroy their habitat. There should be no exceptions to this as it is the keystone to the Act as a whole.

Additional Changes relating to Issuing Permits, and to Agreements and Regulatory Exemptions

Proposing the removal of the requirement for the Minister to consult with an independent expert prior to the permit process will have detrimental impacts to species at risk. By eliminating the consultation with an independent experts before activities that will jeopardize the survival or recovery of the species in Ontario, there will be a disconnect between the scientific disciplines and the site-specific information.

To further the importance of site-specific information, the creation of a “landscape agreement” will not take into account those concerns and will create additional risks for species already in crisis. Species at risk should be assessed on a site-specific and species-specific basis, and cannot be assessed in a consolidated approached.

5. Enforcing the *Endangered Species Act*

More enforcement for species at risk is encouraged. However designation of persons by the Minister must be qualified individuals that have knowledge and understand of species at risk and the policies that pertain to them. The main goal of these individuals must be the protection of species at risk and their habitats.