



Honorable Rod Philips
Ministry of the Environment, Conservation and Parks
Ferguson Block 11th Floor, 77 Wesley Street W
Toronto, ON M7A 2T5

May 17, 2019

Re: Letter of Concern for the Proposed Changes to the Endangered Species Act

Dear Hon. Rod Philips,

Trout Unlimited Canada (TUC) is aware that the Government of Ontario is requesting comments to inform their review of Ontario's Endangered Species Act (ESA) and appreciates the opportunity to provide comment. Although the proposal summary claims that the recommended changes will modernize and improve the effectiveness of the Act and outcomes for species at risk, TUC has several concerns regarding what we consider to be potentially regressive and damaging changes.

TUC is a national conservation charity that is science-based and volunteer-driven. Overall, our work protects and enhances water quality, water flow, aquatic life and community health, creating additional benefits of a healthier living environment for people. TUC's over 40 years of experience as a champion for the protection of Canada's aquatic resources provides insights into the risks that are associated with the proposed changes to the ESA.

We are concerned about the following proposed changes:

1. Proposed changes to the species and habitat protections

The proposed changes to the ESA would allow the Minister the ability to temporarily suspend species and habitat protections for up to three years for some newly listed species, in an effort to limit social and economic impacts to Ontarians, if specific criteria are met. In addition, the mandatory requirement to develop a habitat regulation for each newly listed species would be removed; instead, developing a habitat regulation would be optional and would be implemented when needed. Without adequate protection these species and the habitats that support them are in jeopardy and efforts to restore and rehabilitate them are in vain. Ultimately, the loss of species is an early warning sign of loss of critical natural resources and ecological services.

2. Developing regulatory exemptions based on geographic distribution

The Committee of the Status of Species at Risk in Ontario (COSSARO) would be required to consider a species condition throughout its broader range (both inside and outside of Ontario), before classifying it as threatened or endangered. For example, a species whose northern range is located in southern Ontario that is rare in this geography but is not at risk to the south in the United States, may not be considered at risk in Ontario, such as the Redside



Dace. This approach is especially concerning in the face of climate change given increased genetic variability throughout species' distribution is needed to improve resiliency, rather than reducing variability by allowing distinct populations to deteriorate based on their presence elsewhere.

3. Introduction of the Species at Risk Conservation Trust

The Provincial Government is proposing to create the Species at Risk Conservation Trust, an independent Crown agency, which would allow municipalities and other infrastructure developers the option to pay a charge in lieu of completing certain activities that are currently required by the ESA. The funds would support strategic and large-scale actions that assist in the protection and recovery of species at risk. This approach would only apply to a select few species at risk, which have not been identified at this time. Consideration of reasonable alternatives and taking steps to minimize adverse effects would still need to occur. The price for payment-in-lieu would be within the range that would have otherwise been incurred to obtain and implement a permit or other authorization. Investment in thorough landuse planning, including the reintroduction of watershed planning would help to avoid impacts to these sensitive species while allowing rational development instead of a pay-to-destroy approach.

4. Expanding COSSARO Board Membership Standards

Broadening COSSARO member qualifications to include members without relevant scientific expertise could allow people with minimal knowledge or scientific background to be involved in scientific assessment and classification decisions. An objective science committee is essential and species assessments should be based only on science.

In summary, TUC would like to again express its strong concern for the most recently proposed changes to the Endangered Species Act. We believe these changes do not demonstrate pro-active and creative ways to both allow reasonable development or to protect *and* restore these species.

TUC is hopeful that the Ministry of the Environment, Conservation and Parks will seize the opportunity to lead by example and take steps to rebuild the Act's backbone by choosing to forego their most recent recommendations. This legislation was once considered the gold standard for species protection. Further expansion of their ESA Permits and Authorizations team beyond 15 staff will also further increase the Ministry's capacity to efficiently address the hundreds of requests received.

We would like to conclude with a statement from Professor Settle within the landmark 2019 report from the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES),

"Ecosystems, species, wild populations, local varieties and breeds of domesticated plants and animals are shrinking, deteriorating or vanishing... The essential, interconnected web of life on Earth is getting smaller and increasingly frayed. This loss is a direct result of human activity and constitutes a direct threat to human well-being in all regions of the world."



Thank you for the opportunity to provide input at this stage of the process. We look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex M.", written over a light blue rectangular background.

Alex M.

Ontario Provincial Biologist, Trout Unlimited Canada

cc: Mike Schreiner, MPP, Guelph

Stefanie Ferraro, Supervisor, Guelph District Office, MECP

Bonnie Fox, Conservation Ontario