

May 17, 2019

Carolyn O'Neill
Ministry of the Environment, Conservation and Parks
Great Lakes Office
40 St. Clair Avenue West, 10th Floor
Toronto ON
M4V 1M2

Public Works

10 Peel Centre Dr.
Suite A
Brampton, ON
L6T 4B9
tel: 905-791-7800

peelregion.ca

Dear Ms. O'Neill,

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

Thank you for the opportunity to review and comment on the above noted Environmental Registry of Ontario posting. The following comments are provided by Region of Peel staff as input to the Ministry to consider regarding the proposed changes to the *Endangered Species Act*.

It is anticipated that a Report including these comments will be brought before Regional Council as part of a report on Bill 108 for endorsement in June. A copy of the Report and Council resolution will be forwarded to Ministry staff for further consideration at that time. Our comments here should be viewed as subject to Regional Council's endorsement.

Regional staff continues to support the Ministry's efforts to review and update the *Endangered Species Act* to improve clarity, implementation, cost effectiveness and ultimate protection and recovery of species at risk.

While generally supporting the overall objectives of the proposed changes, it is important that the Ministry ensure that any revisions to the Act, including changes providing new tools and compliance options for proponents, be implemented in a way that complements the existing framework while meeting the purpose of the *Act* to protect species at risk and promote their recovery. Specific comments on the provisions in Bill 108 are provided below.

Timelines and Transition Projects

Staff are generally supportive of the increased timelines and phase-in when species are added to the Species at Risk in Ontario List and transition provisions that allow approved projects to proceed while new species are being reviewed. However, staff wish to reiterate the importance of ensuring that the species at risk protections in the Act be applied in a timely manner that does not compromise their survival.

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Biodiversity and Ecosystem Services

A new report from the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) released on May 6, 2019, found that around 1 million animal and plant species are now threatened with extinction due to changes in land and sea use, direct exploitation of organisms, climate change, pollution and invasive alien species. The report states that the current global response is insufficient and 'Transformative changes' are needed to restore and protect nature.

The proposed changes to the Endangered Species Act call for the consideration of the condition of the species both inside and outside of Ontario and that the classification of a species reflect the lower level of risk to the survival of the species. If a species is not considered endangered outside Ontario, then the species may not get status in Ontario even if the species is threatened or endangered within Ontario. Many of the species currently classified in Ontario as threatened or endangered may not meet these criteria, which would remove their protection requirements.

As habitat further south becomes less suitable for species due to climate change, protecting habitat and species in the northern range becomes even more important as species ranges expands north. It is important that the Ministry ensure that the implementation of these criteria considers climate change impacts on species and their ability to adapt and the importance of protecting species that are at risk within Ontario.

New Tools and Options for Compliance

In accordance with Regional staff comments provided to the Province earlier this year on the Discussion Paper, staff generally support changes proposed to the Act that would provide new tools and options to achieve compliance, including the payment of conservation charges, the formalization of landscape agreements and regulations enabling compliance to be met through approvals under other legislation.

In developing new tools and options for compliance, a focus on a simple, efficient and user-friendly implementation process would be beneficial to achieve the objectives of streamlining and simplifying compliance under the Act and allow for delivery of public infrastructure in a timely manner.

The Region is supportive of the idea of exploring options such as paying into a conservation fund or allowing conservation banking in lieu of ESA activity-based requirements. It is stressed however, that should these tools be implemented, that they be subject to criteria and considered within the established conservation hierarchy of Avoid, Minimize, Mitigate, and Compensate to ensure the purpose of the Act is achieved with emphasis on avoiding, minimizing and mitigating impacts before compensation is considered. Management of a conservation fund and

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conservation land banks should be undertaken with the overall intention of supporting activities that would enhance species at risk survival objectives and provide an overall benefit.

The regulations, guidelines and standards related to landscape agreements, conservation land banking and payment of conservation charges to the Species at Risk Conservation Trust should include requirements to prioritize investment in restoration and enhancement of habitat in proximity to where reduced habitat protection is authorized under the Act. The use of conservation charges to compensate for reduced habitat protection should ensure that funding and land banking is implemented equitably in areas where habitat is affected. The investment of funds should be directed to habitat restoration and enhancement activities that are proven or reasonably likely to support the protection and recovery of species and provide an overall benefit.

We trust that these comments are of assistance to the Province. Regional staff would be pleased to discuss any clarifications or further comments.

Sincerely,



Steve Jacques, MScPI, MCIP, RPP
Director and Chief Planner, Regional Planning and Growth Management
10 Peel Centre Drive, Suite A, 6th Floor
Brampton, Ontario, L6T 4B9
Steve.jacques@peelregion.ca

