

May 17, 2019

Re: Toronto Zoo Response to the ESA Proposal

As an organization that is dedicated to saving species for future generations, we offer the following comments on the proposed changes to Ontario's Endangered Species Act (ESA). We believe the proposed revisions will have little positive impact on our species at risk and will primarily streamline the process for development without allowing for endangered species to stand in the way.

In a province like Ontario, with a large and diverse workforce and ample avenues for business development, environmental protection and economic prosperity should not be mutually exclusive outcomes. We possess the ingenuity to seek business and development opportunities that don't infringe on the limited wild spaces occupied by Ontario's threatened species.

We took the opportunity to submit comments on the "10th Year Review of Ontario's Endangered Species Act: Discussion Paper" but would like to reiterate two key points:

1. Payment options in lieu of completing certain on-the-ground activities

We continue to believe that there is an inherent danger in allowing payments to a conservation fund in lieu of activity-based requirements. This action decouples mitigation for the negative impacts of development from the area the impact occurs. Basic and exploratory research on species is necessary, and we applaud the province for seeking new means to fund it; however, we believe that funds raised to mitigate the impact of development projects should remain tied to the direct impacts of those activities. The proposed changes state that: "The price for the payment-in-lieu (i.e. regulatory charge) will be within the range of costs that a client would have otherwise incurred through meeting the species-based conditions of an authorization." If this statement is true, then the end cost to clients would remain the same, and thus this change would be of no impact to development

2. Delaying the listing of Species at Risk

Delays throughout the proposed ESA raise many concerns for the future of species and habitat protections in the province. Delaying SARO listing to twelve months following a COSSARO report is unjustified and no reason is mentioned for this delay throughout the proposed bill. Listing species and habitats as critically endangered requires immediate action, and this delay will hinder protection across

the province. Furthermore, decoupling of the listing process from automatic protection will directly affect the survivability of critically endangered species that need protection immediately following addition to the SARO List.

Providing the Minister with the authority to temporarily suspend species and habitat protections for up to three years is extremely concerning. It is not only the delay that raises concern, but the criteria that must be met in order for a suspension to occur. For example, a newly listed SAR may be eligible for suspension if prohibitions and protection practices have significant social or economic implications for the province. This is a vague statement that is not clarified within the proposed bill and could lead to a subjective decision to delay the protection of critically endangered habitats and species.

Finally, extending regulation timelines and Government Response Statement (GRS) timelines will directly affect the implementation of the ESA by environmental organizations to actively protect newly-listed species. Regulations and GRS's are crucial in planning how to appropriately protect a species in this province, and provides accountability for the government to respond to and act upon protecting a species at risk. Releasing GRS's in a timely manner also helps conservation organizations to plan mitigation strategies and projects to protect these species. These proposed changes indicate a lack in the sense of urgency in the face of climate change and accelerated worldwide losses in biodiversity.

In addition to our previously identified objections, we wanted to draw attention to three additional areas of concern:

1. Permitting the Minister to require COSSARO to reconsider classifications

We have issue with allowing the Minister to require COSSARO to reconsider the classification of a species where the Minister forms the opinion based on scientific information that the classification may no longer be appropriate. COSSARO is the committee that determines whether a species should be classified as extirpated, endangered, threatened or special concern. This committee is made up of ecologists and wildlife managers, experts in their field, and therefore these classifications are based on scientific evidence. This issue causes concern as the opinion of the Minister (based on unspecified scientific evidence) seems to supersede the reasons for classification determined by COSSARO in the first place.

2. Considering species conditions outside of Ontario

The change proposed in category 1.E to "Require COSSARO to consider a species' condition around its broader biologically relevant geographic area, inside and outside Ontario, before classifying a species as endangered or threatened." We consider this a particularly concerning amendment that could significantly weaken species protection. Many species have wide geographic ranges and few, if any, species reside exclusively in Ontario. However, even when lower risk populations exist elsewhere,

we believe there are compelling reasons to offer strong and appropriate protection to Ontario populations. Ontario should seek to protect its own natural biodiversity irrespective of the actions of other jurisdictions. Regardless of whether a species exists elsewhere, if it declines in Ontario the province's biodiversity is harmed. For many species, Ontario represents the northern range extent, and in some cases could be called a fringe population to more robust populations further south. However, fringe populations are often an important part of a species' overall ecology, and can act as 'the canary in the coal mine' with declines in fringe populations illustrating threats with the potential to affect the species as a whole.

3. The prerequisites for "broader" COSSARO member qualifications

The COSSARO membership is already open to those with expertise in either scientific disciplines or Traditional Knowledge, and the current members represent experts in both ecology and wildlife management. Thus, we are unsure what the statement in category 1.F is intended to include by also adding "those with community knowledge" to participate in the assessment process. We respect the effort to make this process more inclusive but are equally concerned about the possible dilution of qualified opinions.

Conclusion:

We don't believe that the proposed changes to the ESA reflect the broad interests of the people of Ontario. We strongly hope that the proposed changes to the ESA will be reconsidered and approached with greater consideration of positive outcomes for species at risk.

Sincerely,



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