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South Lake Simcoe Naturalists (Ontario Nature)
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Ministry of the Environment,
Conservation and Parks Species Conservation Policy Branch
300 Water Street, Floor 5N
Peterborough, ON K9J 3C7

Re: Comment on MECP Discussion Paper about the E.S.A. review (ERO# 013-4143)

Dear Sir/Madam,

Thank you for providing opportunity to comment on the Ontario Government Endangered Species Act (E.S.A.) Review. It is my view that a review of the E.S.A. in Ontario is needed. However, it needs to be reviewed in the interest of strengthening natural habitat conservation at the local site level, and the regional level to ensure wildlife species conservation in Ontario. It is not a time to weaken and introduce discursive and idiosyncratic alternatives to development interests, to avoid their corporate and individual responsibilities to the goals of all Ontarians, in ensuring Ontario has a strong Endangered Species Act, and that it is strongly and consistently enforced everywhere in the Province.

In Ontario today we are at a critical time for endangered species. Some of Ontario's most valued animals are at risk of endangerment and even extinction. Woodland caribou, Polar bears, many songbirds including grassland meadow species, and turtle, amphibian and related species are in decline in this province, now! This is not breaking news to hardworking Ontario Government wildlife staff employees I am sure. Even iconic and familiar Ontario species like Moose and Gray wolf among others are in decline and the reasons for this are not well understood, so even more reason to act now to tighten our Endangered Species Act legislation for those that are at risk, not relax or undermine it!

The consultation Discussion Paper which I have reviewed reads more like a Business Plan about how to get around enforcing the existing Ontario Endangered Species Act than seriously facing and implementing this important Act that "... sets requirements that must be met for each species that is listed as endangered or threatened" stated at the beginning of the Discussion Paper.

It is well-known that the list of endangered species is growing, especially in the southern part of the province, south of the Canadian shield (which has been going on for decades). This, at a time with our greatest threat to landuse change in history, Climate Change, that has undeniably been documented by the world, and Ontario scientific community.

In South Lake Simcoe, members of our conservation community are very concerned by these changes. Clearly, this review is going the wrong way to seriously improve Ontario Government actions in the interest of strengthening natural habitat resilience and conservation at the local site level, the regional and provincial scale level to ensure at-risk wildlife species conservation in Ontario.

Below I have highlighted some obvious short-comings of the Discussion Paper and elaborated on the real research, scientific, planning and policy work needed in this review. It has been my experience and knowledge that these same shortcomings have also been pointed out by many others in this short review period, including Ontario Nature of which SLSN is a fully federated member.

The biggest problem with the Endangered Species Act is that it has never been properly enforced. Successive governments ignored deadlines, made minimal efforts and watered down its provisions. This has to stop NOW!

Most concerning is that **the proposed options** may weaken requirements for authorizations to undertake harmful activities. Industry and developers can proceed with harmful activities (e.g., killing members of threatened or endangered species, damaging or destroying their habitat) only if they have a permit or exemption. It is clear **the proposed options** are looking for ways to make these authorizations less onerous so that they don't stand in the way of economic development.

The "conservation fund" in **the proposed options** may replace on-the-ground reparation for permitted harmful activities. Paying into a "conservation fund" may be the new easy-way-out for proponents of harmful activities. This option would make it easier and more likely for harmful activities to occur and will do nothing to protect at-risk species and habitats.

The overall direction of the E.S.A. review is environmental deregulation. The consultation document claims that it wants to improve protections for species at risk, the **options for change proposed for consideration** clearly make it easier for industry and development proponents to damage or destroy the habitats of species that get in the way of so called "business".

It seems to me the **options under consideration** would undermine the very cornerstones of the existing Act law. The proposals of alternatives to the fundamental "gold standard" requirements of the E.S.A.: science-based listing of species at risk (including Indigenous Traditional Knowledge), mandatory protection of threatened and endangered species and their habitats, and legislated timelines for planning and reporting, are not helpful or needed.

It would seem the science-based process for listing species at risk is in jeopardy **with these proposals**. Though the E.S.A. already allows the Minister to request a review of a listing decision on the basis of "credible scientific information," **the proposed options** provide even more freedom to meddle on the basis of "conflicting information." This is clearly the wrong way to go!

It seems from review of this consultation Discussion Paper there may be broad authorizations for harmful activities allowed. Landscape-scale authorizations for harmful activities may replace project-specific authorizations. This sweeping approach with **the proposed options** doesn't lend itself to

addressing site-specific or species-specific concerns and consequently presents unwarranted additional risk for species already in peril.

Poor implementation of the E.S.A. is the problem, and everyone is very aware of this, not the law itself.

According to the Environmental Commissioner of Ontario's 2017 report, the government "has utterly failed to implement the law effectively." Challenges should be addressed through improved planning and investment in communications, program development and staffing, not environmental deregulation. **Then "Business" interests would be clearly aware of problematic site locations of development in endangered species locations and their habitats and be able to make their present and future business decisions, reflect that reality, to support the conservation of Ontario's Endangered Species.**

Many of the more innovative aspects of the E.S.A. have never been fully implemented. These include stewardship agreements and ecosystem or multispecies approaches to recovery planning. Putting these tools into practice offers much more promise for species at risk than streamlining approaches to damaging and destroying their habitats.

Protecting species at risk and their habitats may be left up to the Minister. **The proposed options** suggest consideration of alternatives to automatic species and habitat protections, including removing or delaying these protections at the discretion of the Minister. Such changes would leave our most vulnerable plants and animals subject to political whims and the influence of powerful industrial lobbyists.

Ontarians have a global responsibility to conserve biodiversity. It is well-known that the list of endangered species is growing, especially in the southern part of the province, south of the Canadian shield as is obvious to all citizens of the province. This, all at a time with Climate Change being a driver of future wildlife change that needs immediate research and policy attention now. The proposed changes to the Endangered Species Act in this process will no do what is needed.

Planning research by experts, and our own knowledge of local area and municipalities confirm that there is an excess of economic "Business" development land in Towns and in Cities Secondary Plan areas across the Greater Golden Horseshoe and Southern and Central Ontario, that have been identified for that use, and that are not affected by the Endangered Species Act. There is no need for these proposed options for change to the E.S.A., the appropriate lands are already identified as we have previously advised, in existing approved municipal Official and Secondary Plans. Open for business in Ontario is not being constrained by the E.S.A.

Clearly this review is going the wrong way to seriously improve Ontario Government actions in the interest of strengthening natural habitat conservation at the local site level, the regional and provincial scale level to ensure wildlife species conservation in Ontario. Finally, under the United Nations Convention on Biological Diversity, we all have a deep responsibility to maintain and restore the web of life on our planet earth. We start here at home in Ontario!

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c.c. Conservation partners, Regional law makers

About the South Lake Simcoe Naturalists

The South Lake Simcoe Naturalists (SLSN) is a fully federated member organization of Ontario Nature. Ontario Nature protects and restores natural habitats through research, education and conservation, connecting thousands of individuals and communities to nature. Ontario Nature is a charitable organization representing 25,000 members and supporters and over 140-member groups across Ontario. The South Lake Simcoe Naturalists represent individuals and families in Georgina and the greater South Lake Simcoe Region. Our membership includes a wide range of people from diverse backgrounds and experience, professional to amateur. Members are interested in nature, wildlife, natural and cultural landscape conservation, good planning and support of local and broader environmental issues. The SLSN have been involved in the community for over 25 years. Our organization has made many past submissions including, but not limited to, the Town of Georgina Official Plans and Sutton/Jackson's Point and Pefferlaw Secondary Plan reviews, since the 1990's. Also, SLSN has in the past, and recently commented on previous and recent development proposals in the Georgina area, among other Regional and Provincial scale initiatives such as the Lake Simcoe Act and Plan, Ontario Greenbelt Act, Ontario Growth Plan and the Oak Ridges Moraine Act.
