

March 4<sup>th</sup>, 2019

To Whom It May Concern:

**RE: City of Greater Sudbury Submission  
10<sup>th</sup> Year Review of Ontario's Endangered Species Act  
ERO Number: 013-4143**

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On behalf of the City of Greater Sudbury, I am pleased to provide you with the following comments in response to the 10<sup>th</sup> Year Review of Ontario's Endangered Species Act. These comments will be considered by Greater Sudbury City Council in the near future as Council's formal submission in response to this initiative. In the meantime, I am making this submission in order to meet the March 4, 2019 comment deadline. I will follow up with a further submission, once City Council has an opportunity to consider this matter.

The City of Greater Sudbury is home to a rich and diverse natural heritage that includes three main watersheds, the world's largest remaining stands of old-growth red pine forest, the Sudbury Structure (a geological feature famous for its nickel-copper sulphide ores), the largest lake in Canada fully contained within one municipality (Lake Wanapitei), over 210,000 hectares of forest and 33,000 hectares of wetlands. As expressed in its Official Plan, the City of Greater Sudbury is committed to protecting its natural heritage, including threatened species and endangered species.

For several years, the City has been working collaboratively with the Ministry of Natural Resources and Forestry (MNR) to conduct Species at Risk reviews of City infrastructure projects as well as development applications under the Planning Act. The City and its development community have experienced some of the same frustrations expressed by other municipalities with the current implementation of the Endangered Species Act: costly and significant delays often exceeding 12 months in obtaining permits; lack of direction on how to comply and work together or requirements that go far beyond what's reasonable in terms of satisfying the required overall benefit to a species; lack of recognition of our very hard work at local ecological recovery efforts; and a lack of

recognition of Northern Ontario's largely natural landscape and very limited development needs.

We would like to work together with the Province of Ontario to recognize that Greater Sudbury is unique. We believe that we can strike a balance on achieving the shared goal of protecting and preserving the environment, while stimulating and encouraging development. We have some good ideas that we would like to discuss further with you. In short, we would like to designate an area, a sanctuary, to ensure that species at risk have a habitat that they require to thrive, and Greater Sudbury can still fulfill its goals for growth. We also have some suggestions for how to streamline process and reduce the regulatory burden for development, and some suggestions on the classification process for species at risk.

Outlined below are some suggestions for achieving positive outcomes for Species at Risk while hopefully lessening the burden on municipalities and development communities in Northern Ontario.

### **Area of Focus 1 – Landscape Approaches**

In the field of landscape ecology 'landscapes' are described as mixes of isolated and inter-connected ecosystems embedded within a matrix or dominant land cover type. Using this definition, there are clear differences between the landscapes of Southern Ontario and Northern Ontario. Whereas Southern Ontario's landscape has a matrix of farmland or urban land with pockets of isolated and interconnected woodlands and wetlands, most of Northern Ontario is the inverse. Here the landscape matrix is mostly forest with isolated or interconnected pockets of other natural cover types, such as wetlands and lakes, and inhabited land covers, such as farmland and small urban areas. Of Greater Sudbury's 3625 square kilometers, for example, only 8.5% is considered developed land (urban, mine and mine waste areas, and transmission line corridors) and 3.5% is field and developed agricultural land. The remainder is surface water (13%), wetland (9%) and forest (66%). So roughly 88% of the municipality is natural land that is either privately owned or Crown Land (42%). Another difference between Northern Ontario and the rapidly urbanizing areas of Southern Ontario is the relatively small proportion of land within a typical northern municipality that is intended for growth. In Greater Sudbury, for example, only 4.4% of its total area is within the Settlement Area, where most development is directed. Thus, a different approach for ESA implementation for Northern Ontario may be warranted based on landscape composition and the ecosystem dynamics present.

A landscape approach views the Northern Ontario landscape as shifting mosaics of various-aged forest stands resulting from natural and human disturbances. Such an approach is already in use through forest management planning, which is likely benefitting many Species at Risk in Northern Ontario. Two threatened species, which are quite common in Greater Sudbury, will be used as examples: Eastern Whip-poor-will and Blanding's Turtle.

The Eastern Whip-poor-will benefits from the mosaic of forested and open habitats that are part of the natural Northern Ontario landscape. Over the centuries, Eastern Whip-poor-will populations would have waxed and waned and shifted locations with the ever-changing patchwork of forest stands of varying ages and recent burns. This landscape is driven by natural ecosystem dynamics such as fire, wind storms and forest insect and disease outbreaks that created openings in the forest. Current forest harvesting practices in the northern portion of Greater Sudbury likely mimic these dynamics and create perpetual habitat for the Eastern Whip-poor-will. The practice of leaving buffers from lakes, streams and larger wetlands, also help remove potential habitat loss stresses to other threatened species, such as the Blanding's Turtle that require wetlands in their life cycle. The management plan for the Sudbury Forest addresses the elements just discussed using a landscape approach. Although applicable only to Crown Land, such an approach is readily extendable to privately-owned natural lands in Northern Ontario given the relatively small development footprint present.

The landscape approach is fully compatible with other tools for protecting species at risk, such as conservation banking and conservation easements. Municipalities that currently own large consolidated blocks of land with the requisite habitat mosaics could commit to protecting these lands as a long-term overall benefit to potentially several Species at Risk at once. Most of the land holdings are likely well connected to other natural lands in the surrounding landscape. Greater Sudbury, for example, owns a 3000 hectare consolidated, road-less parcel with the requisite forests, wetlands, small lakes and small, exposed bedrock glades that likely provide habitat for the Eastern Whip-poor-will, Blanding's Turtle and numerous other species. This parcel could receive funding to ensure its long-term protection and management from private development that require compensation for the removal of Species at Risk habitat elsewhere in the municipality. Given the relatively small Settlement Areas in northern municipalities, this would achieve greater results in overall habitat protection for species at risk than case-by-case reviews and compensation requirements for small developments.

Also, impact mitigation guidance rather than a registration or permit process for routine infrastructure renewal and expansion projects would also help reduce the procedural burden in northern municipalities with their very modest projected growth rates. Compared to the percentage of natural lands in these municipalities, these projects pose very little overall risk to threatened species and endangered species if properly mitigated where avoidance is not possible.

In the context of a landscape ecological approach, Greater Sudbury offers a unique case. The City and other partners have made considerable investments in greening its 81,000 hectares of industrially-created barrens since 1978. Thus far, these costs are in excess of \$32 million for the municipal greening program alone. These ongoing reclamation efforts continue to benefit numerous species of plants and animals, including certain Species at Risk, like the Blanding's Turtle and Eastern Whip-poor-will, which are now locally quite common. Significant habitat creation work, like Greater Sudbury's award-winning greening efforts, should be applied against requirements for species-specific habitat creation requirements resulting from municipal infrastructure replacement and expansion. In addition, continuing greening efforts in Greater Sudbury, given the proven effect in creating habitat suitable for certain Species at Risk, should be partially funded through habitat compensation requirements by private development to provide an overall benefit to this and other species. Private development interests would appreciate the greater clarity of expectations offered by such an option.

## **Area of Focus 2 – Listing Process and Protections for Species at Risk**

The process of assessment and classification of a species by COSSARO should be more transparent. The criteria for the classification of any species should be made available publically and, possibly, the opportunity for comment should be provided on a species-by-species basis. A peer review of the assessment and classification should be an option given apparent conflicting information in some cases. For example, the Eastern Whip-poor-will is identified as 'Apparently Secure' (S4B) in Ontario by COSEWIC based on Nature Serve's conservation status ranks. Yet, COSSARO has classified this species as 'Threatened' since 2009.

Automatic species and habitat protections are not always appropriate on an area specific basis. Using the Eastern Whip-poor-will again as an example, Greater Sudbury has an abundance of both nesting and foraging habitat for the species, so habitat is not a limiting factor here.

Furthermore, none of the high or medium levels of concern for threats listed in COSEWIC's Recovery Strategy (2015) apply to municipalities with low predicted growth, low percentage of farmland, declining active farmland, and primarily underground mining. Therefore, managing habitat through site-specific and small-scale habitat compensation requirements for the Eastern Whip-poor-will in municipalities like Greater Sudbury will do very little to enhance population growth of the species under the circumstances. Yet, the direct and indirect costs of the ESA to Northern Ontario municipalities can be significant barriers to local economic development.

#### **Area of Focus 4 – Authorization Processes**

The current process of activity-based requirements, such as small-scale habitat creation for overall benefit permits, is cumbersome, time-consuming, and piece-meal. Although applying a landscape approach would help to resolve some of these problems, greater flexibility in authorization processes would also be beneficial. In particular for Greater Sudbury, the ability for private development to pay into a Regreening Fund in lieu of activity-based requirements would be of great value. For this to occur, there would need to be acknowledgement that the City's Regreening Program has been and is continuing to create substantial habitat for Species at Risk, namely the Eastern Whip-poor-will and the Blanding's Turtle. The initiation of ecological recovery through the regreening efforts sets in motion the watershed improvements leading to the development of young forests and wetland enhancements that benefit these two species and many others. In time, the treated areas will lead to forest/wetland mosaics so prevalent in Northern Ontario. In light of the very modest rate of predicted growth in Greater Sudbury, habitat creation will remain intact for decades to come, whether on private or public lands.

We trust that these suggestions will assist in formulating strategies to ensure the long-term protection of Species at Risk in a holistic manner that acknowledges the ecological and economic realities in Northern Ontario.

I would like to thank you for your consideration, and should you wish to discuss these matters further, please don't hesitate to contact me.



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cc. Mayor Brian Bigger  
Ed Archer, CAO  
Jason Ferrigan, Director of Planning