



City of North Bay Report to Council

Report No: CSBU 2019-06

Date: February 20, 2019

Originator: Adam Curran

Business Unit:
Community Services

Department:
Planning & Building Department

Subject: 10th Year Review of Ontario's Endangered Species Act: Discussion Paper

Closed Session: yes no

Recommendation

That City Council:

1. Accept report CSBU 2019-06 dated February 20, 2019 regarding the '10th Year Review of Ontario's Endangered Species Act: Discussion Paper'; and
2. Direct staff to submit Schedule 'A' of report CSBU 2019-06 dated February 20, 2019 regarding the '10th Year Review of Ontario's Endangered Species Act: Discussion Paper' to the Environmental Registry, EBR Registry Number 013-4143 before March 4, 2019.

Background

Council passed a resolution on January 30th, that directed staff to prepare a submission to the Province of Ontario regarding the '10th Year Review of Ontario's Endangered Species Act: Discussion Paper' including public consultation and a report to Council.

The Provincial Government posted the '10th Year Review of Ontario's Endangered Species Act: Discussion Paper' on the Environmental Registry on January 18th, 2019 and provided 45 days to receive comments (March 4th, 2019).

City Staff and Conservation Authority staff organized a stakeholder engagement session which took place on February 12, 2019. The session was attended by 15 invited stakeholders, who ranged from community representatives, environmentalists, academics, development representatives, and environmental consultants. Through conversation and discussion common themes regarding the Endangered Species Act were identified and will be discussed in the report and Schedule 'A' of this report.

A public engagement session was held on the evening of February 13, 2019. There were approximately 80 people in attendance. The session followed a town hall type meeting where questions and answers or comments were made in the group setting. The meeting then broke up for comments to be received on the specific questions of the discussion paper, or other general comments with regards to the Endangered Species Act. The City has received approximately 30 written comments and comments were also made on the boards which were placed throughout the room.

Endangered Species Act, 2007

Ontario was one of the first jurisdictions in the world to pass an Endangered Species Act in 1971. Although the Act was well intended, it became outdated and not effective. On a June 30th, 2008, the Endangered Species Act (ESA), 2007 was updated and passed. This Endangered Species Act was thought to be the gold standard of Endangered Species Acts, however, leading experts cautioned that the implementation of the Act would be very important, and the built in flexibility tools had to be used with caution to ensure the purpose of the ESA was being maintained.

The purpose of the ESA is to 'identify species at risk based on the best available scientific information, community and aboriginal traditional knowledge. It protects species that are at risk and their habitats and it promotes their recovery and it promotes stewardship activities to assist in the protection and recovery of species at risk' (ESA, 2007).

The ESA has a four (4) step process in identifying, protecting and recovering the species and their required habitat. The first step is to identify what species are at risk to protect the species and their habitat. The ESA has empowered a group of independent scientific experts and aboriginal traditional knowledge to rank the species. This group is made up of twelve (12) experts and is referred to as the Committee on the Status of Species at Risk in Ontario (CASSARO). This listing process is free from political bias and is based on the best scientific analysis and data available. COSSARA makes a recommendation to classify the species as extinct, extirpated, endangered, threatened, special concern or not rank the species.

Once a species has been identified as endangered, threatened or special concern, the Act requires that a recovery strategy be prepared. A recovery strategy is prepared as a technical document by biologists and species experts. The recovery strategy identifies the habitat requirements and the known threats to the species survival. The recovery strategies are mandated to be completed within one (1) year for endangered species, two (2) years for threatened species and five (5) years for special concern species.

The third stage of the process is the government receives the classification from COSSARO and the recovery strategy and states what will be done to help protect and recover the species. The government must take into account all of the information which was recommended and determine the steps which are achievable. The decision takes into account socioeconomic values and the ecological values. The government is given nine (9) months to release the government response statement.

The fourth stage is the conservation action. How and what will the government do to protect the species and their habitat.

The Endangered Species Act has built in flexibility tools because in some circumstances it is not in the best interest of public safety or a species interest to put a total prohibition on harming a species or its habitat. The Act created five (5) permits available for different activities which may contravene the ESA. The tools are identified in Section 17 of the Act. The five (5) permits are:

- 'A' permits: the activity is necessary for the protection of human health or safety, but where the risk is not imminent;
- 'B' permits: the purpose of the activity is to assist in the protection of recovery of a species;
- 'C' (overall benefit) permits: the purpose of the activity is not to assist in the protection or recovery of a species, but, through requirements imposed in the permit, the proponent of the activity will achieve an overall benefit to the species within a reasonable time, and will take reasonable steps to minimize adverse effects on the species;
- 'D' permits: the activity will result in a significant social or economic benefit to Ontario, but will not jeopardize the survival or recovery of the species in Ontario; and
- Aboriginal permits: may be issued to a band a tribal council, or an organization that represents a territorially based Aboriginal community.

Ontario Regulation 242/08 created numerous exemptions to the ESA's permit process. Proponents of major developments must follow a series of rules that are set out in a regulation. The permit-by-rule process covers common activities which adversely affect species at risk and their habitats, these include:

- Forestry operations;
- Hydro-electric generating stations;
- Aggregate pits and quarries;
- Ditch and drainage activities;
- Early exploration mining;

- Wind facilities;
- Development and infrastructure projects;
- Certain activities affecting butternut trees, chimney swift, bobolink, eastern meadowlark, barn swallow and specified aquatic species;
- Certain activities related to human health and safety;
- Damage or destruction of “safe harbor” habitat; and
- Activities geared towards species protection and recovery, and ecosystem conservation.

Discussion Paper

The provincial discussion paper ‘10th Year Review of Ontario’s Endangered Species Act’ is organized into four (4) focus areas, which are:

- 1) Landscape Approaches
- 2) Listing Process and Protections for Species at Risk
- 3) Species Recovery Policies and Habitat Regulations
- 4) Authorization Processes

Schedule A provides a response on these four areas of focus including staffs technical analysis as well as the comments heard from stakeholders and the public.

Copies of all correspondence received from the public are available in Planning & Building Services for review.

Financial/Legal Implications

N/A

Corporate Strategic Plan

- | | |
|--|---|
| <input checked="" type="checkbox"/> Natural North and Near | <input checked="" type="checkbox"/> Economic Prosperity |
| <input type="checkbox"/> Affordable Balanced Growth | <input checked="" type="checkbox"/> Spirited Safe Community |
| <input type="checkbox"/> Responsible and Responsive Government | |

Specific Objectives

- Encourage development that better links the City to the natural environment, including parks, the waterfront and the north
- Explore and implement opportunities to streamline processes, policies and practices that make it easier and more effective to do business in North Bay

Options Analysis

Option 1

1. Accept report CSBU 2019-06 dated February 20, 2019 regarding the '10th Year Review of Ontario's Endangered Species Act: Discussion Paper'; and
2. Direct staff to submit Schedule 'A' of report CSBU 2019-06 dated February 20, 2019 regarding the '10th Year Review of Ontario's Endangered Species Act: Discussion Paper' to the Environmental Registry, EBR Registry Number 013-4143 before March 4, 2019.

Option 2

Do not submit the comments contained in this report or Schedule A as part of the '10th Year Review of Ontario's Endangered Species Act: Discussion Paper' to the Environmental Registry, EBR Registry Number 013-4143 before March 4, 2019

This option is not recommended as this provides the opportunity for the City to comment on the review of the ESA as it relates to local implementation and experience with the Act.

Recommended Option

The recommended option is that City Council:

1. Accept report CSBU 2019-06 dated February 20, 2019 regarding the '10th Year Review of Ontario's Endangered Species Act: Discussion Paper'; and
2. Direct staff to submit Schedule 'A' of report CSBU 2019-06 dated February 20, 2019 regarding the '10th Year Review of Ontario's Endangered Species Act: Discussion Paper' to the Environmental Registry, EBR Registry Number 013-4143 before March 4, 2019.

Respectfully submitted,

Name: Adam Curran, MCIP, RPP

Title: Policy and Business Development Planner

We concur with this report and recommendations.

Name: Beverley Hillier, MCIP, RPP
Title: Manager, Planning & Building Services

Name: Ian Kilgour, RPP
Title: Director, Community Development and Growth

Name: David Euler, P.Eng
Title: Interim Chief Administrative Officer

Personnel designated for continuance:

Name: Adam Curran, MCIP, RPP

Title: Policy and Business Development Planner

C11 / RTC CSBU #2019-06 / A. CURRAN / 10th Year Review of Ontario's Endangered Species Act

Schedule 'A'

City of North Bay's Response to the provincial '10th Year Review of the Endangered Species Act'.

Area of Focus 1 – Landscape Approaches

The Endangered Species Act sets requirements that must be met for each species that is listed as Endangered and Threatened. Landscape approaches may provide new tools for managing species at risk within specific geographic areas or ecosystems where the needs of multiple species at risk can be addressed.

Question 1- *In what circumstances would a more strategic approach support a proposed activity while also ensuring or improving outcomes for Species at Risk? (e.g., by using a landscape approach instead of a case-by-case approach, which tends to be species and/or site-specific.)*

City's Response: The City of North Bay is supportive of Landscape Approaches in certain circumstances; endangered and threatened species' threats are not homogeneous across the province. It is not clear what a 'landscape approach' means or the scale of the landscape approach proposed. The Province must undertake considerable more work to determine the baseline condition of the species across the province, and identify the current state of the species and habitat in different areas and determine what the threat is for each species. Species may face different threats in different locations and a benefit or plan for protection and recovery of species may be different across ecosystems.

An example of when a landscape approach would benefit the species recovery is if habitat is in abundance in one area and not being used to its full potential. Creating more habitats will not necessarily help the species in this location, whereas creating reserves for habitat locations in different locations may be more beneficial to the species recovery.

The City of North Bay is supportive of the province undertaking more research and understanding the needs of species throughout the province to determine where additional habitat is required for the species recovery and survival.

The City of North Bay is supportive of a landscape approach as a tool to be used when the scientific data is available to determine that the overall health of the species and habitat will benefit from the process.

The answer cannot be landscape or site by site but rather a flexibility tool to be used when demonstrated it is a net benefit to the species.

Question 2- *The follow-up question is 'Are there existing tools or processes that support managing for species at risk at a landscape scale that could be recognized under the ESA?'*

City's Response: The City of North Bay is of the opinion that additional tools for allowing a landscape approach would be beneficial. As a whole the species at risk need adequate protection. In certain areas of the Province the species may already have an abundance or adequate habitat. Allowing a landscape approach may allow for a greater protection on a larger scale recognizing that impact may vary across the province. Baseline data is needed for this approach to be successful.

Stewardship programs or incentive programs could be used as a tool that would support habitat and species recovery across the province. Stewardship programs tied to incentives may encourage property owners to protect habitat through conservation easements or agreements. If these protected areas are determined in advance of development pressure, it may enhance and create more suitable habitat and species can relocate there.

There are existing tools within the Endangered Species Act under Section 17. The common tool used by property owners is Section 17 (2) C, Overall Benefit permit. This tool provides flexibility and allows development to move forward, provided an overall benefit is achieved for the affected species. The City is in favour of this tool. The process of achieving a permit can be cumbersome, expensive and has uncertain outcomes. The Overall Benefit process needs to be improved to encourage property owners to go through this process. This is discussed further under Section 4.

The landscape approach needs to be considered with the issuance of an Overall Benefit Permit. Although on a site-by-site case an overall benefit can be achieved, the cumulative impact needs to be understood to ensure the species and habitat is being protected and improved.

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

The Endangered Species Act provides science-based assessments of native plants or animals by an independent committee of experts called the Committee on the Status of Species at Risk in Ontario (COSSARO). Species that are assessed by COSSARO as being extirpated, endangered, threatened or special concern are then classified as such on the Species at Risk in Ontario List. The Endangered Species Act provides automatic species and habitat protections for species that are listed as endangered or threatened.

Question 1- *What changes would improve the notification process of a new species being listed on the Species at Risk in Ontario List? (e.g., longer timelines before a species is listed.)*

City's Response: The City of North Bay does not have any direct concerns with the listing of the species or the timelines associated with the listing. If a species has been deemed to be endangered or threatened, they should receive automatic protection.

However, the City believes there could be better communication regarding what species will be evaluated in the current year. Concerns have been expressed to the City that because of the specific survey requirements for a variety of species there is a risk that a new listed species could result in over a one year delay in completion of species at risk study. If the property owner was aware which species may be listed they can conduct the studies at the same time. Typically proponents are told which species should be studied, the studies are completed, then when additional species are added or the MNR identified additional requirements, this communication gap caused substantial delays. If the proponent knew which species may be listed they can make an informed decision to study these species or not. This information needs to be relatively available and communicated to proponents.

Question 2- *Should there be a different approach or alternative to automatic species and habitat protections? (e.g., longer transition periods or ministerial discretion on whether to apply, remove or temporarily delay protections for a threatened or endangered species, or its habitat.)*

City's Response: No, if a science based assessment determines a species and their habitat is at risk, they should receive protection as soon as possible. If local MNR staff are communicating which species are to be

evaluated by COSSARO the following year, it will be the proponents decision to study these species and determine if their development will impact the species and habitat or not.

Communication and public engagement of which species may be listed in the following year is crucial for property owners to understand which species are being evaluated.

Question 3- *In what circumstances would a different approach to automatic species and habitat protections be appropriate? (e.g., there is significant intersections between a species or its habitat and human activities, complexity in addressing species threats, or where a species' habitat is not limiting.)*

City's Response: Habitat protection could be delayed when habitat is not the primary concern for the species recovery. For example, in the North Bay area there are three (3) bat species have been listed as endangered. Based on the science, the habitat of these species is not limited or at risk, but rather a disease (white-nose syndrome) is causing a decrease in the species population. Section 9 (species protection) would apply, but if the primary concern is not habitat loss or defragmentation, it may not need automatic habitat protection. It should be recognized in the Government Response that habitat protection is not needed at this time but rather more information on the causes and treatment of white-nose syndrome.

Question 4- *How can the process regarding assessment and classification of a species by the Committee on the Status of Species at Risk in Ontario be improved? (e.g., request an additional review and assessment in cases where there is emerging science or conflicting information.)*

City's Response: The City of North Bay is supportive of an independent body determining which species should or should not be listed, and removes any potential political bias at the listing stage.

COSSARO should be able to evaluate new leading edge data that suggests that a species may be in worse or better condition. For example, if a large study was conducted on a current species, and determined that the species is in very healthy numbers, there would be nothing wrong with COSSARO reviewing the information and possibly up or down listing a species. The Act needs to be adaptive and reactive to the most up to date science.

Area of Focus 3- Species Recovery Policies and Habitat Regulations

A Government Response Statement outlines the actions the government intends to take or support to help recover each species that is endangered or threatened (i.e. it is a species-specific policy). The Endangered Species Act requires that a Government Response Statement be published within nine months after a recovery strategy is prepared. The response statement is based on advice provided in the recovery strategy, social and economic factors, and input from stakeholders, other jurisdictions, Indigenous peoples and the public.

No later than five years after a Government Response Statement is published, the Act requires a review of progress be conducted towards the protection and recovery of the species.

When a species is listed as endangered or threatened, its general habitat is protected. A species' "general habitat" is the habitat the species depends on for its life processes. In addition, the Act requires that a habitat regulation be developed for each species that is endangered or threatened. A habitat regulation provides a description of the habitat that is protected and replaces the general habitat protection.

Question 1- *In what circumstances would a species and/or Ontarians benefit from additional time for the development of the Government Response Statement? (e.g., enable extending the timeline for the Government Response Statement when needed, such as when recovery approaches for a species are complex or when additional engagement is required with businesses, Indigenous peoples, landowners and conservation groups.)*

City's Response: The City of North Bay is not supportive of extending the timeframe associated to the creation of the Government Response Statement. Currently, there are delays in meeting the existing obligations under the Act. Extending the timeframe to complete the Government Response Statements would likely cause further delays. Government Response Statements are a critical component of the Act as it identifies how or what the Government is going to do to help protect and recover the species. Government Response Statements provides the opportunity and resources to property owners and land stewards to help to recover species at risk and help developers understand what they can or cannot do.

Question 2- *In what circumstances would a longer timeline improve the merit and relevance of conducting a review of progress towards protection and recovery? (e.g., for species where additional data is likely to be made available over a longer timeframe, or where stewardship actions are likely to be completed over a longer timeframe.)*

City's Response: The City understands that a five (5) year mandatory review of the Government Response Statement may not be the most appropriate timeframe depending on the species or issues. The review timeframe should be stipulated in the Statement based on the requirements of the species and/or habitat.

In addition, the Government should commit to continuous monitoring of the effectiveness of Overall Benefit Permits in the recovery of species at risk and their habitat. When an Overall Benefit permit is issued an application is typically required to provide yearly monitoring reports for up to five (5) to ten (10) years.

The Ministry should be provided the resources required to review and report on these monitoring reports. The Ministry should identify, document and share the information about what is working or not working in terms of benefiting the species and/or habitat. Tracking the success or weaknesses allows for adaptive management to better protect and recover the species. This information could then be used to help create best management practices regarding species and habitat protection over the long term.

Question 3- *In what circumstances is the development of a habitat regulation warranted, or not warranted? (e.g., to improve certainty for businesses and others about the scope of habitat that is protected.)*

City's Response: Habitat Regulations would provide certainty to development. However, they also then create a ridged line that cannot be altered. There are benefits to habitat regulation in certain circumstances; the City feels habitat regulation, if used properly, can add protection and certainty to both property owners and stewards of the land.

Without habitat regulation you could potentially have numerous professional biologists that have different expert opinions on what the habitat is; this does not provide any assistance to property owners or the species.

General habitat descriptions have also proven to be problematic. There is a high degree of uncertainty associated with the general habitat descriptions because it does not take into consideration local landscape changes and challenges.

Area of Focus 4 – Authorization Processes

The Endangered Species Act includes prohibitions against the harm, harassment or killing of species listed as endangered or threatened and prohibits the damage or destruction of their habitat. Under the Act, the government can issue different types of permits or other authorizations for activities that would otherwise not be allowed.

There are a variety of different provisions under the Endangered Species Act that would enable activities otherwise prohibited by the Act.

Question 1- *What new authorization tools could help businesses achieve benefits for species at risk? (e.g., in lieu of activity-based requirements enable paying into conservation, or allow conservation banking to enable addressing requirements for species at risk prior to activities.)*

City's Response: The City of North Bay would be in support of authorization tools which find a balance between socio-economics and the environment. The City struggles with the conflicting provincial requirements to both focus development with the City's Settlement Area (as required by the Growth Plan for Northern Ontario and the Provincial Policy Statement) and also the requirements of the Endangered Species Act. In-lieu benefits and bio-banking have been used in other jurisdictions. When tied with a potential landscape approach, these types of incentives could enhance suitable habitat within the rural area or areas that are not within the settlement boundary.

The more tools available, the more likely a benefit to the species can be achieved. If tools to create benefits to the species are limited, they may not actually be creating the desired outcome.

For example, the General Habitat description for the Massaussaga Rattlesnake creates habitat being 1.2km around an occurrence. The 1.2km is an average and is not science based, meaning in some instances the habitat may be larger and in some instances it may be smaller. If development is proposed to happen approximately 1.1km away from occurrence, it may be

suitable to allow the development to occur, and the benefit to the species would be to create a passage or fencing to prevent the species from crossing road where high mortality may occur. A benefit could be to create gestation sites, because it is a limited factor in the area. However, benefits to the species must be based on the analysis of the particular site.

Question 2- *Are there other approaches to authorizations that could enable applicants to take a more strategic or collaborative approach to address impacts to species at risk? (e.g., create a new authorization, such as a conservation agreement.)*

City's Response: The City of North Bay is supportive of a collaborative approach to address impacts to species at risk. There needs to be recognition that a one size fits all approach to species and habitat protection is not appropriate. Allowing for Agreements that recognize local circumstances around a development is needed.

For example, when there is a known occurrence of a Blanding's Turtle a 2km buffer for habitat protection is automatically applied. This approach does not consider that historical habitat defragmentation may actually be causing a higher risk to the species (eg. High mortality rates due to road crossings). If there was an ability to recognize these situations there may be an ability to enter into an agreement that on a larger landscape scale protects and enhances species at risk recovery efforts.

A benefit to the species cannot always be creating additional habitat, because if the root causes of the species decline is not addressed, additional habitat would not create any benefit.

Question 3- *What changes to authorization requirements would better enable economic development while providing positive outcomes and protections for species at risk? (e.g., simplify the requirements for a permit under s.17(2)d, and exemptions set out by regulation.)*

City's Response: In achieving a permit under Section 17 of the ESA, there are no guaranteed timelines, no requirements on what is expected of the proponent and it is unclear on who needs to get a permit.

To get authorization there needs to be a good understanding of the impacts a development may have on the species, but not so difficult that property owners and developers will look for ways to circumvent the process.

Section 17(2)d, should only be used in extreme situations, this process should not be any easier or set out by a rules in regulation.

To improve the process, applicants need to understand the process and have some certainty that if they follow the process, complete studies and it is determined a net benefit can be achieved for the species; the decision will be forthcoming and favourable. At the same time, if it is determined a net benefit cannot be achieved the development as presented would not move forward.

Recommendations to improve the current system are:

- 1) Have a formal pre-consultation meeting. During this meeting it will be determined which species should be studied, options for avoidance and mitigation and if required, what will be required for a complete application for an Overall Benefit permit, and the expected or regulated timeline of the process. MNRF should also provide examples of Overall Benefits which are needed for particular species within this area and the province as a whole. This meeting would include formal documented minutes outlining what is required to move forward. This will allow property owners and developers to be certain on the process and can determine the costs to ensure their development is financially viable.
- 2) Create legislated timeframes for review similar to the Planning Act (timeline for decision of completeness of applications, notice provisions, decisions etc.). Having legislated timelines for these processes would give property owners an idea on how to budget their project and determine the feasibility to move forward. Ultimately, if property owners and developers are aware of the rules before going through the project, they may look for ways to avoid and mitigate to minimize any sort of authorizations.
- 3) Clearly define the transition provisions between the MNRF and the MECP regarding the ESA. Provide the resources necessary for the Ministry to properly implement the ESA.
- 4) Transparency and Communication. The ESA has been in place for over ten (10) years. There have been over 3000 Overall Benefit permits

issued; proponents are typically required to monitor their development for at least 5 years, sometimes more. Based on best practice this information from the monitoring should help to create a currency of offsets. For example, creating additional habitat may not actually be a benefit to a particular species, whereas money for research may provide a benefit to the species recovery.

The City of North Bay is not in support of monetizing species. Whereas developers or property owners would pay a set fee and rely on the Province to establish conservation areas or create habitat in lieu of destruction of habitat elsewhere.

- 5) Regularly update the permit tracker tool. Accessible and up to date data will help to identify potentially impacted species and where they are located.

Question 4- *How can the needs of species at risk be met in a way that is more efficient for activities subject to other legislative or regulatory frameworks? (e.g., better enable meeting Endangered Species Act requirements in other approval processes.)*

City's Response: The ESA is a self-regulating piece of legislation that is proponent-driven. There is no requirement for a property owner or developer to obtain a permit or check to see if a permit is required for their activity. It is the responsibility of the proponent to determine compliance with the legislation. The role of MNRF is to prosecute those that are not in compliance. This leads to major flaws in the system; firstly, not everyone is aware of the ESA, which species are located in their area or their habitat requirements, so the ESA is just ignored mistakenly. Secondly, a developer may complete required studies and their consultant has deemed their development to not have an impact on the species or their habitat. This can create conflict at the enforcement level, where the development may have already had an impact on the species or their habitat.

The ESA needs to coincide with the Planning Act; this allows property owners and developers to be aware of the ESA. Also, MNRF must follow prescribed timelines of the Planning Act, and this would establish the link which can be administrated the same across the province.

The province has created conflicting rules and policy directions for Municipalities to follow. For example, the Growth Plan for Northern Ontario

and the Provincial Policy Statement, 2014 promotes growth and development within the settlement boundaries of the City. The PPS mandates the City must utilize existing infrastructure and promotes sustainable development. The PPS also requires Municipalities to have residential and industrial supply of lands to promote growth. This can be in direct conflict with the requirements of the ESA. There needs to be a clear distinction and understanding on how to manage competing Provincial interest.

Question 5- *In what circumstances would enhanced inspection and compliance powers be warranted? (e.g., regulations.)*

City's Response: The City of North Bay is of the opinion that inspection and compliance is connected to enforcement, once enforcement happens the damage has already been done. Instead there should be additional resources and meaningful communication early on in the process so property owners and developers know what to expect and develop an understanding of the ESA. Additional resources should be made for Planners and Biologist at the MNRF, not enforcement officers.

If the ESA is to be implemented and achieve its objectives the MNRF or MECP, needs to be open to the public for consultation and answer questions in a productive way to allow Ontario to achieve sustainable growth, while protecting and recovering Species at Risk and their habitat. There needs to be the capacity to work with property owners to further protect species and allow property owners the right to develop their property in a respectful sustainable manner.

Schedule 'B'

Comments received from the public with regards to the Discussion Paper for the Endangered Species Act 10th Year Review.

Schedule 'A'

City of North Bay's Response to the provincial '10th Year Review of the Endangered Species Act'.

City of North Bay Draft Submission	Initial Commentary, [REDACTED]
Area of Focus 1 – Landscape Approaches	
<p>The Endangered Species Act sets requirements that must be met for each species that is listed as Endangered and Threatened. Landscape approaches may provide new tools for managing species at risk within specific geographic areas or ecosystems where the needs of multiple species at risk can be addressed.</p>	<p>Excerpt from Province's Discussion Paper. Might be helpful to indicate that.</p>
<p>Question 1- <i>In what circumstances would a more strategic approach support a proposed activity while also ensuring or improving outcomes for Species at Risk? (e.g., by using a landscape approach instead of a case-by-case approach, which tends to be species and/or site-specific.)</i></p>	
<p>City's Response: [The City of North Bay is <u>may be</u> supportive of Landscape Approaches in certain circumstances;] endangered and threatened species' threats are not homogeneous across the province. It is not clear what a 'landscape approach' means or the scale of the landscape approach proposed. The Province must undertake considerable more work to determine the baseline condition of the species across the province, and identify the current state of the species and habitat in different areas and determine what the threat is for each species. Species may face different threats in different locations and a benefit or plan for protection and recovery of species may be different across ecosystems.</p>	<p>Absent the square-bracketed statement of support by CNB for a "Landscape approach", this is a clear statement around the ambiguity surrounding the Province's introduction of "landscape" approach into the ESA discussion. The CNB remarks around the threats to species at risk and the lack of clarity around the Province's use of the term "landscape approach" are well founded; the preceding statement of support for a "landscape approach" is unfounded, and is in conflict with the rest of the paragraph.</p>
<p><u>During the CNB consultation, An example brought forward of</u> when a landscape approach <u>may would</u> benefit the species recovery is if habitat is in abundance in one area and not being used to its full potential. <u>It was suggested that</u> creating more habitats may will not necessarily help the species in this location, whereas creating reserves for habitat locations in different locations may be more beneficial to the species recovery.</p>	<p>This statement contradicts the preceding paragraph, which clearly outlines the uncertainties around the Province's meaning in using the term "landscape approach". Further, it is unclear what the basis or full meaning is of "creating reserves for habitat locations in different locations" on a various spatial scales or the implications for species at risk should such a general approach be operationalized.</p>
<p>The City of North Bay is supportive of the province undertaking more research and understanding the needs of species throughout the province to determine where additional habitat is required for the species recovery and survival.</p>	<p>This is a sound statement, and consistent with the well-founded comments in first paragraph.</p>

<p>The City of North Bay may be supportive of a landscape approach as a tool to be used <u>if research shows</u> when the scientific data is available to determine that the overall health of the species and habitat will benefit from the process.</p>	<p>Taking into account the above, this statement could be modified to indicate openness to considering this “tool”, subject to more information, as has been recommended by CNB. It is, however, problematic in its current state as it both contradicts other statements in the CNB response.</p>
<p>[The answer cannot be landscape or site by site but rather a flexibility tool to be used when demonstrated it is a net benefit to the species.]</p>	<p>Edit or removal required. The meaning is unclear in the current draft.</p>
<p>Question 2- <i>The follow-up question is 'Are there existing tools or processes that support managing for species at risk at a landscape scale that could be recognized under the ESA?'</i></p>	
<p>City's Response: [The City of North Bay is of the opinion that additional tools for allowing a landscape approach may would be beneficial.] As a whole the species at risk need adequate protection. In certain areas of the Province the species may already have an abundance or adequate habitat. <u>One CNB consultation participant suggested that</u> Allowing a landscape approach may allow for a greater protection on a larger scale recognizing that impact may vary across the province. Baseline data is needed for this approach to be successful.</p>	<p>This is inconsistent with early statements in the CNB response. If the meaning and implications of a “landscape approach” are unknown, it is unreasonable of the City to put forward an opinion that adopting that approach would be beneficial. Further, the notion that “abundance” in one area could allow excuse from protection in another area is not scientifically sound. Protection strategies must factor in habitat, pressures, population, range, migration trends and other factors. A broad landscape “averaging” will not meet those requirements.</p>
<p>Stewardship programs or incentive programs could be used as a tool that would support habitat and species recovery across the province. Stewardship programs tied to incentives may encourage property owners to protect habitat through conservation easements or agreements. If these protected areas are determined in advance of development pressure, it may enhance and create more suitable habitat and species can relocate there.</p>	<p>The initial concept being put forward here has merit: stewardship programs or incentive programs could support habitat retention, protection or restoration for species at risk. However, it should be decoupled from the notion of relocation. While relocation may form a part of a strategy for some species in some instances, the greater strength of the concept being put forward is as enabler for the protection of habitat without the need to relocate.</p>
<p>There are existing tools within the Endangered Species Act under Section 17. The common tool used by property owners is Section 17 (2) C, Overall Benefit permit. This tool provides flexibility and allows development to move forward, provided an overall benefit is achieved for the affected species. The</p>	<p>Agreed.</p>
<p>City is in favour of this tool. The process of achieving a permit can be cumbersome, expensive and has uncertain outcomes. The Overall Benefit process needs to be improved to encourage property owners to go through this process. <u>However, Government of Ontario agencies lack sufficient capacity, which has been detrimental to the permitting process.</u>This is discussed further under Section 4.</p>	<p>Agreed. An important part of the discussions during the stakeholder and public consultation was around capacity, and how insufficient capacity (e.g. MNRF, MOEPCF) causes delays at both the policy/regulatory and field levels. This should be emphasised.</p>
<p>[The landscape approach needs to be considered with the issuance of an Overall Benefit Permit]. Although on a site-by-site case an overall benefit can be achieved, the cumulative impact needs to be understood to ensure the</p>	<p>Again, this is inconsistent with the CNB early statements about the uncertainties around meaning, intent and implications of “landscape approach” as it is being introduced into the ESA discussion by</p>

<p>and possibly up or down listing a species. The Act needs to be adaptive and reactive to the most up to date science.</p>	<p>expertise and COSSARA's considerations. This should be emphasised.</p>
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<p>Area of Focus 3- Species Recovery Policies and Habitat Regulations</p>	
<p>A Government Response Statement outlines the actions the government intends to take or support to help recover each species that is endangered or threatened (i.e. it is a species-specific policy). The Endangered Species Act requires that a Government Response Statement be published within nine months after a recovery strategy is prepared. The response statement is based on advice provided in the recovery strategy, social and economic factors, and input from stakeholders, other jurisdictions, Indigenous peoples and the public.</p> <p>No later than five years after a Government Response Statement is published, the Act requires a review of progress be conducted towards the protection and recovery of the species.</p> <p>When a species is listed as endangered or threatened, its general habitat is protected. A species' "general habitat" is the habitat the species depends on for its life processes. In addition, the Act requires that a habitat regulation be developed for each species that is endangered or threatened. A habitat regulation provides a description of the habitat that is protected and replaces the general habitat protection.</p>	<p>Excerpt from Province's Discussion Paper. Might be helpful to indicate that.</p>
<p>Question 1- <i>In what circumstances would a species and/or Ontarians benefit from additional time for the development of the Government Response Statement? (e.g., enable extending the timeline for the Government Response Statement when needed, such as when recovery approaches for a species are complex or when additional engagement is required with businesses, Indigenous peoples, landowners and conservation groups.)</i></p>	
<p>City's Response: The City of North Bay is not supportive of extending the timeframe associated to the creation of the Government Response Statement. Currently, there are delays in meeting the existing obligations under the Act. Extending the timeframe to complete the Government Response Statements would <u>likely may</u> cause further delays. Government Response Statements are a critical component of the Act as it identifies how or what the Government is going to do to help protect and recover the species. Government Response Statements provides the opportunity and resources to property owners and land stewards to help to recover species at risk and help developers understand what they can or cannot do.</p>	<p>Agreed.</p> <p>As noted above, an important part of the discussions during the stakeholder and public consultation was around capacity, and how insufficient capacity (e.g. MNR, MOEPCF) causes delays at both the policy/regulatory and field levels. This should be emphasised.</p> <p>An additional comment from CNB that would be consistent with input during the stakeholders and public sessions would be with respect to the concerns expressed over the Act still not being fully implemented / operationalized ten years after coming into force (e.g. lack of government response, regulations for completed recovery plans; many species still do not have recovery plans in</p>

	place).
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Question 2- <i>In what circumstances would a longer timeline improve the merit and relevance of conducting a review of progress towards protection and recovery? (e.g., for species where additional data is likely to be made available over a longer timeframe, or where stewardship actions are likely to be completed over a longer timeframe.)</i>	
City's Response: The City understands that a five (5) year mandatory review of the Government Response Statement may not be the most appropriate timeframe depending on the species or issues. The review timeframe should be stipulated in the Statement based on the requirements of the species and/or habitat.	Agreed.
In addition, the Government should commit to continuous monitoring of the effectiveness of Overall Benefit Permits in the recovery of species at risk and their habitat. When an Overall Benefit permit is issued an application is typically required to provide yearly monitoring reports for up to five (5) to ten (10) years.	Agreed.
The Ministry should be provided the resources required to review and report on these monitoring reports. The Ministry should identify, document and share the information about what is working or not working in terms of benefiting the species and/or habitat. Tracking the success or weaknesses allows for adaptive management to better protect and recover the species.	Agreed.
This information could then be used to help create best management practices regarding species and habitat protection over the long term.	Agreed.
Question 3- <i>In what circumstances is the development of a habitat regulation warranted, or not warranted? (e.g., to improve certainty for businesses and others about the scope of habitat that is protected.)</i>	
City's Response: Habitat Regulations <u>may</u> would provide certainty to development. However, they <u>may</u> also then create a ridged line that cannot be altered. There are benefits to habitat regulation in certain circumstances; the City feels habitat regulation, if used properly, can add protection and certainty to both property owners and stewards of the land.	Agreed that habitat regulations can increase certainty, both for species protection and for development, if regulations are based on sound science, as expected under the current Ontario process. However, the middle statement about the regulations being rigid and unalterable is not supportable, based on the overall regime and regulations to date.
Without habitat regulation you could potentially have numerous professional biologists that have different expert opinions on what the habitat is; this does not provide any assistance to property owners or the species.	Agreed.

<p>General habitat descriptions have also proven to be problematic. There is a high degree of uncertainty associated with the general habitat descriptions because it does not take into consideration local landscape changes and challenges.</p>	<p>It would most likely be helpful to the (Province of Ontario) recipients of these comments to cite the specific guideline being referenced, rather than presenting this as a more generalized statement.</p>
<p>Area of Focus 4 – Authorization Processes</p>	
<p>The Endangered Species Act includes prohibitions against the harm, harassment or killing of species listed as endangered or threatened and prohibits the damage or destruction of their habitat. Under the Act, the government can issue different types of permits or other authorizations for activities that would otherwise not be allowed.</p> <p>There are a variety of different provisions under the Endangered Species Act that would enable activities otherwise prohibited by the Act.</p>	<p>Excerpt from Province’s Discussion Paper. Might be helpful to indicate that. It may also be helpful to indicate that, unlike for the previous three “Area of Focus” preambles, this is a partial excerpt from the Province’s Discussion Paper.</p>
<p>Question 1- What new authorization tools could help businesses achieve benefits for species at risk? (e.g., in lieu of activity-based requirements enable paying into conservation, or allow conservation banking to enable addressing requirements for species at risk prior to activities.)</p>	
<p>City’s Response: The City of North Bay would be in support of authorization tools [which find a balance between socio-economics and the environment]. The City struggles with the conflicting <u>competing</u> provincial requirements to both focus development with the City’s Settlement Area (as required by the Growth Plan for Northern Ontario and the Provincial Policy Statement) and also the requirements of the Endangered Species Act.- [In-lieu benefits and bio-banking have been used in other jurisdictions. When tied with a potential landscape approach, these types of incentives could enhance suitable habitat within the rural area or areas that are not within the settlement boundary].</p>	<p>This section of the CNB response is problematic. The language of “balance” between socio-economic and environment is contradictory, as socio-economics includes environment. Further it is not a “balance” that is being sought, but an accommodation of both social and economic development <u>and</u> environmental protection. While the Growth Plan for Northern Ontario and the Provincial Policy Statement require that CNB maintain a “supply” of lands it has yet to be disclosed the degree to which this is an actual tension in the planning process. “In-lieu benefits and bio-banking” are undeveloped concepts in the CNB discussions, and are inappropriate additions to this response, given their undefined and potentially very controversial nature.</p>
<p>The more tools available, the more likely a benefit to the species can be achieved. If tools to create benefits to the species are limited, they may not actually be creating the desired outcome.</p>	<p>This statement is overly general. Having more “tools” available may be of benefit, but it is very unlikely that there is a corollary increase in benefits as the number of “tools” develop, on an unlimited basis.</p>
<p>[For example, the General Habitat description for the Massaussaiga Rattlesnake creates habitat being 1.2km around an occurrence. The 1.2km is an average and is not science based, meaning in some instances the habitat may be larger and in some instances it may be smaller. If development is proposed to happen approximately 1.1km away from occurrence, it may be</p>	<p>Setting aside the question of whether this statement is scientifically sound, it is inadvisable to use a single example of a single species to support an overly general statement. If such as example is to be incorporated into the CNB submission, it should – at minimum – include a referenced source.</p>

<p>suitable to allow the development to occur, and the benefit to the species would be to create a passage or fencing to prevent the species from crossing road where high mortality may occur. A benefit could be to create gestation sites, because it is a limited factor in the area. However, benefits to the species must be based on the analysis of the particular site.]-</p>	<p>See comment immediately above, which is reference to the CNB comment that is split between two pages.</p>
<p>Question 2- <i>Are there other approaches to authorizations that could enable applicants to take a more strategic or collaborative approach to address impacts to species at risk? (e.g., create a new authorization, such as a conservation agreement.)</i></p>	
<p>City's Response: The City of North Bay is supportive of a collaborative approach to address impacts to species at risk. There needs to be recognition that a one size fits all approach to species and habitat protection is not appropriate. [Allowing for Agreements that recognize local circumstances around a development is needed.]</p>	<p>Agreed with respect to the initial portions of this statement. With respect to the third sentence, it should be noted that these "agreements" are already the practice, in the form of permits. As noted in early sections of the CNB response, the system would benefit from monitoring for effectiveness of these approaches in protecting the species at risk.</p>
<p>For example, when there is a known occurrence of a Blanding's Turtle a 2km buffer for habitat protection is automatically applied. This approach does not consider that historical habitat defragmentation may actually be causing a higher risk to the species (eg. High mortality rates due to road crossings). If there was an ability to recognize these situations there may be an ability to enter into an agreement that on a larger landscape scale protects and enhances species at risk recovery efforts.</p>	<p>Note that the "historical habitat defragmentation" is a function of broader historic and ongoing habitat losses, and it is that "historical habitat defragmentation" that creates conditions for high turtle mortality rates due to road crossings. It may be the cases that mitigation strategies can address or at least reduce these mortalities, but it is illegitimate to separate past habitat losses from the present need for habitat protection.</p>
<p>A benefit to the species cannot always be creating additional habitat, because if the root causes of the species decline is not addressed, additional habitat would <u>may</u> not create any benefit.</p>	<p>It is the case that not all pressures on certain species at risk can be reduced or removed through habitat protection or provisions. However, this statement reads as a non-sequitur, given its placement in the document.</p>
<p>Question 3- <i>What changes to authorization requirements would better enable economic development while providing positive outcomes and protections for species at risk? (e.g., simplify the requirements for a permit under s.17(2)d, and exemptions set out by regulation.)</i></p>	
<p>City's Response: In achieving a permit under Section 17 of the ESA, there are no guaranteed timelines, no requirements on what is expected of the proponent and it is unclear on who needs to get a permit.</p>	<p>Agreed.</p>
<p>To get authorization there needs to be a good understanding of the impacts a development may have on the species, but not so difficult that property owners and developers <u>may</u> look for ways to circumvent the process.</p>	<p>Agreed.</p>

Section 17(2)d, should only be used in extreme situations, this process should not be any easier or set out by a rules in regulation.	Agreed.
To improve the process, applicants need to understand the process and have some certainty that if they follow the process, complete studies and it is determined a net benefit can be achieved for the species; the decision will be forthcoming and favourable. At the same time, if it is determined a net benefit cannot be achieved the development as presented would not move forward.	Agreed.
Recommendations to improve the current system are:	
1) Have a formal pre-consultation meeting. During this meeting it will be determined which species should be studied, options for avoidance and mitigation and if required, what will be required for a complete application for an Overall Benefit permit, and the expected or regulated timeline of the process. MNRF should also provide examples of Overall Benefits which are needed for particular species within this area and the province as a whole. This meeting would include formal documented minutes outlining what is required to move forward. This <u>may</u> will allow property owners and developers to be certain on the process and can determine the costs to ensure there development is financially viable.	It is not clear what part of the system this is referring to. Is this a pre-development meeting, or a pre-listing meeting? Without that clarity, this recommendation is not helpful. If the context of the meeting is clarified, the recommendation would be further strengthened by emphasizing the need to incorporate Indigenous technical knowledge, to operate transparently, increase capacity for COSSARO and involved agencies (e.g. MNRF, MOECPF, CNB) and ongoing scientific input and public engagement.
2) Create legislated timeframes for review similar to the Planning Act (timeline for decision of completeness of applications, notice provisions, decisions etc.). Having legislated timelines for these processes would give property owners an idea on how to budget their project and determine the feasibility to move forward. Ultimately, if property owners and developers are aware of the rules before going through the project, they may look for ways to avoid and mitigate to minimize any sort of authorizations.	Agreed. Again, the recommendation would be further strengthened by emphasizing the need to incorporate Indigenous technical knowledge, to operate transparently, increase capacity for COSSARO and involved agencies (e.g. MNRF, MOECPF, CNB) and ongoing scientific input and public engagement.
3) Clearly define the transition provisions between the MNRF and the MECP regarding the ESA. Provide the resources necessary for the Ministry to properly implement the ESA.	Agreed. Again, emphasizing capacity issues would be helpful.
4) Transparency and Communication. The ESA has been in place for over ten (10) years. There have been over 3000 Overall Benefit permits issued; proponents are typically required to monitor their development for at least 5 years, sometimes more. Based on best practice this information from the monitoring should help to create a currency of offsets.	Agreed. The recommendation would be further strengthened by emphasizing the need to incorporate Indigenous technical knowledge and the benefit of ongoing scientific input and public engagement

For example, creating additional habitat may not actually be a benefit to a particular species, whereas money for research may provide a benefit to the species recovery.	This part of the statement detracts from the key points of the recommendation. It is overly general, and is repetitive. See above comments.
The City of North Bay is not in support of monetizing species.	Agreed.
[Whereas developers or property owners would pay a set-fee and rely on the Province to establish conservation areas or create habitat in lieu of destruction of habitat elsewhere.]	This statement is confusing. It appears to be in direct conflict with the above statement that CNB is not in support of monetizing species. REMOVAL strongly recommended.
5) Regularly update the permit tracker tool. Accessible and up to date data will help to identify potentially impacted species and where they are located.	Agreed.
Question 4- <i>How can the needs of species at risk be met in a way that is more efficient for activities subject to other legislative or regulatory frameworks? (e.g., better enable meeting Endangered Species Act requirements in other approval processes.)</i>	
City's Response: The ESA is a self-regulating piece of legislation that is proponent-driven. There is no requirement for a property owner or developer to obtain a permit or check to see if a permit is required for their activity. It is the responsibility of the proponent to determine compliance with the legislation. The role of MNRF is to prosecute those that are not in compliance.	Agreed.
This leads to major flaws in the system; firstly, not everyone is aware of the ESA, which species are located in their area or their habitat requirements, so the ESA is just ignored mistakenly. Secondly, a developer may complete required studies and their consultant has deemed their development to not have an impact on the species or their habitat. This can create conflict at the enforcement level, where the development may have already had an impact on the species or their habitat.	It is unclear by these remarks whether the CNB is proposing that the process no longer be proponent-driven, although these remarks suggest that to be the case. The alternative to that would be that all development activities would be subject to a permitting process; it seems unlikely that this is the CNB intention. These concerns may be better addressed by comment on the capacity issues, particularly in the case of MNRF (soon to be MOECPF).
The ESA needs to coincide with the Planning Act; this allows property owners and developers to be aware of the ESA. Also, MNRF must follow prescribed timelines of the Planning Act, and this would establish the link which can be administrated the same across the province.	The Official Plan is the document which should synthesize the requirements of the Planning Act / Provincial Policy Statement and the Northern Growth Plan. This portion of the CNB submission would be improved by dealing with each of these set of issues in an orderly fashion, rather than mixing statements about several different concerns.
The province has created conflicting rules and policy directions for Municipalities to follow. For example, the Growth Plan for Northern Ontario	This section of the CNB comments lack clarity.

<p>and the Provincial Policy Statement, 2014 promotes growth and development within the settlement boundaries of the City. The PPS mandates the City must utilize existing infrastructure and promotes sustainable development. The PPS also requires Municipalities to have residential and industrial supply of lands to promote growth. [This can be in direct conflict with the requirements of the ESA]. There needs to be a clear distinction and understanding on how to manage competing Provincial interest.</p>	<p>This section of the CNB comments lack clarity. It uses “competing” and “conflicting” as if interchangeable when discussion the interplay between the PPS, the Northern Growth Plan, and municipal planning requirements and development interests. While there may be conflicts at a site-level, the direction is to meet these requirements across the Settlement Area, which in the case of North Bay is sizeable. Overall – not just in the context of this submission – this discussion would benefit from greater clarity on the part of the City of North Bay on the planning and development challenges being referenced.</p>
<p>Question 5- In what circumstances would enhanced inspection and compliance powers be warranted? (e.g., regulations.)</p>	
<p>City’s Response: The City of North Bay is of the opinion that inspection and compliance is connected to enforcement, once enforcement happens the damage has already been done. Instead there should be additional resources and meaningful communication early on in the process so property owners and developers know what to expect and develop an understanding of the ESA. Additional resources should be made for Planners and Biologist at the MNRF, not enforcement officers.</p>	<p>Agreed on the included points that there needs to be increased emphasis on provision of additional resources and earlier (and meaningful) communication. However, the CNB submission should avoid giving a message that enforcement and compliance are without value.</p>
<p>If the ESA is to be implemented and achieve its objectives the MNRF or MECP, needs to be open to the public for consultation and answer questions in a productive way to allow Ontario to achieve sustainable growth, while protecting and recovering Species at Risk and their habitat. There needs to be the capacity to work with property owners to further protect species and allow property owners the right to develop their property in a respectful sustainable manner.</p>	<p>Agreed.</p> <p>As noted above, an important part of the discussions during the stakeholder and public consultation was around capacity, and how insufficient capacity (e.g. MNRF, MOEPCF) causes delays at both the policy/regulatory and field levels. This should be emphasized.</p> <p>Also noted above, additional comment from CNB that would be consistent with input during the stakeholders and public sessions would be with respect to the concerns expressed over the Act still not being fully implemented / operationalized ten years after coming into force (e.g. lack of government response, regulations for completed recovery plans; many species still do not have recovery plans in place).</p> <p>These comments with respect to capacity and communication and the tardy implementation of the Act.</p>

10 Year Review of Ontario's Endangered Species Act

Response and Questions as a follow-up to the Discussion Paper and public meeting held in North Bay on Wednesday February 13th 2019. Submitted by [REDACTED]

In the Discussion Paper submitted by the Ministry of the *Environment, Conservation and Parks* on page 2, it is stated that *"The government is committed to ensuring that the Endangered Species Act provides stringent [strict, precise and exacting] protections for species at risk, and they seek to modernize the program based on best practices in other jurisdictions."* They go on to admit that the ESA has *"been criticized for being ineffective in its aim to protect and recover species at risk, for being unclear, administratively burdensome, time consuming and costly for applicants and for creating barriers to economic development."* Interestingly enough, the words 'economic development' are used, but not the word 'sustainable.'

A few questions are thusly raised, as to how the ESA has been implemented in the past; what has worked, and what hasn't, and why might we suppose that to be? Furthermore they suggest *"the modernizing of things based upon practices in other jurisdictions,"* but one might wonder why it is that we do not dare think outside of the box, and view this issue from the broader – and more globally meaningful and impactful - context, and as such also be able to learn what has worked within other communities, ecosystems, and countries at large so that we can perhaps apply some of these strategies to help improve some of the areas that our ESA has seemed to have persistently faltered within.

Our government seeks to *"improve protections, consider modern and innovative approaches, as well as to streamline approvals to support economic development."* These goals seem to currently have many areas of conflict, as do several of the industries which have continually sought to expand their economic growth and whom already have many exemptions put in place so that they may proceed hastier without due diligence or proper accountability. These, often, are the very same industries which have had the largest detrimental - and sometimes irrevocable - impact upon those species at risk as well as their natural habitat.

In the Report titled *"Without a Trace – Reflecting on the 10th Anniversary of Ontario's Endangered Species Act, 2007. A report prepared by the David Suzuki Foundation, Ontario Nature and Ecojustice,"* they remind us that the Ministry of Natural Resources and Forestry was responsible in large part for the implementation of the ESA yet so many concessions were made that they failed to fulfill the primary and fundamental basic mandate of the Act, thus rendering it in large part useless in many instances; once more an example of how something in theory may look good on paper but when put to the test against the almighty dollar, and profit margin, the practical application and execution was avoided if not completely abandoned in many cases. Could not these proposed changes only further enable more concessions to be

made, and provide more ambiguities for corporations and developers to further exploit? One may think it is only prudent to proceed with caution and to be armed with much more information as well as time granted for community members to compile and fully develop their responses when contemplating the notion of *"streamlining approvals for economic development."*

In the *Discussion Paper* it states that *"some of the desired outcomes for any proposed changes would enable positive outcomes for species at risk"* how does streamlining and fast tracking the proposal or permit processes recommend to do this, it would seem that those amendments would only benefit those whose interests are invested in fast paced, short sighted economic development rather than sustainable, resource recovery, protection or utilization which in and of itself takes time to prepare for and shape into formation.

Any proposed changes would seek to *"address multiple objectives for ecosystem management through stewardship and protection activities,"* would this include implementing a transparency requirement which is applicable to the MNRF, the Government and all those Proponent's activities, as well as Developers who are exempt from the ESA by way of the Permit-by-rule system? It was also suggested that there be an *"increase of efficiencies in service delivery for authorization clients,"* what would this entail and who would these authorization client's consist of? Rather than skirting around the proposed changes just be direct and clear about what the desired outcomes truly consist of so the public may better be able to make fully informed and fact based responses and decisions.

The final desired outcome states that there is an aspiration to *"maintain an effective government oversight role,"* and I am curious how they propose to do this or how they think we the public should resolve this dilemma when in the past those entrusted to fulfill such roles have failed considerably. *"Commenting on the regulatory exemptions in a special 2013 report titled The Last Line of Defence: A Review of Ontario's New Protections for Species at Risk, the Environmental Commissioner of Ontario (ECO) concluded: With these new exemptions, MNRF is excessively exploiting the flexibility tools within the ESA, and nullifying much of the promise held by the new Act [...] The ECO believes that MNRF's new approach to protecting species at risk is inconsistent with the Ontario Legislature's drafting of the ESA... As of October 11, 2017, there have been 2,065 registrations for exemptions under the ESA. Approximately 15 per cent of these are for research and conservation projects intended ultimately to benefit species at risk. But for others — the vast majority of harmful activities are proceeding without government oversight or public scrutiny. Without adequate oversight, at-risk plants, animals and their habitats could disappear without a trace. Further, as a development proponent needs only to register for an exemption to proceed, the ministry has no authority under the ESA to say no to any project. In essence, the ministry gave up this authority when it put the exemptions in place. At best it can*

review whether the development proponent has met the requirements to minimize harm after the fact." We the public do get to have an understanding of the full impact, but it is often only after the fact, after ecosystems have been destroyed, after damages have been done that cannot be undone, and after species have been lost for which no cost can provide restoration for. The way that we approach economic expansion and the means that we may utilize in these endeavours are what need to be considered as well, not methods to streamline the approval process which only further put our ecosystem and endangered species at an increased risk; when a species becomes extinct there will be no turning back and will, in ways perhaps presently unforeseen by council, impact us all as well.

With regards to the 1st area of focus, the Landscape Approach, it is suggested that this approach may *"provide new tools for managing multiple species at risk within specific geographical areas,"* it is suggested that to view things from a case-by-case basis for endanger or threatened species is to daunting and arduous of a task, yet we cannot negate the fact that each and every species is unique unto itself, although they may share some similar habitats or in fact reside within the same geographical location their requirements for survivability may still differ greatly among them, so to lump them all into regions and landscapes when formulating assessments or determining development project feasibility, cost vs. reward, simply does not fulfil the ESP's basic commitment to *"Protect species that are listed as endangered or threatened from being harmed, harassed or killed, and their habitats from being damaged or destroyed."* We know through ecological and scientific study and observation that ecosystems are so diverse and can change drastically from one area to the next, so to take on a Landscape Approach would perhaps negate the needs of many of the species within certain areas in question. Imagine for one moment if you will, if we tried to apply that same approach to the human populace, because we reside within the same City limits the individual needs of each resident becomes irrelevant because they are too costly or time consuming to consider, then perhaps one life is placed in a position of more relevance or importance over another, so the other will be adversely affected for the greater good of all...? In the case with the Landscape Approach the needs of individual species at risk will be adversely affected for the greater good of economic growth, global expansion and current profit margins, negating the actual impact this will have upon the future not only for these species which may continue to decline into extinction, but for humankind as a whole.

In the 2nd area of focus, Listing Process and Protection for Species at Risk, it has been proposed that *"there is not enough public notice before a new species is automatically listed on the species at risk in Ontario list and that this can contribute to costly impacts to businesses' and the public."* I have to question are the communities granted enough public notice before legislations are pushed through, bills passed, protected area land acquisitions promised to big corporate developers, was there even enough public notice for tonight's community

engagement Q&A meeting? If the primary objective of the ESA is to protect species at risk then time is always of great concern, and immediacy of action is vital, that should always take precedent above industrial, economic, or commercial development. Perhaps there is room for a financial safety net to be set in place for businesses' which may be monetarily impacted by the ESA; the fact is a businesses can always be moved to a different location or rebuilt, but a species once it goes extinct cannot be recovered and our government officials, the MNRF and those responsible for the implementation of the ESA seem to forget or blatantly avoid this glaring truth, it is the ESA's responsibility not to waste time to placate to economic developers or to accommodate private investors above the interests of endangered or threatened species at risk. An entire species should always take precedent over the activities and economic interests of persons who have more ability to adapt to suite their needs, we are all stewards of the land and wildlife and as such it is our responsibility to protect them and to learn to live in balance with them, not the reverse.

"Should there be ministerial discretion on whether to apply, remove or temporarily delay protections for threatened or endangered species, or its habitat?" That would be a hard NO in my opinion; have we not learned from the past already that to make such amendments or exceptions may invite even more exploitation to occur? What is set in place to prevent political, private or corporate interests from utilizing these alternative approaches to further push through with their own agenda if we allow such approaches to be an option?

In terms of the suggestion that *"independent committees on the status of species at risk in Ontario are not transparent enough,"* I completely concur that full transparency from ALL parties involved should always be mandatory, this includes the ESA, our Federal and Provincial Government, the MNRF as well as the COSSARO and SARPAC and all others whom may have an impactful contribution to these matters in question. There should be no exclusions as one cannot ask for something that they themselves are unwilling to do.

The 3rd area of focus, Species Recovery Policies and Habitat Regulations, mandates that the *"response statement by the Government is based on advice provided in the recovery strategy, social and economic factors, and input from stakeholders, other jurisdictions, indigenous peoples and the public,"* one glaring and major concern that remains is the fact that our current Environment Minister for the Government of Ontario, Mr. Rod Phillips, previously held the position as the Ontario Lottery and Gaming Commissioner and is now strategically positioned to have the ability to hold powerful sway over the Governments' Response as well as what supports will be permitted to assist in the recovery of each species at risk. How can it be ensured that private interests are not in play when the rezoning of certain wetland areas directly correlates to the desire to build a casino upon the aforementioned rezoned land? Because *"the overall feasibility of measures is assessed and the socioeconomic constraints are*

weighed against ecological values,” should it not be evident that ecological values far outweigh any temporary financial gains that will only truly benefit a well-positioned few, while the environment, species at risk, and concerned citizens members are left to carry the burden of the after effects of such corruption.

As a response to the challenge proposed in focus 3 of the Discussion Paper, a timeframe of 9 months for the Government to develop a response statement, with the follow-up of a 5 year review to gage the progress of measures taken seems very reasonable when compared to the time it takes most economic investors to push through their permits for development that transpire so quickly when money is of concern. A species at risk can decline quickly and be lost just as fast, time is of importance in such matters and we see this repeated and reinforced in several instances where other communities or Countries were too slow to take action because of red tape, bureaucracy and political chess maneuvers.

The 4th and final area of focus, the Authorization Process distinguishes the different types of permits or other authorizations for activities that would otherwise not be allowed. When it pertains to 'A' permits the health and safety of humans is of the main concern yet the risk does not have to be imminent, so under what criteria would this entail then, and is it of no concern that this permit promotes Speciesism? Why is it that human beings' (who do not have to be in imminent risk) and whom encroach upon the natural habitat of other species while putting them in direct risk, are entitled to more rights? As stated before we are the stewards and protectors of these species and habitats and it is our responsibility to live in balance with the laws of nature, our current global ecological and climate crisis is a glaring indicator that we have not been honoring this truth.

Permit 'D' allows for concessions to be made if they will *“result in a significant social or economic benefit to Ontario, but will not jeopardize the survival or recovery of the species in Ontario.”* At what point do we set limits? When are economic or social benefits more substantial than the life or habitat of a species at risk? We as a community were asked many questions during Wednesday night's public Q&A meeting, we were invited to brainstorm and to try think of modern ways to improve the ESA as it has been presented to us, but for the most part it just compelled more questions to come forth rather than inventive solutions because there has been a divide of trust that has been growing between the public sector and private development sectors as well as Government officials whose personal interest we must question and call into account.

Adam Curran

From: [REDACTED]
Sent: February-14-19 3:53 PM
To: Adam Curran
Subject: Endangered Species

Dear Adam,

My thoughts about these proposed changes to the Endangered Species ACT are very simple. All of this makes me sad and nervous knowing that our **Lowly Turtle** has no say in this matter and I feel that we are losing out!

I vote For the Turtle....and will remember all of this come election time!

Yours sincerely,

[REDACTED]
[REDACTED]

Adam Curran

From: [REDACTED]
Sent: February-14-19 8:39 PM
To: Adam Curran
Subject: Input reg. Endangered Species Act

Hello Adam,

My name is [REDACTED] and I am a singer songwriter from North Bay. I wrote a song 'City Please' that I would like to submit as my input. The song not only contains my lyrical input on the matter at hand, but also the emotions surrounding the North Bay City Councils proposals. The song/video has been circulating on social media with over 5,000 views on FB and Youtube (combined) following its release 3 weeks ago. Below is the song in video form along with lyrics, as well as a link to a short CBC interview on the song. This interview, done just days ago, fully captures everything I'd like to say. I hope these formats are welcomed and I thank you in advance for all you're doing!

All the best,

[REDACTED]
Video and song:

<https://youtu.be/GB3uYatDnug>

(lyrics below)

CBC interview:

https://www.cbc.ca/listen/shows/up-north/segment/15670260?fbclid=IwAR0BqwVosiE7iup25hUEBr-OaKD-e_BjL9iIXxGA7O8YxZjQ5qypZP_tlok

City Please

- written by: [REDACTED] 2019 -

Verse I

Tell us what you are thinking
Help us to understand
this action now when the worlds balance hangs on such a fragile strand.

Verse II

You act in the old ways
The consequences are mounting
The future is putting the natural world before those dollars your counting

Chorus

Please, City Please
Won't you help us sleep at night
We just want to be on the side of the good guys
So please see the light, and do what's right
Please, City Please

Verse III

You are elected leaders
that doesn't mean you decide
which creatures on our planet
get to live or die

Chorus

Please, City Please

Won't you revise your plan
We just need to see
you respect and protect the land
the water, and trees, and endangered species
Please, City Please

Chorus
Please, City Please
Won't you help us sleep at night
We just want to be on the side of the good guys
So please open your eyes, and see the light
Please, City Please

Adam Curran

From: [REDACTED]
Sent: February-14-19 9:44 PM
To: Adam Curran
Subject: Endangered Species Act consultation

Dear Mr. Adam Curran,

Please accept these comments regarding the City of North Bay Endangered Species Act Consultation. I will organize my comments in the Area of Focus (AoF) format as much as possible. As background, I am a Wildlife Biologist, graduated in 1985, with over 30 years experience in the natural resources field.

In general, I believe the Endangered Species Act should provide reliable protection to vulnerable species. It makes no sense to allow irreversible damage to the earth's ecosystem by allowing species to go extinct, just so that one, or a few people of one or two generations can make some money (to buy ?) People don't really know if their plans of playing around with allowing destruction here and enhancement there will work, human actions quite often have unintended consequences, so it seems prudent not to take actions that could have permanent consequences.

As a citizen of North Bay, I appreciate the access to natural areas that we enjoy. We should be protecting and promoting our unique position in the natural environment. Instead of trying to turn North Bay into an industrial clone, we should be capitalizing on the assets we have; clean air, water, scenery, nature at our doorstep, undamaged ecosystems, and use these as our springboard for growth.

AoF 2

There should be automatic species and habitat protections for threatened and endangered species.

The process of listing a species as extirpated, endangered, threatened or special concern should be based on the best available scientific information. Listings are not automatic, they are (and should be) a result of review by the COSSARO of the best available scientific information.

In order to make the process transparent, COSSARO would prepare a scientifically referenced report outlining the decision process and reasons for the listing. I believe these reports are currently written for each listed species. Listings should be regularly reviewed, as I believe they are.

There is no need for a longer public notification, species do not suddenly become threatened or endangered, it is usually a process over several years. Proponents of projects which will alter and impact on any kind of natural area (ie part of the earth) should be expected to be aware of natural environment concerns in their local area, and be aware of any species in trouble. A basic ecological literacy should be expected of developers


AoF 4

No permits or authorizations should be issued to allow the harm, harassment or killing of endangered or threatened species, or damage to their habitat. This would simplify the permitting process, there would be no need to file numerous authorization requests. The rule would be simple...No harming threatened or endangered species or the habitat on which they depend.

Ontario Nature

In conclusion, as requested by Ontario Nature,

1. MECP should repeal the 2013 exemptions for the forestry, hydro, mining and commercial development industries;
2. Maintain mandatory habitat protection for endangered and threatened species.
3. Amend section 57(1)1 of the ESA so that any future exemptions cannot jeopardize the recovery of endangered and threatened species;
4. Maintain COSSARO's current species listing process, "based on the best available scientific information, including information obtained from community knowledge and aboriginal traditional knowledge" (ESA, section 5 (3)); and
5. Require compensation that results in a direct overall benefit to affected species where harmful activities are permitted. (Do not allow proponents of harmful activities to bypass protections by simply paying into a fund.)


taxpayer, citizen
North Bay, ON

Adam Curran

From: [REDACTED]
Sent: February-14-19 11:03 PM
To: Adam Curran
Subject: Submission for February 26 Council Meeting

Hi Adam,

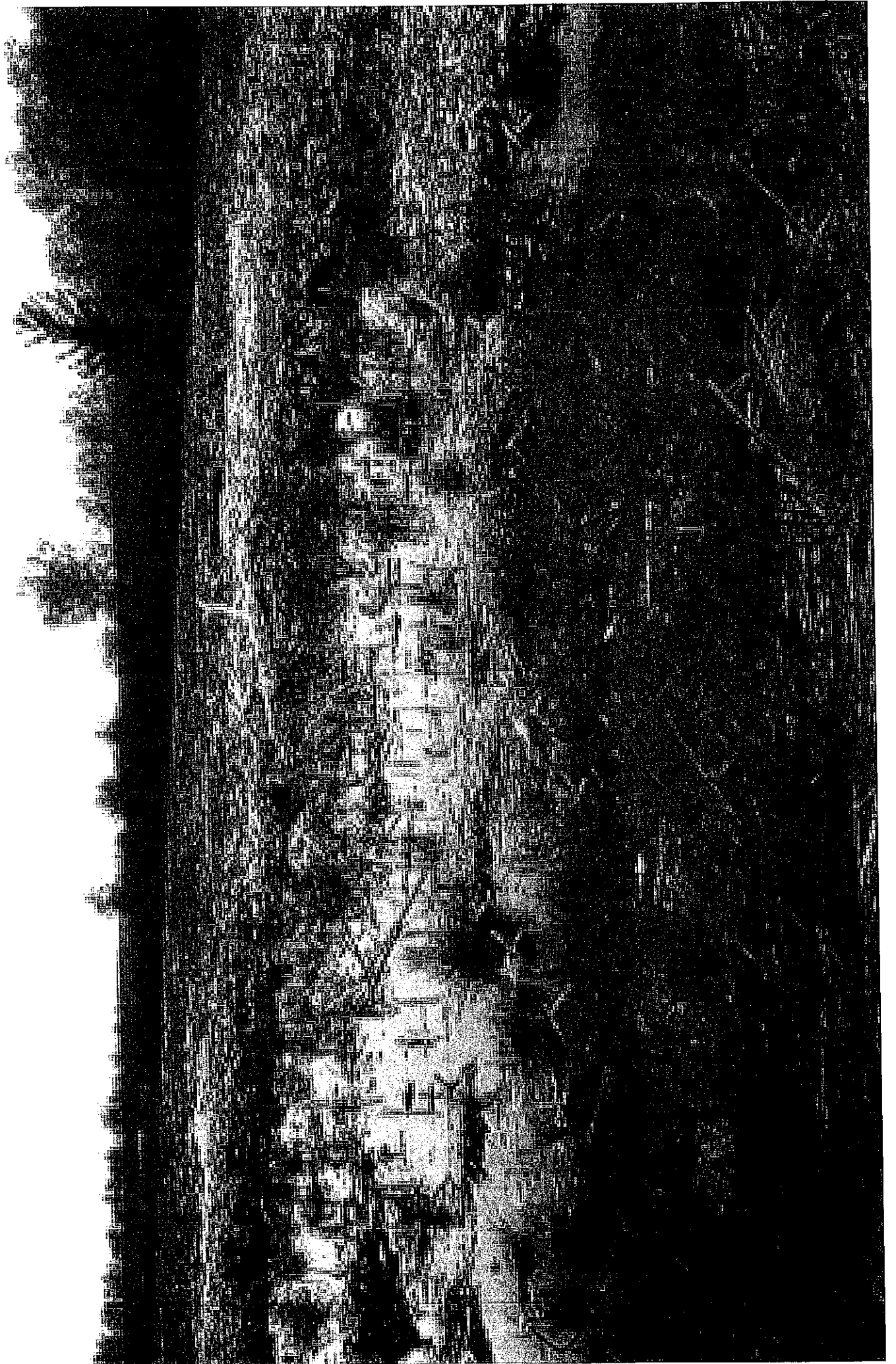
Figure you're pretty busy today. I'm not from North Bay though I've had some good times there. Sudbury raised and now living in Ottawa. Please pass along to the city and province:

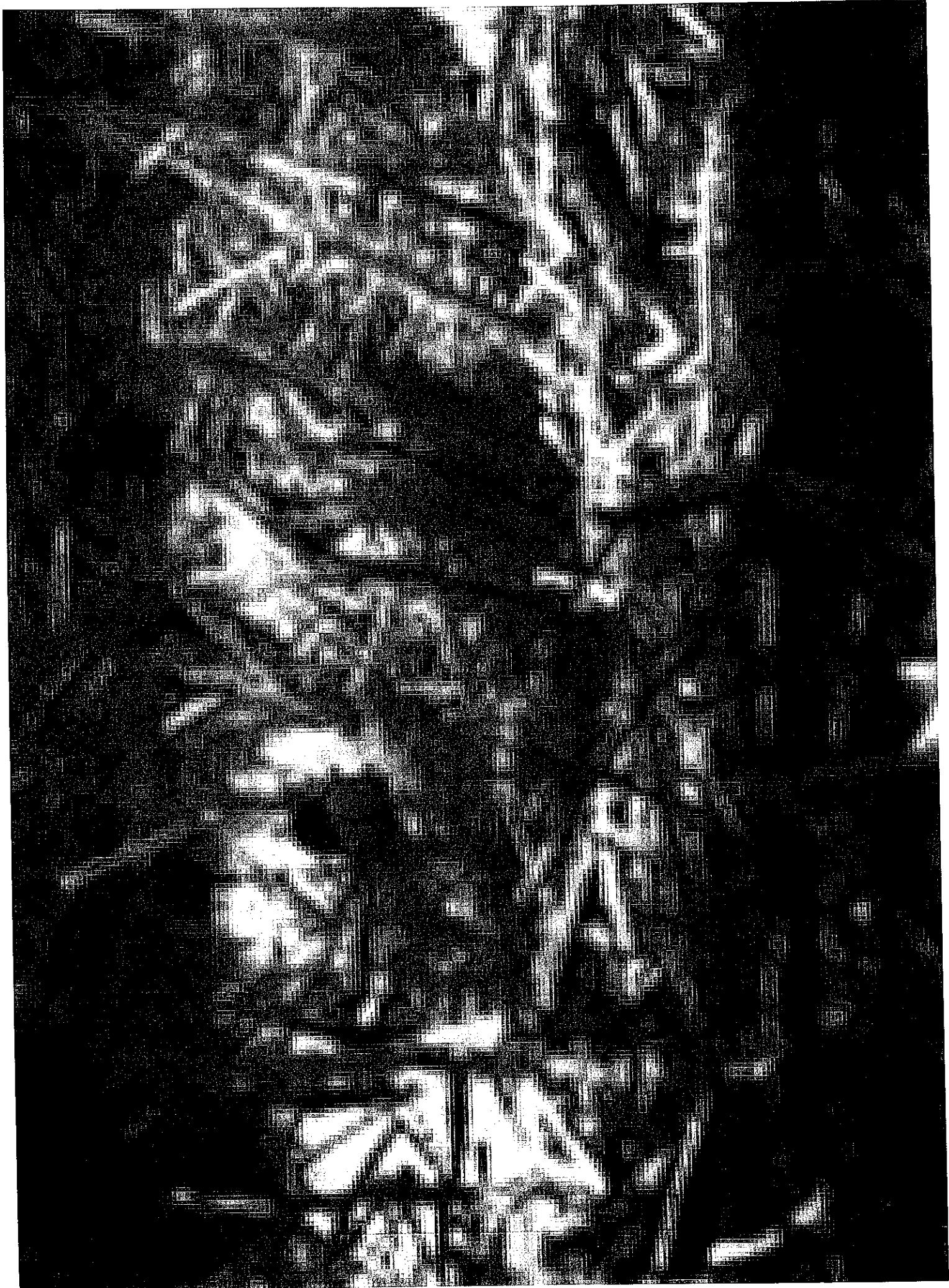
The list of extinct animals grows. What will your community do?

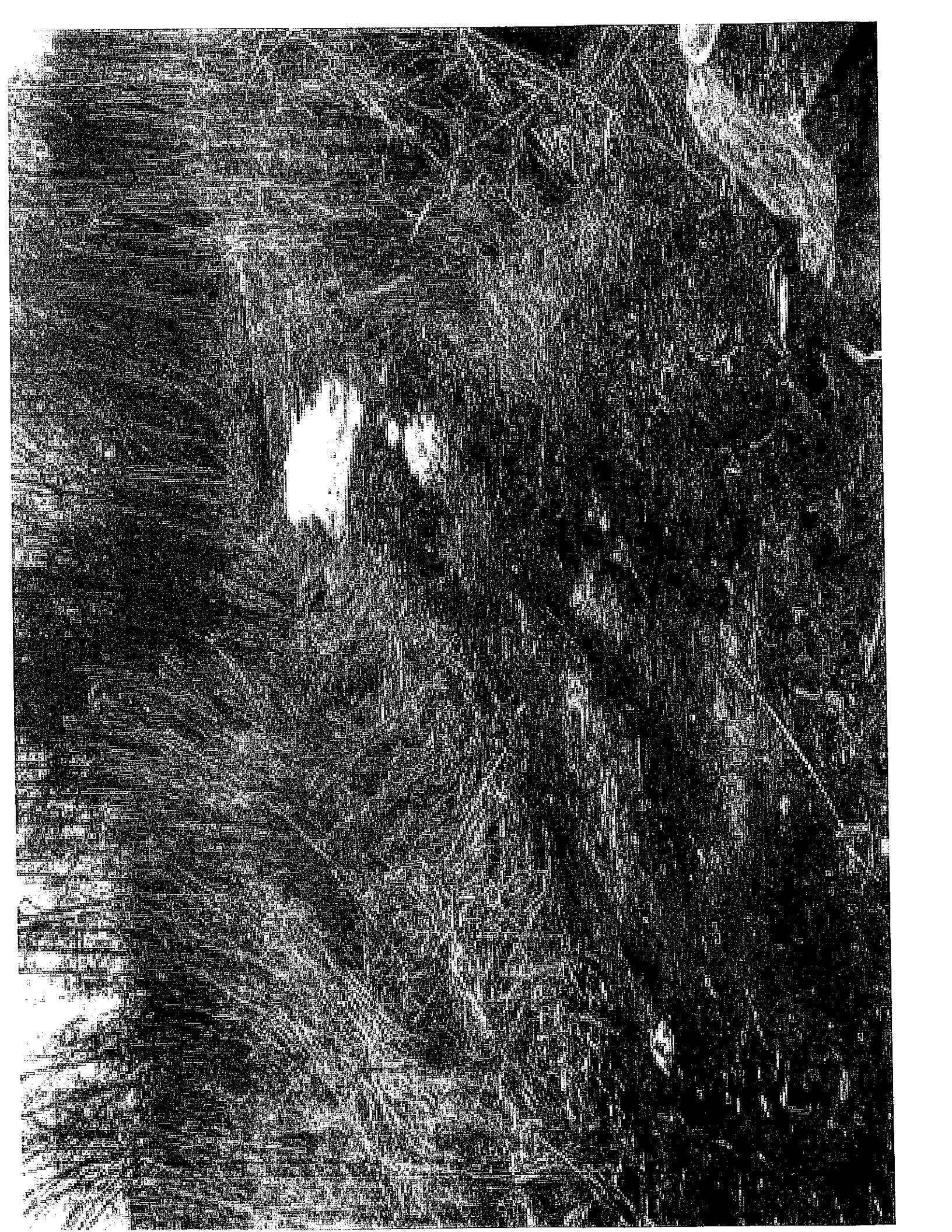
And do keep in mind that people from the north are also known as animals.

Safe travels,

[REDACTED]









Adam Curran

From: [REDACTED]
Sent: February-15-19 8:00 AM
To: Adam Curran
Subject: comment re Endangered Species Act consultation
Attachments: let CITY gov't 19-02-07.doc

Adam Curran

Policy & Business Development Planner

Adam.Curran@cityofnorthbay.ca

I am deeply concerned, even distressed, that the present City Council, along with the Ontario Government, is considering reducing or relaxing the requirements of the Endangered Species Act in order to make it easier for development to take place. I am not against development, but we need not sacrifice endangered species so that we have economic development. In the past, the Earth has seen five previous waves of extinction. Now we are experiencing the sixth wave. The wave of extinction we are presently seeing is different, however, because this time it is the result of human expansion at the expense of threatened species and their environment. We all share the environment. It is unwise, and irresponsible to dismantle what scientists have advised. I believe our legislation is not restrictive; rather, it is minimal protection. Please do not undo this protection, as it offers protection for all of us in this web of life.

If the motivation behind the City's proposed changes to the Endangered Species Act is to allow for the building of a casino on property designated as wetlands, my concern and distress heightens. This would be destructive for the environment, the endangered species living there, and also destructive for the people of North Bay and surrounding area.

Sincerely,

[REDACTED]

Adam Curran

From: [REDACTED]
Sent: February-14-19 1:57 PM
To: Adam Curran
Subject: Thoughts on the ESA

Hello there,

Quickly wanted to provide my thoughts on the City's submission to the Province about the ESA. Of course I, like everyone else, want the Act to operate effectively in its implementation.

However, a couple things:


A species-based approach is crucial in my view, rather than a landscape-based approach, because each species is a vital part of any ecosystem. Making decisions for the landscape at large may overlook specific species in crisis. That will have long-lasting negative impacts for the ecosystem overall, and we shouldn't behave carelessly towards the possibility of driving any one species to extinction.

More generally, I don't want to see in the submission anything that suggests the protection of endangered species should be weakened. Given Councillor Bain's original motions flat-out requesting exemption from the Endangered Species Act, I see there being a very high likelihood that the report will skew in this direction. We have the Endangered Species Act and our endangered species are still in trouble. Perhaps we need more human power in terms of enforcement of the ESA and administrative functions to receive timely replies, but what we don't need is less protection for the endangered species themselves, or more generous timelines for developers at the expense of the protection of endangered species.

At the public consultation yesterday, I asked if the raw data of these public consultations would be available along with the final report, and I was told that it would. So, importantly, I would like to see the raw data from the public consultations as well-documented as possible, attached as an appendix to the report itself.

Thank you very much for your consideration.

[REDACTED]



Ian Kilgour, RPP
Director of Community Development & Growth
The Corporation of the City of North Bay
200 McIntyre Street East
P.O. Box 360
North Bay, ON P1B 8H8

Delivered via email

February 8, 2019

Re: Restoring transparency and trust in North Bay's public consultation on Species at Risk

Dear Mr. Kilgour,

In light of recent decisions by the City of North Bay to reschedule a previously announced public consultation on a matter of significant municipal and provincial interest with less than a week's notice, Activism North Bay provides the following feedback to you, and the Mayor and Council. We also wish to respond to statements made in an email from your office citing "negative discourse and villainizing that is going on in the community" in regard to the above noted matter.

Background

At its Council meeting on January 30, 2019, the City of North Bay announced it would hold a public consultation prior to submitting recommendations to the Province for its 10-year review of the *Endangered Species Act (ESA)*. This action was prompted by a motion before council which requested staff make a submission to the Province on the *ESA*. It was confirmed at the Council meeting that the public event would occur during the evening of February 12, 2019.

While we welcome the City's efforts to include the public in this matter of significant public interest, we are dismayed by what appears to be a lack of effort to engage in good faith on the part of the City. First, the City failed to provide any public notice of this event, beyond the announcement at the Council meeting. While the City committed to engage on February 6, 2019, it took over one week for notice to appear on the City's website.

Secondly, the City announced during the AGM of the North Bay - Mattawa Conservation Authority on Feb 5, 2019 (exactly one week prior to the scheduled public consultation) that the event would no longer proceed at the previously announced time. Our organization has been actively preparing for the event and sharing information notices – which should have been publicly promoted through municipal channels and not led by a volunteer-based organization – We are very much of the view that the decision to reschedule the event on such short notice comes at the cost of public engagement.

Requested Action

For the following reasons, we respectfully request the City of North Bay restart its consultation with its citizens and extend the feedback period, to ensure good faith consultation with adequate public notice.

Inadequate Consultation

Changing the date and time on such short notice and announcing it at an agency's AGM and not via public notice, indicates to us that the City is not consulting in good faith. The City must respect that meaningful public consultation requires adequate notice, and that the public be made sufficiently aware of the consultation topic and opportunity. At a minimum, the notice of consultation should have been made easily accessible on the City's website, and residents should have been informed via other municipal channels, including newspaper(s).

Given that the level of public interest to date has been high, and the complexity and significance of what is being proposed is also of significant public value, we respectfully suggest that this process, to date, is already on a trajectory that falls short of adequate public consultation. We expect an *Endangered Species Act* consultation that has both sufficient advance notice and adequate public announcements.

Lack of Transparency

We are concerned that the lack of coherent and cogent directions regarding the City's consultation may reflect the City's prioritization of private stakeholders over the public. We have received information that closed-door discussions with developers regarding the removal of endangered species protections has already occurred absent public oversight.

Breach of Trust

Activism North Bay's delivery of public concern has been clear, forthright, polite and sustained. By asking for public input while simultaneously mislabelling the input received as "negative discourse" and "villainizing" the City is providing further evidence of a flawed consultation process (as per your email of February 7, 2019, addressed to Yan Roberts in reference to your presentation to the NBMCA board).

The City, in its actions, should be free of bias. We are extremely concerned that the City and / or its staff are not acting transparently. Further to the public's shock upon learning that the City Council passed a motion seeking exemptions from species at risk protections by earlier this month, the level of public concern remains high.

We respectfully ask that the City restart its consultation period, and extend the time for comments on the matter. We ask that the City provide public notice through announcements on its web site, social media, media releases, and local advertising regarding the new timeline and various opportunities for the public to engage.

Adam Curran

From: [REDACTED]
Sent: February-17-19 8:04 AM
To: Beverley Hillier
Cc: Adam Curran
Subject: Video of the public consultation

Good morning Ms. Hillier,

My name is [REDACTED], and I was an attendee of the public consultation about the 10th year review of the Endangered Species Act last week. During the town hall-style portion of the meeting, the subject of the "raw data" came up, and it is my understanding that the raw data would be released alongside or prior to Council's report. Someone else asked if the information would be included as an appendix in the report, and my understanding was that you thought this to be a reasonable solution.

So, I have a video file of the town-hall portion of the public consultation (on Wednesday). Since I recognize it may not be straightforward to simply "attach" a video file to a report, I am writing to offer you this file in whatever format you prefer. I could upload it to YouTube and send the YouTube link to you, or I could compress the file to a manageable size and send the file itself to you. Please let me know the most convenient way for you to receive the file, and I will send it over to you quickly.

I await your reply. Thank you very much,

**10th Year Review of the Endangered Species Act
Input into the Submission by the City of North Bay
Prepared by [REDACTED]**

Overarching and General Comments

- Extremely short timeline for public consultation placed regrettable constraints on ability to engage in detailed review
- Endangered Species Act (ESA) is a complex Act and requires both technical/scientific and local understanding of implications and implementation experience
- The Review lacked any evidentiary basis; such a review should have been preceded by an analysis of implementation experience to date at the provincial level, and an analysis of challenges and successes that was supported by actual investigation and analysis
- The primary criteria for the review of the ESA should be “has it been effective in reducing the level of threat to species in Ontario that are endangered, threatened or of special concern?” but there has been no information or analysis made available that allows those engaged in the review to consider the first ten years of the ESA experience in an informed manner
- the discussion paper purports to have upholding the Act’s intent to protect and recover species at risk in Ontario as a primary motivation, but the underlying messages are that finding “efficiencies” may be the greater motivator; the discussion paper lacks clarity on this key point, and that in itself is problematic
- The Act was put in place in 2007 because other policies and legislation were not effectively protecting these species and their habitat (hence the growing list of species on the “list”) and until such time as the level of risk / pressure / threat on those species can be demonstrated to be no longer in force, then the purpose of the Act must be upheld, i.e. levels of protection cannot be reduced
- There is no indication in the discussion paper as to whether the authors / drivers of the discussion paper consider the cause of the identified “challenges” to be in language of the legislation, the policies or regulations, or the implementation; local discussions led to the conclusion that the challenges were in I implementation – and in particular in the lack of capacity to properly implement the ESA’s provisions, particularly in a timely manner – and as such the focus of this review must return to the challenges in implementation; again, having a sound analysis of experience to date is essential
- The focus of review findings should be on how implementation can be strengthened (and capacity increased)
- The discussion paper seems to suggest that it is a given that an economic development project will be able to actually benefit SAR; this is not supported by any evidence or even anecdotes, and there are more likely to be examples of when an economic development does NOT benefit a species at risk
- The discussion ignores several important factors: 1) there was a streamlining of the Act in 2013 that brought about significant changes to the Act’s ability to meet its purpose and 2) the Act is still a “work in progress” in that there are still many listed species for



which there is no recovery plan, and even more for which there is no response or regulation

- It's reasonable to have a review of a piece of legislation at the ten year mark, but not problematic when the Act has not yet been fully implemented, and even more so when there is no indication that the review is being based on an examination of implementation experience to date and success in meeting the Act's purpose, i.e. to protect species at risk

Area of Focus 1 -- Landscape approaches

- The absence of any definition of "landscape approach" and any discussion of how this undefined approach would be applied makes it very difficult to comment on this section; anecdotally, the fact that Ministry staff could not reply to a question about the definition of "landscape approach" as used in the discussion paper indicates that perhaps even the authors / drivers of the paper are unsure of its meaning or implications
- the section is plagued by unsupported statements which appear to be conclusive but have not been supported by any actual information about how the first ten years of the Act has been evaluated; for example, the statement that a species-specific policy approach "can limit the ability to achieve positive outcomes for species at risk" lacks any evidentiary basis, as does the contention that recovery approaches for individual species "can limit or conflict with one another"; this important review should not be based on hearsay or unsupported assumptions
- the "species specific policy approach" may create management challenges when there are multiple species that require response / protection within a given area; that is the contemporary reality of species at risk. However, this challenge would be reduced by having a recovery plan and response in place for all listed species – the challenges is made all the greater by having species that are at different points along the path to having regulated protections in place
- species have specific habitat needs, and those habitats must be protected as part of protecting the species; an averaging out of the those habitat needs – which is potentially the notion behind the "landscape approach" cannot be assumed to meet those needs or expected to assist in the recovery of the species; such a strategy may hasten species along the trajectory from threatened to endangered to extirpated, which is fully in opposition to the purpose of the Endangered Species Act
- the actual state or extent of the recovery of each listed species is the basis for assessing the effectiveness of recovery actions on a per species basis, and the effectiveness of the Act – and, more importantly, its implementation – overall
- there may be potential within a given area, such as the City of North Bay, to develop an integrated recovery plan for the various species at risk that have been identified as having a presence in the area; however, such an integrated recovery plan could follow only after the individual recovery plans have been developed on a species-specific basis; the failure of the system to produce a full suite of recovery strategies / responses /

regulations within the first ten years of the ESA is the barrier to being able to potentially move to area-based integrated recover plans; without more capacity in the responsible agencies, this barrier will most probably remain in place

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

- the notification process could be improved by improvements to COSSARO's support, infrastructure and communication systems; for example, the COSSARO web site appears to have not been updated since prior to the Spring 2018 meeting, has no option for being added to an email or notification list (other than the option of emailing the secretariat), and the web site is static and limited; simple improvements like a) keeping the web site current, and b) providing a simple listing or notification system advising when an additional species is coming under the Committee's consideration and c) increasing transparency around the Committee's operations would all contribute to significant improvements in the notification process for new species being listed or considered for listing. Again, this appears to be a capacity issue.
- There has already been excessive discretion in the application and extension of exemptions / transition periods; what is required is sufficient capacity and investment to complete the process of those species already listed, and to accommodate any future listings
- Overall, the process regarding assessment and classification can be improved by increasing capacity, investing in the process, applying timelines, and providing greater transparency
- The priority elements of the listing process are a) that the process is science and evidence based and supported by subject experts, and b) that species are afforded protection at the point of being identified as candidates for listing – if the system is slow and cumbersome, it is not the species at risk that that should be sacrificed to failures within the protection system

Area of Focus 3 -- Species Recovery Policies and Habitat regulations

- This section pays considerable attention to timelines, but there is no analysis of experience to date, including why timelines are not being met, or what changes in the system would be required to improve timelines; this is – again – tightly linked to already identified capacity issues
- Consideration should be given to how greater transparency might improve timelines, particularly in the case of the preparation of Government Response Statements; the lack of appropriate linkages between COSSARO and the bureaucrats charged with preparing Government Response Statements is a factor that should be investigated (for example, there are currently no government employees included in the COSSARO)

- The notion that a habitat regulation might be “not needed” is incompatible with a species having been identified as at risk; without a habitat regulation, the protection of the species and its habitat is subject to interpretation of general habitat guidelines; anecdotally, we have heard from practitioners in our area (North Bay) that such subjective application of general habitat guidelines lacks certainty and predictability – two elements of the regulatory system which industries have consistently identified as being of high priority – and results in considerable time delays for development projects
- There is no evidence-based rationale for changing the current legislated timelines for GRS or for the production of progress reports

Area of Focus 4: Authorization Processes

- The section overall conveys an intent to favour economic development over species protection in most or all instances; this is problematic, and inconsistent with the purposes of the Act, the needs of species at risk, and the documented intentions of the City of North Bay
- There are numerous tools already available for that provide alternatives to actually delivering on protection for species at risk as required by the Act (see page 6 of the discussion paper); in the absence of any analysis of the overall effectiveness of the Act or – more specifically in the context of Area of Focus 4 – these already available alternatives, there is no cause to identify additional exemption mechanisms at this point
- Without sufficient capacity, even a changed authorization process can be expected to remain slow, cumbersome, and ineffective
- There is no evidence that a cash-in-lieu system (i.e. “paying into a conservation fund”) will be of any benefit to the species at risk or its recovery, or that it will make the approvals process more effective (or efficient); the subjective nature of this potential tool could result in greater delays and inefficiencies, as well as reducing the protection and/or recovery of species at risk
- The needs of species at risk – and of the development industry – can be more efficiently met by increasing capacity and investing in the system in order to properly support the development of recovery plans and having sufficient staff resources in place in all involved agencies
- Overall, evaluating the effectiveness of the system and its implementation requires ongoing monitoring and evaluation; this should not be a complaint-based approach, but one which is system wide and includes monitoring and evaluation of not only activities undertaken under the auspices of SAR permitting, but of the listed species and their status and (potentially) recovery

10th Year Review of the Endangered Species Act

Comments submitted by:

[REDACTED]

North Bay, ON P1B 8G2

February 15, 2019

To: Adam Curran
Planning & Building Services Department
City of North Bay

Area of Focus 1 – Landscape Approaches

Questions:

1. In what circumstances would a more strategic approach support a proposed activity while also ensuring or improving outcomes for species at risk? (e.g., by using a landscape approach instead of a case-by-case approach, which tends to be species and/or site-specific.)
2. Are there existing tools or processes that support managing for species risk at a landscape scale that could be recognized under the Endangered Species Act?

Comments – Focus 1 – Landscape Approaches

1. The species specific and/or site-specific approach is necessary to ensure the preservation of habitat areas required to not only support a species at risk, but to also help it recover. The idea of a “landscape approach” in the question is undefined and therefore difficult to comment on without context. However, to further look at site specific areas as part of a whole ecosystem is also necessary as habitats/systems cannot be considered in isolation and needs cannot be politically compartmentalized nor fragmented because of development pressures.
2. Both species at risk and their habitat that are identified under the act must remain protected from development pressures. I am generally aware of low impact development and conservation planning principles. These principals should not be used to circumvent protective measures to allow development in sensitive and protected areas. However, as design principals, they should be encouraged in general in areas already deemed suitable for development especially with respect to areas that border protective buffers/habitats. Development must consider the ability of species to continue their life processes in a natural way free from additional barriers and hazards that development may impose. For example, ensuring habitat areas are still linked through natural features such as land bridges, corridors and uninhibited waterways. If these sorts of planning principals are recognized under the Act, it should be from the perspective of additional protective and sustainable measures – not as principals to be used

to allow the fragmentation and/or destruction of sensitive and protected areas that support species at risk.

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

Questions:

1. What changes would improve the notification process of a new species being listed on the Species at Risk in Ontario List? (e.g., longer timelines before a species is listed.)
2. Should there be a different approach or alternative to automatic species and habitat protections? (e.g., longer transition periods or ministerial discretion on whether to apply, remove or temporarily delay protections for a threatened or endangered species, or its habitat.)
3. In what circumstances would a different approach to automatic species and habitat protections be appropriate? (e.g., there is significant intersection between a species or its habitat and human activities, complexity in addressing species threats, or where a species' habitat is not limiting.)
4. How can the process regarding assessment and classification of a species by the Committee on the Status of Species at Risk in Ontario be improved? (e.g., request an additional review and assessment in cases where there is emerging science or conflicting information.)

Comments – Focus 2 - Listing Process and Protections for Species at Risk:

1. The discussion paper outlines a problem with public notification. Lengthening the time by which to add a species to the list until the public is notified is not logical and the result would be to further endanger the species and their habitat (which is illegal and should remain so). The issue is notification to the public and therefore this is the issue to address. If the problem is that developers may go ahead with plans without the knowledge that new species and their habitat have been listed which may affect their plans, then the system by which to keep people current needs to be addressed and improved.
In general, it appears that the public are not aware necessarily of all of the species listed in their area. This brings into question more than development pressures. People could, without knowing, alter private properties or affect public areas (e.g. by camping) without consideration of habitat disturbance or destruction of a species at risk.
Therefore, the concept of ramping up awareness and keeping it current for the people of Ontario should be a prime consideration in addressing implementation of the ESA.
2. No – species at risk and their habitat should be automatically protected without delay. After all, they are at risk.
3. None in normal circumstances. The protection should be automatic. All factors in the situation could then be considered and adjusted as reasonable. If the circumstance was extreme – e.g. a

natural disaster or act of war, then no doubt measures of survival would be applied. For example, creating a fire barrier in situations of forest fire encroachment.

4. This question would be best addressed by the COSSARO team. Perhaps a collegial 'second set of eyes' that could study this question with them would be helpful. They must also have the appropriate resources available to them to be able to consider new or inconsistent information. And as members of this team are selected on the basis of their expertise, they should be able to assess if further study is required prior to classifying a species as being at risk. They must also be allowed to function objectively and with impartiality and not subjected to political pressures or conflicts of interest.

Area of Focus 3 - Species Recovery Policies and Habitat Regulations

Questions:

1. What circumstances would a species and/or Ontarians benefit from additional time for the development of the Government Response Statement? (e.g., enable extending the timeline for the Government Response Statement when needed, such as when recovery approaches for a species are complex or when additional engagement is required with businesses, Indigenous peoples, landowners and conservation groups.)
2. In what circumstances would a longer timeline improve the merit and relevance of conducting a review of progress towards protection and recovery? (e.g., for species where additional data is likely to be made available over a longer timeframe, or where stewardship actions are likely to be completed over a longer timeframe.)
3. In what circumstances is the development of a habitat regulation warranted, or not warranted? (e.g., to improve certainty for businesses and others about the scope of habitat that is protected.)

Comments - Focus 3 - Species Recovery Policies and Habitat Regulations:

1. The question of timelines needs to be addressed in context of capacity of ministry personnel to conduct the research for a recovery policy, produce and then implement the policy. There are a number of extensions listed for species at risk along with a status of progress to complete these steps. Once a species is identified as being at risk, steps to promote management and recovery should follow suit sooner rather than later. The timelines listed in the act seem appropriate however if there is difficulty in meeting them, then the government needs to consider how much more in resources it can give over to the protection and management of species at risk in order to meet the deadlines in the act.
2. There are species listed in the registry that take longer than 5 years to mature and reproduce. It may be that, for some species, the review of progress and recovery may not be as evident in a 5 year review. Experts that are consulted as part of the process in protecting a species may be

able to recommend a different review timeline between e.g. 5 and 10 years. This may help with a more efficient use of resources as well.

3. The question of development of a habitat regulation is a question dependent on the expertise of the persons that recognize the significance of the risk to a species and if there is enough suitable habitat available for it. The underlying question goes back to ensuring people are informed that a species has been identified, the kind of habitat it requires and that steps will be taken to manage and encourage species recovery. People need to be informed as soon as possible about potential impacts to their property and development plans. Which goes back to capacity of ministry personnel to address a species needs and then relay that information. In general, persons within property that they are interested in potentially developing should be educated from the outset as to species at risk in the area, what habitats are on their property and what types of habitats are generally required to protect area species at risk.

Area of Focus 4 – Authorization Processes

Questions:

1. What new authorization tools could help businesses achieve benefits for species at risk? (e.g., in lieu of activity-based requirements enable paying into a conservation fund dedicated to species at risk conservation, or allow conservation banking to enable addressing requirements for species at risk prior to activities.)
2. Are there other approaches to authorizations that could enable applicants to take a more strategic or collaborative approach to address impacts to species at risk? (e.g., create a new authorization, such as a conservation agreement.)
3. What changes to authorization requirements would better enable economic development while providing positive outcomes and protections for species at risk? (e.g., simplify the requirements for a permit under s. 17(2)d, and exemptions set out by regulation.)
4. How can the needs of species at risk be met in a way that is more efficient for activities subject to other legislative or regulatory frameworks? (e.g., better enable meeting Endangered Species Act requirements in other approval processes.)
5. In what circumstances would enhanced inspection and compliance powers be warranted? (e.g., regulations.)

Comments - Focus 4 – Authorization Processes

1. Authorization must not be based on making a payment in lieu of doing the required activities to protect a species at risk or its habitat.
2. Species at risk and their habitats must be protected from destruction or fragmentation. Applicants can consider planning design tools within already suitably identified areas for development as a way of further conservation and sustainability of surrounding habitats. Government incentives for applicants to do so would encourage applicants to think along these

lines. However, there should be no 'agreement' that allows applicants to develop in protected areas.

3. No comment at this time.
4. No comment at this time.
5. Inspection and compliance powers is required in all circumstances for species at risk. However any prioritization of these circumstances and ability to address them effectively is reflected in the question of capacity and resources.

Additional comments:

Climate change is something that should be considered in the ESA, municipal governing bodies and planning departments as habitats have the potential to change which may create more pressure (or less) on species at risk.

Changes to the ESA should not reduce, in any way, the protection of species at risk and their habitats. Changes could be made in the implementation of the act, particularly around public awareness in a timely manner so that applicants, indeed as well as all Ontarians, can make better informed decisions.

Appreciation is extended to the planning department for their efforts in compiling public comment and a report to council.

SHARE YOUR THOUGHTS
CITY OF NORTH BAY
ENDANGERED SPECIES ACT CONSULTATION

Meeting – 10 Year Review of the Endangered Species Act held on Wednesday, February 13, 2019 at 6:30 pm at the West Ferris Community Centre..

Comments to be submitted:

Thank you for the opportunity to comment on the ESA - 10th Year Review. Though I support the stated intent to provide more stronger protections for species at risk. The two motions being considered will not accomplish that goal. For the most part they would make it easier for developers, etc., to damage or destroy the habitats of the most vulnerable plants and species that are listed endangered or threatened & special concern.

Any amendments to the ESA must support its purpose of protecting and recovering at risk species. To that end. I urge our City to..

- No exemptions, for developers, etc.
- ESA should not allow developers, etc, to develop on such land the could jeopardize the survival and recovery of endangered and threatened , special concern, species in these wetlands which is within our city limits in North Bay, Ontario..
- There should be more done by agencies & public, on the RECOVERY of species at risk.
- To request a current science-based documented process..
- Maintain mandatory habitat & wetlands protections..
- Maintain the requirement for proponents of harmful activities to provide an on-the-ground overall benefit to species impacted with backdoor options to simply pay into a fund to compensate for harm.
- Endangered Species Act. & Provincially Significant Wetlands, Provincial Policy Statement, go together for all policices should be respected & implemented, by the city planning department for developers, etc.
- The MNR should to be able to communicate better with the public concerns & questions. Ingage more..

- The NBMCA should not be the only authority to decided these important two motions with the city planning dept.
- Our City council should be more open on the process with the public, Ingage more, not to just vote in favor of moving it forward on these two important motions.
- Maybe our City can hopefully invest in a research station, to bring awareness to these beautiful wetlands and habitats, also educations on the species at risk in our area and healthy living for the citizens our North Bay, Ontario.
- Their should be a public person appointed to work with the City to in sure open and transparency communcations on these to very important acts.

Thank you for your attention.

Yours sincerely

A black rectangular redaction box covering the signature area.

Adam Curran

From: [REDACTED] **at**
Sent: February-15-19 2:25 PM
To: Adam Curran
Subject: submission: comments on the 10th Year Review of Ontario's Endangered Species Act

I am sorry that I was unable to attend the February 13th meeting. I would like to submit my comments on the *10th Year Review of Ontario's Endangered Species Act: Discussion Paper* (10th Year Review).

One question posed by the 10th Year Review is "what changes to authorization requirements would better enable economic development while providing positive outcomes and protections for species at risk?" (p.7) I would like to make some recommendations regarding the economic **impact** of the loss and expansion of habitats for Ontario's endangered species. It would be erroneous to assume that developing land at the expense of habitat equates with economic development. In fact, the only way to ensure both economic development and provide positive outcomes and protections for species at risk is to invest in preserving, and possibly expanding, any lands deemed provincially significant as habitats for endangered species.

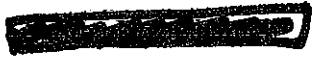
In 2009 the Ontario Ministry of Natural Resources commissioned a study to estimate ecosystem service values for Southern Ontario. The resulting document, *Estimating Ecosystem Services in Southern Ontario* (Troy & Bagstad, 2009) quantifies the value of different types of land, taking into account such things as recreational and cultural value and the impact on soil retention, water quality, and water supply. Troy and Bagstad make a vital contribution to the discussion of Ontario's various ecosystems by placing a dollar value on land and bodies of water. In their study they determine that the most valuable types of land in an urban/suburban area are the rivers (at \$236,392 per-hectare) and wetlands (at \$161,420 per-hectare) (Troy & Bagstad, p. 14). These figures (after adjusting for inflation) need to be included in any discussion surrounding the possible development of any lands determined to be habitats for at risk and endangered species.

Recently the city of North Bay began a discussion about the possible development of provincially significant wetlands. Developing just one hectare of these wetlands, using Troy and Bagstad's research, would result in the loss of \$161,420 for North Bay and Ontario. To put this in perspective, a house would need to be worth \$11,089,600 on this same parcel of land to generate this amount in property taxes for the municipality. Economically it is in the best interest of North Bay to not develop any wetlands, especially those that have been deemed provincially significant. The question then becomes: how can the province recognize this economic value of non-developed wetlands? Should municipalities be compensated for not developing them? Since all of Ontario benefits, through improvement in water and air quality and from a reduction in greenhouse gasses, the onus is on the provincial government to compensate municipalities for not developing their wetlands. Additional funding for ecological preservation is essential.

The only way for the Ontario government to meet their goal of ensuring that there are "positive outcomes and protections for species at risk" while considering possible development is to a) include the economic value of ecosystems in any discussion, recognizing that sometimes it is economically better to not develop the land and b) recognize that municipalities that have a significant proportion of these lands should receive economic compensation for not developing them.

Thank you for considering my submission in your discussion on Ontario's Endangered Species Act. I am confident the Ontario government will improve protections for Ontario's at-risk species and their significant ecosystems. Ontario is a beautiful province and it's land, water, and inhabitants are well worth preserving. I

am glad that the government recognizes that we need to do more and is willing to do whatever is necessary to save our endangered species.



North Bay, Ontario

Adam Curran

From: [REDACTED]
Sent: February-15-19 2:07 PM
To: Adam Curran
Cc: [REDACTED]
Subject: Ontario ESA

To Adam Curran,

I was present at the public consultation in North Bay on Feb. 13 and would very much like my comments counted in your report to council.

People in North Bay and area expect our Ontario government to protect endangered species.

In the decade since the Ontario Endangered Species Act has been in existence, industry interests have been prioritized far above species protections. Now, striving for even greater "balance" between development-interests and species protection, it is obvious that we are going the wrong direction. We need to set our sights on greater limits for harmful activity.

We need to reverse habitat loss.

We need to improve habitat connectivity.

Developers complain that it takes too long to get a permit to breach the law's prevention of harming species or damaging their habitat, but the MNRF has never denied an Endangered Species Act permit to any applicant.

In response to the claim that the Endangered Species Act is burdensome and not conducive to development, it is important to note that the Act is only triggered if the proponent chooses to harm species at risk, or destroy or damage their habitat.

Since the Endangered Species Act was introduced, pressures to habitats have continued to mount and the species at risk list has continued to grow.

In places such as North Bay, the proposed options in the Province's review would make it easier to develop over the habitats of endangered species. Such reckless environmental deregulation threatens the values we share here in North Bay, as well as our community's prosperity. Not to mention the fate of species at risk is further threatened by such deregulation.

The options put forward by the Ministry of Environment, Conservation and Parks would undermine the very cornerstones of the law, which is a science-based listing of species at risk and mandatory protection of listed species and their habitats. The primary intent of the Endangered Species Act must be maintained. This primary intent is to protect species. The government's vision of streamlining the act to be "efficient" for business is incompatible with the purpose of the Act.

We need to improve protections for species at risk, not water them down further.

As one of many concerned citizens, I ask for the North Bay government to be leaders in this, protect the integrity of the system in place and if any changes are to be made, make them stronger in favour of species at risk and their habitat.

Yours sincerely,

[REDACTED]

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The only way for the Ontario government to meet their goal of ensuring that there are "positive outcomes and protections for species at risk" while considering possible development is to a) include the economic value of ecosystems in any discussion, recognizing that sometimes it is economically better to not develop the land and b) recognize that municipalities that have a significant proportion of these lands should receive economic compensation for not developing them.


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North Bay, Ontario

January 30, 2019


164 Circle Lake Road,
North Bay, Ontario,
P1A-3T2

RE: Development, Provincially Significant Wetlands, also Endangered Species Act.

Good evening your Worship & Council

I am an environmentally concerned citizen. I have lived at this address for over 19 years. I am respectfully asking council not to request exemption from the Endangered Species Act., or request flexibility on the Provincially Significant Wetlands, for development without the proper policy and procedure in place to protect these two very important issues within our City limits.

In August 2010, I tried to protect these very important issues. Provincially Significant Wetlands, Endangered or Threatened Species, Blanding Turtle & King Rail Bird, and also Public Safety, requesting sidewalk on Wallace Road. Also from development within the 120 metres boundary of Circle Lake. We lost our appeal to the OMB in 2010. To find out the wetlands have been significantly reduce to what they are today. However I do see this development across Circle Lake Road, not being respected on procedure and policy, this is not wise use of land. When they clear cut to within a boundary on Circle Lake or bring fill in to close to the lake. Also the ditches they had taken away with no culverts installed. We are still kindly waiting for side walk on Wallace Road from 2011 budget.

We did not have alot of support back in 2010 to protect the Parks Creek Wetland Complex, (Catchment Basin) and the Endangered or Threatened Species at Risk also Public Safety. I did not have enough time to present at the last meeting, but I was able to attend this meeting at council. With disappointment! I am very thankful for all the presentations at the past council meeting on these very important issues. Also I am thankful to the Nugget & Gord Young for covering these important issues in 2010 and now

In the fall of 2018 the Ministry of Natural Resouces conducted an investigation for reasons unknown and would not comment to my husband when asked on site on the property directly across from our address on Circle Lake Road in this wetland.


As for the Endangered Species Act. 2018 Fish and Wildlife Conservation Act. Turtles listed under Specially Protected Reptiles, are Snapping, Blanding, Eastern Musk, Midland Painted, Northern Map, Spotted, Western Painted, Wood. Soft Shell Spiny. This is why their is the Species at Risk Act. To consult so that protections are put in place to save all species, habitats, wetlands watersheds. I could only hope the policy and procedures are respected of these acts.

From Circle Lake to the Delaney Lake, behind Canadore College, Snapping & Blanding turtles cross here year after year, I have helped these turtle across the road, into the direction they are going, some are small and some are quite large in size. In the back of Canadore College building on Commerce Court, they have some nesting mounds on both side of the road going into the parking lot. I always see baby turtle crossing the road, some not so lucky because of people leaving the parking lot, behind the building and not seeing these baby turtles, they get runned over by vehicles, which I am sadden to see. I hope this brings awareness to our college..

If this Casnio is to be build just maybe, they will donate some funds to offer the city. I would like to see if this council, bring a motions forward to use some funds, maybe to build a Park Creek Wetland Complex Board Walk throughout these wetlands to help bring awareness to the habitat & edcuation to the Species at Risk in our area & heathly living for our citizens in our beautiful North Bay. Just like the Kate Pace Way. It almost the same length as the Kate Page Way.

I would like to bring awareness to protecting all Species at Risk, their habitat in the Provincally Significant Wetlands, which is within our city limits. In closing I do have to say, once these wetlands, habitats and species are gone, we can never get them back..

Thank you for listening to my conerns.



Adam Curran

From: [REDACTED]
Sent: February-22-19 8:44 AM
To: Adam Curran
Subject: please add me to your list of concerned voters

Dear Mr Curran,

I too am very concerned about preserving endangered species here in North Bay and insist you plan accordingly.

[REDACTED]
[REDACTED]
North Bay

Adam Curran

From: [REDACTED]
Sent: February-13-19 1:28 PM
To: Adam Curran
Cc: Ian Kilgour; Beverley Hillier
Subject: ESA consultation
Attachments: STAKEHOLDERS' MEETING.docx

Hi Adam.

Sending you my notes and thoughts, a little scattered, and includes [REDACTED] Discussion of questions 10th Review, which I feel are well thought-out. I am assuming he has sent this to you. Please extrapolate what you feel is relevant from my notes. I have italicized in blue my thoughts and a few quotes. I will try to get to the meeting this evening, but weather dependent.

Thank you to staff for organizing the Stakeholders discussion yesterday. Very informative.

[REDACTED]

STAKEHOLDERS' MEETING

“10th Year Review of Ontario’s Endangered Species Act: Discussion Paper” Yan roberts
<https://ero.ontario.ca/notice/013-4143>

Note: “CHALLENGES” and QUESTIONS are from the Province.

AREA OF FOCUS 1 – LANDSCAPE APPROACHES

“CHALLENGES:“

- The case-by-case and species-specific policy approach to implementing the Endangered Species Act can sometimes limit the ability to achieve positive outcomes for species at risk. More broadly, protection and recovery approaches for individual species can limit or conflict with one another. For certain species or habitats, the ability to take a more strategic approach may be preferred.)
- For species that depend on habitat across wide ranges, a landscape approach that enables planning and authorizing activities at a broad scale may be preferred.

DISCUSSION QUESTION 1

In what circumstances would a more strategic approach support a proposed activity while also ensuring or improving outcomes for species at risk? (e.g., by using a landscape approach instead of a case-by-case approach, which tends to be species and/or site-specific.)

RESPONSE:

SAR habitat must be prescribed on a species-by-species basis, as is done in the ESA, to effectively protect these species. In Ontario’s own words: “Given the number and diversity of species at risk in Ontario, their unique habitat needs, the different ecological conditions that exist across Ontario, and the variety of human activities occurring within the province, determining whether a proposed activity will damage or destroy habitat will generally need to be done on a species-by-species, case by-case basis.” - Categorizing and Protecting Habitat under the Endangered Species Act 2012

There is already too much flexibility built into the already weakened Endangered Species Act. As of 2013, proponents can now carry out activities that could harm species at risk or their habitat if they get authorization from the MNRF. Until 2013, in most cases this meant that proponents of harmful activities had to obtain a specific permit from the MNRF. In 2013, the MNRF cut its workload and shifted away from authorizing activities through individual permits, and moved to a “permit-by-rule” system (through regulatory exemptions). This means that proponents can carry out many harmful activities as long as they follow a series of rules that are set out in a regulation under the ESA.

Since 2013, there is already serious concerns about reduced protection for species at risk, a lack of oversight and enforcement, and less transparency and public consultation. As a primary means of protection, a more landscape approach would further weaken protection for species.

NOTE: The 2013 amendment allows some of the most harmful industries to Ontario’s wildlife are able to carry out activities and projects with no government oversight or public accountability.

The 2013 amendment allows a handful of industries, including forestry, hydroelectric generation, aggregate pits and quarries and early exploration mining, to carry out activities without needing a permit

DISCUSSION QUESTION 2

STAKEHOLDERS' MEETING

Are there existing tools or processes that support managing for species risk at a landscape scale that could be recognized under the Endangered Species Act?

RESPONSE: Protection must include species-specific policy. Landscape and multi-species approaches are great ecological practices, but when we have priority species such as SAR, the landscape approach must become one influencing consideration in the practical implementation of a focal-species approach (such as the original ESA pre 2013), to adequately protect vulnerable species.

(The landscape approach requires a more comprehensive and thus more complex process than traditional approaches used in conservation but is helpful in identifying data gaps, ranking threats, setting research priorities, and improve conservation planning across jurisdictions -- all of this should be used to better implement species-specific policy.)

NOTE: Some Species at Risk are affected more frequently. Of the 171 endangered and threatened species listed under the ESA, there are several that are affected particularly frequently by potentially harmful activities. * Blanding's Turtle is 5th on that list
The loss of these species at risk is paramount. The loss of one could affect the entire ecosystem because each has an ecological role to play in ensuring the system is resilient. (On the change since 2013:) If we continue to mitigate instead of doing what is needed to protect them then we are going to lose species.

How to identify challenges for a species. There needs to be more money invested in identifying those challenges. Decision making informed by a landscape analysis and a site-based analysis. There needs to be funding available to put into research the science to make informed decisions. Science-based means with parameters. Data hasn't been consistent or efficient. Monitoring assessment: There has been no consistency in tracking science, no staffing or resources

AREA OF FOCUS 2 – LISTING PROCESS AND PROTECTIONS FOR SPECIES AT RISK CHALLENGES:

- There is not enough public notice before a new species is automatically listed on the Species at Risk in Ontario List.
- In some cases, automatic species and habitat protections can contribute to high uncertainty and costly impacts to businesses and the public.
- In some cases, the information around the assessment and classification of a species as threatened or endangered by the independent Committee on the Status of Species at Risk in Ontario is not transparent enough.

DISCUSSION QUESTION 3

What changes would improve the notification process of a new species being listed on the Species at Risk in Ontario List? (e.g., longer timelines before a species is listed.) *Will longer timelines help that species to survive? Update the website, COSSARO*

RESPONSE: Maintain COSSARO's current species listing process, "based on the best available scientific information, including information obtained from community knowledge and aboriginal traditional knowledge" (ESA, section 5 (3));

*The Committee on the Status of Species at Risk in Ontario (COSSARO): an independent committee with up to 12 experts that use best available scientific knowledge to assess native plants or animals that may be at risk, and to provide a classification.

NOTE: For species listed, regulated habitat must be identified within 2 years for endangered

STAKEHOLDERS' MEETING

species, and within 3 years for those listed as threatened.

At present, 243 animals are on the Species at Risk in Ontario List due to environmental threats such as habitat loss, pollution, invasive species, climate change and disease. As of January 2019, the Ontario government has 140 recovery strategies for species at risk across the province.

DISCUSSION QUESTION 4

Should there be a different approach or alternative to automatic species and habitat protections? (e.g., longer transition periods or ministerial discretion on whether to apply, remove or temporarily delay protections for a threatened or endangered species, or its habitat.)

RESPONSE: Using “ministerial discretion” to decide whether species or habitat protections should apply is highly problematic and not science-based. *What is the expertise of the staff making these decisions?*

Maintain mandatory habitat protection for endangered and threatened species. (The law already provides enough flexibility through habitat regulations and permitting, so there's no need to politicize the process by adding ministerial discretion);

NOTE: There are already major delays in the development of recovery strategies for at-risk species. There are several species for which MNRF-led recovery plans are long overdue, including but not limited to: Eastern pondmussel – seven years overdue, Chimney swift – five years overdue, American ginseng – four years overdue, Gypsy cuckoo bumblebee (a vital pollinator) – one year overdue. These delays are unacceptable. The world is facing an unprecedented loss of biodiversity and yet we continue to waste precious time.

DISCUSSION QUESTION 5

In what circumstances would a different approach to automatic species and habitat protections be appropriate? (e.g., there is significant intersection between a species or its habitat and human activities, complexity in addressing species threats, or where a species' habitat is not limiting.)

DISCUSSION QUESTION 6

How can the process regarding assessment and classification of a species by the Committee on the Status of Species at Risk in Ontario be improved? (e.g., request an additional review and assessment in cases where there is emerging science or conflicting information.)

RESPONSE: Implementing a review process to second-guess the science-based listing decisions of the Committee on the Status of Species at Risk in Ontario (COSSARO) undermines the purpose of the Act.

AREA OF FOCUS 3 – SPECIES RECOVERY POLICIES AND HABITAT REGULATIONS “CHALLENGES”

- In some cases, the time limit of nine months to develop the Government Response Statement for an endangered or threatened species is too short, and there is no option under the Act to extend this timeline when needed.
- In many cases, conducting a review of progress towards the protection and recovery of a species within five years of the Government Response Statement is too soon.
- The development of a habitat regulation is not needed for each species that is endangered

STAKEHOLDERS' MEETING

and threatened since general habitat protection applies and can be clarified through the use of general habitat descriptions.

DISCUSSION QUESTION 7

In what circumstances would a species and/or Ontarians benefit from additional time for the development of the Government Response Statement? (e.g., enable extending the timeline for the Government Response Statement when needed, such as when recovery approaches for a species are complex or when additional engagement is required with businesses, Indigenous peoples, landowners and conservation groups.)

RESPONSE: The ministry is inviting the public to consider options that, if passed, would undermine the very cornerstones of the law: science-based listing that includes Indigenous Traditional Knowledge, mandatory habitat protection, and legislated timelines for planning and reporting. Essentially the critical measures that enable positive outcomes for species at risk.

DISCUSSION QUESTION 8

In what circumstances would a longer timeline improve the merit and relevance of conducting a review of progress towards protection and recovery? (e.g., for species where additional data is likely to be made available over a longer timeframe, or where stewardship actions are likely to be completed over a longer timeframe.)

RESPONSE: Already it can take years from the time a species is recommended for protection under ESA to it being added to the list. And even then, measures such as protecting critical habitat or creating recovery plans don't necessarily follow.

DISCUSSION QUESTION 9

In what circumstances is the development of a habitat regulation warranted, or not warranted? (e.g., to improve certainty for businesses and others about the scope of habitat that is protected.)

AREA OF FOCUS 4 – AUTHORIZATION PROCESSES

CHALLENGES

- Authorization processes can create significant administrative burdens and delays, in particular for applicants filing numerous authorizations or registrations under the rules-in-regulations, for routine activities.
- The requirements that applicants must fulfill to obtain an authorization can be extensive, creating barriers to economic development (e.g., in some cases achieving an overall benefit to a species as required under a s. 17(2)(c) permit can be long, onerous, and unpredictable).
- The Act adds duplication and delay for activities that are subject to other legislative or regulatory frameworks, like forestry under Ontario's Crown Forest Sustainability Act.
- Enforcement powers are inconsistent across authorizations and regulations, which can limit the ability to inspect and enforce compliance with regulations.

DEBUNK: Surely if the other applicable legislation in Ontario provided sufficient habitat protection measures for species at risk, we would not need an Endangered Species Act, BUT the reality is that Ontario has over 200 species at risk largely because the past and current legislative landscape do not provide adequate habitat protection for species.

*** Other regulatory framework is not geared to species recovery; it neither prioritizes this goal nor includes any requirements to that end. The ESA is necessary to prevent the further decline

STAKEHOLDERS' MEETING

and/or extinction of SAR, which are already in a precarious state of survival:

A World Wildlife Fund report a few months ago created alarm with its finding that Canadian mammal populations dropped by 43 per cent (over the last 40 years), amphibian and reptile populations by 34 per cent and fish populations by 20 per cent over a similar time period. Some types of birds have lost between 43 and 69 per cent of their populations.

> Part of the reason for the declines is **that the regulatory framework is full of holes.** Instead of

adding new holes, we need to fill those existing holes, and fill them quickly, because of all the recent evidence we have about how rapidly the problem is accelerating.

We must ensure that the purpose, intent and standards of the ESA are upheld through the proposed integration.

“in response to the Council’s pronouncements that the ESA was burdensome and not conducive to development, it is important to note that the factors listed above, which must be considered prior to an authorization being granted, are only triggered should the proponent choose to harm, kill, or harass a SAR or destroy or damage SAR habitat.” -CELA

DISCUSSION QUESTION 10

What new authorization tools could help businesses achieve benefits for species at risk? (e.g., in lieu of activity-based requirements enable paying into a conservation fund dedicated to species at risk conservation, or allow conservation banking to enable addressing requirements for species at risk prior to activities.)

RESPONSE: Amending the law to set a higher bar for creating exemptions through regulation by ensuring they cannot jeopardize the recovery of threatened or endangered species. It does nothing to protect at-risk species if allowing proponents of harmful activities to simply pay into a conservation fund rather than meet current requirements to provide an on-the-ground overall benefit to species that they negatively impact.

Require compensation that results in a direct overall benefit to affected species where harmful activities are permitted. (Do not allow proponents of harmful activities to bypass protections by simply paying into a fund.)

DISCUSSION QUESTION 11

Are there other approaches to authorizations that could enable applicants to take a more strategic or collaborative approach to address impacts to species at risk? (e.g., create a new authorization, such as a conservation agreement.)

RESPONSE: Self-regulation within industry or development will be less effective than provincial law. Proponent-driven approaches (such as the permit-by-rule) are largely based on self-assessment, so we are already in a situation where the implementation of the ESA weakens the intent of the act. Robust inspection, compliance and enforcement system is critical to minimize the inherent risk. Ontario must ensure that proponents are actually following the rules. Ontario must develop appropriate compliance and enforcement policies to make sure that proponents follow the rules.

Other approaches, such as mitigation and minimizing adverse effects to a species is not sufficient for SAR recovery; must instead achieve overall benefit. The approach must provide clear direction to achieve actual avoidance of harmful actions and ensure that the achievement

STAKEHOLDERS' MEETING

of overall benefit to the species is the explicit objective.

Ensure all prescriptions are designed to achieve overall benefit...Minimizing adverse effects can

contribute to that objective, but must not be presented as a separate and less exacting standard. Such plans deliver highly variable management guidance for habitat protection (in some cases offering very little in terms of protection).

NOTE: (Debunk "over regulation without the desired result") "THE MNRF HAS NEVER DENIED AN ESA PERMIT TO ANY APPLICANT." -**ECO report 2017. The province's environmental commissioner reported that the Ontario government hasn't turned down a request**

for a permit to harm a threatened species in four years.

>> With the problem that ESA permits are never denied, there also is the problem that it is extremely difficult to challenge those decisions. There needs to be an accessible mechanism to appeal permit decisions when appropriate. Amend the Endangered Species Act to create a right of appeal for permits.

DISCUSSION QUESTION 12

What changes to authorization requirements would better enable economic development while providing positive outcomes and protections for species at risk? (e.g., simplify the requirements for a permit under s. 17(2)d, and exemptions set out by regulation.)

RESPONSE: **We need to change the narrative that environmental legislation is bad for business. Protecting our environment is the future. It truly is in everyone's best interest.** Simplifying requirements for industry permits or exemptions to undertake harmful activities further weakens the Endangered Species Act, which already isn't protecting at-risk species because the Ministry of Natural Resources and Forestry is failing to effectively implement it. **Their failure is because of a problem inherent to the Ministry mandate: that it is responsible for both protecting biodiversity and "promoting economic opportunities in the resource sector."**

When it comes to ESA implementation, the ministry has not prioritized the law's fundamental purpose: the recovery of at-risk species. As the regulatory exemptions indicate, MNRF has put

the interests of industry first, and the recovery of Ontario's most imperiled species second."

Repeal the long list of exemptions for forestry, hydro, mining and commercial development, approved by Cabinet in 2013.

Amend section 57(1)1 of the ESA so that any future exemptions cannot jeopardize the recovery of endangered and threatened species;

The 2013 exemptions have become the primary means for allowing harmful activities to proceed. **As of October 11, 2017, there had been 2,065 registrations for exemptions and about 85 percent of these for activities that violate ESA protections for species at risk and their habitats.**

<https://view.publitas.com/on-nature/endangered-report-final/page/1>

DISCUSSION QUESTION 13

How can the needs of species at risk be met in a way that is more efficient for activities subject to other legislative or regulatory frameworks? (e.g., better enable meeting Endangered Species Act requirements in other approval processes.)

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RESPONSE: The Public Can't Access Information About Activities That Affect Species at Risk. The Environmental Bill of Rights, 1993 (EBR) provides Ontarians with the right to receive notice of, and to comment on, decisions that could have a significant effect on the environment.

BUT: Despite the strong public interest in species at risk, and the environmental importance of ESA authorizations, only a small fraction of ESA authorizations are subject to the EBR's notice

and consultation rights. The public doesn't have any right to participate in decisions about species at risk authorizations if: the proposal involves an animal; the proponent is the Crown, a municipality or a public body; and/or the activity takes place on Crown land or in a provincial park.

The shift to a less protective Act implementation for species at risk, coupled with insufficient oversight and enforcement by the MNRF is even more problematic given the increasing lack of transparency and accountability. There is little opportunity for the public to hold the government to account for its failures in protecting species at risk.

The public is being kept in the dark on what activities are harming species at risk and where. The protection of species at risk in Ontario can be improved by enhancing public participation and transparency.

NOTE: As of October 2017, there were more than 2,000 registered activities exempted from ESA prohibitions against harm to species at risk and their habitat, for which no information has been publicly released. It is uncertain if the MNRF is monitoring these activities or the mitigation measures that proponents claim they will complete. In most instances, the MNRF requires that mitigation plans be developed, but not that they be submitted. Under the exemption regulation, there is no approval process, so now the ministry has no authority under the ESA to say no to any project, the ministry gave up this authority when it put the exemptions in place.

DISCUSSION QUESTION 14

In what circumstances would enhanced inspection and compliance powers be warranted? (e.g., regulations.)

RESPONSE: Amend the Endangered Species Act to give enforcement officers the power to conduct inspections of registered activities to ensure compliance with permit-by-rule conditions. Robust inspection, compliance and enforcement system is critical to minimize the inherent risk. The ministry has reduced what should have been a robust system for protecting species at risk to what is largely a paper exercise.

Since 2013: - Under the Endangered Species Act there would be no way for the ministry to tell an industry that has an exemption under the regulation that they can't go forward. The ministry has taken away its own authority to refuse these projects and all the proponent has to do is register.

(Far less stringent requirements than meeting the test of overall benefit, in its place, is the much weaker standard of minimizing harmful impact.)

The massive shift from overall benefit to minimizing harm -- a much lower standard of protection -- now authorizes harm to most species at risk across Ontario. Meanwhile, the MNRF relies on blind faith and on public complaints instead of an effective compliance and enforcement strategy.

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"We need to remind the government that it is reviewing the Endangered Species Act, not the

STAKEHOLDERS' MEETING

Endangered Species Act. The law's purpose is to protect and recover Ontario's most vulnerable plants and animals."

Two out of the eight pages in the discussion paper explore how projects or activity can be authorized under the act.

The entire emphasis of the review is 'how are we going to make this more friendly for business? How are we going to streamline the application processes?'

Under the guise of "enabling positive outcomes for species at risk" the Ontario Ministry of Environment, Conservation and Parks (MECP) is reviewing the Endangered Species Act, 2007 (ESA). Allegedly responding to criticisms that the ESA is administratively burdensome and creates "barriers to economic development," the government's discussion paper is closely aligned with its broader "open-for-business" approach to governance.

> Turtles are typically long-lived, slow to reach age of maturity, and have relatively low juvenile survival. Life history characteristics such as these imply that turtles are not able to readily adapt to a change in their environment and are susceptible to many threats. In fact, most turtle threats are wide-spread and ongoing.

REQUEST: The City's response to the Discussion Paper should be made available for comment in advance of Council voting.

The primary cause of species' decline in the province is the same as around the world: habitat loss and degradation. This is compounded by invasive species, climate change, pollution, disease and over-exploitation.⁹

Species depend upon functioning, resilient ecosystems to survive and flourish. At the same time, the loss or decline of a species can affect the whole web of life of which it is a part. Recent science shows that species loss has an impact on the very landscapes in which the species lives.¹⁰ In turn, it can affect human communities within those landscapes. Functioning, resilient ecosystems provide numerous and irreplaceable benefits, such as air and water purification, soil stabilization, flood prevention and climate change mitigation and opportunities for adaptation. These are vital to the well-being of all living things, including human beings.¹¹

Ref: https://www.ecojustice.ca/wp-content/uploads/2017/12/Endangered-Report-final.pdf?fbclid=IwAR1lIH4gNgkZ-6NDs5M7gEnreJQP7rQH9kV_uYVugfgWEoxmBSqsrUD7OTM

Transparency and better communication from the Ministry, legislated timelines, and a more robust process to empower Ministry planners.

Concerns about monetizing species at risk (changing protection into compensation)
Concerns about a landscape approach outright replacing species-by-species approach

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Every time we lose a species, the ecosystem, the remaining plants and animals are weakened, and our own species' existence is threatened. There were 2 billion+ passenger pigeons at the turn of the century in North America, driven to extinction due to human activity. The ESA and PSW are based on science as pointed out by Brennain Lloyd.

What's most beautiful about our community is literally in our own backyard. Looking for positive clear solutions that will do no harm should be the norm. Instead we have a high level of frustration on many fronts, developers, ecologists, biologists, community advocates, business, builders and concerned citizens.

The health of an ecosystem is maintained by its plants and animals. When species become endangered, it is a sign of an ecosystem's imbalance. This balance is difficult to maintain: the loss of one species often triggers the loss of others. When gray wolves were hunted to near extinction in Yellowstone National Park, beaver populations also decreased significantly. This is because elk, without the wolf as its predator, grazed more heavily on plants needed by beavers for winter survival. The conservation of endangered species is important for humans as well. A well-balanced ecosystem purifies the environment, giving us clean air to breathe, a healthy water system to support diverse marine life, and arable land for agricultural production. It also provides us with unique plants with medicinal properties, which serve as the foundation of our medicines. When ecosystems fail, our own health is at risk. By saving endangered species, we are ultimately saving ourselves.

What's the story that we want to tell as a community? Vested interest on a sustainable level, EES.

With all the changes in climate that we are now witnessing on a daily level, times are difficult for all species let alone endangered species.

Our community supports protection of all species in our natural environment here in North Bay, Northern Ontario. It's part of our Northern Ontario, North Bay culture to identify with the natural environment. It's clearly stated in our Strategic plan, natural, north and near. What's most beautiful about our community is literally in our own backyard. So looking for positive clear solutions that will do no harm should be the norm.

With all the changes in climate that we are now witnessing on a daily level, times are difficult for all species let alone endangered species. Southern Ontario has lost 73% of their wetlands, and therefore plants and animals, an ecosystem to development.

Some real concerns about how the policy is being implemented, (policy makers should be practitioners in the trenches) municipal act (grow your community), Planning Act (increase build by), Official Plan, MNRF, MOE. Rules aren't consistent. Openness and transparency in question. Reduces staff to handle enquiries, waiting time for permits etc.

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Notification regarding development restrictions (ESA) should be given before the the development process.

Consider how to maintain the species at risk in the long term. Seeking more notification and transparency.

Developers – how do we effectively develop within the municipal boundaries, sustainable developments. Need help within the planning process: Permits costly and cumbersome. MNR doesn't respond to permits. MNR is outside the one window approach.

Developers need to know the rules up front.

Smart growth?? resources, the direction of investments, the orientation of technological development and institutional change are all in harmony and enhance both current and future potential to meet human needs and aspirations.^[1] For many in the field, sustainability is defined through the following interconnected domains or pillars: environment, economic and social, which according to Fritjof Capra^[2] is based on the principles of Systems Thinking.^[3] Sub-domains of sustainable development have been considered also: cultural, technological and political.^{[4][5]} While sustainable development may be the organizing principle for sustainability for some, for others, the two terms are paradoxical (i.e. development is inherently unsustainable).^{[6][7]} Sustainable development is the development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

Ontario Gov. desired outcomes:

- Enable positive outcomes for species at risk
- Ensure species assessments are based on up-to-date science
- Address multiple objectives for ecosystem management through stewardship and protection activities
- Increase efficiencies in service delivery for authorization clients
- Streamline processes and provide clarity for those who need to implement the Act
- Maintain an effective government oversight role

The ministry is particularly interested in hearing ideas in relation to four key areas of focus, as outlined in the Discussion Paper:

1. Landscape Approaches: What evidence is there that landscape approaches actually work?
Do authorization processes mean relaxing the protections?
2. Listing Process and Protections for Species at Risk
3. Species Recovery Policies and Habitat Regulations
4. Authorization Processes:

The impact of the steps we recommend as stakeholders which includes city, developers, companies and public in caring for the ES in spite of strong desire to relax the rules. The steps we take will say a lot about who we are as humans: earthlings inside an ecosystem. This goes beyond endangered species to not becoming an endangered species ourselves.

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If the rules are relaxed, what will the impact be, and can we commit to do no further harm.

“Climate itself is the living air. Climate isn't really about some abstract, distant climate far, far away from us. It's about this air that surrounds us. This air, you can feel in this room, too, the air that moves right now in your nostrils. This air is our earth's skin. It's amazingly thin, compared to the size of the earth and the cosmos it shields us from, far thinner than the skin of an apple compared to its diameter. It may look infinite when we look up, but the beautiful, breathable air is only like five to seven miles thin, a fragile wrapping around a massive ball. Inside this skin, we're all closely connected. The breath that you just took contained around 400,000 of the same argon atoms that Gandhi breathed during his lifetime. Inside this thin, fluctuating, unsettled film, all of life is nourished, protected and held. It insulates and regulates temperatures in a range that is just right for water and for life as we know it, and mediating between the blue ocean and black eternity, the clouds carry all the billions of tons of water needed for the soils. The air fills the rivers, stirs the waters, waters the forests. With a global weirding of the weather, there are good reasons for feeling fear and despair, yet we may first grieve today's sorry state and losses and then turn to face the future with sober eyes and determination. The new psychology of climate action lies in letting go, not of science, but of the crutches of abstractions and doom-ism, and then choosing to tell the new stories. These are the stories of how we achieve drawdown, the reversing of global warming. These are the stories of the steps we take as peoples, cities, companies and public bodies in caring for the air in spite of strong headwinds. These are the stories of the steps we take because they ground us in what we are as humans: earthlings inside this living air.” (Per Espen, Oslo, Norway)

I do not seek to change the world, but rather keep it as it's meant to be.

**10th Year Review of the Endangered Species Act
Input into the Submission by the City of North Bay
Prepared by [REDACTED]**

Overarching and General Comments

- Extremely short timeline for public consultation placed regrettable constraints on ability to engage in detailed review
 - Endangered Species Act (ESA) is a complex Act and requires both technical/scientific and local understanding of implications and implementation experience
 - The Review lacked any evidentiary basis; such a review should have been preceded by an analysis of implementation experience to date at the provincial level, and an analysis of challenges and successes that was supported by actual investigation and analysis
 - The primary criteria for the review of the ESA should be “has it been effective in reducing the level of threat to species in Ontario that are endangered, threatened or of special concern?” but there has been no information or analysis made available that allows those engaged in the review to consider the first ten years of the ESA experience in an informed manner
 - the discussion paper purports to have upholding the Act’s intent to protect and recover species at risk in Ontario as a primary motivation, but the underlying messages are that finding “efficiencies” may be the greater motivator; the discussion paper lacks clarity on this key point, and that in itself is problematic
 - The Act was put in place in 2007 because other policies and legislation were not effectively protecting these species and their habitat (hence the growing list of species on the “list”) and until such time as the level of risk / pressure / threat on those species can be demonstrated to be no longer in force, then the purpose of the Act must be upheld, i.e. levels of protection cannot be reduced
 - There is no indication in the discussion paper as to whether the authors / drivers of the discussion paper consider the cause of the identified “challenges” to be in language of the legislation, the policies or regulations, or the implementation; local discussions led to the conclusion that the challenges were in I implementation – and in particular in the lack of capacity to properly implement the ESA’s provisions, particularly in a timely manner – and as such the focus of this review must return to the challenges in implementation; again, having a sound analysis of experience to date is essential
 - The focus of review findings should be on how implementation can be strengthened (and capacity increased)
 - The discussion paper seems to suggest that it is a given that an economic development project will be able to actually benefit SAR; this is not supported by any evidence or even anecdotes, and there are more likely to be examples of when an economic development does NOT benefit a species at risk
 - The discussion ignores several important factors: 1) there was a streamlining of the Act in 2013 that brought about significant changes to the Act’s ability to meet its purpose and 2) the Act is still a “work in progress” in that there are still many listed species for
- [REDACTED]

which there is no recovery plan, and even more for which there is no response or regulation

- It's reasonable to have a review of a piece of legislation at the ten year mark, but not problematic when the Act has not yet been fully implemented, and even more so when there is no indication that the review is being based on an examination of implementation experience to date and success in meeting the Act's purpose, i.e. to protect species at risk

Area of Focus 1 -- Landscape approaches

- The absence of any definition of "landscape approach" and any discussion of how this undefined approach would be applied makes it very difficult to comment on this section; anecdotally, the fact that Ministry staff could not reply to a question about the definition of "landscape approach" as used in the discussion paper indicates that perhaps even the authors / drivers of the paper are unsure of its meaning or implications
- the section is plagued by unsupported statements which appear to be conclusive but have not been supported by any actual information about how the first ten years of the Act has been evaluated; for example, the statement that a species-specific policy approach "can limit the ability to achieve positive outcomes for species at risk" lacks any evidentiary basis, as does the contention that recovery approaches for individual species "can limit or conflict with one another"; this important review should not be based on hearsay or unsupported assumptions
- the "species specific policy approach" may create management challenges when there are multiple species that require response / protection within a given area; that is the contemporary reality of species at risk. However, this challenge would be reduced by having a recovery plan and response in place for all listed species – the challenges is made all the greater by having species that are at different points along the path to having regulated protections in place
- species have specific habitat needs, and those habitats must be protected as part of protecting the species; an averaging out of the those habitat needs – which is potentially the notion behind the "landscape approach" cannot be assumed to meet those needs or expected to assist in the recovery of the species; such a strategy may hasten species along the trajectory from threatened to endangered to extirpated, which is fully in opposition to the purpose of the Endangered Species Act
- the actual state or extent of the recovery of each listed species is the basis for assessing the effectiveness of recovery actions on a per species basis, and the effectiveness of the Act – and, more importantly, its implementation – overall
- there may be potential within a given area, such as the City of North Bay, to develop an integrated recovery plan for the various species at risk that have been identified as having a presence in the area; however, such an integrated recovery plan could follow only after the individual recovery plans have been developed on a species-specific basis; the failure of the system to produce a full suite of recovery strategies / responses /



regulations within the first ten years of the ESA is the barrier to being able to potentially move to area-based integrated recover plans; without more capacity in the responsible agencies, this barrier will most probably remain in place

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


- the notification process could be improved by improvements to COSSARO's support, infrastructure and communication systems; for example, the COSSARO web site appears to have not been updated since prior to the Spring 2018 meeting, has no option for being added to an email or notification list (other than the option of emailing the secretariat), and the web site is static and limited; simple improvements like a) keeping the web site current, and b) providing a simple listing or notification system advising when an additional species is coming under the Committee's consideration and c) increasing transparency around the Committee's operations would all contribute to significant improvements in the notification process for new species being listed or considered for listing. Again, this appears to be a capacity issue.
- There has already been excessive discretion in the application and extension of exemptions / transition periods; what is required is sufficient capacity and investment to complete the process of those species already listed, and to accommodate any future listings
- Overall, the process regarding assessment and classification can be improved by increasing capacity, investing in the process, applying timelines, and providing greater transparency
- The priority elements of the listing process are a) that the process is science and evidence based and supported by subject experts, and b) that species are afforded protection at the point of being identified as candidates for listing – if the system is slow and cumbersome, it is not the species at risk that that should be sacrificed to failures within the protection system

Area of Focus 3 -- Species Recovery Policies and Habitat regulations

- This section pays considerable attention to timelines, but there is no analysis of experience to date, including why timelines are not being met, or what changes in the system would be required to improve timelines; this is – again – tightly linked to already identified capacity issues
- Consideration should be given to how greater transparency might improve timelines, particularly in the case of the preparation of Government Response Statements; the lack of appropriate linkages between COSSARO and the bureaucrats charged with preparing Government Response Statements is a factor that should be investigated (for example, there are currently no government employees included in the COSSARO)

- The notion that a habitat regulation might be “not needed” is incompatible with a species having been identified as at risk; without a habitat regulation, the protection of the species and its habitat is subject to interpretation of general habitat guidelines; anecdotally, we have heard from practitioners in our area (North Bay) that such subjective application of general habitat guidelines lacks certainty and predictability – two elements of the regulatory system which industries have consistently identified as being of high priority – and results in considerable time delays for development projects
- There is no evidence-based rationale for changing the current legislated timelines for GRS or for the production of progress reports

Area of Focus 4: Authorization Processes

- The section overall conveys an intent to favour economic development over species protection in most or all instances; this is problematic, and inconsistent with the purposes of the Act, the needs of species at risk, and the documented intentions of the City of North Bay
 - There are numerous tools already available for that provide alternatives to actually delivering on protection for species at risk as required by the Act (see page 6 of the discussion paper); in the absence of any analysis of the overall effectiveness of the Act or – more specifically in the context of Area of Focus 4 – these already available alternatives, there is no cause to identify additional exemption mechanisms at this point
 - Without sufficient capacity, even a changed authorization process can be expected to remain slow, cumbersome, and ineffective
 - There is no evidence that a cash-in-lieu system (i.e. “paying into a conservation fund”) will be of any benefit to the species at risk or its recovery, of that it will make the approvals process more effective (or efficient); the subjective nature of this potential tool could result in greater delays and inefficiencies, as well as reducing the protection and/or recovery of species at risk
 - The needs of species at risk – and of the development industry – can be more efficiently met by increasing capacity and investing in the system in order to properly support the development of recovery plans and having sufficient staff resources in place in all involved agencies
 - Overall, evaluating the effectiveness of the system and its implementation requires ongoing monitoring and evaluation; this should not be a complaint-based approach, but one which is system wide and includes monitoring and evaluation of not only activities undertaken under the auspices of SAR permitting, but of the listed species and their status and (potentially) recovery
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Adam Curran

From: [REDACTED]
Sent: February-15-19 1:02 PM
To: Adam Curran
Subject: General and Overarching Comments, SAR
Attachments: [REDACTED]

Hello, Adam

Very hectic days this week, and I have not been able to get my bulleted comments to you yet as input to the City's submission. So I have decided to do it in stages!

Attached are my general and overarching comments on the discussion paper. Will get more to you as I can get my notes cleaned up and in readable form.

Thank you,

[REDACTED]

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[REDACTED]

North Bay should respect the Significance of Wetlands and Their Inhabitants


Perhaps the primary reason for protecting wetlands from development arises from the common practice of housing developers to fill marshes and wetlands and build homes in the flood plane. Perhaps the Provincial Government was tired of bailing out rural communities when the homes that had been built in a flood plane, flooded badly and the local council screamed disaster in order to extract financial relief from the province. This history should convince the Province not to change the designation of protected wetlands. The Province has mapped out "Provincially Significant Wetlands" in the hopes that we the citizens and their municipal governments would not try to build homes on these lands. The reason that the specie inhabiting these wetlands are at risk in Ontario derives from the history of dredging out these wetlands and filling them and building houses for humans having evicted or killed the natural inhabitants of these areas. Finally humans have realized that this kind of arrogance is not conducive to a healthy world.

The wetlands provide water storage capacity for sudden downpours and spring run off from deep snow pack conditions. Beyond this they provide efficient water filters with the Cattail Bulrush being capable of filtering even heavy metals from run off water. So these little marshy bogs not only stop us from flooding they also clean up the pollution that we so regularly dump into the environment.

The at risk specie including: Blue Spotted Salamanders, Blanding Turtles, and Spiral Ladies' Tresses, an endangered Ontario orchid can be seen in most of the Provincially significant wetlands in North Bay. We should rejoice in this and look to protect them and their habitat so that the rest of Ontario can come to see these wetlands and perhaps catch a glimpse of them from observation posts that we have strategically located in the protected areas. These wetlands provide habitat for these specie because the water is good and plant growth is vigorous and plentiful. Paved driveways are not conducive to any kind of growth. The Blanding Turtle has found just the right habitat with the right foliage and a good sandy area to lay eggs. No the turtle will not move to a new home on the top of the escarpment. There is a sandy area near by perhaps it is an area of beach sand left from the river that, at one time, connected Lake Nipissing to Trout Lake and the Mattawa / Ottawa River system. The turtle will not find such a sand bed, dry and warm on the top of the escarpment. Nor will the Blue Spotted Salamander find a soft loamy based soil in which to over winter or the rich selection of bugs, worms and larvae that are its food source if it is moved to some other wetland where the garter snake population may threaten its existence.

If North Bay allows developers to build homes in wetlands where the ground floor of homes sit in a valley between the two largest river systems in the Province; where the main floor is level with the nearest lake, one can assume that these homes will at some point be below the water table and if the basement isn't flooded now both the basements and first floors will be the next time a heavy rain causes the water to seek the low ground and any nearby empty space. I am not a lawyer but you might think the hapless purchaser of such a property might look to the city's planning department and building inspection office for restitution for water damages. After all the City has allowed the home to be built in a flood plane

It is profoundly unwise for the North Bay City Council to consider any changes to the current designation for the protection of wetlands. Read the report by Stantec outlining the geography of the area and get contour maps of the area from the Ministry of Natural Resources. Look for high ground away from water channels and underground streams for your housing development. Councilors should remember back to their early lessons in osmosis. These rapidly growing green plants in the fertile wetlands take in the carbondioxide that we breathe out and by using the oxygen in water at their roots they release the clean oxygen to the air that we breathe in. Earths atmosphere didn't have much oxygen until green plants became prolific and began producing it. We are the stewards of this land which has evolved over eons, surely we don't want to destroy it.



10 Year Review of Ontario's Endangered Species Act

Response and Questions as a follow-up to the Discussion Paper and public meeting held in North Bay on Wednesday February 13th 2019. Submitted by Lilith Moore.

In the Discussion Paper submitted by the Ministry of the *Environment, Conservation and Parks* on page 2, it is stated that *"The government is committed to ensuring that the Endangered Species Act provides stringent [strict, precise and exacting] protections for species at risk, and they seek to modernize the program based on best practices in other jurisdictions."* They go on to admit that the ESA has *"been criticized for being ineffective in its aim to protect and recover species at risk, for being unclear, administratively burdensome, time consuming and costly for applicants and for creating barriers to economic development."* Interestingly enough, the words 'economic development' are used, but not the word 'sustainable.'

A few questions are thusly raised, as to how the ESA has been implemented in the past; what has worked, and what hasn't, and why might we suppose that to be? Furthermore they suggest *"the modernizing of things based upon practices in other jurisdictions,"* but one might wonder why it is that we do not dare think outside of the box, and view this issue from the broader – and more globally meaningful and impactful - context, and as such also be able to learn what has worked within other communities, ecosystems, and countries at large so that we can perhaps apply some of these strategies to help improve some of the areas that our ESA has seemed to have persistently faltered within.

Our government seeks to *"improve protections, consider modern and innovative approaches, as well as to streamline approvals to support economic development."* These goals seem to currently have many areas of conflict, as do several of the industries which have continually sought to expand their economic growth and whom already have many exemptions put in place so that they may proceed hastier without due diligence or proper accountability. These, often, are the very same industries which have had the largest detrimental - and sometimes irrevocable - impact upon those species at risk as well as their natural habitat.

In the Report titled *"Without a Trace – Reflecting on the 10th Anniversary of Ontario's Endangered Species Act, 2007. A report prepared by the David Suzuki Foundation, Ontario Nature and Ecojustice,"* they remind us that the Ministry of Natural Resources and Forestry was responsible in large part for the implementation of the ESA yet so many concessions were made that they failed to fulfill the primary and fundamental basic mandate of the Act, thus rendering it in large part useless in many instances; once more an example of how something in theory may look good on paper but when put to the test against the almighty dollar, and profit margin, the practical application and execution was avoided if not completely abandoned in many cases. Could not these proposed changes only further enable more concessions to be

made, and provide more ambiguities for corporations and developers to further exploit? One may think it is only prudent to proceed with caution and to be armed with much more information as well as time granted for community members to compile and fully develop their responses when contemplating the notion of *“streamlining approvals for economic development.”*

In the *Discussion Paper* it states that *“some of the desired outcomes for any proposed changes would enable positive outcomes for species at risk”* how does streamlining and fast tracking the proposal or permit processes recommend to do this, it would seem that those amendments would only benefit those whose interests are invested in fast paced, short sighted economic development rather than sustainable, resource recovery, protection or utilization which in and of itself takes time to prepare for and shape into formation.

Any proposed changes would seek to *“address multiple objectives for ecosystem management through stewardship and protection activities,”* would this include implementing a transparency requirement which is applicable to the MNRF, the Government and all those Proponent’s activities, as well as Developers who are exempt from the ESA by way of the Permit-by-rule system? It was also suggested that there be an *“increase of efficiencies in service delivery for authorization clients,”* what would this entail and who would these authorization client’s consist of? Rather than skirting around the proposed changes just be direct and clear about what the desired outcomes truly consist of so the public may better be able to make fully informed and fact based responses and decisions.

The final desired outcome states that there is an aspiration to *“maintain an effective government oversight role,”* and I am curious how they propose to do this or how they think we the public should resolve this dilemma when in the past those entrusted to fulfill such roles have failed considerably. *“Commenting on the regulatory exemptions in a special 2013 report titled The Last Line of Defence: A Review of Ontario’s New Protections for Species at Risk, the Environmental Commissioner of Ontario (ECO) concluded: With these new exemptions, MNRF is excessively exploiting the flexibility tools within the ESA, and nullifying much of the promise held by the new Act [...] The ECO believes that MNRF’s new approach to protecting species at risk is inconsistent with the Ontario Legislature’s drafting of the ESA... As of October 11, 2017, there have been 2,065 registrations for exemptions under the ESA. Approximately 15 per cent of these are for research and conservation projects intended ultimately to benefit species at risk. But for others — the vast majority of harmful activities are proceeding without government oversight or public scrutiny. Without adequate oversight, at-risk plants, animals and their habitats could disappear without a trace. Further, as a development proponent needs only to register for an exemption to proceed, the ministry has no authority under the ESA to say no to any project. In essence, the ministry gave up this authority when it put the exemptions in place. At best it can*

review whether the development proponent has met the requirements to minimize harm after the fact." We the public do get to have an understanding of the full impact, but it is often only after the fact, after ecosystems have been destroyed, after damages have been done that cannot be undone, and after species have been lost for which no cost can provide restoration for. The way that we approach economic expansion and the means that we may utilize in these endeavours are what need to be considered as well, not methods to streamline the approval process which only further put our ecosystem and endangered species at an increased risk; when a species becomes extinct there will be no turning back and will, in ways perhaps presently unforeseen by council, impact us all as well.

With regards to the 1st area of focus, the Landscape Approach, it is suggested that this approach may *"provide new tools for managing multiple species at risk within specific geographical areas,"* it is suggested that to view things from a case-by-case basis for endanger or threatened species is to daunting and arduous of a task, yet we cannot negate the fact that each and every species is unique unto itself, although they may share some similar habitats or in fact reside within the same geographical location their requirements for survivability may still differ greatly among them, so to lump them all into regions and landscapes when formulating assessments or determining development project feasibility, cost vs. reward, simply does not fulfil the ESP's basic commitment to *"Protect species that are listed as endangered or threatened from being harmed, harassed or killed, and their habitats from being damaged or destroyed."* We know through ecological and scientific study and observation that ecosystems are so diverse and can change drastically from one area to the next, so to take on a Landscape Approach would perhaps negate the needs of many of the species within certain areas in question. Imagine for one moment if you will, if we tried to apply that same approach to the human populace, because we reside within the same City limits the individual needs of each resident becomes irrelevant because they are too costly or time consuming to consider, then perhaps one life is placed in a position of more relevance or importance over another, so the other will be adversely affected for the greater good of all...? In the case with the Landscape Approach the needs of individual species at risk will be adversely affected for the greater good of economic growth, global expansion and current profit margins, negating the actual impact this will have upon the future not only for these species which may continue to decline into extinction, but for humankind as a whole.

In the 2nd area of focus, Listing Process and Protection for Species at Risk, it has been proposed that *"there is not enough public notice before a new species is automatically listed on the species at risk in Ontario list and that this can contribute to costly impacts to businesses' and the public."* I have to question are the communities granted enough public notice before legislations are pushed through, bills passed, protected area land acquisitions promised to big corporate developers, was there even enough public notice for tonight's community

engagement Q&A meeting? If the primary objective of the ESA is to protect species at risk then time is always of great concern, and immediacy of action is vital, that should always take precedent above industrial, economic, or commercial development. Perhaps there is room for a financial safety net to be set in place for businesses' which may be monetarily impacted by the ESA; the fact is a businesses can always be moved to a different location or rebuilt, but a species once it goes extinct cannot be recovered and our government officials, the MNRF and those responsible for the implementation of the ESA seem to forget or blatantly avoid this glaring truth, it is the ESA's responsibility not to waste time to placate to economic developers or to accommodate private investors above the interests of endangered or threatened species at risk. An entire species should always take precedent over the activities and economic interests of persons who have more ability to adapt to suite their needs, we are all stewards of the land and wildlife and as such it is our responsibility to protect them and to learn to live in balance with them, not the reverse.

"Should there be ministerial discretion on whether to apply, remove or temporarily delay protections for threatened or endangered species, or its habitat?" That would be a hard NO in my opinion; have we not learned from the past already that to make such amendments or exceptions may invite even more exploitation to occur? What is set in place to prevent political, private or corporate interests from utilizing these alternative approaches to further push through with their own agenda if we allow such approaches to be an option?

In terms of the suggestion that *"independent committees on the status of species at risk in Ontario are not transparent enough,"* I completely concur that full transparency from ALL parties involved should always be mandatory, this includes the ESA, our Federal and Provincial Government, the MNRF as well as the COSSARO and SARPAC and all others whom may have an impactful contribution to these matters in question. There should be no exclusions as one cannot ask for something that they themselves are unwilling to do.

The 3rd area of focus, Species Recovery Policies and Habitat Regulations, mandates that the *"response statement by the Government is based on advice provided in the recovery strategy, social and economic factors, and input from stakeholders, other jurisdictions, indigenous peoples and the public,"* one glaring and major concern that remains is the fact that our current Environment Minister for the Government of Ontario, Mr. Rod Phillips, previously held the position as the Ontario Lottery and Gaming Commissioner and is now strategically positioned to have the ability to hold powerful sway over the Governments' Response as well as what supports will be permitted to assist in the recovery of each species at risk. How can it be ensured that private interests are not in play when the rezoning of certain wetland areas directly correlates to the desire to build a casino upon the aforementioned rezoned land? Because *"the overall feasibility of measures is assessed and the socioeconomic constraints are*

weighed against ecological values,” should it not be evident that ecological values far outweigh any temporary financial gains that will only truly benefit a well-positioned few, while the environment, species at risk, and concerned citizens members are left to carry the burden of the after effects of such corruption.

As a response to the challenge proposed in focus 3 of the Discussion Paper, a timeframe of 9 months for the Government to develop a response statement, with the follow-up of a 5 year review to gage the progress of measures taken seems very reasonable when compared to the time it takes most economic investors to push through their permits for development that transpire so quickly when money is of concern. A species at risk can decline quickly and be lost just as fast, time is of importance in such matters and we see this repeated and reinforced in several instances where other communities or Countries were too slow to take action because of red tape, bureaucracy and political chess maneuvers.

The 4th and final area of focus, the Authorization Process distinguishes the different types of permits or other authorizations for activities that would otherwise not be allowed. When it pertains to 'A' permits the health and safety of humans is of the main concern yet the risk does not have to be imminent, so under what criteria would this entail then, and is it of no concern that this permit promotes Speciesism? Why is it that human beings' (who do not have to be in imminent risk) and whom encroach upon the natural habitat of other species while putting them in direct risk, are entitled to more rights? As stated before we are the stewards and protectors of these species and habitats and it is our responsibility to live in balance with the laws of nature, our current global ecological and climate crisis is a glaring indicator that we have not been honoring this truth.

Permit 'D' allows for concessions to be made if they will *“result in a significant social or economic benefit to Ontario, but will not jeopardize the survival or recovery of the species in Ontario.”* At what point do we set limits? When are economic or social benefits more substantial than the life or habitat of a species at risk? We as a community were asked many questions during Wednesday night's public Q&A meeting, we were invited to brainstorm and to try think of modern ways to improve the ESA as it has been presented to us, but for the most part it just compelled more questions to come forth rather than inventive solutions because there has been a divide of trust that has been growing between the public sector and private development sectors as well as Government officials whose personal interest we must question and call into account.

Adam Curran

From: [REDACTED]
Sent: February-14-19 3:00 PM
To: Adam Curran
Subject: ESA 10 year review

Dear Adam,

I've been following along with the community-based process of putting together a review for the ESA provincial government review.

I want to express concern and worry about the city's interests in participating in the review. Endangered species are struggling even with the current ESA. Any request from the city to reduce protections for ES is irresponsible and short-sighted. I whole-heartly request that the review include a specific request calling for enhancements to the ESA, not reductions or diminishment.

I'm also requesting that the review significantly acknowledge the fact that the main reason the ESA is confusing for developers and others and challenging to enforce is because the Ministry that oversees the Act no longer has enough staff to do the job properly. Rather than look for ways to weaken the strength and purpose of the ESA, I suggest the city formally request that the Ministry hire more qualified personnel.

Thanks for this opportunity.

[REDACTED]
North Bay

ESA Discussion:

We can discuss the Endangered Species Act from several points of view. First, in terms of the North Bay area. We are beginning to see environmental stress in our area that is the result of climate change. I am offering this not as a scientist, but as a longtime resident of Northern Ontario and a gardener. I have lived long enough observing the seasons and deciding when it was safe to plant that I can see that the summers are getting longer and the hydrological cycle has changed. Now we tend to get long periods of rain, followed by long periods of drought. In the winter we get a freeze-thaw cycle (we seem to be in a freeze cycle right now) that is detrimental to plants. We are seeing more algae blooms on our lakes. You might remember a little rasp at the back of the throat from the smoke of last summer's wildfires — which most observers consider to be climate-change-caused.

This means that locally, it is extremely important to take care of the wetlands, because our lakes and streams are already under stress. And it is going to get worse. But wetlands, in addition to protecting our water, are also a carbon sink. They mitigate the carbon load that is pushing our changing climate. So this is no time to weaken the legislation that — because it protects endangered species — also protects in some measure Provincially Significant Wetlands. Because wetlands help preserve the health of our city.

Secondly, we can discuss the ESA in the provincial context. At the moment we have a government that does not appear to be committed to saving endangered species or caring for the water. I would like to be wrong on this, but the evidence is to the contrary. Bill 66 (even though schedule 10 has been withdrawn) is extremely shortsighted, still seeking a repeal of the toxic reduction act. Discussion around the ESA seems driven by a similar mindset: first, "efficient" development and only secondarily care for the land and its creatures. Any consideration of the Act has to consider this unfortunate context in the discussion.

Finally, we can take the birds' eye view. Forgive me if this seems very far away from where we are. Orcas off the BC coast, endangered. Chinook salmon, endangered or threatened. Woodland Caribou endangered or threatened in every one of their habitats in Canada. These may seem like pending extinctions about which we can do nothing, even though many of us in this province feel

intense grief at their loss, and the loss of the estimated 10,000 other species a year that are going missing from our planet.

But — in terms of the ESA —we can (and must) try to deal with this extinction crisis by working to prevent it wherever we find ourselves. So here in North Bay we want to make sure we do not lose (for instance) the Blanding's turtle, the "smiling turtle," because every species we lose makes the world we are passing on to the next generation poorer. That is our job, here, at this time, in 2019, in our small part of the province. Because we have no right to decide that — in one striking local instance — a casino is more important than a creature that brilliantly evolved over millions of years, and that flourished until we came along.

We need to look at the ESA not in terms of what make life easy for business, but what will maintain and enhance a strong and healthy ecosystem in which humans and turtles and birds and trees can all thrive. Otherwise there will be no business.

DISCUSSION QUESTION 1

In what circumstances would a more strategic approach support a proposed activity while also ensuring or improving outcomes for species at risk? (e.g., by using a landscape approach instead of a case-by-case approach, which tends to be species and/or site-specific.)

RESPONSE: It's unclear precisely what is meant by landscape approach. So I can't suggest circumstances that would mean it works better. However, if the ministry responsible has sufficient staff, and if the regulations are very clear, and if the focus on the species that is the strength of the site-specific approach is firmly preserved, then a birds-eye view might be useful. I don't see any reason why the two can't co-exist. However, the emphasis needs to be on the endangered species — a million-year-long view — as opposed to the short-term (maybe fifty-year view) of development.

DISCUSSION QUESTION 2

Are there existing tools or processes that support managing for species risk at a landscape scale that could be recognized under the Endangered Species Act?

RESPONSE: Repeat above.

AREA OF FOCUS 2 -- LISTING PROCESS AND PROTECTIONS FOR SPECIES AT RISK

CHALLENGES:

- There is not enough public notice before a new species is automatically listed on the Species at Risk in Ontario List.
- In some cases, automatic species and habitat protections can contribute to high uncertainty and costly impacts to businesses and the public.
- In some cases, the information around the assessment and classification of a species as threatened or endangered by the independent Committee on the Status of Species at Risk in Ontario is not transparent enough.

DISCUSSION QUESTION 3

What changes would improve the notification process of a new species being listed on the Species at Risk in Ontario List? (e.g., longer timelines before a species is listed.)

RESPONSE: Right now the listing itself is based on completely adequate criteria: the best available scientific information, community knowledge and aboriginal traditional knowledge. **NO CHANGES THERE, PLEASE!** And keep the absolute independence of the listing committee COSSARO.

Perhaps the notification process could be fine-tuned somewhat with red flags for species that are coming under COSSARO's radar. (But that might devolve into hasty permitting and building in an effort to beat the clock. So any move in that direction would have to be thought through very carefully.)

DISCUSSION QUESTION 4

Should there be a different approach or alternative to automatic species and habitat protections? (e.g., longer transition periods or ministerial discretion on whether to apply, remove or temporarily delay protections for a threatened or endangered species, or its habitat.)

RESPONSE: NOT "ministerial discretion." COSSARO is composed of experts. How is the minister an expert, unless he/she happens to be a biologist with expertise in every species and habitat under

consideration in Ontario? No such human exists. And longer transition periods just gives more possibility of further endangerment or extinction.

The focus of these questions should be firmly on the endangered or threatened at-risk species. Not on delaying protection for them.

DISCUSSION QUESTION 5

In what circumstances would a different approach to automatic species and habitat protections be appropriate? (e.g., there is significant intersection between a species or its habitat and human activities, complexity in addressing species threats, or where a species' habitat is not limiting.)

RESPONSE: This question assumes that ultimately human activity should be the priority. If that is the case, humans may end up living on a very lonely, and far less interesting and bountiful planet. As for complexity.. of course this is complex. If it were simple, species would not be at risk and we would not be having this discussion. Preserving endangered species is hard. But it is worth it.

DISCUSSION QUESTION 6

How can the process regarding assessment and classification of a species by the Committee on the Status of Species at Risk in Ontario be improved? (e.g., request an additional review and assessment in cases where there is emerging science or conflicting information.)

RESPONSE: This sounds very much like climate deniers suggesting that there is "conflicting information" or "emerging science" about whether or not climate change is real. This sounds unfortunately like a move to make room for delays and confusion, while species decline and decline. Let's not go there.

AREA OF FOCUS 3 -- SPECIES RECOVERY POLICIES AND HABITAT REGULATIONS

"CHALLENGES"

- In some cases, the time limit of nine months to develop the Government Response Statement for an endangered or threatened species is too short, and there is no option under the Act to extend this timeline when needed.
- In many cases, conducting a review of progress towards the protection and recovery of a species within five years of the Government Response Statement is too soon.
- The development of a habitat regulation is not needed for each species that is endangered and threatened since general habitat protection applies and can be clarified through the use of general habitat descriptions.

DISCUSSION QUESTION 7

In what circumstances would a species and/or Ontarians benefit from additional time for the development of the Government Response Statement? (e.g., enable extending the timeline for the Government Response Statement when needed, such as when recovery approaches for a species are complex or when additional engagement is required with businesses, Indigenous peoples, landowners and conservation groups.)

RESPONSE: NONE. No circumstances would warrant this approach. The statements already take a very long time to appear. And "additional engagement" bear an unfortunate resemblance to the delay and delay model that is offered by Question 6. Again, this would delay until the unfortunate species under consideration is unrecoverable and therefore no longer a problem.

DISCUSSION QUESTION 8

In what circumstances would a longer timeline improve the merit and relevance of conducting a review of progress towards protection and recovery? (e.g., for species where additional data is likely to be made available over a longer timeframe, or where stewardship actions are likely to be completed over a longer timeframe.)

RESPONSE: Of course more data is likely to be available over a longer time frame. But it might be too late for the species. And again: of course it's difficult to complete the stewardship actions. That's part of why the species in question are at risk. If it were easy, or unnecessary, the species would be thriving. Let's stay away from "longer timelines."

DISCUSSION QUESTION 9

In what circumstances is the development of a habitat regulation warranted, or not warranted? (e.g., to improve certainty for businesses and others about the scope of habitat that is protected.)

RESPONSE: When all else (like compassion for the species or an ethic of care for the planet) fails, we need firm clear regulation. That's what it is to be human.

AREA OF FOCUS 4 – AUTHORIZATION PROCESSES

CHALLENGES

- Authorization processes can create significant administrative burdens and delays, in particular for applicants filing numerous authorizations or registrations under the rules-in-regulations, for routine activities.
- The requirements that applicants must fulfill to obtain an authorization can be extensive, creating barriers to economic development (e.g., in some cases achieving an overall benefit to a species as required under a s. 17(2)(c) permit can be long, onerous, and unpredictable).
- The Act adds duplication and delay for activities that are subject to other legislative or regulatory frameworks, like forestry under Ontario's Crown Forest Sustainability Act.
- Enforcement powers are inconsistent across authorizations and regulations, which can limit the ability to inspect and enforce compliance with regulations.

DISCUSSION QUESTION 10

What new authorization tools could help businesses achieve benefits for species at risk? (e.g., in lieu of activity-based requirements enable paying into a conservation fund dedicated to species at risk conservation, or allow conservation banking to enable addressing requirements for species at risk prior to activities.)

RESPONSE: FIRST, make exemptions more difficult to obtain, but at the same time make the regulations around them much clearer. Staff the permitting agencies very well, with knowledgeable people who can apply clearly-stated, rational, rules without delays. And NO CONSERVATION FUND.. wonderful though that sounds. Consider how well the industry-based clean-up fund has worked in the oil sands: \$260 billion dollars in costs pending, and nobody is stepping forward with the required money. It didn't work. So — when the time comes to step up with an expensive purchase of highly-sought-after habitat say, sufficient in size to save the critter in question, who would win? The (for example) at-risk salamanders or the very large and powerful corporation?

To cite an admittedly extreme example: we must not allow rich corporations (presumably the not-rich ones and small developers could not afford such a massive fund) to purchase the demise of a species in order to have free access to the land they want. Consider (again) Kinder Morgan (and now our own

government) bent on destroying salmon spawning beds in streams in BC. They simply set out to remove the species that is delaying their project.

DISCUSSION QUESTION 11

Are there other approaches to authorizations that could enable applicants to take a more strategic or collaborative approach to address impacts to species at risk? (e.g., create a new authorization, such as a conservation agreement.)

RESPONSE: This is so imprecise I can't answer it. What sort of Conservation Agreement? What would it entail? What kind of collaboration is being considered here? I don't think we need new types of authorization. We have plenty. And why is the focus in this discussion paper so consistently on the applicant, rather than on the endangered species and how best to allow them to inhabit the same earth as our grandchildren? Further, we need to create a right of appeal when a sizeable number of local people see that there is a problem with a permit.

DISCUSSION QUESTION 12

What changes to authorization requirements would better enable economic development while providing positive outcomes and protections for species at risk? (e.g., simplify the requirements for a permit under s. 17(2)d, and exemptions set out by regulation.)

The requirements are not simple because these issues are not simple. They cannot be simple. A wetland (for instance) is a complicated, complex, elegant entity. It's fate cannot be reduced to a simple equation. Especially when this question demands the near-impossible: more economic development and at the same time, wonderful outcomes for the species at risk. This is somewhere in the exalted region of a Nobel prize. Maybe it can be done, but probably not within the current science-suspicious ethos at the provincial level. So let's not make ANY changes in that direction.

DISCUSSION QUESTION 13

How can the needs of species at risk be met in a way that is more efficient for activities subject to other legislative or regulatory frameworks? (e.g., better enable meeting Endangered Species Act requirements in other approval processes.)

RESPONSE: This is an impossible question. What other activities are being referred to here? Logging? Mining? [NOTE: Why don't we restore and enhance the office of the Environment Commissioner so that people concerned with species survival can feel someone is watching, and we don't have to leap to full alert every time we hear the word "efficient"?]

DISCUSSION QUESTION 14

In what circumstances would enhanced inspection and compliance powers be warranted? (e.g., regulations.)

RESPONSE: I don't know how strong they are now. But obviously when there are regulations that are felt by some to be onerous (but that are necessary to protect the rich diversity of life in our province) then some body has to have powers of inspection and compliance. As to how much and where and by whom, that is a whole new (and very important) discussion.

The main thing is that the Act, in its original form before the exemptions of 2013, could work pretty well — as well as any human instrument. It is posited on the assumption that we recognize and treasure the interconnected and still not-fully-understood nature of human and animal and plant life in our territory. We should keep it and strengthen it.

This Act should not be weakened so as to enhance what we consider — at this moment in time — to be good business. It may be that in twenty years what will be good for “business” will be a thriving ecosystem in which humans and other creatures can live. And then it might be too late.

Adam Curran

From: [REDACTED]
Sent: February-14-19 2:29 PM
To: Adam Curran
Subject: ESA Consultation

Hi Adam,

Thanks for putting together the consultation with Bev, it is much appreciated.

Here are my thoughts regarding the review of the Act:

I, like most everyone involved want to see clarity in the process.
I recognize there is some confusion and irregularities around implementation & this needs to be addresses.
I also recognize that with limited resources (people), this is going to be the biggest challenge.

I strongly feel that the Act cannot be weakened in any manner, and remain a species based approach VS a landscape approach.
I am opposed to easing of regulations to favour development, and have no doubt that the 'open for business' strong arm policies we have seen from the Provincial government will certainly be applied to the Act the same way they have been doing it in other legislation.

I'd rather speak to it in a big picture sense in this manner, as ultimately, I feel like the questions, like the Act, don't provide enough clarity in regards to the aims of the revision.

Thanks again for your time, it was great to meet you last night.

Regards,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Adam Curran

From: [REDACTED]
Sent: February-14-19 12:33 PM
To: Adam Curran
Subject: Endangered Species Act opinion

Mr. Curran, I understand there is a deadline of tonight to obtain our opinions.

I am dead set against ANY and ALL altering of the act, unless it is to strengthen and expand it. From large creatures to small we are ruining our world for future generations! It is 100% wrong to consider a turtle species or anything else a necessary sacrifice to our money gods. Frankly I wonder what the heck is wrong with us that we could even consider such a thing, and the fact that people are considering it is no less than contemplating murder. I know that is a strong word, but there is no other way to describe a thought process that would ever consider wiping out the existence of a living creature. Please.... NO!

[REDACTED]
[REDACTED]
North Bay, Ontario

Adam Curran

From: Ian Kilgour
Sent: February-07-19 9:01 AM
To: [REDACTED]; Beverley Hillier; David Euler; Adam Curran
Cc: Al McDonald; Scott Robertson; C. Mayne; Councilor Mark King; Mike Anthony at gmail; vrebosch@efni.com; Johanne Brousseau; mac.bain.northbay.2018@gmail.com; davemendicino@bell.net; marcustignanelli@gmail.com; Tanya Vrebosch (Council); Brian Tayler
Subject: RE: Endangered Species Act consultation date change

Hi [REDACTED]

I understand the concerns. However, we have to manage within the timeframe mandated by the Province.

We can't bank on the Province extending the submission date or accepting a late submission.

A notice is going out today to advise that we will be meeting with those stakeholders who would like to meet during the day February 12. A meeting for the general public on the evening of the 13th. If required, we will meet with stakeholders during the day on the 13th as well. Notice will be out today.

These meetings are only one avenue for input. We will receive all correspondence and review it and include with report to Council.

The purpose of my brief presentation was to clarify that the City and CA have an excellent track record when it comes to environmental management. Our beautiful amenities in our City have been protected over the decades, not by luck but by good planning. I expressed my concern, that the negative discourse and villainizing that is going on in the community is unfortunate and unwarranted and does not facilitate good discussion and effective discourse.

Looking forward to lots of discussion and input,

Ian

Ian Kilgour, RPP
Director of Community Development & Growth
City of North Bay

From: [REDACTED]
Sent: Thursday, February 7, 2019 8:30 AM
To: Ian Kilgour; Beverley Hillier; David Euler
Cc: Al McDonald; Scott Robertson; C. Mayne; Councilor Mark King; Mike Anthony at gmail; vrebosch@efni.com; Johanne Brousseau; mac.bain.northbay.2018@gmail.com; davemendicino@bell.net; marcustignanelli@gmail.com; Tanya Vrebosch (Council)
Subject: Endangered Species Act consultation date change

Good morning Ian!

I talked to a couple of folks about the change of date for the City's consultation on the Endangered Species Act, and I'd like to briefly relay some community feedback, hoping that it is helpful.

A key takeaway from your presentation at the NBMCA's AGM last night was an apology from the City for the process of how these motions were brought forward. That's very meaningful. Yet, this was the platform used to also announce to the public that the ESA consultation date was changing — I respectfully suggest that such announcement feels like a continuation of a problematic process.

In his last act as NBMCA Chair, Councillor Mendicino communicated to the City last night the importance of proper consultation on these matters.

To assist with understanding the community's pulse on this, here are a couple of responses I received about the date change:

"That's very unfair and certainly not respectful of the public's close attention to these issues."

"The City is not consulting in good faith. Changing the date/time on such short notice, and at a AGM and not via public notice is not adequate. They must respect that meaningful public consultation requires adequate notice and, that it be made public - so that we are even aware of the notice. I for one, cannot find any public notice that the City is consulting on the ESA. At a minimum, the notice of the consultation should be easily accessible on their website, and residents informed via other municipal channels, newspaper etc. if dates should change."

Please know, I'm not forwarding these to be critical, but rather hoping to help. I realize that you have been put in a tight spot — we all knew from the moment the consultation was first announced last week as February 12th, 6:30 to 8:30 that it conflicted with a Council meeting.

Given that the level of public interest to date has been high, and given the complexity and significance of what is being proposed, I respectfully suggest that this process to date is already on a trajectory that falls short of adequate public consultation. **Given the ongoing date confusion, change and uncertainty, I politely invite the City to make this right and arrange for additional Endangered Species Act consultation that has both sufficient advance notice and adequate public announcement.**

From a community building perspective, it seems to me that following the guiding principles for proper and meaningful public consultation is more important than rushing to meet the Provincial ESA deadline of March 4th. I am sure they would accept a late submission.

Many thanks for listening, I hope that this perspective is helpful in these consultation planning efforts. Great to see you last night Ian! Many thanks for your kind efforts to unite the community together,



Adam Curran

From: [REDACTED]
Sent: February-21-19 5:41 PM
To: Adam Curran; Beverley Hillier
Subject: Fw: Thoughts on the ESA

Hello!

Thanks so much for the opportunity to review the public record. It was very enlightening. However, I believe the following submission I made was not included, so if you could please add it, I would really appreciate it. (Unless I just missed it because two pages were stuck together or something...)

Also, I just have one thing I wanted to clarify with you... was that the *entirety* of the consultation, including the stakeholders' consultation? I assume that's what the pictures of the "drawing boards" or whatever were, but I wanted to make sure.

Thanks again. Much appreciated.

[REDACTED]

From: [REDACTED]
Sent: February 14, 2019 1:56 PM
To: Adam.Curran@cityofnorthbay.ca
Subject: Thoughts on the ESA

Hello there,

Quickly wanted to provide my thoughts on the City's submission to the Province about the ESA. Of course I, like everyone else, want the Act to operate effectively in its implementation.

However, a couple things:

A species-based approach is crucial in my view, rather than a landscape-based approach, because each species is a vital part of any ecosystem. Making decisions for the landscape at large may overlook specific species in crisis. That will have long-lasting negative impacts for the ecosystem overall, and we shouldn't behave carelessly towards the possibility of driving any one species to extinction.

More generally, I don't want to see in the submission anything that suggests the protection of endangered species should be weakened. Given Councillor Bain's original motions flat-out requesting exemption from the Endangered Species Act, I see there being a very high likelihood that the report will skew in this direction. We have the Endangered Species Act and our endangered species are still in trouble. Perhaps we need more human power in terms of enforcement of the ESA and administrative functions to receive timely replies, but what we don't need is less protection for the endangered species themselves, or more generous timelines for developers at the expense of the protection of endangered species.

Vic Fedeli
Doug Ford
Minister of Environment

I am deeply concerned, even distressed, that the present Ontario Government is considering reducing or relaxing the requirements of the Endangered Species Act in order to make it easier for development to take place. I am not against development, but we need not sacrifice endangered species so that we have economic development. In the past, the Earth has seen waves of extinction. The wave of extinction we are presently seeing is different, however, because this time it is the result of human expansion at the expense of threatened species and their environment. We all share the environment. It is unwise, and irresponsible to dismantle what scientists have advised. I believe our legislation is not restrictive; rather, it is minimal protection. Please do not undo this protection, as it offers protection for all of us in this web of life.

Thank you for reading my letter. I look forward to your reply.

Sincerely,

A black rectangular redaction mark covering the signature of the sender.

Adam Curran

From: [REDACTED]
Sent: February-15-19 9:43 AM
To: Adam Curran
Subject: Endangered species act Consultation

I am writing to express my concern about the City's intent on asking for Exemption from the Endangered/At Risk species act.

We as a city have promoted ourselves as an eco-tourist destination and even the hint that we may attempt to circumvent the protections for the species at risk of demise will severely harm our potential tourism dollars from this venue.

Eco-tourism has a far greater financial potential for our region than a casino (It's been stated by Councillor Bain it's not about the casino. I feel this statement is highly suspect).

Species such as the Blanding turtle have been nesting in the same area for thousands of years. For council to suggest that a larger area, in a different place set aside for their habitat is absurd. Were that new area truly a desirable area for the turtles, they would already be nesting there. This is just one example of hundreds of species of flora, fauna and insects that would have adverse effects on their population were a lessening of protections be allowed. Where is City Councils scientific proof that moving habitat will be successful and once implemented, when found not be successful how many other species that we may not have discovered but contribute to our ecosystem (that which keeps us all alive and healthy) will have been destroyed?

If our City Councillors truly want to see our city grow, more energy needs to be directed to environmentally sound actions, than reducing protections for our Endangered/At Risk species.

I humbly submit this for logical consideration.

Thank you for your attention to and consideration in this matter.

Respectfully,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

"Live well, Laugh often, Love all you encounter"

Adam Curran

From: Beverley Hillier
Sent: February-15-19 9:44 AM
To: Adam Curran
Subject: FW: North Bay Wetlands and At risk specie
Attachments: PastedGraphic-1.tiff; PastedGraphic-3.tiff; 41A361E3-FD1F-4AE1-B41F-75E73376B185.tiff; AEEDC056-B86C-459B-8FD2-B71C8E586B32.tiff; D6A5CED1-23FD-4BB3-8ECB-28EFC30A4709.tiff; ProtectingWetlandsFromDevelopment.pdf

Beverley Hillier, MCIP, RPP
Manager, Planning & Building Services
T 705-474-0626 x 2403
W www.cityofnorthbay.ca

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From: [REDACTED]
Sent: Friday, February 15, 2019 9:17 AM
To: Beverley Hillier
Subject: North Bay Wetlands and At risk specie

Hi Bev

We spoke on the phone some time ago about the Circle Lake and Depencier Lake development area. At the time Mr Orsi was taking down all the upright growth, trees, brush and plants in the valley adjacent to Depencier Lake. I include a photo of the aftermath. the rivulet on the right side flows directly into Depencier Lake. The volume of spring peepers was noticeably down in the spring presumably mashed by the land crawler that did this damage. You can say awe too bad but if you have a bug infestation following summer season it is because you killed all the bug eaters. The reasons for maintaining healthy marshlands are so numerous it is hard to cover all of them, Later that summer a pair of mallards decided to nest in this little marsh.

However I fear this habitat will not survive if the wetlands are not protected and the specie that they hold are not protected. I do not know how much parkland the city can demand from a developer but when the land is at the water table and within a flood plane surely you can simply stop the use of fill. the area in the photo below was filled with contaminated fill on the east side of Depencier Lake.

You can see the contaminants rising to the top of this puddle. and because there was no city overbite this contamination is directed into the lake via this culvert

the lake has not and will not recover from this mismanagement. The cattail bulrush marsh that was dredged out to make room for this culvert could have cleaned out most of the pollutants that would have reached the lake but in fact more dredging has been done in the area and the lake is

contaminated to a level that will be difficult if not impossible to recover from. You can not rely on the developers and you can not be sure that city staff will enforce proper procedure so you must simply leave the areas designated as Provincially Significant Wetland alone. Do not allow them to be filled and do not destroy the habitat of the specie that live within them.

In the future the City of North Bay could consider some areas fro "Eco Tourism" and lookouts with details of at risk specie that could be sited there could be strategically located so that visitors could enjoy the wild life and beauty of the marshes that keep us alive.

I have attached a formal presentation for review at you upcoming meeting regarding North Bays Wetlands and the protection of Endangered Specie.

Thank you for your consideration of this matter



Adam Curran

From: [REDACTED]
Sent: February-14-19 9:10 AM
To: Adam Curran
Subject: Endangered Species Act

Hello Adam,

This is my opinion on the proposed changes by the Endangered Species Act.

I am a Nipissing University Alumni from southern Ontario who decide to call North Bay home. My fiancé and I are statistically an anomaly as most young, educated students leave North Bay to pursue better job opportunities found in Toronto and area.

We decided to call North Bay home because of its vast natural landscape, relatively low cost of living and close-knit community.

If North Bay wants to attract more young couples and families to the community, I would reconsider the actions to bypass the Endangered Species Act and Provincially Significant Wetlands. As a young professional that is looking to raise a family, I have strongly reconsidered North Bay as the place that I want to raise my children.

There are many key examples of top destinations that are building their communities around unique physical characteristics. Places like Huntsville and Collingwood are prime examples that people flock to year after year for their beautiful natural landscape and friendly community centres.

The environmental point of view can't even be argued. As a carbon sink, water filter for Lake Nipissing and Trout Lake, storm surge and ice melt buffer for the community, these wetlands are invaluable. Imagine how hard it would be to encourage people to move to North Bay when our lakes are known for low water quality.

There have been close to 4,700 signatures on a petition to the City of North Bay urging the city to reconsider these actions. <https://www.change.org/p/stop-north-bay-from-bypassing-the-endangered-species-act-developing-protected-wetlands>

I am certain that I am not the only one who is ashamed by council's actions.

These wetlands and endangered species are more important than new development. There is plenty of land and vacant buildings in the city that can be converted for new business.

Do the right thing. The world is watching and shaking their heads in disbelief.

[REDACTED]
Tel: [REDACTED]

E: [REDACTED]

Adam Curran

From: [REDACTED]
Sent: February-14-19 8:51 AM
To: Adam Curran
Subject: comments re: Endangered Species Act consultation

I really don't trust our city council in regards to its submission to the province's review of the Endangered Species Act.

Here's my reasoning and causes for concern. This all started when, in spite of a lot of informed opposition, city council approved the development of a casino in North Bay. But it seems that the location for the casino might be impacted by both the Endangered Species Act and the province's significant wetlands designation. In an obvious move to facilitate casino development at the cost of our environment city councilor Mac Bain introduced two motions asking the province to loosen its environmental laws. One was to ask the Ontario government to make the urban area of North Bay exempt from the Endangered Species Act and the other to request that provincially significant wetlands be opened up to development. And council approved both of them. He said if the province grants the requests, council would still have the authority to review projects and stop development if there were local environmental concerns. But given the obvious link to the casino development I sure can't imagine this happening. These reckless motions were obviously a knee-jerk reaction to a perceived threat to the casino project. But does city council really expect me to believe they're going to do their job in protecting the environment after they've asked the province to allow them to get around the laws in place for this very protection? Well, I can't.

There was a lot of concern expressed over these two very obvious pro-casino, anti-environment motions. Mac then withdrew both of these motions and replaced them with two new ones. His new motions direct city staff to prepare a submission for the province's upcoming review of the Endangered Species Act and also request the province roll back wetland regulations to 2005, when northern Ontario had a different set of rules than the south.

City council wasn't working on this submission before all the above. But through a twisted series of motions aimed at facilitating casino development over the province's Endangered Species Act and significant wetlands designation here we are. I don't yet understand how, but I have to believe that some city councilors are hopeful that this process will somehow further the development of the casino despite any environmental impact.

I appreciate the city staff working on this. From the little bit I've seen they've put a good process in place to gather input, especially given the short time-frame. I have no reason to distrust the staff but am absolutely suspicious of council's motivation. I'm anxious to see what council decides to send on to the province, but I can't imagine it not being something to help them sacrifice our environment in favour of the casino.

I sure hope I'm wrong and my trust in our elected officials can be restored.

Thank you,

[REDACTED]
concerned citizen of North Bay
[REDACTED]

Adam Curran

From: [REDACTED]
Sent: February-13-19 5:57 PM
To: Adam Curran
Subject: City of North Bay Submission for EBR 013-4143 - 10th Year Review of Ontario's Endangered Species Act

February 13, 2019

Any amendments to the ESA must support its purpose of protecting and recovering at-risk species. As a professional biologist, I respectfully submit these comments for consideration to the City of North Bay submission:

- Consider cumulative effects of development on a landscape level when considering the impacts of development on Species at Risk
- Maintain and enhance the principle of protecting species at risk and their habitats as the primary objective of the ESA, and not being driven by economic development
- Consider and track the cumulative impacts of development on a Species at Risk
- Remove provisions under the Fish and Wildlife Conservation Act to allow harvesting or hunting of species listed under the ESA (i.e., Snapping Turtle, Algonquin Wolf), unless for cultural or Indigenous purposes
- Provide clarity into the role that MECP will play in administering the ESA in conjunction with the MNRF
- Develop a public registry of authorizations under the ESA (i.e., threats to health and safety permits) and increase enforcement, follow-up and review of these permits by the MNRF to ensure harm to SAR is minimized (the intent of the authorizations)
- Amend the ESA to allow for MNRF enforcement officers the power to conduct inspections of registered activities to ensure compliance with permit-by-rule conditions
- Improve service times for permits applications under the ESA by increasing resources (funding, personnel) to the MNRF to review and advise on permit applications
- Create a professional registry and standards for professionals those who have the expertise to assess impacts to SAR, including a code of ethics (i.e., similar to certified Butternut health assessor or Ontario Wetland Evaluator
- Amend section 57 (1)1 of the ESA so that exemptions will only be allowed if they do not jeopardize the survival and recovery of endangered and threatened species;
- Maintain COSSARO's current science-based listing process;
- Increase and enhance the ability of the MNRF to provide oversight, enforcement, and compliance with the ESA to ensure species at risk are being protected under the act
- Ensure that development of a habitat regulation is for the best interests of the species, not on an economic development basis
- Maintain mandatory habitat protection with no ministerial discretion apply, remove or temporarily delay protections for a threatened or endangered species, or its habitat.) and
- Maintain the requirement for proponents of harmful activities to provide an on-the-ground overall benefit to species impacted

Sincerely,

[REDACTED]
[REDACTED]
[REDACTED]

North Bay, ON

February 13, 2019

[REDACTED]

North Bay ON P1A 2S5

City of North Bay Council

Subject: Endangered Species Act Approach by City Council

I would like to register my objection to council's approach to the Endangered Species Act and Provincially Significant Wetlands within the City of North Bay.

Council cannot take back their intent to "exclude all land, streams and lakes within the City of North Bay's Urban Settlement Area" in the January 15 2019 Species at Risk motion by Councillors Bain and Tignanelli which required a motion of reconsideration by Councillor King.

The reconsidered Species at Risk motion in fact is the so far unseen "staff preparation to the province regarding the 10th Year Review of the ESA" along with public consultation input from a February 13 2019 Open House. City staff may well have significant experience with the economic disciplines however they do not have the field knowledge to comment on the biological aspects of the issue at the heart of the ESA. For that matter neither does the NBMCA who by definition does not regulate nor apply the ESA but rather is a water management agency. That was confirmed for me by a NBMCA staff member.

The Provincially Significant Wetlands motion of January 15 2019 was a glaring example of an oxymoron uttered by Councillor Brousseau, "conservation development", the wishful thinking that in all things we can have our cake and eat it too. The councillor was not the only one to use the phrase. Just destroy 2 hectares of PSW and make 7 hectares somewhere else.

Again with the reconsideration and council proposes and passes a motion to move the Provincially Significant Wetlands Figure 1 boundary to exclude the City as north of the French River watershed. This proposed boundary appears to also affect all of Ecoregion 5E all the way to SSM and south of Mattawa. 5E is based in science, climate variables, elevation, geological and vegetative differences relative to its neighboring ecoregions. It is not moveable nor are species such as Hognosed Snake and Blandings Turtles, both ESA species and both on the northern edge of their range on the property in question. If they are not important on the edge of their range, where they are the most challenged then where are they important? The next edge of the range will be Callander and who could blame them for requesting the boundary be moved south from the NBay council proposed boundary.

I have to assume that council feels emboldened by the change in government and the fact the local MPP is now in a position with the ear of the Premier. The inclusion of other northern communities in the distribution of this motion suggests that environmental regulations are the target on the dart board.



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CITY OF NORTH BAY

ENDANGERED SPECIES ACT CONSULTATION

City of North Bay Public Consultation Meeting – 10th Year Review of the Endangered Species Act held on Wednesday, February 13, 2019 at 6:30 PM at the West Ferris Community Centre.

Written comments are invited and may be submitted at the end of the meeting. You are also welcome to drop your comments off at City Hall, 2nd Floor, Planning & Building Services. You can also send your comments via email to Adam.Curran@cityofnorthbay.ca. The deadline for Submitting Comments to the City of North Bay is Friday, February 15, 2019.

Comments can be submitted directly to the Province. The Deadline for Submitting Comments directly to the Province is March 4, 2019. More information on the provincial review can be found online at: <https://ero.ontario.ca/notice/013-4143>

If anything, there should be even stricter constraints in regards to circumvent an existing endangered species act ruling. Surely there must be a better place to "develop" our city, North Bay, other than in an area that is deemed protected. As global citizens and the only species that can alter their environment to survive, we should be doing everything in our power to protect what is left alive in lieu of the already extinct species due to human "progress".

Feb 13, 2019.

To Whom it May Concern (Wetlands, endangered species)

Intelligence is the ability to adapt to change (Stephen Hawking).

I say we change our goal of growing North Bay to a goal of maintaining North Bay. How many decades does it take to see that North Bay is never going to have a population of over 50,000. What's wrong with that? We are a nice size community. Let's vote a council next time with the ability to make naturring choices for the beauty we are privileged to experience living here. Not choices that destroy the basic fundamental needs of mother nature for \$\$\$.

Our wetlands are precious.

Take all the \$\$\$ put into trying to grow North Bay and put it into caring & protecting it.

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
North Bay, Ont
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

resident of North Bay since 1969. Population same than as it is now.?

W#
2

Dear City Council

I think the underlying issue (in the big picture) is that there is a rapidly growing mistrust of our municipal government - your constituents don't trust you. Romaner has it that some of our council members have something to gain personally by underdeveloping our wetland. This mistrust is based on something. So I think you need to take action to gain our trust back - to come together on these issues. We really need to look at the confidence issue. There is a large fire with a fire - snow. We can't compete. I hope you will listen to the people who you serve.

#2

1) I was here and support the current act

2) " " " " " " " "

3) " " " " " " " "

and pass make it stronger

Protection must include
Species-specific policy.

There should be no ministerial discretion on whether to remove or temporarily delay protections for threatened or endangered species - Global wildlife populations have declined 60% on average in just over 40 years. We need to protect all species - which will include us.

protecting species & their habitat needs to be a priority without compromise

#2

Maintain COSSARO's current species listing process.

#2 challenges

Listing a species is not really a surprise, or automatic. Extensive scientific review is undertaken before species are listed as special concern, or on to more unfortunate "listings".

The COSSARO process is transparent backed up by reports.

Maintain Automatic species and habitat protection

Capacity issues - lack of -
are major barriers to effective
implementation
- issues are not with Act but with
implementation

Q#

- Progress has been abysmally slow ~~to~~ in development / rollout of recovery plans, pop. response & regulation

- Review is premature as a result; rollout should have been completed & evaluation undertaken - and made public - prior to review

↓
Capacity Issues

MAKE THE ESA STRONGER,
~~AND~~ MORE ENFORCEABLE, AND
UNIFORMLY APPLIED. DONT LOOK
FOR SHORTCUTS OR AN EASY
WAY OUT

Species at risk ~~high~~
habitat must be prescribed
on a species-by-species basis.

The ESA is very important and, while I hear
there are "process" issues nothing should be
done to weaken the act or make it easier to get around.

↑ ~~OTTO~~ - THE ACT SHOULD

PROTECT SPECIES, NOT
PAVE THE WAY FOR DEVELOPMENT

↑ I AGREE!!

↑ I also agree!

⇒ need alot of landscape
before proceeding

⇒ spatial scales are not
nec consistently/determinants
(or appropriate)



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I was at the consultation meeting and I support the current act.



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Please attach all the video presentations made @ council on Jan 15 and Jan 30

I don't feel the process was allowed for a full discussion; the time frame of 18 hours (with notices) might have been more widely promoted.

Very difficult to answer these questions and the work that requires reflection

If you take into account that Queens Park looks at a letter to be equivalent to 500 people then the numbers tonight and the presentations are a clear message that constituents do not want to see changes.

Most folks did not feel out their forms a hope our attendance is taken into account. Very technical questions.

(76) ~ 80



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I would like to see the act strengthened to provide more protections. ~~to~~ make it clear who/ what implement. Provide sustainable development training when wanting to have exceptions to the ESA. We need to protect our environment and think to tripple bottom line development - sustainable, 7 generation - environmental basis.

These consultations are so important. Thank you for your time + energy.

Blank lined area for additional handwritten comments.



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*Area of focus: Authorization Processes:
#37 regulations and enforcement are necessary
in all circumstances. Protection of the environment
is our most urgent concern.*

Series of horizontal lines for writing additional comments.



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Focus # 1 QUESTION THE BENEFIT OF
A LANDSCAPE APPROACH FOR PROTECTED
SPECIES AT RISK AS OPPOSED TO
CASE BY CASE APPROACH

Focus # 2 LISTING PROCESS -
LOOKING FOR A FACT BASED PROCESS
BY INDEPENDENT REVIEWERS
NO TO MINISTERIAL DISCRETION

Focus # 3 - PLEASE IMPROVE CERTAINTY
FOR SPECIES; NOT FOR
BUSINESS!

Focus # 4
Question # 3 - THIS IS NOT AN ACT TO
PROTECT ECONOMIC DEVELOPMENT
IT SHOULD BE AN
ACT TO PROTECT SPECIES
AT RISK
IS THERE AN UNDERLYING AGENDA FOR
DE-REGULATION IN THIS CONVERSATION



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Focus question #1 - what benefit would there be for protection of SAR in a "landscape" approach over the case by case approach - who benefits - SAR or using the language of the discussion paper removing "barriers to economic development".
What is the intent of proposed changes?
more definition of a "landscape" approach to SAR.

Focus question #2. We are looking for a scientific - fact based process - with the independence of the COSAHO present act in place maintained. The numerous exemptions weaken the act in its goals of species protection and enhancement. Clarity but not at the expense of the goals of the ESA.
Build capacity to implement the act - more resources needed.

Focus #3 - How about making sure there is a certainty for SAR - businesses need to comply with the environmental protections.



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i.e. these are anthropogenic

My concern is that the city is ultimately trying to get around protection for money, even though we all (should) know by now that we should be panicking (as young Greta Thunberg put it). The planet as a whole is undergoing a mass extinction and global warming. Why don't we stop? Maybe it isn't financially feasible, or maybe it just isn't easy. The current phrase of the environment is "Solve Differently," and we aren't doing that. North Bay is not green. Yes, we have lots of natural landscapes, but those spaces are getting pushed, constricted, and overrun with things that aren't necessary. Biodiversity and solving differently are imperative not only to the planet, but the morale and support of/from North Bay citizens. If we are commenting on the Endangered Species Act, we shouldn't be making it any easier for development. Mac Baun said that the act is hurting development - of course it is! If the areas and species weren't being protected, development would be easier, but then we'd be contributing to this global mass extinction. "Growing our city" is NOT as important as protecting what little life is left.

The only input that matters truly is that of experts in the fields of biology and conservation. And they're spoken. We need to become more sustainable... our new phrase should be "Green Our City" and then maybe we'll end up "Growing our city" with protection.

10th Year Review of the Endangered Species Act

Area of Focus 3 – Species Recovery Policies and Habitat Regulations

Questions:

1. In what circumstances would a species and/or Ontarians benefit from additional time for the development of the Government Response Statement? (e.g., enable extending the timeline for the Government Response Statement when needed, such as when recovery approaches for a species are complex or when additional engagement is required with businesses, Indigenous peoples, landowners and conservation groups.)

2. In what circumstances would a longer timeline improve the merit and relevance of conducting a review of progress towards protection and recovery? (e.g., for species where additional data is likely to be made available over a longer timeframe, or where stewardship actions are likely to be completed over a longer timeframe.)

Need studies to give reliable results, so if longer timeline is necessary, let it happen and protect the subject (species & habitat) in the meantime

3. In what circumstances is the development of a habitat regulation warranted, or not warranted? (e.g., to improve certainty for businesses and others about the scope of habitat that is protected.)

10th Year Review of the Endangered Species Act

Area of Focus 1 – Landscape Approaches

Questions:

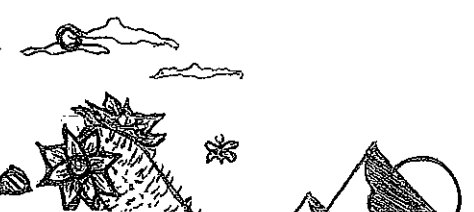
1. In what circumstances would a more strategic approach support a proposed activity while also ensuring or improving outcomes for species at risk? (e.g., by using a landscape approach instead of a case-by-case approach, which tends to be species and/or site-specific.)

2. Are there existing tools or processes that support managing for species risk at a landscape scale that could be recognized under the Endangered Species Act?

2. ↳ for turtle conservation, the forest radius

↳ for each species there will be different requirements, and they should be taken into account when appropriate

① I do not think choosing either landscape/case-by-case approach as a 'go-to' method is better as the case-by-case approach takes in specific needs of a species in a habitat, while landscape approach could take in the function of the ecosystem. I do not quite understand this question. # Every situation will be complex and should be treated as such.





SHARE YOUR THOUGHTS CITY OF NORTH BAY

ENDANGERED SPECIES ACT CONSULTATION

City of North Bay Public Consultation Meeting – 10th Year Review of the Endangered Species Act held on Wednesday, February 13, 2019 at 6:30 PM at the West Ferris Community Centre.

Written comments are invited and may be submitted at the end of the meeting. You are also welcome to drop your comments off at City Hall, 2nd Floor, Planning & Building Services. You can also send your comments via email to Adam.Curran@cityofnorthbay.ca. The deadline for Submitting Comments to the City of North Bay is Friday, February 15, 2019.

Comments can be submitted directly to the Province. The Deadline for Submitting Comments directly to the Province is March 4, 2019. More information on the provincial review can be found online at: <https://ero.ontario.ca/notice/013-4143>

I believe, as an educated citizen and student in wildlife biology, that our city, North Bay, and our province must be VERY careful in its review ~~and~~ of the Endangered Species Act to avoid bias in business and development motives. I believe that the updates should ALL be scientifically based and made towards the very best possible protection of our ecosystem and each piece. With no waning of the protections, even if deemed 'restrictive' by developers.

Regarding some methods to directly protect our species at risk, I found the ~~the~~ scientific research article: "Effects of habitat loss, habitat configuration and matrix composition on declining wetland species" March 15 2013 in Biological Conservation by P.E. Quésnel, L. Fahrig, and K.E. Lindsay. This research reveals "minimizing forest loss will have the most positive outcome for freshwater turtles conservation. Therefore, effective ^{conservation} planning requires a multi-taxa approach to meet landscape-scale requirements of all declining wetland fauna". This should be a standard for endangered turtles in significant wetland protection: protect the surrounding forest!

In regards to the presented discussion questions, ~~the~~

Important perspective describing the habitat conservation of turtles in Ontario - that I don't think is widely known yet!

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Effects of habitat loss, habitat configuration and matrix composition on declining wetland species



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ABSTRACT

Worldwide declines in wetland birds and turtles are attributed to landscape-scale habitat loss, habitat fragmentation and anthropogenic land use. However, due to multi-collinearity, the relative importance of these factors is largely unknown. We evaluated the relative effects of wetland amount, wetland configuration (measured as the number of wetland patches), and matrix composition (measured as the amount of forest, cropland and road density) on the occurrence of eight declining wetland bird species and two threatened freshwater turtles across 66–70 landscapes. We selected landscapes to minimize correlations among the landscape-scale predictors and to represent the range of variation in each predictor available in the study region. For wetland birds, we found that the amount of wetland at a landscape-scale was more important than the other landscape variables, whereas surprisingly for turtles, the amount of forest in the surrounding landscape was more important than the other landscape variables. Wetland configuration independent of wetland amount was not an important predictor of any species. This is the first study to assess the relative, independent effects of the landscape-scale factors thought to contribute to wetland bird and turtle declines. Our results confirm that wetland loss is the primary landscape-scale factor of wetland bird declines, but suggest that forest loss may play a greater role in freshwater turtle declines than previously realized; minimizing forest loss will have the most positive outcome for freshwater turtle conservation. Therefore, effective conservation planning requires a multi-taxa approach to meet landscape-scale requirements of all declining wetland fauna.

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1. Introduction

Worldwide declines of wetland birds and turtles are attributed to wetland loss and fragmentation at a landscape-scale, with anthropogenic land-uses such as roads and development also implicated (Millennium Ecosystem Assessment, 2005). However, the relative contributions of these landscape-scale predictors remain unclear. Wetland birds and turtles have received considerably less attention than other taxa (e.g., amphibians) in landscape ecology, and the effects of landscape structure on their abundance and distribution are less well understood (Attum et al., 2008; Joyal et al., 2001; Tozer et al., 2010; Semlitsch and Bodie, 2003).

Habitat loss generally has strong negative effects on species distribution and abundance relative to weaker and variable effects of habitat fragmentation (Fahrig, 2003). In wetland ecosystems, the loss of wetland habitat has strong negative effects (e.g., Naugle et al., 2001; Tozer et al., 2010). Strong negative effects of wetland isolation (e.g.: Joyal et al., 2001; Smith and Chow-Fraser, 2010; At-

tum et al., 2008; Shriver et al., 2004) are also reported for wetland birds and turtles, and these are often reported as fragmentation effects. However, estimating the separate effects of wetland loss and wetland fragmentation is difficult because they are typically strongly correlated (Fahrig, 2003). Therefore, the current understanding of the relative importance of habitat loss and fragmentation for wetland birds and turtles is limited.

In addition to the loss and fragmentation of habitat, the composition of the intervening space between habitat (or matrix composition) can also influence species abundance and distribution (Fahrig, 2001; Prugh et al., 2008). The amount of forest cover, agriculture and roads surrounding wetlands have all been suggested to affect wetland birds and turtles. Forest cover is generally expected to be a positive matrix element (Alsfeld et al., 2010). For turtles, upland forest surrounding wetland is important for movement and refugia (i.e.: short-term inactivity; Buhlmann and Gibbons, 2001). Farmland is generally expected to have negative impacts due to increased dispersal mortality (Saumure et al., 2007), reduced wetland quality from nutrient and pollutant runoff (Sterrett et al., 2011), and wetland infilling from sedimentation (Naugle et al., 2001). Lastly, roads generally have negative effects on wildlife populations (Rytwinski and Fahrig, 2012),

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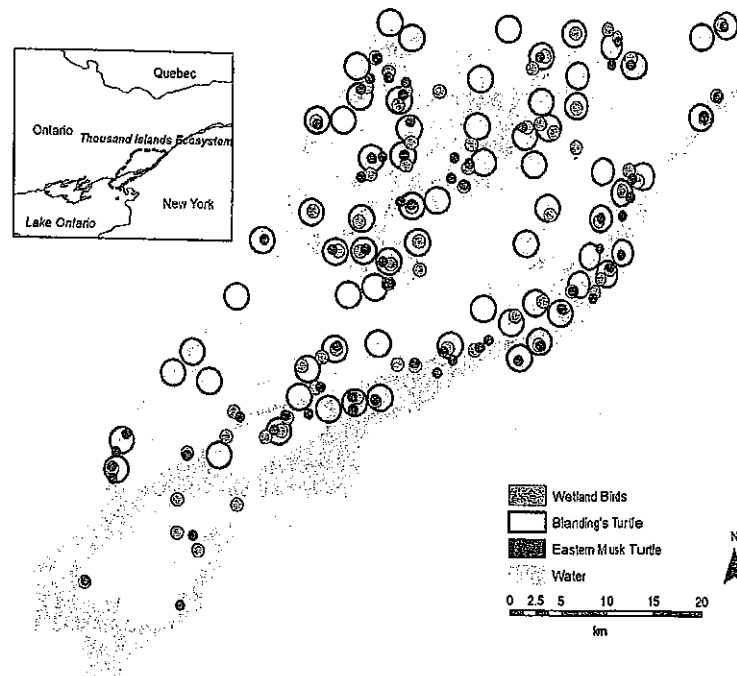


Fig. 1. Distribution of landscapes sampled across the Thousand Islands ecosystem ($\sim 2000 \text{ km}^2$) study area in southeastern Ontario, Canada. Landscapes were defined as the area within a 625 m radius for wetland birds ($n = 70$ landscapes), a 1.2 km radius for Blanding's turtle (*Emydoidea blandingii*) ($n = 70$ landscapes), and a 500 m radius for eastern musk turtle (*Sternotherus odoratus*) ($n = 66$ landscapes).

from radio-telemetry studies for each species group (Jackson and Fahrig, 2012; Table A1). Landscapes were circles having a 625 m, 1.2 km and 500 m -radius for wetland birds, Blanding's turtle and musk turtle, respectively.

We characterized the landscape structure of the study area to assess collinearity among landscape variables prior to landscape selection. Twelve candidate landscape variables were selected to represent: (1) wetland amount, (2) wetland configuration (total wetland edge, mean wetland nearest neighbor distance, number of wetland patches, wetland perimeter-area ratio, mean wetland patch size) and (3) matrix composition (agriculture, pasture and field, forest, open water, and road density). All landscape variables were quantified from the Ontario Land Cover dataset (OMNR, 2003), except wetlands (OMNR, 2009; Sub section 2.1), and analyzed in Fragstats 3.3 and ArcGIS 9.3. We used a moving window analysis across the study area to measure each candidate variable such that the size of the window matched the landscape size selected for each species group (625 m, 1.2 km and 500 m; above). We then performed principal components analyses (varimax rotation) on a random subset of 1000 landscapes for each species group. The first 5 principal components explained 81–85% of the total variation in landscape structure in the study area. We selected one landscape variable from each orthogonal principle component based on the strongest factor loadings and ecological rationale for wetland species: (1) wetland amount (area (ha) of wetland habitat as identified for each species group within a landscape; Sub sections 2.2.1 and 2.2.2), (2) number of patches (the number of wetland habitat patches within a landscape) as a measure of wetland configuration, and three variables to measure matrix composition, (3) forest amount (area (ha) of forest cover in a landscape), (4) agriculture amount (area (ha) of cropland cover in a landscape), (5) road density (total length of all road types divided by the total area of the landscape (km/km^2)). Using only one variable for wetland amount and wetland configuration, versus three

variables for matrix composition might imply that our study was biased in favor of finding matrix effects. However, we suggest the inclusion of three matrix variables was justified because the summed variation in landscape structure explained by the three matrix variables was similar to the proportions of the variation explained by each of the other two variables (Table A2).

We used a randomized stratified sampling design to select 100 non-overlapping landscapes for each species group and to minimize multi-collinearity among the five landscape variables. For landscape selection, we defined three strata for each variable, based on the proportion of area or density of that variable within a landscape (e.g., wetland amount: 0–30% "low", 31–70% "medium" and 71–100% "high"). To the extent possible, an equal number of landscapes were selected per stratum. To avoid a correlation between wetland amount and configuration, we ensured that all possible combinations of the two variables were sampled; this required searching specifically for landscapes with unusual combinations, e.g., high wetland amount with high number of patches, or low wetland amount with low number of patches. We then conducted site visits of each candidate landscape to verify wetland type (Sub section 2.2) and obtain landowner permission for wetland access. This resulted in a final set of 70 landscapes for wetland birds, 70 landscapes for Blanding's turtle and 66 landscapes for musk turtle. In each final set of landscapes, we sampled the full range in variation of each landscape variable, with the exception of the high stratum for agriculture amount (i.e.: 71–100% cropland area in a landscape). The number of wetland patches ranged from 1 to 9 patches in landscapes for wetland birds and 1 to 8 patches in landscapes for both turtle species. Road densities in landscapes ranged from 0 to 9 km/km^2 for wetland birds, 0 to 5.7 km/km^2 for Blanding's turtle, and 0 to 8.7 km/km^2 for musk turtle. For all species groups, all pair-wise correlations between landscape variables in selected landscapes were $r < 0.46$ and variance inflation factors (VIF) < 3.2 (Tables A3 and A4).

We compared regression coefficients from BMA to assess the relative importance of landscape variables in predicting the probability of wetland species occurrence, as other methods for assessing relative importance (e.g., variance partitioning, summed Akaike weights) have been shown to be biased (Smith et al., 2009).

3. Results

Species were detected in the following proportion of landscapes: red-winged blackbird (1.0), swamp sparrow (0.9), marsh wren (0.5), virginia rail (0.5), least bittern (0.3), common moorhen (0.1), sora (0.1), and American coot (0.0), musk turtle (0.6), and Blanding's turtle (0.4). Marsh wren, virginia rail, least bittern, Blanding's turtle and musk turtle were suitable for analysis (Sub section 2.5).

3.1. Relative importance of landscape predictors

3.1.1. Wetland Birds

Wetland amount in a landscape was consistently more important than other landscape predictors for all wetland birds analyzed. For two of the three species, wetland amount was more important by an order of magnitude, based on model-averaged regression coefficients (Fig. 2). There was strong evidence that increased wetland cover at the landscape-scale increased the probability of wetland bird occurrence (Fig. 3). Wetland amount had the highest posterior probability of inclusion in models for wetland birds, where $\text{Pr}(i) > 0.68$ (Table A5). There was no substantial evidence of effects of wetland configuration, forest cover, agriculture cover, or road density (all $\text{Pr}(i) < 0.58$) on occurrence of wetland birds (Table A5).

3.2. Turtles

For both Blanding's turtle and musk turtle the amount of forest in a landscape (a measure of matrix composition) was more important by an order of magnitude than any other predictor variable, based on model-averaged regression coefficients (Fig. 2). There was strong evidence that forest cover at the landscape-scale increased the probability of turtle occurrence (Fig. 3) and the posterior probability of a non-zero coefficient [$\text{Pr}(i)$] was 1.0 and 0.90 for Blanding's and musk turtle, respectively (Table A5). There was no substantial evidence of effects of wetland amount, wetland configuration, agriculture cover, or road density (all $\text{Pr}(i) < 0.20$) on turtle occurrence (Fig. 2; Table A5).

4. Discussion

This is the first study to evaluate the independent, relative effects of habitat amount, habitat configuration, and matrix composition on wetland birds and turtles. Our results support our a priori expectation that the amount of wetland in a landscape (i.e., wetland loss) is more important than other landscape-scale predictors of wetland bird distribution. A positive effect of wetland amount at a landscape-scale has been detected in previous studies for several wetland bird species and across several spatial scales (500–4000 m). This positive effect is most likely due to higher food and nesting site availability in landscapes with more wetland (Tozer et al., 2010).

We found that wetland configuration, when unconfounded with wetland amount (i.e. habitat fragmentation per se), did not have an important effect on any wetland species (bird or turtle). We therefore suggest that the negative effects of wetland isolation found in previous studies actually represent a strong positive effect

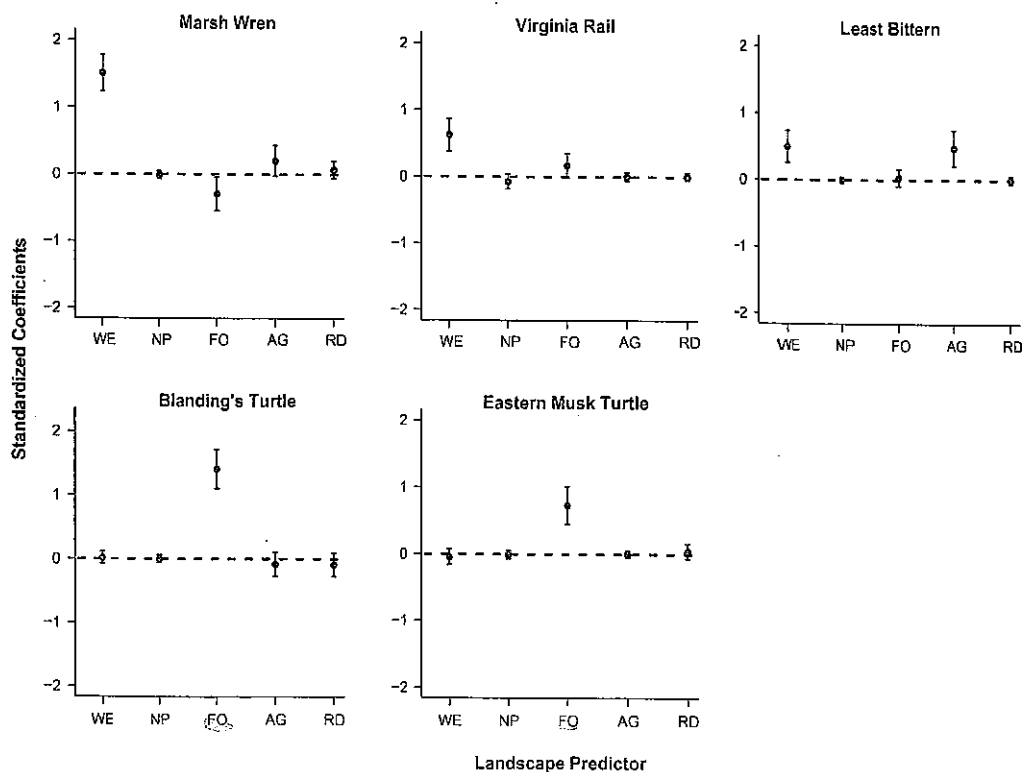


Fig. 2. Bayesian model averaged coefficients from generalized linear models (logistic regression) of wetland species occurrence on landscape predictors: amount of wetland (WE), number of wetland patches (NP), amount of forest (FO), amount of agriculture (AG), and road density (RD), within sampled landscapes. Predictors were standardized (mean 0, SD 1) before analysis.

mating sites and pre-nesting staging areas (Beaudry et al., 2009; Grgurovic and Sievert, 2005). Vernal pools are typically not represented in landcover data because the forest overstory obscures their detection by remote sensing devices. Therefore, vernal pools could explain the relationship with forest cover we found. Finally, Blanding's turtles can migrate large distances (up to 2050 m) to different habitat types required for their life cycles, and they typically use multiple wetlands throughout a season (Joyal et al., 2001). Semi-aquatic turtles including Blanding's may preferentially use upland forests for movement relative to open habitats, possibly due to reduced thermal stress (Bowne, 2008). Since turtle demography relies on high adult survivorship, factors that reduce adult mortality during movement (i.e.: forest cover) could have a strong effect on the distribution of semi-aquatic turtles. Overall, our results suggest that the availability of forest in the landscape represents a more limiting factor than wetland availability on the distribution of Blanding's turtles. If true, it is possible that the apparent sensitivity of Blanding's turtle to aquatic habitat loss and fragmentation found by Grgurovic and Sievert (2005) may actually reflect sensitivity to declining forest amount, which is usually correlated with wetland loss and fragmentation.

In contrast to Blanding's turtles, musk turtles are highly aquatic and seldom leave the water, although gravid females will move overland to nest (mean 851 m), with nests located within 50 m from water (Steen et al. 2012). We suggest that the positive effect of forest cover on musk turtles may result from increasing accessibility to nesting habitats. Musk turtles exhibit relatively high evaporative water-loss (Ernst, 1968), resulting in dispersal mortality (Buhlmann and Gibbons, 2001); therefore, if accessibility to nesting sites is a limiting factor for this species, this could result in a strong effect of forest cover even though the species is primarily aquatic. Alternatively, since musk turtles are relatively sedentary, local wetland conditions, affected by forest cover (e.g.: water quality, hydroperiod), may limit this species. Forest cover may buffer wetlands from fertilizer inputs and sedimentation; DeCatanaro and Chow-Fraser (2010) observed that musk turtles were not found in wetlands of low water quality. On the other hand, we did not find an effect of agriculture on musk turtle. This is not say that such an effect would not occur at cropland covers higher than those in our study (>55%); however it does imply that the positive effect of forest cover we observed is not an indirect negative effect of agricultural inputs. A related explanation is that more forested landscapes could maintain wetland hydrology and drainage patterns within a landscape (Richardson and McCarthy, 1994), to support the occurrence of musk turtles. However, the negative correlation between wetland amount and forest amount at the landscape scale (Table A4) indicates this alternate explanation is unlikely. Therefore, we suggest that the most likely explanation for the positive effect of forest cover on musk turtle occurrence is the higher accessibility of nesting sites, which is presumably a limiting factor for their distribution.

We also considered that the relatively strong positive effect of forest cover on both turtle species could be due to a negative correlation between forest cover in the landscape and wetland riparian disturbance. Forested riparian loss can affect the abundance of turtles (Sterrett et al., 2011) by influencing wetland microclimate (water temperature), resource availability (food), and microhabitat (large woody debris). We calculated proportion forested riparian in each sampled landscape as the total length of wetland edge immediately adjacent to forest, divided by the total wetland edge length. We conducted post hoc analyses of the effect of proportion forested riparian on turtle occurrence by including it as a predictor in models with the landscape variables. Proportion forested riparian did not improve model fit for either turtle species (Table A6), which suggests that forest cover beyond the wetland riparian zone

likely explains the occurrence of both turtle species, as argued above.

It is surprising that wetland amount in the landscape had essentially no effect on the occurrence of the two turtle species. However, unlike wetland birds where feeding and breeding occur solely in wetlands, turtles require different habitats in their life cycle, which necessitates overland movement, increasing the importance of matrix composition (e.g., forest cover). Indeed, local extirpation and shifting population structure of freshwater turtles has occurred despite protection of aquatic habitat in an area of intense anthropogenic development (Browne and Hecnar, 2007), highlighting the importance of matrix composition. In fact, reptiles in general have relatively weak responses to patch area effects (Prugh et al., 2008).

We were unable to estimate the probability of detection of the wetland species surveyed because the study design necessitated a large sample size and logistical constraints prevented repeated visits. However, we suggest that our sampling methods maximized detectability of each species (Sub section 2.4) such that additional visits would only marginally increase the probability of detecting occupancy in a landscape. We also note that occurrence rates of marsh wren, virginia rail and least bittern in this study were within the range of detection reported in other landscape-scale studies using call-broadcast with multiple visits (Rehm and Baldassarre, 2007; Tozer et al., 2010). Also, the occurrence rate of Blanding's (0.36) was similar to or higher than occurrence rates from trapping with repeated visual surveys (0.26; Joyal et al., 2001) or repeated visual surveys alone (0.10; Attum et al., 2008). Similarly for musk turtle, the sampling method selected (active surveys) yielded higher detection rates relative to baited traps and we maximized detectability by conducting searches over 2 days, if necessary.

Although our detection rates are high, it is possible that detectability covaried with landscape predictors, such that there were higher detection probabilities of wetland birds in landscapes with more wetland cover or of turtles in landscapes with more forest cover, which could cause spurious results. We evaluated this possibility by testing, post hoc, for correlations between factors that could affect detectability and landscape predictors. These factors included Julian day, air temperature, cloud cover, and length of wetland shoreline. All of these were weakly correlated ($r < 0.2$) with landscape variables, indicating our results for wetland cover and forest cover are likely not spurious effects of detectability bias caused by these factors (Table A7). Alternatively, perhaps an unknown local variable covaried with detectability and the landscape predictors, thus introducing a detection bias for which we are unable to test (Gu and Swihart, 2004). While this is possible, such a bias would have to be quite strong to produce the large magnitude of effects of wetland amount and forest cover (Fig. 2) we observed.

5. Conclusions

Given that wetland birds and turtles are undergoing some of the steepest wildlife population declines worldwide (Millennium Ecosystem Assessment, 2005) this study has important implications for wetland conservation and landscape planning. Our results confirm that wetland loss is the primary landscape-scale factor of wetland bird declines and suggest that forest loss plays a greater role in freshwater turtle declines than previously realized. Firstly, this suggests that minimizing wetland loss, irrespective of configuration, will be of most benefit for wetland bird conservation. Secondly, given the protection of core wetland habitat (Semlitsch and Bodie, 2003), minimizing forest loss surrounding protected core wetlands will be of most benefit for freshwater turtle conservation. The large effect of forest cover on turtles provides the first

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Adam Curran

From: [REDACTED]
Sent: February-15-19 11:20 AM
To: Adam Curran
Subject: Endangered Species Act Consultation - Input

To Mr. Adam Curran:

I am totally in favour of an Endangered Species Act that gives maximum protection to species at risk. I do not want to see the present Act altered in any way that reduces protection. If it is changed, it should be changed to increase protection.

I understand the Act presently mandates an independent body (from the Ontario government) called COSSARO that identifies which species should be identified and protected by the legislation. This body includes persons with scientific expertise and Indigenous traditional knowledge. Independence from the Government is essential. This body must be maintained.

Related to this ESA Consultation process, I do not see any specific intention to seek Indigenous perspective on the Act. That is a serious oversight, and would be a valuable contribution to the North Bay City contribution in this process, as well of course, in the overall provincial process.

I hear concern from some that the present Act is difficult to implement, which makes me curious about their vested interests. I believe it is important to continue with a case by case approach as opposed to a landscape approach to implementation. The provision of permits that the Act now allows seems to be a clear, and while I have some concern about the "permit by rule," I suspect that it allows some flexibility for those who might be considered "developers." The key is to ensure that the MNRF is given sufficient capacity by the Ontario government to do their job, related to this Act. In other words, cut backs to MNRF need to halt, and instead, additional staffing needs to be put in place to support the Act and its authorization processes.

Finally, I do not appreciate "growth and development" being pitted against environmental protection. I don't believe protecting endangered species and wetlands is in opposition to growth and development. The key is what kind of growth and development we are talking about. North Bay is well-situated to be a leader in environmental protection while showing to the province and country that growth and development can happen sustainably. The traditional model of growth and development however, is no longer viable for this planet. There is considerable human volunteer capacity within North Bay and the surrounding area to contribute to a 21st century model of growth and development that respects the interdependent bio-diversity of all life on this earth. I highly recommend that the City tap into this human energy and expertise while paying attention to what the Blandings Turtle and our other planetary neighbours are trying to tell us.

I look forward to reading all of the raw data that you have compiled, and the subsequent report that will be made public prior to the City Council meeting on Feb 26. Best wishes in your work... I appreciate it is a huge task to pull this all together.

[REDACTED]
North Bay

Adam Curran

From: [REDACTED]
Sent: February-27-19 1:40 PM
To: Adam Curran
Subject: Re: Transcribed presentations for public record

Hi Adam,

Thank you so much. I really appreciate that!

All the best,
[REDACTED]

From: Adam Curran <Adam.Curran@cityofnorthbay.ca>
Sent: February 27, 2019 12:49 PM
To: [REDACTED]; Beverley Hillier
Subject: RE: Transcribed presentations for public record


Hey [REDACTED]

I'll confirm with Bev, but I do not see an issue with including the transcript you have provided.

Thanks,

Adam Curran, MCIP, RPP
Policy & Business Development Planner
City of North Bay

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Invest In North Bay 

From: [REDACTED]
Sent: February-27-19 12:13 PM
To: Beverley Hillier
Cc: Adam Curran
Subject: Transcribed presentations for public record

Hi Bev,

Is it too late to submit transcriptions of my City Council presentations to form part of your public consultation docs? I've listed them below just in case.

If it's too late, please let me know, so I can pass them on to the Province myself.

Thanks so much for your assistance during this process - I really appreciate it. I feel a lot more comfortable with the report having the appendix attached, so I hope it can be considered a win-win situation.

Transcription of [REDACTED] presentation at the January 30, 2019 Council meeting

Mayor McDonald, members of Council, thank you for the opportunity to speak.

North Bay is known Ontario-wide as a place filled with natural beauty. Our branding is in blue and green, the colours of the sky and the trees. This is a valuable image to have as natural beauty is rapidly becoming more rare and less accessible. There is no shortage of urbanization in this world. If North Bay worked to preserve its eco-friendly image, the positive effects on tourism would be long-lasting, and civilians' lives would be enriched.

According to Ontario.ca, benefits of wetlands include preventing flood damage, improving water quality, and of course, giving wildlife a home. I've never before seen North Bay as the kind of place that would replace these significant wetlands with the chaos of flashing lights on slot machines. I don't want to see this thriving ecosystem replaced with concrete. There is no shortage of suffering gambling addicts, but there IS a shortage of Blanding's turtles.

You may remember some of our faces from previous disagreements in regards to the casino, and as such, you may be inclined to brush off our impassioned speeches as aimless criticism from your detractors. But please consider the gravity of the situation. The environmental crisis is real and all around us. As a society, we are waging a war on our environment that no amount of money will be able to fully reverse. Many people are concerned about what the future will look like for their children and grandchildren. We don't have to pay very close attention to notice the clear signs indicating we're in a crisis on this Earth. Importantly, no amount of dollars will bring back an extinct species, and as a city, we should not take liberties with or behave carelessly towards such a possibility.

Councillor Bain's rewriting of the motions is essentially a means to achieve the same ends – the weakening of environmental protections in the name of development. Councillor Bain, I am grateful for your interest in responsible development, but these developments should not happen on Provincially Significant Wetlands, nor should they happen at the cost of destroying the habitat of the threatened Blanding's turtle. That is not responsible development. I do not want to see the municipality exempt itself from accountability.

We are already in a position where people in the future will be paying the price for decisions made in the past. It's inescapable. Perhaps it's easy to see this decision as just another brick in the seemingly insurmountable wall. And yet, each decision like this one does have a long-lasting impact.

You all ran powerful campaigns to fight for the chance to sit before your constituents and make decisions that would benefit our beautiful city. You fought for the right to make extremely important choices, and I beg you to consider this one carefully. Surely as Council members, as citizens, as human beings, you can understand the bigger picture of life beyond the most easily acquired dollars and cents.

Perhaps you did not have the adequate information to make a decision at the last Council meeting. The public was given very little advance notice and only a small number of us were able to prepare presentations in time for your consideration. Since then, new information and more opinions have been presented to you and I, as a

voter, would gratefully embrace any reconsideration with renewed trust in our Council. The winds of change are blowing in this world, and I think we all can feel that. Come the 2022 elections, people will remember the outcome of this vote.

I live in North Bay because it is a beautiful place to live. Caring, forward-thinking, and community-minded. Please, don't take that away from us. The people are watching. Thank you very much for your kind attention.

Transcription of [REDACTED] presentation at the February 26, 2019 Council meeting

Mayor McDonald, Members of Council, good evening. My presentation tonight is in regards to the Endangered Species Act submission.

There is one aspect in particular that I want to speak to – the consultation process. Adequate consultation is crucial when submitting a report that is supposed to reflect the opinion of the municipality.

Last week I sent you a video about the public consultation that took place on Wednesday, February 13. As you observed, many people stood up to express their concerns about the process of this consultation and ensuring citizen's views would actually be incorporated into the report. Many people went on to ask about what kind of data was being recorded and whether that data would be available to the public. I didn't get a good read on what exactly was being recorded at the time, however it was made expressly clear that the data would be available to the public. We were told that, quote "All the comments that we receive will form part of a public record." End of quote.

I did ask to review these documents, and Ms. Beverley Hillier and Mr. Adam Curran were very helpful. I skimmed through the entirety of the record, and what I found was 61 pages of comments which included links to presentations and videos. At this time, I do not have a thorough understanding of the implications of the suggestions contained in this submission about the ESA. But I want you to know when making your decision tonight that, as far as I could tell, there didn't seem to be even one comment that expressed any sentiment that we needed to relax restrictions on development.

I then clarified with Ms. Hillier if that was the entirety of all comments, including the stakeholders' consultation. I was not able to attend the stakeholders' consultation, but it should be noted that due to an oversight by the City, I did not receive an invitation to the stakeholders' consultation until the night before. So, I was very curious about what had been said there. Unfortunately, I was informed that no meeting minutes were taken at this consultation. The only information available to me about that day is from other peoples' perception of what happened there.

Another item to note is that the first hour-long section of the consultation – the "town hall" question portion – was not recorded by the City (on film or written or otherwise). The video footage I sent to you was recorded by a member of the organizing group Activism North Bay and was edited by myself. After the "town hall" portion, citizens were invited to talk one-on-one about their comments, but these conversations were not recorded. It appears only the comments written down by the attendees were included in the public record.

Yet another issue - I understand that the report is not intended simply to be a summary of the consultations. But between the people who attended these consultations, described as community representatives, environmentalists, academics, development representatives, and environmental consultants, it is concerning

to me that there are parts of this report that can't be attributed to any comment that was received through the consultation process.

In addition to all of this, there are other things I quickly want to review that may influence or bias the report. Please consider these points if you have any concerns about the content of the report.

1. The questions provided by the Province are highly biased. They are designed to naturally lead one into a discussion about strong restrictions and the struggle faced by developers. They are also confusing in a lot of ways – for example, I think many of us are unclear about what exactly they mean by “landscape approach.” Nonetheless, the public voice shone through, wanting to protect our endangered species even when it's difficult.
2. During the February 5th meeting of the North Bay Mattawa Conservation Authority, Mr. Ian Kilgour mislabeled input received by the public as attempts to villainize the City, and described it as negative discourse. This likely discouraged some people from sharing their honest and forthright concerns about this process. It is my belief that it is inappropriate for someone involved so directly with the public consultation to make such a comment.
3. The public consultation process was confusing for the public. Just one week prior to the public consultation, it was announced to us at the North Bay Mattawa Conservation Authority meeting that the time of the public consultation had been changed. The word about the consultation largely had to be shared amongst ourselves as the City's announcements were minimal. These factors likely affected public engagement.
4. In terms of the stakeholder consultation - as I mentioned, I did not receive an invitation to the consultation until the night before, and I know there was a minimum of one other person who was in the same situation as I was. The contribution of every individual that attends a 6-hour consultation discussion is significant, so if even one person was not able to attend due to this factor, that is a matter of concern.

I've presented you with a lot, but I'd like to leave you with one final request in particular. An idea that was brought up at the public consultation was a request that the data – the public record – be attached as an appendix to the report. Although this was, by no means, guaranteed to us in the public consultation, it was certainly portrayed as a reasonable possibility. Unfortunately, this has not been included in the report presented to you today. I ask that, if you do decide to submit this report, you at least consider having the public consultation information appended to the report.

Thank you very much for your time.

Schedule 'C'

Links to the presentations made to City Council with regards to the 10th Year Endangered Species Review and an edited version of the Public Engagement Session.

1) January 15th, 2019- Regular Meeting of City Council-

<https://www.youtube.com/watch?v=VRMxmeha29g>

2) January 30th, 2019 Regular Meeting of City Council-

<https://www.youtube.com/watch?v=ar8XZFNqYvk>

3) February 26th, 2019 Regular Meeting of Council-

<https://www.youtube.com/watch?v=l-Hmko5JZ6U>

4) Public Engagement Session February 13th, 2019 (edited version by Lena Ross)

<https://www.youtube.com/watch?v=VINvWZggzE&feature=youtu.be>