

# 10<sup>th</sup> Year Review – Ontario Endangered Species Act

The current review of the Endangered Species Act (ESA) aims to improve protections for species at risk, consider modern and innovative approaches to achieve positive outcomes for species at risk, as well as to look for ways to streamline approvals and provide clarity to support economic development. A strengthened and efficient ESA benefits both the City of Toronto and Toronto Water, and complements ongoing policies such as the Biodiversity Strategy for Toronto.

From Toronto Water's perspective, it is quite common for the habitat of threatened and endangered species to also be the same habitat that improves surface water and source water quality, provides filtration of contaminated storm water, offers erosion protection from overland and storm based stream flows, and results in retention of storm water flows. As such, Toronto Water has the following comments to the proposed 10<sup>th</sup> Year Review of Ontario's Endangered Species Act: Discussion Paper.

1. Clarity is needed that if the endangered species are present at a location, that development must be restricted to a certain degree if not completely. From a municipal infrastructure perspective, we are more efficient if planning and construction restrictions are clearly identified upfront prior to the proposed solution being submitted for regulatory review. (Page 3)
2. Clarity is needed on how delaying a listing of a species is beneficial, for both the species and for development\*. The proposed deferral can result in delaying a project or even possibly causing costly stoppage/delay of ongoing work, modification of designs, or complete cancelation of a project that already started. (Page 4)
3. There are concerns that extending the time limit for the Government Response Statement (GRS) beyond 9 months will delay the protection response to the species as well as impact proposed development\* moving forward. There also needs to be a mechanism in place to improve or modify the GRS after submission. (Page 5)
4. Governments and Agencies (Federal, Provincial, Conservation, etc.) should be exempt from submitting a Letter of Credit as a guaranty of any compensation or habitat works, but the requirement should remain for private entities. For municipalities, this unnecessarily ties up funds that could be better use elsewhere. (Page 7)

\* Development refers to potential Toronto Water projects taking place on environmentally sensitive lands.