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Public Input Coordinator
Ministry of the Environment, Conservation and Parks
Species Conservation Policy Branch
300 Water Street, Floor 5N
Peterborough ON K9J 3C7

Canada

**RE: ERO Posting 013-4143 - 10th Year Review of Ontario’s Endangered Species Act**

The Thunder Bay Field Naturalists (TBFN) is a non-profit conservation-based organization in northwestern Ontario, dedicated to the study of natural history, the wise use of natural resources, the preservation of natural areas, and the understanding and protection of nature. The TBFN is supportive of sustainable development adding to a vibrant provincial economy. However, there are many intangibles that add to the quality of life of Ontarians that need to be protected from development. Wild spaces and the vast array of flora and fauna that is found in our province, and particularly the future of species at risk, are among them.

It should be kept in mind during this review of the Endangered Species Act (ESA) that the primary cause of wildlife decline in Ontario and Canada is habitat loss and degradation. (Threats to Endangered Species in Canada, Oscar Venter et al, BioScience, Volume 56, Issue 11, 1 November 2006, Pages 903–910). To this end we would like to express our concerns regarding the *10th Year Review of Ontario’s Endangered Species Act: Discussion Paper* and propose opportunities that arise with the review to improve address some of the current problems.

The three stated purposes of the ESA are:

1. to identify species at risk based on the best available scientific information, community and aboriginal traditional knowledge;
2. to protect species that are at risk and their habitats and promote their recovery; and
3. to promote stewardship activities to assist in the protection and recovery of species that are at risk.

We fully support these three purposes. In addressing the three purposes TBFN is of the opinion that:

1. **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)) **should be maintained**. Specifically, the designation and listing of species at risk should be based solely upon an objective and independent assessment of available scientific, community and traditional knowledge by COSSARO. Listing should be automatic after COSSARO’s assessment, and should not be subject to Ministerial discretion.
2. **Mandatory habitat protection for endangered and threatened species should be maintained**. The law already provides enough flexibility through habitat regulations and permitting, so there’s no need to politicize the process by adding ministerial discretion.
3. **Compensation that results in a direct scientifically assessed overall benefit to affected species should be required where harmful activities are permitted.** Proponents of harmful activities should not be allowed to bypass protections by simply paying into a fund. It is very important that overall benefit be rigorously evaluated and scientifically determined to have a high likelihood of success. These overall benefit assessments should be documented and evaluated for success.

TBFN also asks that:

**The 2013 exemptions for the forestry, hydro, mining and commercial development industries be repealed.**

**Section 57(1)1 of the ESA be amended so that any future exemptions cannot jeopardize the recovery of endangered and threatened species.**

TBFN believes that the Species at Risk Stewardship Fund and the Safe Harbour Habitat Instruments (s. 23.16, Ontario Regulation 242/08) if properly funded and administered would help to alleviate or even eliminate some of the concerns expressed in the discussion paper.

TBFN also supports the recommendations contained in the report of the Environmental Commissioner of Ontario *Good Choices, Bad Choices. 2017 Environmental Protection Report***,** pp 248-249, and believes that they should be implemented:

* “MNRF post instrument proposals for all permits on the Environmental Registry for full public notice and comment.
* MNRF make all species at risk authorizations, including registrations, publicly accessible on Access Environment
* MNRF amend the Endangered Species Act to create a right of appeal for permits.
* MNRF determine the effects of its authorizations on species at risk and publicly report on the results.
* MNRF 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.”

TBFN is concerned that the thrust of this review appears to elevate economic development over protection, by removing perceived administrative barriers and streamlining processes. The discussion paper proposes giving the Minister of Environment, Conservation and Parks the power to decide whether it’s permissible to remove or delay species’ habitat protections. This change could turn what should be a science-based decision into a political decision.

The Endangered Species Act was touted as the “gold standard” of endangered species legislation when it was enacted in 2007. Species at risk have already been severely compromised within the province, and the focus should continue to be on their recovery. TBFN believes strongly that there should be no effort to weaken the conservation measures within the existing act.

Thank you for your consideration of our comments. Please contact me if you wish clarification on any points, or wish to discuss this issue further.

Yours truly,

Bruce Thacker, President

Thunder Bay Field Naturalists

c.c. Hon. Rod Phillips, Minister of Environment, Conservation and Parks

Hon. John Yakabuski, Minister of Natural Resources and Forestry

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