

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

Nature Conservancy of Canada - Ontario Region Comments

The Nature Conservancy of Canada's Ontario Region is pleased to provide commentary to the Government of Ontario regarding the ten-year review of the *Endangered Species Act* (ESA) and the Discussion Paper tabled by the Government.

We recognize the work completed to date with the government's Made in Ontario Environment Plan. As Environment Minister Rod Phillips stated, these consultations can improve the effectiveness of environmental protections to ensure a balanced approach between a healthy environment and a healthy economy. In addition, NCC supports the approach of working with conservation organizations, businesses, Indigenous communities, and the public to improve environmental protections.

As stakeholders who have a nearly 60-year track record of delivering tangible results and solutions to protect land for future generations, there is an opportunity for all of us to work together to achieve the government's goals on clean air and water, addressing climate change, and conserving land and greenspace. NCC was pleased to have been recognized in the Made in Ontario Environment Plan¹ as a trusted partner in conserving land and greenspace which, in turn, protects species at risk.

The Discussion Paper notes that several species across the province are on the *Species at Risk in Ontario List* due to threats such as habitat loss, invasive species, climate change and disease. These include diverse species such as birds, fish, mussels, mammals, amphibians, reptiles, plants, and insects.

In Ontario and across the country, Nature Conservancy of Canada staff and partners play key roles in the protection of habitat for species at risk. Together, we are working to gather the clues and develop strategies that will help ensure the identification, protection, and even reintroduction of Canada's species at risk.

The Nature Conservancy of Canada participates in important work that contributes to the well-being of these species through on-the-ground actions such as monitoring species and improving their habitat, researching and planning what habitat needs to be conserved, and by participating in the development of species-at-risk recovery strategies.

We note that the Government of Ontario is particularly interested in hearing ideas in relation to four key areas of focus, as outlined in the Discussion Paper. Our response includes proposals for these four key areas of focus. In addition, we are proposing a specific partnership to protect species at risk through the Greenlands Conservation Program.

¹ Ontario, *Made in Ontario Environment Plan*, p.47

Landscape Approaches

The Nature Conservancy of Canada's Ontario Region supports a landscape approach for conserving and restoring habitat mosaics for multiple species at risk.

- NCC recommends incorporating principles for recovery of species and mitigation of further loss, through the conservation and restoration of native species, and by addressing threats such as invasive species.
- For qualified, competent conservation organizations doing species at risk recovery/stewardship work, consider an overarching multi-year umbrella stewardship agreement that recognizes net species at risk habitat benefits and species at risk habitat.
- Government should empower and adequately resource conservation organizations to implement landscape-scale stewardship activities that directly benefit species at risk and species at risk habitat, working on both private and public land (i.e. Long Point species at risk phragmites control project in collaboration with many partners and landowners). This is particularly relevant in southern Ontario where conservation organizations have existing relationships and partnerships with private landowners and many species at risk exist and are threatened.

Listing Process and Protections for Species at Risk

While they play an important role, Government of Ontario Response Statements need to be updated over time to ensure they have a greater impact. NCC recommends establishing a feedback mechanism to assess the value and successes that have been achieved and actions taken.

Authorization Processes

- Section 16 Stewardship Agreements or similar instruments for projects to help species at risk should be promoted. These instruments will help cut red tape and streamline administration. This tool is not well-understood or advertised as a positive way to enable conservation projects to proceed within the intent of the legislation.
- The current *Endangered Species Act* authorization review process does not differentiate species at risk stewardship and beneficial conservation projects from other projects with significant impacts such as development proposals. As a result, substantial delays in the process occur. Clear direction and flexibility to field-level staff regarding the use of these agreements will enable a speedier and more flexible process.
- Provide local field office flexibility to work with project proponents in providing high-quality advice regarding project mitigation measures which will facilitate projects proceeding *without* contravening the *Endangered Species Act*.

- Encourage ideas to streamline authorization timelines for projects. For example, some Ministry of Natural Resources district biologists (such as Aylmer, Guelph, Aurora) have issued a Letter of Advice or Letter to Proponent (LOA), which is much quicker and easier than moving a proposal through a Section 17(2)c “Overall Benefit Permit.”
- Formalizing these processes under the *Endangered Species Act* will greatly benefit good quality conservation projects, other projects with lower impact potential, and effectively cut red tape by streamlining authorization timelines for many projects. Document and share common and/or standard mitigation techniques with proponents to assist with mitigation plans (i.e. timing of activity, method, equipment, survey needs). Guidance on mitigation techniques for specific species and/or habitats could help speed up the process.
- Rely on the expertise of local field staff and biologists for the review and approval of Overall Benefit Permits. While most review and communication about project proposals is done at the local level, this process has traditionally required additional review at Ministry of Natural Resource and Forestry regional offices, adding weeks or months to the process. As the local biologists are most familiar with the projects, landscape, species, and habitats it makes more sense to rely on their expertise and review for permit conditions. In addition, the current process delegation of authority for signing of these permits rests with the Minister. Delegating this authority down to the local manager would greatly improve timelines.
- Ensure that the *Endangered Species Act* meshes well with other pertinent legislation. This is especially timely as responsibility for the Act has moved from the Ministry of Natural Resources and Forestry to Environment, Conservation and Parks. Coordination between ministries will be required to ensure that projects are not held up by one or both authorizations. In addition, to ensure that conditions (e.g. mitigation measures, timing windows, techniques etc.) are not conflicting between authorizations, both within and between regulating ministries.
- Improve enforcement abilities and powers including inspection and investigation provisions to act quickly when a tip regarding a compliance issue is received. Increase monitoring and inspection of *Endangered Species Act* authorizations including online registered activities and rules-in-regulation approvals. Ensure officers have ‘Stop Work Order’ provisions to halt habitat destruction or species violations on the spot.
- The government should also study conservation banking as a fund that has potential to create a net benefit for species at risk. Given the complexity of this issue, the Nature Conservancy of Canada would be pleased to work with the Government of Ontario further on this matter.

Greenlands Conservation Program

The Nature Conservancy of Canada has a track record of success across Canada in preserving areas of significant environmental and ecological importance. These areas contain many species at risk. Most of Canada's critically endangered species live in the southern part of Canada. This is especially true in Ontario.

Greater effort, through place-based conservation action and community engagement, is needed to stop species loss in Canada over the next decade. As part of NCC's initial submission in the first consultation phase, we proposed a partnership with the Government of Ontario to maximize progress towards Ontario's 2020 land conservation targets through the Greenlands Conservation Partnership.

Over the last thirteen years, NCC has successfully demonstrated that it can leverage private sector contributions and donations with public funding to achieve real conservation results. To this end, NCC is proposing that the Government of Ontario invest \$30 million in the Greenlands Conservation Partnership. This funding will be matched by NCC, at a ratio of least 1:1, with funds from other sources to achieve value to taxpayers.

The result of this partnership would be more than 150,000 acres (60,700 hectares), an area greater than ten times the size of the Town of Ajax. This would be secured land that is restored and managed. A \$30 million investment to realize \$60 million in conservation results that will directly lead to conservation and species at risk results.

NCC proposes a "ramp-up" for this funding partnership which would work as follows:

- \$5 million in year 1
- \$7.5 million in year 2
- \$7.5 million in year 3 and
- \$10 million in year 4

NCC and Ontario's community land trusts stand ready to work with the government to enable a cost-effective and value-added program that, at a minimum, will double provincial government funding and facilitate tangible conservation outcomes in key communities across the province. The outcome of this partnership will be strategic conservation of Ontario's most significant and threatened natural landscapes and the species at risk found in these places.

Conclusion

As stakeholders who have more than a track record of more than 50-years delivering tangible results and solutions in protecting land for future generations, NCC welcomes the opportunity to work together to achieve the government's goals on clean air and water, addressing climate change, and conserving land and greenspace.

NCC looks forward to working closely with the Government of Ontario as it implements its environment plan.

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