

March 4, 2019

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

Dear Public Input Coordinator,

Comment on the 10th Year Review of Ontario's Endangered Species Act; Discussion Paper, ERO Number 013-4143

The *Endangered Species Act* (ESA) has been an important piece of legislation safeguarding Ontario's most vulnerable species for many years. As with all legislation it is important to regularly assess areas for improvement and the Invasive Species Centre (ISC) welcomes the Ministry of Environment, Conservation and Parks' effort to improve protections for species at risk.

The International Union for the Conservation of Nature has repeatedly cited invasive species as the second leading cause of species extinctions globally. With the global decade on biodiversity reaching its conclusion, the ISC recognizes this moment in time as a critical junction in mitigating the alarming rates of species losses occurring globally. As the *Made In Ontario Environment Plan* makes clear, it is imperative that all Ontarians strive to do our part on the most pressing issues that face our province including climate change, habitat loss and biodiversity preservation.

Our comments on the ESA Review discussion paper will focus primarily on opportunities to bridge the fields of addressing the substantial threats that invasive species pose to Ontario's species at risk.

Area of Focus 1: Landscape Approaches

ESA Review 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?

The unfortunate reality is that there are fewer resources allocated to implementing the *Endangered Species Act* than are required to achieve positive outcomes for all species listed as SAR. Given these constraints, compromises must be made to maximize the benefits obtained by some species. We see a landscape approach as being a potentially valuable means to delivering more meaningful, on-the-ground results for Ontario's endangered species given the finite resources that are available.

Although the ESA does not currently utilize a landscape approach, the ISC has observed a growing shift towards adopting this framework in other jurisdictions. Recently Parks Canada, Fisheries and Oceans Canada, and other federal agencies have begun to use multi-species approaches to SAR management.

Interestingly, we have also seen this approach used in Ontario with promising results, such as in the Phragmites control program in the Long Point area, which is summarized as a case study below.

Case Study in Managing SAR in Ontario at the Landscape Level: Phragmites Control in Long Point For years the community of Long Point and its many visitors have valued the regions rare ecological features and their inhabitants, many of which are formally recognized in Ontario as species at risk. Phragmites, an invasive wetland grass, had become so pervasive throughout the area that many SAR inhabiting the region were believed to be at a “tipping point”. One report estimated that 62% of the 23 SAR in Long Point and Rondeau region were directly threatened by Phragmites. To restore this internationally recognized landscape and create habitat for numerous SAR (e.g. spotted turtle, bent spike-rush, Fowler’s toad, etc.), the Ministry of Natural Resources and Forestry along with Nature Conservancy of Canada and many other stakeholders initiated the most ambitious Phragmites control project in Ontario. Using efficient aerial and targeted backpack herbicide application techniques, combined with prescribed burns and other best practices, the project has begun to restore critical habitat for the many SAR which rely on ecologically unique area. Since on-the-ground work began in 2016, Phragmites populations have been dramatically reduced, and the area and quality of available habitat required by the region’s SAR has increased. In reducing the threat posed by Phragmites we expect to see continued resurgence by the regions SAR and are encouraged by observations made by local biologists.

The ISC views the Long Point example as an excellent demonstration for the potential that a landscape approach can provide to benefit multiple SAR in a comprehensive fashion. Here we see the removal of a shared, common threat to SAR benefit multiple SAR in an effective manner. Although working in sensitive habitats where SAR are present can be challenging, situations that provide a significant end benefit to the SAR in question present valuable opportunities that must be pursued. We do acknowledge that many situations may be more complex and may not present the same opportunities as this Long Point example.

ISC Recommendation 1: The ISC advises the MECP to ensure that implementation of the ESA can accommodate cost-effective, landscape level solutions that provide benefit to multiple species at the same time.

ESA Review Discussion Question 2: *Are there existing tools or processes that support managing for species at risk at a landscape scale that could be recognized under the Endangered Species Act?*

A strong argument can be made that in some cases the most meaningful benefit to a particular SAR can be accomplished through legislative and regulatory tools outside of the ESA. Legislation and regulations including the Fish and Wildlife Conservation Act, Ontario Fishing Regulations, and Ontario Invasive Species Act provide strong tools that may be better suited to achieving the desired SAR outcome. In specific instances addressing a shared threat to a particular collection

of SAR, such as invasive species, may be best achieved using legislative tools such as those contained within the Invasive Species Act.

ISC Recommendation 2: While we acknowledge that a strong Endangered Species Act is a critical element to protecting Ontario's SAR, the ISC advises the MECP to consider utilizing legislative and regulatory tools outside the ESA to achieve positive SAR outcomes.

With regards to the same discussion question, the ISC would also like to note that many jurisdictions in the invasive species field are beginning to focus on a pathway approach to invasive species regulation, as opposed to regulating individual species. When numerous invasive species (e.g. Zebra mussels, Eurasian watermilfoil, round goby, etc.) share a common "pathway" (e.g. Boat trailers, live wells, etc.) it can be more effective to regulate the pathway. To translate this concept to the SAR field, MECP may scan other jurisdictions to see if others have built successful models regulating collective threats to multiple SAR instead of only using a species by species framework. The legislative framework may be most effective if MECP is able to address multiple species under a single project, when the situation is appropriate. This solution would require the ESA to be flexible enough to accommodate such actions.

ISC Recommendation 3: The ISC advises the MECP to look to other jurisdictions for successful models to regulate and protect multiple species that share a common threat, in an analogous fashion to regulating invasive species pathways that would benefit multiple SAR.

In closing, the Invasive Species Centre looks forward to continued discussion on how improving Ontario's Endangered Species Act can be achieved, resulting in improved outcomes for species at risk while also enabling all stakeholders to navigate the legislation more effectively. We commend the Ministry of Environment, Conservation and Parks for stating the primary goal of this review is to "Improve protections for species at risk" and hope to see this maintain the most important priority throughout this review process. We hope that a review of this legislation will enable more direct action on all major threats to species at risk, including invasive species, as our province continues to do its part in species at risk action.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracey Cooke". The signature is fluid and cursive, with a large initial "T" and "C".

Tracey Cooke

Executive Director