

March 4, 2019

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

*ERO number - 013-4143*

*Act - Endangered Species Act, R.S.O. 2007*

*Posted by Ministry of the Environment, Conservation and Parks*

*This consultation closed at 11:59 p.m. on: March 4, 2019*

*<https://ero.ontario.ca/comment/reply/node/559/comment>*

***Proposal summary***

*The Ontario government is currently undertaking a review of the Endangered Species Act 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.*

**OWA Comments and submission:**

The Ontario Woodlot Association (OWA) submits the following comments on the 10th Year Review of Ontario's Endangered Species Act: Discussion Paper.

1. The OWA is very much in support of protecting species at risk in Ontario. Species at risk are a very important to Ontario's biodiversity. They typically occupy habitats that are declining and are themselves in need of protection.
2. The current approach to the protection of threatened and endangered species in Ontario has been focused primarily on legislation, and the development and enforcement of habitat regulations. This approach can create distrust and apprehension on the part of many private landowners and a fear that the presence of species at risk may somehow negatively impact how they use their land. A much more effective approach for protecting and restoring species at risk on private land is a stewardship approach that encourages landowners to protect and restore species at risk with no threat or fear restrictions to the use of their properties.
3. Most species at risk are located in southern Ontario, largely due to habitat loss. About 90 % of the land base in southern Ontario is privately owned. The government has no authority to trespass on private lands for the purpose of inventory or surveys for SAR. As a result, there is very little data regarding species at risk on private lands. The OWA welcomes the opportunity for research on private lands should the proper consultation take place. For example, many private land owners have interests in supporting the development of habitat for species that are at risk. Those that are interested in research and in participating in government programs,

must be assured their land will not be governed away from landowner uses. Those uses include good forest management practices.

4. Currently there are some tools under the ESA that can encourage stewardship of species at risk.; i.e.

- *Stewardship agreement, s. 16: An agreement may be entered into under this section for activities to assist in the protection and recovery of species at risk.*

- *Protection or recovery permit, s. 17(2)(b): A protection or recovery permit may be issued for an activity that is meant to help a species at risk or its habitat, but the activity may involve actions that are otherwise prohibited under the Act (e.g., capturing or possessing the species).*

- *Overall benefit permit, s. 17(2)(c): An overall benefit permit may be issued for an activity that would have an adverse effect on species at risk or their habitat, as long as an overall benefit is provided to the species in Ontario through conditions of the permit. Providing an overall benefit to a species means undertaking actions that contribute to improving the circumstances for the species.*

However, these tools are not widely used. There should be dedicated staff available to promote and assist landowners with these tools.

In addition, new programs should be implemented to expand stewardship efforts through partnerships with organizations such as the Ontario Woodlot Association who have direct links to private landowners.

For example, programs such the Alternate Land Use Services (ALUS) program is an excellent model to encourage private landowners to restore habitat for SAR.

5. With respect to Area of Focus 1 - A landscape approach would be an effective approach for protecting and restoring habitat for SAR. It is a challenge to implement a landscape approach in southern Ontario where private land ownership dominates. Enhancing the Natural Heritage Policy under the Planning Act to provide policy support for municipalities to develop Natural Heritage Strategies would be the most effective way to implement a landscape approach in southern Ontario.

6. With respect to Area of Focus 2 and the question; *Should there be a different approach or alternative to automatic species and habitat protections?* Automatic species and habitat protections are for the most part ineffective on private lands due to a lack of inventory. The approach does not work well for a species such as Butternut, where the best and only chance of saving this species is through landowner owner cooperation to try to find trees with resistance to the Butternut canker. Removing barriers would facilitate greater cooperation.

7. Also on Area of Focus 2 and the question; *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.)* Yes, we agree that for species where there is a lack of data or conflicting science additional review before a species is listed should be required. There is a desperate need for a provincial inventory of southern forests to determine what we have. Good management decisions are based on this information.