



**ONTARIO
RIVERS
ALLIANCE**

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Public Input Coordinator
Species Conservation Policy Branch
300 Water Street, Floor 5N
Peterborough, ON
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By email: ESAReg@ontario.ca

Re: ERO-013-5033 - 10th Year Review of Ontario's Endangered Species Act: Proposed Changes
Schedule 5, Bill 108

Dear Sirs:

The Ontario Rivers Alliance (ORA) is a Not-for-Profit grassroots organization with a focus on healthy rivers. ORA acts as a voice for a number of member and partner organizations, as well as many other private and First Nation members that have come together to protect, conserve and restore healthy Ontario riverine ecosystems. We work to ensure that development affecting Ontario rivers is environmentally and socially sustainable and responsible.

The protection and recovery of species at risk are of great importance for healthy ecosystems in Ontario. The ORA is alarmed at the massive and negative changes to *Ontario's Endangered Species Act 2007 (Act)*, that are being proposed in this 10th Year Review. We are also concerned at the inclusion of these changes in an omnibus bill, Schedule 5 of Bill 108 (*More Homes, More Choice Act, 2019*), even before the public consultations on the proposed changes have been completed. We join the chorus of environmental organizations, scientists and members of the public that are calling on the government to reject these proposed changes and, instead, request that the *Act* be strengthened to better protect species at risk.

General comments:

If enacted, the proposed changes will effectively gut the *Act*, result in the loss of biodiversity in the Province, eliminate most of the current protections for species at risk, and reduce the likelihood of their recovery. These draconian changes are clearly designed to restrict the number of species that are listed as at risk, to permit large-scale developers to harm species at risk and destroy their habitat, and to delay the implementation of any protection measures that remain under the *Act*.

The government's claim that the proposed changes will improve outcomes for species at risk is grossly misleading.

Specific Comments on Proposed Changes in ERO 013-5033:

ORA opposes all of the following proposed changes that, we submit, would dramatically weaken protection of species at risk and their habitat:

1. Basing the classification of species on their status in their overall range, rather than their status within Ontario. Many species at risk reach their northern limit in Ontario and may be extirpated in the province if this change is implemented.



2. Adding non-scientists to the Committee on the Status of Species at Risk in Ontario (COSSARO). Species-at-risk assessments must be done on a purely scientific basis.
3. Permitting municipalities and other infrastructure developers the option of paying into a fund instead of protecting species at risk and their habitat. This “pay-to-slay” proposal is clearly at odds with the whole purpose of the *Act*.
4. Delaying protection of species at risk and their habitat by:
 - a. Increasing the time when listing of a species is to occur following submission of COSSARO assessment from 3 to 12 months;
 - b. Allowing Ministerial discretion to delay protection for up to 3 years for newly-listed species if protection will likely have “significant social or economic implications”;
 - c. Allowing existing *Act* permit/agreement-holders to continue to harm species or their habitat for twelve months following the application of new species or habitat protections.

All the above proposed delaying tactics put endangered species at even greater risk. Species that are at risk must receive protection as quickly as possible. Protection must be based on science, not on economic or societal considerations.

5. Permitting the Minister to require COSSARO to reconsider the classification of a species, and to delay protection during the reassessment period. The Minister must not be permitted to second guess the scientific conclusions of COSSARO.
6. Extending the timelines for production of Government Response Statements and reviews of progress towards protection and recovery. These documents are already subject to undue delays. Further delays must not be sanctioned.
7. Eliminating the current automatic protection for species at the time they are listed. Once a species is assessed as at risk and has been listed, it is critical that it be protected without delay if it is to have a chance at recovery.
8. Eliminating the requirement and timeline to develop a habitat regulation proposal for each newly-listed threatened or endangered species. A habitat regulation is often of critical importance to the recovery of a species and must be produced in a timely fashion.

Summary:

Ontario’s species at risk legislation is currently inadequate as described by the Environmental Commissioner of Ontario (ECO) in a special report, titled “Laying Siege to the Last Line of Defence: A Review of Ontario’s Weakened Protections for Species at Risk (2018)”. Instead of addressing the deficiencies that were identified in this report, the government has chosen to eliminate the position of ECO and propose changes to the *Act* which will dramatically reduce protection for species at risk and their habitat.

We call on the Ontario government to withdraw Schedule 5 of Bill 108 with its proposed changes to the *Act* and to engage in comprehensive discussions with the scientific community and the general public on how to best strengthen it and protect the province’s biodiversity.

Respectfully,

Linda Heron
Chair, Ontario Rivers Alliance
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