



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

To members and supporters of ProtectNatureTO

The Government of Ontario has set its sights on "improving" Ontario's Endangered Species Act, posting a discussion paper on the Environmental Registry [10th Year Review of Ontario's Endangered Species Act: Discussion Paper](#)

However, the paper makes it clear that the province's primary objective in revisiting the act is not to ensure efficient recovery for Ontario's at-risk species but, rather, to find even more efficiencies for industries that want to operate in the spaces that species depend upon to live.

In 2013, the province passed an amendment that exempts a broad suite of industrial and development activities from the rules against harming endangered and threatened species and their habitats. In other words, the ESA is already failing to effectively safeguard the habitat that wildlife needs.

If measures to weaken the ESA are greeted with the same public outrage that met the Province's Bill 66, Schedule 10 threatening to bypass decades of environmental legislation, then maybe the government will recognize that the people care about wildlife.

Here are some ways you can raise your concerns and help:

1. Sign a petition

- PETITION Ontario [Nature SOS: Save Ontario Species](#)

<https://ontarionature.good.do/esa/support/>

- PETITION David Suzuki Foundation [Ontario government takes aim at species at risk](#)
<http://go.davidsuzuki.org/o00Y000VH00vIV000UDNj40>

2. Get a commitment from your MPP that they will not support any provincial legislation resulting from Reviewing the Endangered Species Act further weakening protection of the species at risk and their habitats. Ask them to demand a strong Endangered Species Act (ESA).

[Current MPPs](#)

3. Write a letter to

- Minister Rod Phillips, Minister of the Environment, Conservation and Parks
- your Ontario MPP

4. Comment on the Environmental Registry of Ontario

- <https://ero.ontario.ca/notice/013-4143>

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

ERO number 013-4143 Notice type Policy Act Endangered Species Act , R.S.O. 2007

Posted by Ministry of the Environment, Conservation and Parks

Comment period January 18, 2019 - March 4, 2019 (45 days) Open

Background:

<https://ontarionature.org/news-release/species-at-risk-habitat/>

- **Species at risk habitat shouldn't be open for business – Feb 14, 2019, MEDIA RELEASE**

Ontario review of Endangered Species Act could put vulnerable species at even greater risk

TORONTO — The Government of Ontario's review of the 2007 Endangered Species Act could put the province's most vulnerable animals and plants at even greater risk by removing barriers to the harmful activities that are driving wildlife decline, say the David Suzuki Foundation, Ecojustice, Earthroots, Environmental Defence, Ontario Nature and World Wildlife Fund Canada.

Most of Ontario's 243 species at risk are listed because of habitat loss and disturbance, caused in large part by a lack of limits on industrial activity and development. Due to a regulation passed in 2013, many industries are exempt from current ESA restrictions, including forestry, which for the most part has not had to comply with ESA prohibitions.

On the 10-year anniversary of the ESA, the provincial government posted a discussion paper on the Environmental Registry of Ontario and launched a 45-day consultation period. Although the paper offers the goal of enabling "positive outcomes" for species at risk, it focuses on increasing "efficiencies for business."

The government says it wants to reduce barriers to economic development. But an overemphasis on creating greater efficiencies for industry could subject the province's at-risk species — and our natural heritage — to even greater threats. Further weakening of the act could push many of these species over the brink.

Ontarians have until March 4, 2019, to provide input into the government's ESA review.

Representatives from the David Suzuki Foundation, Ecojustice, Environmental Defence, Ontario Nature and World Wildlife Fund Canada released the following statements:

Rachel Plotkin, Ontario Science Campaigns Manager, David Suzuki Foundation

"The Endangered Species Act exempts most industrial activities from prohibitions, including against habitat destruction. Striving for greater balance is going backwards. We need to set our sights on greater limits for industrial activity to reverse habitat loss and degradation, which is the primary cause of wildlife decline here and around the world. We need Ontarians to speak up for species protection, just like they did for the Greenbelt. We need to show the government for the people that our people include wildlife!"

Gord Miller, Chair, Earthroots and Former Environmental Commissioner of Ontario

"The only problem with the Endangered Species Act is the complete failure of the Ontario government to step up to its responsibilities and administer it properly. Proponents complain that it takes too long to get a permit to contravene the law's prohibition to harm species or damage their habitat but the ministry has never denied an ESA permit to any applicant in any situation."

Sue Tan, Lawyer, Ecojustice

"In the decade since the Ontario ESA has been in existence, industry interests have been prioritized far above species protections. For example, the forestry industry has been given broad exemptions for the very activities that most often harm at-risk species. The primary intent of the ESA is to protect species, and this is likely incompatible with the government's vision of streamlining the act to create 'efficiencies' for business. Environmental organizations are concerned that the government's review will further erode the act's protection for species at risk. The announcement of this review came only a month after the government axed its environment watchdog, and is one of a series of anti-environment moves."

Tim Gray, Executive Director, Environmental Defence

“People in Ontario expect our government to protect endangered species. It is also clear that people and industry have both thrived when the needs of endangered species are addressed. Going backward will be bad for species, people and our economy.”

Reykia Fick, Forest Campaigner, Greenpeace Canada

“With wildlife populations crashing and species pushed to the brink around the world, it is incredibly reckless for the government to propose weakening endangered species protections here in Ontario. This would put our vulnerable plants and animals at even greater risk. Ontarians cannot allow this to happen.”

Caroline Schultz, Executive Director, Ontario Nature

“The options put forward by the Ministry of Environment, Conservation and Parks would undermine the very cornerstones of the law: science-based listing of species at risk (including Indigenous traditional knowledge) and mandatory protection of listed species and their habitats. This is yet another in a long line of examples of the government’s short-sighted fixation on environmental deregulation that is threatening our biological riches to line the pockets of the corporate elite. The proposed options would make it easier to bulldoze and pave over the habitats of endangered species. Environmental deregulation gone amuck threatens our values, our prosperity and the fate of species at risk.”

James Snider, VP science, research and innovation, WWF-Canada

“Since the Endangered Species Act was introduced, pressures to habitats have continued to mount and the species at risk list has continued to grow. Our current legislation is not doing enough to protect species. The exemptions introduced in 2013 made it too easy to harm habitat. We need to improve protections for species at risk, not water them down further.”

About

The David Suzuki Foundation (davidsuzuki.org) is a leading Canadian environmental non-profit organization, collaborating with all people in Canada, including government and business, to conserve the environment and find solutions that will create a sustainable Canada through evidence-based research, public engagement and policy work. The Foundation operates in English and French, with offices in Vancouver, Toronto and Montreal.

Earthroots is a grassroots conservation organization dedicated to the protection of Ontario’s wilderness, wildlife and watersheds. Combining grassroots campaign strategies with effective research and educational programs, we empower thousands of Canadians each year to advocate for better environmental protection and achieve conservation victories.

Ecojustice, Canada’s largest environmental law charity, goes to court and uses the power of the law to defend nature, combat climate change, and fight for a healthy environment for all.

Environmental Defence is Canada’s most effective environmental action organization. We challenge, and inspire change in government, business and people to ensure a greener, healthier and prosperous life for all.

Greenpeace exists because this fragile earth deserves a voice. It needs solutions. It needs change. It needs action. Around the globe, we are standing up for our communities, and we are holding governments and corporations accountable. Whether on the streets or at the ballot box, we hold the real power when we work together.

Ontario Nature protects wild species and wild spaces through conservation, education and public engagement. It connects thousands of individuals and communities with nature through 150 conservation groups, and 30,000 members and supporters across the province. For more information, visit ontarionature.org.

World Wildlife Fund Canada creates solutions to the environmental challenges that matter most for Canadians. We work in places that are unique and ecologically important, so that nature, wildlife and people thrive together. Because we are all wildlife. For more information, visit wwf.ca.

For media inquiries

Stefanie Carmichael, David Suzuki Foundation: scarmichael@davidsuzuki.org, 437-997-2568

Hannah Barron, Earthroots: hannah@earthroots.org, 647-567-8337

Catharine Tunnacliffe, Ecojustice: ctunnacliffe@ecojustice.ca, 416-368-7553

Rachel Kitchin, Environmental Defence: rkitchin@environmentaldefence.ca, 416-323-9521 ext. 246

Reykia Fick, Greenpeace Canada: reykia.fick@greenpeace.org, 1-819-918-0470

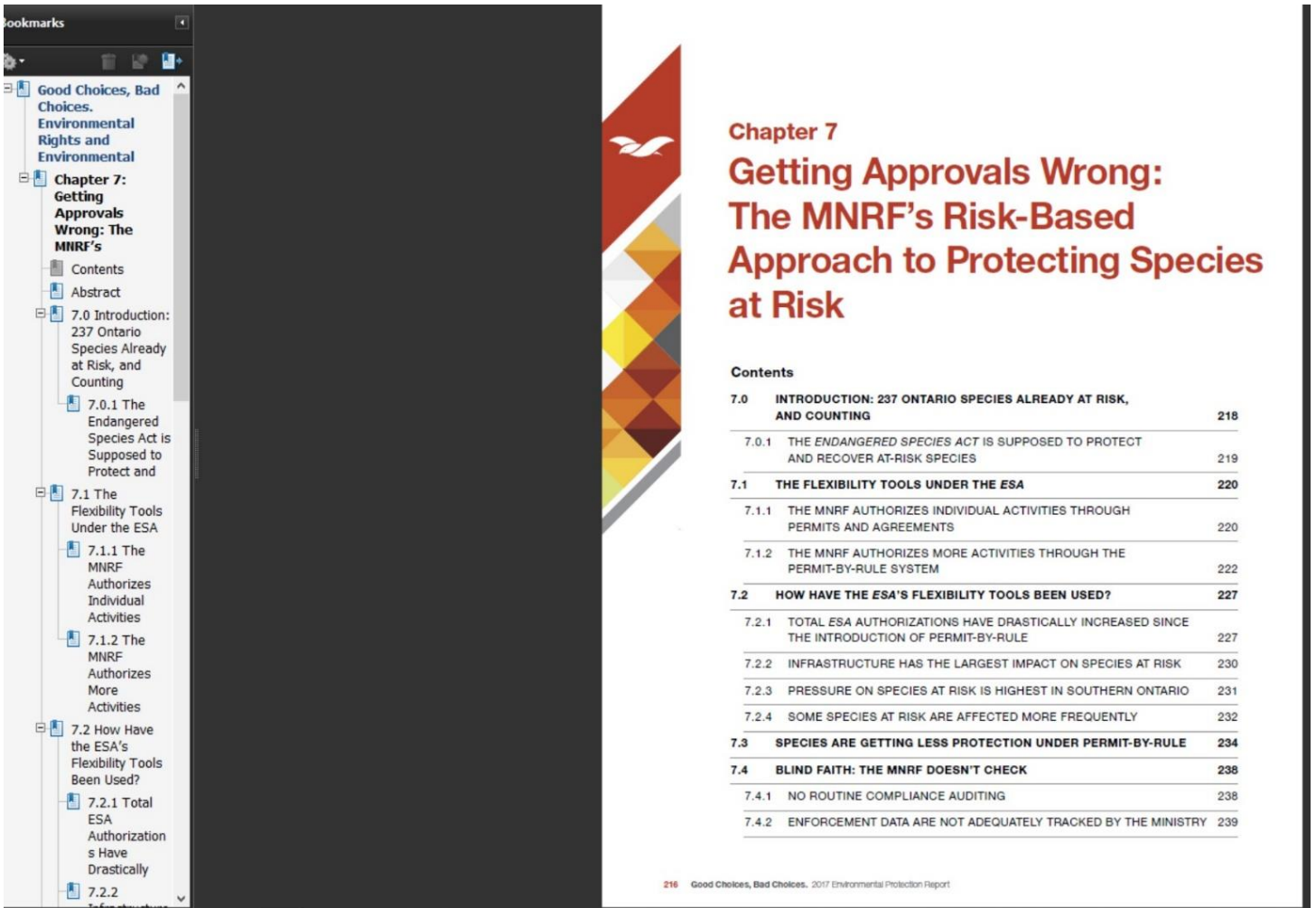
John Hassell, Ontario Nature: johnh@ontarionature.org, 416-786-2171

Rebecca Spring, WWF-Canada: rspring@wwfcanada.org, 647-338-6274

- **Environmental Commissioner of Ontario**

Ontario is reviewing the Endangered Species Act: Want to know more? **Check out the recommendations in our 2017 Environmental Protection report:** <https://t.co/9erbw7CH6h>

<http://docs.assets.eco.on.ca/reports/environmental-protection/2017/Good-Choices-Bad-Choices-07.pdf>



Chapter 7
Getting Approvals Wrong: The MNR's Risk-Based Approach to Protecting Species at Risk

Contents

| | |
|--|------------|
| 7.0 INTRODUCTION: 237 ONTARIO SPECIES ALREADY AT RISK, AND COUNTING | 218 |
| 7.0.1 THE <i>ENDANGERED SPECIES ACT</i> IS SUPPOSED TO PROTECT AND RECOVER AT-RISK SPECIES | 219 |
| 7.1 THE FLEXIBILITY TOOLS UNDER THE ESA | 220 |
| 7.1.1 THE MNRF AUTHORIZES INDIVIDUAL ACTIVITIES THROUGH PERMITS AND AGREEMENTS | 220 |
| 7.1.2 THE MNRF AUTHORIZES MORE ACTIVITIES THROUGH THE PERMIT-BY-RULE SYSTEM | 222 |
| 7.2 HOW HAVE THE ESA'S FLEXIBILITY TOOLS BEEN USED? | 227 |
| 7.2.1 TOTAL ESA AUTHORIZATIONS HAVE DRASTICALLY INCREASED SINCE THE INTRODUCTION OF PERMIT-BY-RULE | 227 |
| 7.2.2 INFRASTRUCTURE HAS THE LARGEST IMPACT ON SPECIES AT RISK | 230 |
| 7.2.3 PRESSURE ON SPECIES AT RISK IS HIGHEST IN SOUTHERN ONTARIO | 231 |
| 7.2.4 SOME SPECIES AT RISK ARE AFFECTED MORE FREQUENTLY | 232 |
| 7.3 SPECIES ARE GETTING LESS PROTECTION UNDER PERMIT-BY-RULE | 234 |
| 7.4 BLIND FAITH: THE MNRF DOESN'T CHECK | 238 |
| 7.4.1 NO ROUTINE COMPLIANCE AUDITING | 238 |
| 7.4.2 ENFORCEMENT DATA ARE NOT ADEQUATELY TRACKED BY THE MINISTRY | 239 |

216 Good Choices, Bad Choices. 2017 Environmental Protection Report

- **Ontario Nature on Review of Ontario's Endangered Species Act:**

https://ontarionature.org/programs/endangered-species/?utm_source=Ontario+Nature+blog+update+notification+list&utm_campaign=ae88cc48f6-EMAIL_CAMPAIGN_10_5_2018_COPY_30&utm_medium=email&utm_term=0_85e18e0a93-ae88cc48f6-518457757

Endangered Species

In the past 40 years, the Earth has lost more than half of its wildlife. Without a strong Endangered Species Act (ESA), more than 230 species at-risk in Ontario will be in dire straits.

Trouble Brewing

Under the guise of “enabling positive outcomes for species at risk” the Ontario Ministry of Environment, Conservation and Parks (MECP) is [reviewing the ESA](#). Allegedly responding to criticisms that the law is administratively burdensome and creates “barriers to economic development,” the government’s [discussion paper](#) is closely aligned with its broader [“open-for-business” approach](#) to governance.

Make no mistake: the ministry is inviting the public to consider options that, if passed, would undermine the very cornerstones of the law: science-based listing that includes Indigenous Traditional Knowledge, mandatory habitat protection, and legislated timelines for planning and reporting.

Such proposals are about deregulation and making it easier for industry and development proponents to destroy the habitats of endangered plants and animals.

How You Can Help

We need to remind the government that it is reviewing the **Endangered Species Act**, not the **Endangered Business Act**. The law's purpose is to protect and recover Ontario's most vulnerable plants and animals.

Let the government know you support at-risk plants and animals.

- Become better informed by joining our webinar on February 20 and checking out the Save Ontario's Species website.
- Contact your MPP to express your support of at-risk plants and animals
- Send a letter to the editor or op-ed to your local media expressing your concerns

Why it Matters

We are now in the throes of [the largest mass extinction since the disappearance of the dinosaurs](#) more than 65 million years ago. Globally, almost one in eight birds, one in four mammals, and one in three amphibians are in jeopardy. Habitat loss and degradation, climate change, invasive species, pollution and overexploitation of natural resources are driving the decline.

In Ontario, there are over 230 plant and animal species that are at-risk of extinction or of disappearing from the province, a number which is growing every year. Their loss or decline affects the functioning and resilience of food webs and landscapes – jeopardizing the well-being of all living things, including humans.

Hope

Ontario's [decision to end hunting of snapping turtles](#) in 2017 was a welcome move. Ontario lists the snapping turtle as a species of "special concern," which means that although it is not yet endangered or threatened, a combination of biological characteristics and identified threats could endanger or threaten it. The government ended the legal hunting of snapping turtles because scientists and citizens [demanded action](#).

Ontario Nature Resources

[ESA review blog](#)

[Species at risk habitat shouldn't be open for business](#)

[Without a trace? Reflecting on the 10th anniversary of Ontario's Endangered Species Act](#)

[Species at risk in northern Ontario](#)

[At long last, an end to the snapping turtle hunt](#)

[Biodiversity in Ontario's Greenbelt](#)

SOS: Save Ontario Species PETITION

Help us urge the Government of Ontario to protect at-risk plants and animals.

[Sign Today](#)

- **David Suzuki Foundation Ontario government takes aim at species at risk**

PETITION

The Government of Ontario has set its sights on “improving” Ontario’s Endangered Species Act, posting a discussion paper on the Environmental Registry. However, the paper makes it clear that the province’s primary objective in revisiting the act is not to ensure efficient recovery for Ontario’s at-risk species but, rather, to find even more efficiencies for industries that want to operate in the spaces that species depend upon to live.

Tell the Ontario government to keep species at risk safe [Tell the Ontario government to keep species at risk safe](http://go.davidsuzuki.org/o00Y000VH00vIV000UDNj40)
<http://go.davidsuzuki.org/o00Y000VH00vIV000UDNj40>

The primary cause of wildlife decline in Ontario (and nationally, and globally) is habitat loss and degradation, for which limits need to be set, not greater efficiencies created.

In 2013, the province passed an amendment that exempts a broad suite of industrial and development activities from the rules against harming endangered and threatened species and their habitats. In other words, the ESA is already failing to effectively safeguard the habitat that wildlife needs.

The provincial government touts itself as a government of the people. If measures to weaken the ESA are greeted with the same outrage that met the province’s proposal to gut protection measures for the Greenbelt, maybe the province will recognize that the people care about wildlife.

We need to ensure that the province upholds a piece of legislation intended to change business-as-usual activities that drive wildlife decline, not pave the way for them. Please send your message to the government now.

Thank you,

Rachel Plotkin

Boreal Program Manager

- [The Earthroots Primer on the Endangered Species Act of Ontario](https://earthroots.org/79-uncategorised/428-the-earthroots-primer-on-the-endangered-species-act-of-ontario)

<https://earthroots.org/79-uncategorised/428-the-earthroots-primer-on-the-endangered-species-act-of-ontario>

Protecting species-at-risk in Ontario has a long history going back to 1971 when this province (under a Progressive Conservative government) became one of the first jurisdictions in the world to pass an Endangered Species Act (ESA). The Act was reconceptualized and updated in a major rewrite in 2007 only to be weakened in amendments two years later which created exemptions for certain industries in specified situations. Now ten years after the major rewrite, the current government has posted a notice on the Environmental Bill of Rights (EBR) that it is under review and inviting comments and submissions from supporters and detractors of the legislation.

To facilitate public participation in that review process Earthroots offers this primer to provide a basic understanding of how the current legislation is structured and where some of the points of controversy exist regarding the implementation of the Act.

If you want to get into a more detailed analysis and explanation of the legislation, there is no better source available than the original 2009 review of the legislation by the Environmental Commissioner of Ontario* called "[The Last Line of Defence](#)" and the special report of 2013 produced subsequent to the amendments made to the original titled "[Laying Siege to the Last Line of Defence](#)".

Starting with first principles the three stated purposes of the ESA are:

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

To achieve these purposes the Act creates a framework for a four step process which lays out actions necessary and the parties responsible to achieve them.

Step One: Identify what species are a risk and protect them.

The Act creates an independent body of individuals with scientific expertise and aboriginal traditional knowledge called the Committee on the Status of Species at Risk in Ontario (COSSARO). It is COSSARO (not the government) that identifies which species should be identified and protected by the legislation. When species are proposed to be at risk, COSSARO considers the best information available and, if listing is warranted, classifies a species into one of five categories:

Extinct: The species was once found in Ontario but now is no longer in existence anywhere in the world.

Extirpated: The species was once in Ontario and still exists elsewhere but no longer in found in the wild in Ontario.

Endangered: The species still lives in the wild in Ontario but is facing imminent extinction or extirpation.

Threatened: The species lives in the wilds of Ontario and is likely to become endangered if steps are not taken to address factors threatening to lead to its extirpation of extinction.

Special concern: The species lives in the wild in Ontario and is not yet threatened but it has to be watched because of a combination of biological characteristics and identified existing threats.

To protect the species, once classified, the ESA prohibits anyone from harming in any way a species that is listed as endangered, threatened or extirpated. It also prohibits persons from damaging or destroying the habitat of such species.

Step Two: Preparing a Recovery Strategy

Once a species is identified as threatened or endangered something has to be done about it. The Act requires a technical document called a recovery strategy to be prepared by biologists and species experts. The plan identifies the habitat needs of the species and known threats to its survival. It makes recommendations to the Minister for the protection and recovery of the species and the need for any regulation necessary for defining the habitat.

Step Three: Government Response

With a species at risk identified and a recovery plan with recommendations in hand, the government has a specified period of time to prepare and release a government response statement saying what it can or cannot, will or will not, do about the situation of that species. It is in this process that the overall feasibility of measures is assessed and the socioeconomic constraints are weighed against ecological values.

Step Four: Conservation Action

Given that the risk to a species is identified, the recovery plan needed is developed and the intentions of the government to take any action is expressed, the rest of the legislation lays out how to make it all work.

The absolute prohibition against harming threatened and endangered species or their habitat is the focus of much of the controversy relating to implementing this Act. It is quite easy to see that there are circumstances where it is not in society's interest or perhaps even the species involved to not have any flexibility regarding these prohibitions. That is why the Act provides for the issuance by the Ministry of Natural Resources and Forestry of five types of permits that specify when an activity damaging to a protected species or its habitat may be allowed:

- **'A' permits:** the activity is necessary for the protection of human health or safety, but where the risk is not imminent;
- **'B' permits:** the purpose of the activity is to assist in the protection or recovery of a species;
- **'C' (overall benefit) permits:** the purpose of the activity is not to assist in the protection or recovery of a species, but, through requirements imposed in the permit, the proponent of the activity will achieve an overall benefit to the species within a reasonable time, and will take reasonable steps to minimize adverse effects on the species;
- **'D' permits:** the activity will result in a significant social or economic benefit to Ontario, but will not jeopardize the survival or recovery of the species in Ontario; and,
- **Aboriginal permits:** may be issued to a band a tribal council, or an organization that represents a territorially based Aboriginal community.

In 2013, the MNRF created numerous exemptions to the ESA's permit requirement. The exemptions allow various types of activities to proceed without having to obtain individual government approval. Instead, proponents must follow a series of rules that are set out in a regulation under the law.

The permit-by-rule system covers many of the most common activities that adversely affect species at risk and their habitats, including:

- forestry operations;
- hydro-electric generating stations;
- aggregate pits and quarries;
- ditch and drainage activities;
- early exploration mining; and
- wind facilities.

There are other exemptions for specific species and other activities under the permit-by-rule system which makes the whole process quite complicated. For a full explanation and critique of the flexibility tools under the ESA refer to Chapter 7 of the 2017 [Environmental Protection Report of the Environmental Commissioner](#) Good Choices, Bad Choices.

-
- **Environmental Defence: On the brink of extinction: Why we can't afford the Endangered Species Act to get any weaker**

<https://environmentaldefence.ca/2019/02/13/brink-extinction-endangered-species-act/>

On the brink of extinction: Why we can't afford the Endangered Species Act to get any weaker

Feb 13, 2019

The world is facing a biodiversity crisis. The [extinction rate is 1,000 to 10,000 times higher](#) than the natural rate. Literally **dozens of species are estimated to go extinct every day**. And now the Ontario government appears to be moving to weaken the Endangered Species Act (ESA), on its 10 year anniversary.

The government is reviewing the Act, looking for [“efficiencies for business”](#), which doesn't sound good, given endangered species' habitat already so threatened in Ontario. The ESA has already seen major changes over the last few years that make it easier for business to put species closer to the brink of extinction. A legislative review might not be such a bad idea, **but only one which actually aims to put endangered species first**.

After all, it's the Endangered Species Act, not the Endangered Business Act.

A strong start for Ontario's at-risk species

In 2007, a new and improved ESA was celebrated as the strongest species protecting law Canada had ever seen. **The new law took a science-based approach**, requiring recovery plans for endangered species and automatic protection of their sensitive habitats. **At the same time, it offered flexibility to land owners and developers to, under certain conditions, apply for permits for work that could harm species-at-risk or their habitat.**

But the ESA has only gone downhill from there. In 2013, for example, a suite of exemptions introduced by the Ministry of Natural Resources and Forestry (MNR) severely undermined the intentions of the law to protect and recover species at risk in Ontario. **MNR essentially changed the permit system so that a developer only has to minimize harm as opposed to eliminate or compensate for it. Sweeping [exemptions for certain industries such as forestry](#) has also increased risk for species like Ontario's threatened boreal caribou.**

Why we can't afford to keep undermining the ESA

The 2017 [annual report](#) by the Environment Commissioner of Ontario was highly critical of the MNR's failure to properly implement the ESA, and it's easy to see why. Their failure to fulfill its promise has resulted in **more species becoming at risk**, or their situation becoming more critical. Species are more likely to become more endangered over time than they are to recover.

What to expect from the Government review

The government launched their 10 year review of the ESA under the premise of promoting “positive outcomes for species,” despite also apparently wishing to see “efficiencies for business.” Worryingly, the language in the [accompanying discussion paper](#) points to a red-tape cutting agenda that could put species at further risk.

If the past 10 years of flimsy ESA implementation and diminishing species numbers should teach us anything, it's that **we need to be way more strict and selective** about the projects that are permitted to threaten species or damage habitat.

The government has launched [a public consultation period](#), which is open until March 4th. However, many of the questions they raise are pointed in the wrong direction. For example, the discussion paper proposes giving the Minister of Environment the power to decide whether it's ok to remove or delay species' habitat protections. This change could **turn a science-based decision to a political decision**. In addition, the paper proposes weakening the legal timelines government is held to for creating action plans to protect species.

Wolverines, like the one pictured here, are classified as “Threatened” in Ontario under the Endangered Species Act.

The [biodiversity crisis is severe](#), and shows no signs of slowing down. Ontario has the tools needed to meaningfully protect and recover species at risk; but **they need to be implemented properly**. This is no time to further undermine the ESA and paint it as ‘red tape’. **Protecting species must be the first and foremost priority** in the ESA.

To share your opinion and **tell the government you want strong protections** for species, participate in the Environmental Registry of Ontario [online consultation](#), open until March 4th. You can also send a letter to your government representatives through this Ontario Nature [action alert](#) <https://ontarionature.good.do/esa/support/>

Press:

Check [Ontario's review of Endangered Species Act must address long-term ecosystem damage](#)

By [Justina Ray](#). Published on Jan 31, 2019 1:14pm

Dr. Justina C. Ray is President and Senior Scientist of Wildlife Conservation Society Canada and one of the presenters of tomorrow's webinar <http://ow.ly/HS7P50ltwJB> organized by David Suzuki Foundation, Ontario Nature and WCS Canada.

Articles are in chronological order starting in the past:

<https://www.nationalobserver.com/2019/01/18/news/doug-ford-reviewing-endangered-species-act-find-efficiencies-businesses>

Doug Ford is reviewing Endangered Species Act to find 'efficiencies for businesses'

By [Fatima Syed](#) in [News](#), [Politics](#) | January 18th 2019

Canada's most populous province has launched a sweeping review of a law protecting endangered species in order to find "efficiencies for businesses."

Ontario Premier Doug Ford's government announced the review of the provincial Endangered Species Act through a new discussion paper [released](#) Friday afternoon by the provincial Ministry of the Environment, Conservation and Parks.

The paper's wording suggests that Ford's Progressive Conservatives — who promised in the 2018 election campaign to make Ontario "open for business" — are eager to soften the existing legislation and reduce onerous obligations on businesses — obligations that were put in place to help protect endangered species.

Another environmental law, Ontario's Environmental Bill of Rights, requires the government to begin a 45-day public consultation period as part of what it is calling its 10th-year review of the endangered species law.

Environment Minister Rod Phillips said in a statement that this would improve the "effectiveness" of environmental protections and find a "balanced approach" to boost the environment and the economy.

Read more on <https://www.nationalobserver.com/2019/01/18/news/doug-ford-reviewing-endangered-species-act-find-efficiencies-businesses>

https://www.thestar.com/politics/provincial/2019/01/18/ontario-updating-the-provinces-endangered-species-act.html?fbclid=IwAR20D5zXyOmeOdZoTQ4UUdx4yThisdTzza_AmufT7tJ4_cSfoLx0zG9ieZk

Ontario updating the province's Endangered Species Act

By [Robert Benzie](#) Queen's Park Bureau Chief

Fri., Jan. 18, 2019

Queen's Park is updating Ontario's Endangered Species Act for the first time in a decade.

"We are consulting to improve the effectiveness of our environmental protections to ensure a balanced approach between a healthy environment and a healthy economy," Environment Minister Rod Phillips said in a statement.

"During the past decade of implementing the act, we have heard what works well, and what can be improved," said Phillips, who is also minister for conservation and parks.

The province is home to more than 30,000 species of wildlife, fish, insects, and plants.

But 243 amphibians, birds, fish, insects, mussels, mammals, plants, and reptiles are included on Ontario's "species at risk" [list](#) due climate change, disease, habitat loss, invasive species, and pollution.

Among those endangered are: the Fowler's toad, the northern dusky salamander, the barn owl, the golden eagle, the American eel, the lake sturgeon in the Great Lakes, the gypsy cuckoo bumble bee, the nine-spotted lady beetle, the American badger, the Algonquin wolf, the cougar, the American chestnut tree, and the wood turtle.

Phillips said the Ontario government currently has 140 recovery strategies for species at risk in the across the province.

The province assesses species by "an independent body based on the best-available science and Aboriginal traditional knowledge" and automatically protects them under law when they classified as endangered or threatened.

"Since coming into effect (in 2008), the act has been criticized for being ineffective in its aim to protect and recover species at risk, for being unclear, administratively burdensome, time-consuming and costly for applicants, and for creating barriers to economic development," the ministry said on its discussion [paper](#).

Reykia Fick, a forest campaigner with Greenpeace Canada, said Ontarians should be leery of the review given Premier Doug Ford's moves to end the province's cap-and-trade alliance with

"The Ford government recently gutted climate change legislation. They fired the watchdog responsible for holding them to account on the environment," said Fick.

"The public must respond quickly and decisively. If we don't act now, hundreds of endangered animals, plants and other species in this province could die out in the coming years. We must ensure that Ford doesn't do to endangered species what he has done to climate."

Robert Benzie is the Star's Queen's Park bureau chief and a reporter covering Ontario politics. Follow him on Twitter: [@robertbenzie](#)

<https://www.cbc.ca/news/canada/thunder-bay/endangered-species-act-1.4989972>

Provincial review of Endangered Species Act sparks concern

Conservationists are worried that protections will be weakened, says Thunder Bay scientist

Amy Hadley · CBC News · Posted: Jan 24, 2019 7:00 AM ET | Last Updated: January 24

Caribou, wolverines and lake sturgeon are just a few of the more than 200 species considered to be at-risk in Ontario. (Parks Canada)

A Thunder Bay scientist is encouraging people to have their say over the next few weeks, about the province's Endangered Species Act.

On January 18, the Ontario government announced its plan to review the protections, stating in a release that it's "taking steps to improve" the act, and soliciting public input on a [discussion paper](#).

But what the government is saying in that paper is raising alarm bells for conservationists, said Constance O'Connor, the freshwater scientist with the Wildlife Conservation Society of Canada.

"You know they haven't actually said anything that they're proposing, they're just gathering information," she said.

"But based on the questions that they're asking and the sort of target areas that they're exploring, what I'm concerned [about] is that they're actually going to weaken [the act] even more. And it looks like they're trying to make things easier to get exemptions."

That's worrying, because a 2013 revision already provided more leeway for industry, she said.

O'Connor said she would welcome a review that might strengthen protections for vulnerable species, but other recent moves by the government have left her with little hope that will happen.

"I think that that's maybe one of the reasons that I'm most concerned, is that this follows on the tail of a series of changes that really weaken environmental protections, and weaken transparency, reduce accountability of the government," she said.

- [Northern Ontario 'has a lot to lose,' if environmental commissioner scrapped, says scientist](#)

O'Connor, who is based in Thunder Bay, said caribou, wolverines and lake sturgeon are among the "iconic northern species" that might be affected by any changes to endangered species legislation. More than 200 species are considered at-risk in Ontario.

- [Rarely seen wolverines subject of northwestern Ontario tracking project](#)

The public has until March 4 to comment on the revision. O'Connor said she's hoping that people will speak up.

"I think people are worried. And so I think that if people are worried it's important that you make your voice heard," she said.

<https://www.owensoundsuntimes.com/news/local-news/sbp-mayor-optimistic-the-town-and-pc-government-can-resolve-beach-maintenance-issue-at-sauble>

SBP mayor optimistic the town and PC government can resolve beach maintenance issue at Sauble

Denis Langlois

Published on: January 30, 2019

South Bruce Peninsula Mayor Janice Jackson says she's "very encouraged," following a meeting with Ontario's environment minister, that the town and province will be able to solve the long-standing beach maintenance issue at Sauble Beach.

"With the new PC government comes a new opportunity to resolve the issue away from a trial," she said Wednesday in an interview.

A delegation from the town, along with Bruce-Grey-Owen Sound Progressive Conservative MPP Bill Walker, met with MPP Rod Phillips, minister of the environment, conservation and parks, Tuesday at the Rural Ontario Municipal Association (ROMA) conference in Toronto.

Jackson said the town is hoping the Ministry of Natural Resources & Forestry will drop the two charges it laid against South Bruce Peninsula in 2018, which alleged the town's beach maintenance work during two periods in 2017 damaged piping plover habitat.

The other objective, she said, is for the province and town to resolve the beach maintenance issue by negotiating and agreeing to a comprehensive beach management plan, which will allow the town to cultivate and groom the sand at Sauble while ensuring the endangered piping plovers are protected.

Jackson said she believes Phillips shares the town's vision of having "healthy co-habitation at the beach between tourists, the plovers and our residential community." She said the minister also seemed to understand how important the beach is as an economic driver for the town. "We shared a common desire to put a comprehensive beach management plan in place. We both saw eye to eye with many goals," she said. "It was refreshing to meet with him and I felt there was a desire to resolve this."

The town is scheduled to be in Provincial Offences court Feb. 13 for a pretrial hearing on the MNRF charges.

Although Jackson is hoping the charges can be resolved outside of court, she said the town is prepared to move forward with the case if that doesn't happen.

"We feel we have a strong case and we're certainly not afraid to present that case on behalf of the people," she said. "But for obvious reasons, financial being the primary one, you certainly want to avoid a trial if you can."

Jackson said after the 2014 municipal election, the town and MNRF worked out a verbal agreement that would allow South Bruce Peninsula to till the beach before the piping plovers arrive at Sauble in mid-April and after the chicks fledge in mid-August, but not between those times. But she said the MNRF refused to put anything in writing.

"And then all of a sudden, somehow, the ministry changed their view and the situation did a complete 180," she said.

"There's been general frustration for the last four years. When you feel that you have the approval and support from the ministry to do the work that you've been doing, in conjunction with letters that say thank you for doing such a great job protecting plover habitat, and then all of a sudden you get slapped with two charges, it's pretty disconcerting."

The South Bruce Peninsula delegation, which also included Deputy-mayor Jay Kirkland and town CAO Brad McRoberts, met with Phillips because the town has been advised that his ministry now has the final say over a potential beach management plan instead of the MNRF.

Along with the two charges it laid against the town, the MNRF also issued a stop order in late March that prevented the town from raking, grading, excavating and any other activities resulting in the removal, alteration or damage of vegetation or dunes at certain portions of Sauble Beach.

The order was made on the grounds "that the activities in question at the locations specified will damage or destroy the habitat of the piping plover."

A provincial hearing was held in October on the stop order.

Jackson said the outcome of the hearing is now largely moot because the order expired Dec. 31.

"However, it certainly enabled us to get a sneak preview of the government's position going into trial if that's the route that we end up taking. So it was certainly beneficial for us to go through that hearing," she said.

Environmental Defence and Ontario Nature, represented by Ecojustice lawyers, participated in the hearing and asked the hearing officer to uphold the stop order.

The groups allege that the town's continued practice of beach grooming harms piping plover habitat and does not comply with the Endangered Species Act's requirement to preserve and protect endangered species' habitat.

The town has maintained that plovers prefer a "clean beach" and not addressing the overgrown vegetation in the sand will harm tourism and Sauble's economy.

Opinions

Ontario's review of Endangered Species Act must address long-term ecosystem damage

By [Justina Ray](#). Published on Jan 31, 2019 1:14pm

Dr. Justina C. Ray is President and Senior Scientist of Wildlife Conservation Society Canada

'The current [Endangered Species] act, in place for just over 10 years, is complex and challenging to navigate. But then so is the task of saving a growing list of species that are facing extinction, usually due to human actions.'

Are protections for endangered species just another bureaucratic burden that is holding back economic development in Ontario?

That's the below-the-surface premise that seems to lie behind the Ford government's latest action to "streamline" environmental regulation in this province. Last week, the government announced a review of the Endangered Species Act, saying that the current act is "unclear, administratively burdensome, time consuming and costly for applicants, and (creates) barriers to economic development."

And you know what? The government is not wrong. The current act, in place for just over 10 years, is complex and challenging to navigate. But then so is the task of saving a growing list of species that are facing extinction, usually due to human actions.

The single biggest reason that wild species — from wood turtles to caribou — end up struggling for survival is habitat loss and degradation. And when it comes to wetlands, forests, meadows and rivers, we have met the enemy, and **the enemy is us. Our relentless encroachment on natural areas — from draining wetlands to making land "productive" to cutting our forests at a rate that is making older forests gradually disappear — is pushing species after species into an ever-tightening corner.**

Any effort to conserve species is going to be challenging — scientifically, ethically and economically. Ontario's Endangered Species Act started out with good intentions and a commitment to putting the needs of species-at-risk first, using strong scientific criteria for deciding both which species to list and how to help them recover.

But faced with the economic trade-offs necessary to ensure species survival, the previous government's commitment quickly crumpled. **In 2013, it opted for a 91-page amendment to the act that essentially exempted major industries like forestry and hydro power from complying with its standards and procedures.** It is only thanks to investigations undertaken by the Environmental Commissioner that we have any inkling of the consequences, which included **dramatic increases in authorizations of harmful activities, no routine compliance monitoring, and little tracking of the species themselves and how they were faring. This makes the Ford government's current musings about further weakening the act even more alarming.**

As a scientist who has studied wild species for 25 years, the call to do something meaningful seems louder and louder, yet few others seem to hear it. The world is now experiencing an extinction rate that is 1,000 to 10,000 times higher than the natural background rate. Reports flow in every day about this growing biodiversity crisis, from the decimation of insect populations to jaw-dropping declines in songbird populations. These reports are more than an economic inconvenience. They are flashing lights warning us that we are racing toward a cliff (and picking up speed).

Unravelling complex ecosystems by removing one piece after another is, frankly, a recipe for disaster. We don't even fully understand all the roles and relationships within ecosystems that keep our natural systems functioning — our air and water clean, breathable and drinkable, our crops growing and fish swimming — yet we feel free to treat them as capable of bearing any burden we place on them or, even worse, too expensive and inconvenient to make room for. But as we have seen with our unravelling climate, messing with natural systems comes at our peril.

Instead of worrying so much about maximizing short-term economic opportunities, we must start focusing on long-term ecosystem damage. Yes, people need jobs and Canada still relies heavily on resource extraction for economic growth. But the last thing we should be doing is shying away from making hard decisions about limits because that may entail valuing natural wealth over simple GDP.

In fact, it is in our direct interest to pay attention to the long view for the simple reason that it is far more costly to restore the natural environment once we have learned that it's actually important. So when it comes to taking care of our province's species at risk, we need to work a lot harder on finding new paths — whether it is much more rigorously tailoring resource operations to the actual tolerances of species, transitioning to a less resource intensive (and consumptive) economy, or helping people find good work that restores rather than diminishes the natural world.

I know that is not a task that lends itself to a simple slogan or “streamlining.” But it is not just the survival of wildlife that is at stake here — it is ours as well.

Dr. Justina C. Ray is President and Senior Scientist of Wildlife Conservation Society Canada. A wildlife biologist engaged in research, listing and recovery of species at risk, she recently served for nine years as terrestrial mammal co-chair of the Committee on the Status of Endangered Wildlife in Canada and for four years as a member of the Committee on the Status of Species At Risk in Ontario.

She was also a member of the Endangered Species Act Review Advisory Panel for the Ontario Ministry of Natural Resources through to the passage of a new Act in 2007.

<https://www.nugget.ca/news/local-news/north-bay-council-listening-not-learning>

North Bay council 'listening, not learning'

Expect continued opposition to environmental stance, councillors warned

Residents concerned about the environment packed North Bay council chambers Wednesday as city politicians dealt with two motions related to wetlands and endangered species protections. Gord Young/The Nugget

North Bay council can expect continued opposition to the position its taken regarding environment protections for wetlands and species at risk.

That's according to Yan Roberts, who's helped to mobilize residents and spoken out against two contentious council motions adopted this week related to provincial wetlands and species at risk legislation.

“It's hit such a nerve with the community. It's going to really activate the public,” said Roberts, following Wednesday's council meeting.

One motion calls on the province to consider re-establishing a boundary that was in place prior to 2005 in order to provide the city with some flexibility when it comes to development on wetlands deemed provincially significant.

The other motion calls for the city to make a submission, involving public input, to the province as part of its consultation now underway of a provincial review of the Endangered Species Act.

The adoption of the motions follows two weeks of community mobilization after two previous versions were tabled and approved. The original motions were opposed by many residents because they sought exemptions for the city from provincial legislation aimed at protecting the environment.

One original motion called on the province to exclude all land, streams and lakes within the city's urban settlement area from the Endangered Species Act, while the other sought to allow development of provincially significant wetlands within that same area if it can be proven there would be no negative impacts.

Both those motions were withdrawn Wednesday so the two new motions could be tabled.

The endangered species motion was overhauled in light of a review of the Endangered Species Act recently announced by the province. The wetlands motion was rewritten to provide more clarity. That includes a caveat that any approved changes by the province would require an update to the city's official plan – a process that would require public consultation.

Despite the revisions, however, Roberts said opponents believe there's been no real change to the intent of the motions.