



Simcoe County Greenbelt Coalition

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Public Input Coordinator

Species Conservation Policy Branch
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Re: 10 year review of the Endangered Species Act, ERO 013-5033

To Whom It May Concern,

Please accept our submission to the aforementioned review. We stand by the submissions of Ontario Nature and their local clubs. Naturalist clubs are at the front line of what these changes will mean for species at risk. We should heed their caution and concerns.

About Simcoe County Greenbelt Coalition

With our 35 member groups from both urban, rural and semi-urban communities, we aim to promote community development that is financially, environmentally and socially sustainable, such that provides a net benefit to residents. A major part of this is to recognize the value that natural heritage, agriculture and water gives to our communities, including the numerous benefits and co-benefits of ecosystem services. Ensuring the people of Simcoe County, and Ontario broadly, continue to receive these benefits requires an approach to economic development that is evidence based, transparent and accountable to the public, and with full consideration of the long-term impacts that communities will either have to deal with or benefit from.

Simcoe County's Context as a Home to Species-At-Risk

At 4,841 square kilometres, Simcoe County is one of the largest regions in the Greater Golden Horseshoe. Its vast interconnected water system includes provincially and internationally important water resources: Wasaga Beach, Minesing Wetlands, Matchedash Bay and Wye Marsh. Geologically diverse, Simcoe is home to over 1500 species of vascular plants, 150 species of nesting birds, 50 mammals and 33 types of reptiles and amphibians¹. It offers specialized vegetation communities adapted to unique habitats such as coastal plains, prairies and savannas, alvars, bogs and fens, the Great Lakes shoreline and the Niagara Escarpment. In addition, the county contains provincially significant wetlands, provincially significant Areas of

¹ Simcoe County Official Plan (2008). Available at: www.simcoe.ca/planning

Natural and Scientific Interest and more than 60 species of plants and animals deemed vulnerable, threatened or endangered in Ontario and/or Canada.² Extensive tracts of undisturbed forest in the north and east are habitats for forest-dwelling birds and mammals. All these features combine to provide a healthy habitat for Simcoe County residents, flora and fauna.

Our concern is how these sensitive habitats will be treated in future under the potential changes.

In broad strokes, we are opposed to the following changes to:

- How species will be assessed and listed
- How species and habitats will be protected
- Species at risk recovery policies
- Permitting and exemptions under the new Species at Risk Conservation Fund

New Changes Put in Context of Species at Risk in Simcoe County/Lake Simcoe Watershed

As noted in Figure 1, there are several species at risk in one of our watersheds and they are most at risk within Simcoe County communities. The new changes proposed could pose significant threats to Simcoe County's most vulnerable species and sensitive habitats.

In 2012, MNRF looked at the Lake Simcoe Watershed to assess the vulnerability of species at risk within the Lake Simcoe watershed in light of climate change. Out of the 62 species at risk known in the watershed, 17 were identified as most at risk and therefore high priority for study. As easily seen in Figure 1, these species were most imperilled (red/orange/yellow) in Barrie, Oro-Medonte, Orillia, Innisfil and Bradford West Gwillimbury.

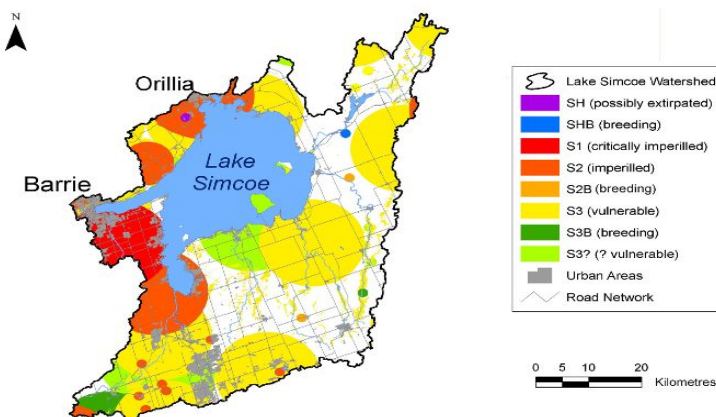


Figure 1: Distribution of provincially rare species (represented as buffered polygons the size of which depend on known location accuracy) arranged by provincial rank (Srank) in the Lake Simcoe watershed.³

² Ibid.

³ Vulnerability Assessment for Provincially Rare Species (Species at Risk) in the Lake Simcoe Watershed. http://files.ontario.ca/environment-and-energy/aquatics-climate/stdprod_101414.pdf

Further, the vulnerability assessment found that two species at risk were going to face devastating futures factoring in climate change - the Redside Dace and the Jefferson salamander. Assessments concluded that in both cases, the current habitat, which is currently under threat, is the only one left that is suitable for them in the entire watershed.



Figure 2: Bobolink



Figure 3: Jefferson Salamander

Although from two different ecosystems, what these species tell us is all we need to know about how effective current ESA regulations are at protecting species and their habitat. Urban development is the most significant threat to both of these species as clearly outlined in their recovery strategies. The Redside Dace requires clean water with forest cover while the Jefferson Salamander requires connected habitat which includes well-functioning wetlands and clean water systems. However, their habitats continue to be affected by urbanization despite coherent recovery strategies. That we are not only threatening their “officially recognized habitat”, but also degrading adjacent habitats so they have no other habitat options is a scathing assessment of what we are doing to our landscapes and watersheds.

Yet, the province’s proposals for changes to the ESA only further jeopardize these two species.

Jefferson Salamander

The Jefferson Salamander is listed globally as “apparently secure” meaning that it is not uncommon but also not rare. Despite that the salamander is listed as “threatened” under the ESA as well as in the federal Species at Risk Act (SARA), current proposals to the ESA could see the Jefferson salamander delisted or have its status reduced due to its somewhat stable presence in the US. New powers could mean that Ontario could absolve itself of protecting the salamander’s habitat even though Ontario is its only home in Canada. Once a species has been delisted based on its stable populations elsewhere, will the province commit to continuously re-evaluating its position based on how other populations are increasing or decreasing? Will there be coordination efforts by Ontario to ensure if other populations are at risk, the Ontario population is added? If other jurisdictions were to implement similar policies based on common populations elsewhere, how would that impact the continental population of a species? Absolving our responsibility to our natural world is not acceptable.

Redside Dace

The Redside Dace is primarily limited to headwaters in river systems that it used to commonly populate throughout. It is relatively common in the eastern part of its range although its population is declining quickly. In the western part of its range it is less common and hence was listed as endangered under SARO. Similar to the Jefferson Salamander, the province could determine that there are healthy populations outside of Ontario and it could either be delisted or have its status downgraded. Again, associated habitats would also suffer by this potential change.

The Redside Dace could also be impacted by landscape agreements. Under the current proposal, proponents could enter into landscape agreements that would allow activities normally prohibited under the ESA to take place or continue as long as the proponent executes “beneficial activities” in the specified geographic area for species in the area. Amazingly, the beneficial activities don’t have to apply to the species being affected by the damaging activities, nor do they have to apply to other species listed on SARO. Further, there is little detail about what constitutes a “beneficial” activity as this is at the Minister’s discretion - a subjective position that potentially politicizes a process and negates the science-based recommendations of the recovery strategies. As outlined in its species recovery strategy, urbanization has a predominant impact on the Redside Dace’s survival. Under current ESA policy proposals, urbanization could occur under a landscape agreement. The proponent would then have to agree to other “beneficial activities” that may not even apply to the Redside Dace. This could be tree planting, riverbank rehabilitation or numerous other activities that could not possibly mitigate the damage done to the Redside Dace’s habitat via urbanization.

This cannot be viewed as adequate protection for a species at risk. If landscape agreements just mean that some things have to be done rather than the right things for the species and its survival, then what is the point of the entire act?

Hine’s Emerald Dragonfly

In the Nottawasaga River Valley Watershed, we already have a similar story of “economic development” trumping the needs of endangered species. The Hine’s Emerald Dragonfly has only one known home in Canada - the Minesing Wetlands. It requires clean, cool, springfed water to breed and in which to spend the first two years of its life underwater. And yet, the demand for urbanization has threatened its water supply and habitat.



Figure 4: Hine’s Emerald Dragonfly - endangered species and listed as globally endangered. It’s only known home in Canada is in the Minesing Wetlands in Simcoe County.

In its 2014/2015 annual report, “Small Things Matter” the Environmental Commissioner of Ontario’s office used the Hine’s Emerald as an example of how science outlines what is needed, but the government does differently at the expense of our shared environment and species at risk. In its recovery strategy, it is clear that certain landscapes should be protected from urbanization to maintain habitat and water flow. However, the government did not fully protect this region from further urbanization or disturbance. As said in the report:

*“In the case of Hine’s Emerald, the failure to protect the Snow Valley Uplands areas is troubling. The importance of such protection was explained and expressly recommended in the species’ recovery strategy. The MNRF’s decision is particularly disconcerting because the Snow Valley Uplands are under pressure from development, as noted in the recovery strategy. This makes protecting the area all the more important, although possibly more controversial. **Given the specificity of this recommendation in the recovery strategy, and with no explanation of the ministry’s decision provided, the ECO concludes that the MNRF opted to favour development, rather than to prioritize the protection of this species at risk habitat”** (Emphasis added) p. 154⁴*

What will happen to the habitat of the Hine’s Emerald under these new policies? Will they consider that recovery strategies in the US that have been quite successful for other populations therefore negate the need for protection in Ontario? Will future and current urbanization plans conflict with habitat regulations enough for the Minister to warrant that those projects will get an exemption? After all, subsections 9.1 - 9.4 of the new proposal allow the Minister to limit the prohibitions protecting a species by removing some of them, limiting the geographic area where they apply or only applying to the species at a certain stage of its development.

For the Hine’s Emerald, it could very well mean that prohibitions that affect its adult range could stay (since that is mostly in a provincially significant wetland anyway), but prohibitions that impact its larvae stage (which is the first two years of its life) could be lifted. Again, this is something that is made at the Minister’s discretion. The listing and protection of a species should not be left to a Minister’s discretion; rather, it should be science-based.

Chimney Swift

Nature Barrie has been successful in protecting critical habitat for *threatened* Chimney Swifts as part of the redevelopment of the former Barrie Central Collegiate site in Downtown Barrie’s Urban Growth Centre. Co-operation between Nature Barrie, the developer, the City of Barrie and MNRF led to the preservation of Chimney Swift roosting and nesting habitat in the chimney of the former high school when the school was demolished in the spring of 2018. This habitat will either be maintained intact or replaced with a suitable habitat structure across the street as

⁴ ECO “Small Things Matter” Annual Report 2014/2015
http://docs.assets.eco.on.ca/reports/environmental-protection/2014-2015/2014_2015-AR.pdf

part of the redevelopment. The developer publicly expressed his support for wildlife habitat protection when recently presenting his redevelopment plans for the site.

Clearly there was no need for reducing or avoiding the requirements of the present ESA in this major residential/institutional downtown redevelopment project. The existing ESA did the job it was supposed to do.

Summary

Simcoe County is a significant home for many species at risk. It is also home to vast wetland and water complexes as well as forest habitat. The species and spaces included in the ESA's recovery strategies are our most vulnerable and sacred. They function as indicators to let us know when our activities have gone too far and when our thirst for all things new and concrete is threatening our water, air and soils. They are already telling us we have gone too far. Now is not the time to abandon them or the spaces in which they reside. We have a moral duty to protect the places in which we live.

For that reason, we strongly urge MECP to implement the following recommendations:

- Reinstatement of automatic protections of listed species and their habitats;
- Landscape agreements, as written, do little benefit to species affected and again provide another way to avoid ESA prohibitions. Landscape agreements should either be abandoned or make it clear that beneficial activities comply with the recovery strategy for the species affected and provide maximum net benefit.
- Do not change the listing process and the role of COSSARO;
- Regardless of populations outside of Ontario, species at risk should be afforded protection in Ontario. Edge of range species should not be denied protection;
- Do not allow the ESA to become politicized by delegating authority to the Minister to remove or delay protections;
- Maintain the legal requirement to produce a GRS within nine months of the release of Recovery Strategies or Management Plans;
- There are already exemptions to the ESA. Creating more tools to allow harmful activities is the final gutting of the act;
- The rules that apply should be applied consistently and fairly. Allowing proponents to avoid policies by paying into the Species at Risk Conservation Fund reduces accountability and only exacerbates harm. The legislation should focus on requirements to provide on-the-ground, overall benefit.
- Section 17(2)d permits should still be required to obtain Cabinet approval or to consult with an independent expert;

Considering that the existing ESA was already woefully inadequate to protect species at risk, the current policy proposals make it abundantly clear that the objective of these changes is expediting business rather than taking accountability to protect species at risk.

The impetus for protecting species at risk is directly related to our own survival. We are in the midst of a loss-of-biodiversity crisis. There seems to be little value in these proposed policies to

address this existential crisis proactively. With each protected habitat we allow to be destroyed, each species we allow to be extirpated or become extinct, we threaten our own survival. These species at risk are not simply “nice to have”, they form the basis of the ecosystems on which our survival relies.

As Carl Sagan once said, “Anything else you're interested in is not going to happen if you can't breathe the air and drink the water.” It is a false illusion that economic development can override natural laws. We trust that MECP agrees and will push for stronger implementation of the ESA without putting our species and spaces at further risk.

Sincerely,

Margaret Prophet
Executive Director, Simcoe County Greenbelt Coalition

Cc

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MPP Jill Dunlop

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MPP Downey

MPP Mulroney