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17 May 2019

The Honourable Steve Clark The Honourable Rod Phillips

Minister of Municipal Affairs and Housing Minister of Environment,

Government of Ontario Conservation and Parks

Toronto, Ontario Government of Ontario

Toronto, Ontario

Dear Ministers Clark and Phillips:

**RE: Bill 108: Schedule 5 - Changes to Endangered Species Act**

The Kingston Field Naturalists (KFN) participated in the Ontario Government’s 10th year review of the *Endangered Species Act* (“ESA”)(ERO 013-4143) earlier this year. KFN’s membership includes over 500 residents and families actively involved in protecting the environment and quality of life in the Kingston area. For over 70 years our members have monitored plants, wildlife and the natural environment in the Kingston area.

As the owner of a number of private nature reserves and an organization dedicated to environmental stewardship in the Kingston area, KFN wishes to express its disappointment over the changes proposed by your government to the ESA. Ontario’s biological diversity is unmatched in Canada, but this means that our province also has special responsibilities. In our respectful view, the Ontario Government can and should be leading the way on the protection of vulnerable species in Canada. Unfortunately, at almost the same time that the United Nations is reporting an unprecedented threat of extinction for a million species,[[1]](#footnote-1) the Ontario government is proposing to roll back protection for our species at risk. The proposed changes to the ESA are not in the best interests of future generations of Ontario residents.

The KFN has reviewed Bill 108. We have a number of comments to offer on the changes proposed in Schedule 5 of the Bill:

* Changes to the criteria for classification of species at risk, especially those at northern or southern ends of their ranges likely means that species in trouble in special areas such as Ontario’s Carolinian habitats may no longer be protected. These are special and important areas.
* Overall the changes to the ESA proposed in Bill 108 offer multiple avenues for delaying government decision-making. This increases uncertainty for both the environment and developers. It also means that the status of species at risk can continue to deteriorate while government delays unfold. This uncertainty makes the “red tape” problem worse not better.
* Bill 108 expands the scope of Ministerial discretion to a point where science-based decision making is undermined. KFN understands and accepts the need for political decisions to be made in the public interest. We nonetheless suggest that Ministers of the Government should let scientific experts give them the best advice possible and only then make clear accountable decisions. Including multiple avenues for reviews and inserting political considerations too early in the process has the potential to confuse the results of species assessments.
* The Bill eliminates automatic protection for the most vulnerable of species for a year for existing permit and agreement holders and allows the Minister to suspend protection of habitat and species for up to three years based on socio-economic factors. It further allows protections, once they become available, to be limited by geography or specific circumstances. The result is that protection for threatened and endangered species and their habitats will largely be discretionary. In addition, the product of this system is going to be complex, hard to track and hard for Ontario residents and industry to understand.
* The Ministerial discretion for indefinite delay of recovery statements and removal of requirements for EBR notices of recovery strategies and management plans will make it harder for Ontario residents to contribute to government decision-making on species recovery and will delay government action to ensure that recovery efforts are initiated.
* In many ways the Bill will facilitate harmful activity which further impacts vulnerable species. Paying into a fund may encourage general consideration of the challenges to and the needs of species at risk but it will not protect species and habitats confronted by immediate threats. Various new provisions for permits and agreements provided for in the Bill will contribute to actual habitat and wildlife losses.

In conclusion, the KFN’s assessment of Schedule 5 to Bill 108 is that it will reduce protections for and actually contribute to losses of species at risk and their habitats. We urge the Government of Ontario to reconsider the contents of Schedule 5. These proposed legislative changes will not contribute to sustainable development in Ontario and in our respectful view, they are not in the public interest.

Yours truly,

Anthony Kaduck

President, Kingston Field Naturalists

Copy to: Ian Arthur, MPP Kingston and the Islands

1. United Nations Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services Global Assessment Report, May 2019. [↑](#footnote-ref-1)