

February 20, 2024

Hon. Andrea Khanjin (minister.mecp@ontario.ca)
Minister of Environment, Conservation and Parks
College Park, 5th Floor
777 Bay Street
Toronto, ON
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Species at Risk Protection Policy Section (ESAREg@ontario.ca)
300 Water Street
5th Floor, North Tower
Peterborough, ON
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RE: Regulatory changes under the Endangered Species Act to improve implementation of the species at risk program ERO# 019-8016

Dear Minister Khanjin and the Public Input Coordinator,

The Central Lake Ontario Conservation Authority (CLOCA) has a long history related to the conservation of Redside Dace dating back to 1984. During this time, CLOCA has been involved with monitoring, habitat restoration, watershed and fisheries management planning, communication, and outreach, etc.

CLOCA was a member of the Recovery Team that prepared the 2010 Recovery Strategy for Redside Dace (*Clinostomus elongatus*) in Ontario. CLOCA continues to be a member of the Redside Dace Recovery Implementation Team.

The Central Lake Ontario Conservation Authority reviewed the proposed amendments under **ERO# 019-8016 *Regulatory changes under the Endangered Species Act to improve implementation of the species at risk program***. The proposed regulation changes, which will remove habitat protection for Redside Dace in the Lynde Creek watershed, is not consistent with the goal of the Ontario Government Response Statement to the Redside Dace Recovery Strategy.

Further, the proposed regulation changes don't support overall recommendations provided by the Office of the Auditor General of Ontario to *improve the state of these species and their habitats*.

2023 Annual Follow-Up on Value-for-Money Audits (Office of the Auditor General of Ontario)

"Our audit found that the Ministry was failing in its mandate to protect species at risk. Its actions had not been sufficient to improve the state of these species and their habitats. The Ministry did not have a long-term plan to improve the state of species at risk and there were no performance measures to evaluate the effectiveness of the species at risk program. Additionally, some species at risk may not be protected in the future, as the Act's

classification criteria for species at risk was changed in 2019 and is now inconsistent with how species are assessed in other provinces across Canada.”

The proposed amendments to the Redside Dace regulations under the ESA, do not support the commitment to establish complementary legislation and programs that provide for the protection of species at risk throughout Canada under the Accord for the Protection of Species at Risk (1996) as agreed to by the federal, provincial, and territorial government. Some of the recognized statements included:

- governments have a leadership role in providing sound information and appropriate measures for the conservation and protection of species at risk, and the effective involvement of all Canadians is essential;
- species conservation initiatives will be met through complementary federal and provincial/territorial legislation, regulations, policies, and programs;

Some of the agreements included:

- Establish complementary legislation and programs that provide for effective protection of species at risk throughout Canada, and that will:
 - Provide protection for the habitat of threatened or endangered species.

Species at Risk recovery efforts form an important part of the Central Lake Ontario Conservation Authority’s commitment to reconciliation. CLOCA continues on a path to learn through ongoing Indigenous corporate education and collaboration. The proposed amendments to the Redside Dace regulations under the ESA, compromises the collective journey to reconciliation by not honouring written and oral promises and agreements.

In summary, it is our position that the proposed amendments to the regulations under the ESA are not consistent with the governments committed recovery efforts to *protect and recover Ontario’s species at risk* and therefore will not *deliver ESA protections where they are needed most*.

The Central Lake Ontario Conservation Authority respectfully request the Government of Ontario to:

- **Strike-out key area No. 1. - Regulatory amendments regarding habitat protections for Redside Dace**, which proposes to amend *O. Reg. 832/21*. The amendments specifically propose to:
 - amend *O. Reg. 832/21* to shorten the timeframe from 20 to 10 years such that any part of a stream or other watercourse that was used by Redside Dace at any time during the previous 10 years would be considered to be ‘occupied’ habitat under the regulation
 - amend the habitat regulation to change how ‘recovery’ habitat is determined under subparagraph 2 i so that recovery habitat is focused on:
 - streams or other watercourses directly adjacent to occupied habitat and
 - areas that are currently suitable for Redside Dace to carry out its life processes

Sincerely,



Ian Kelsey
Aquatic Ecologist
Central Lake Ontario Conservation Authority