



February 14, 2024

The Hon. Andrea Khanjin
Via email at minister.mecp@ontario.ca
Minister of Environment, Conservation and Parks
College Park, 5th Floor
777 Bay Street
Toronto, ON
M7A 2J3

And

Species at Risk Protection Policy Section
Via email at ESAREg@ontario.ca
300 Water Street
5th Floor, North Tower
Peterborough, ON
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Dear Minister Khanjin and Public Coordinator:

Re: Regulatory changes under the Endangered Species Act to improve implementation of the species at risk program ERO# 019-8016

The Lake Simcoe Region Conservation Authority (LSRCA) has been involved with the conservation of Redside Dace in Ontario since 2005. Our focus has been on research, monitoring, habitat rehabilitation, communications, and outreach in collaboration with other organizations with similar interests.

The LSRCA has been working with the Redside Dace Recovery Implementation Team along with other experts including participants from federal and provincial governments, conservation authorities, academia, and non-government organizations. We are interested in assisting with the recovery of the endangered Redside Dace (*Clinostomus elongatus*) in the Lake Simcoe watershed in association with the government supported actions described in the Ontario Government Response Statement issued in 2010.

As a member organization, the LSRCA has reviewed the proposed amendments under ERO# 019-8016 Regulatory changes under the Endangered Species Act to improve implementation of the species at risk program. While we are supportive of efforts to improve the species at risk program to address the needs of the urban development sector, we have some concerns with the proposed amendments, which

effectively reduce the extent and duration of protected habitat. Our analysis of occurrence data contained within a dataset spanning the period of 1926 to 2022 results in the following observations:

1. Twenty-six (26) watersheds were once occupied by Redside Dace in Ontario. This includes 2 subwatersheds in the Lake Simcoe watershed. Redside dace have been captured in Kettleby Creek and Sharon Creek in the LSRCA jurisdiction.
2. The last Committee on the Status of Endangered Wildlife in Canada (COSEWIC) report for the species was completed in 2017 which described occupancy in 16 remaining watersheds.
3. Applying the current 20-year tenure for occupied habitat, O. Reg. 832/21 S. 29 currently applies to 14 watersheds consisting of 44 subwatersheds reflecting the loss of the species in 2 watersheds (Bronte Creek and Spencer Creek). Kettleby Creek is one of these 14 watersheds.

Given this rapid declining trend in the range and distribution of the species, our concerns regarding the proposed amendments are as follows:

- 1) Amend O. Reg 832/21 to shorten the timeframe from 20 years to 10 such that any part of a stream or watercourse that was used by Redside Dace at any single time during the previous 10 years would be considered to be “occupied” habitat under the regulation.**

Through a review of Redside Dace occurrence records in Ontario, it is evident that the proposed amendments (i.e., reducing tenure from 20 to 10 years) would decrease habitat protections from 14 watersheds consisting of 44 subwatersheds down to 12 watersheds consisting of 31 subwatersheds. By removing these watercourses as “occupied” habitat without a thorough assessment of occupancy, the proposed amendments reduce protection for the species across several watercourses and may jeopardize the survival of the species in Ontario. To ensure the further protection and recovery of Redside Dace we request the province consider the following recommendations with the recovery of the species as a priority:

1. The MECP should defer making any decisions on shortening the tenure of occupied habitat for Redside Dace until such time as there has been consultation with species experts on how the proposed changes would affect the species.
2. Under the consultation and advice of species experts, develop a science-based monitoring program for Redside Dace to update and establish occupancy for extant and historical populations of Redside Dace in Ontario. This should include a long-term sampling protocol that adequately monitors endangered species.
3. Approvals for permits to monitor Redside Dace be streamlined to reduce delays so that so that occurrence records can be updated efficiently.

4. Under the consultation and advice of species experts, develop a science-based monitoring program to assess the “recovery” habitat of Redside Dace to ensure that “recovery” habitat can meet the specific biological needs for Redside Dace to carry out their life processes.
5. Work with academia to establish scientific guidelines and protocols required to allow for the use of positive eDNA detections in confirming occupancy for the species.
6. Support scientific research and species recovery actions, including initiatives to develop monitoring and assessment protocols to classify occupancy, by re-establishing a Species at Risk Research Fund. This will allow for resources to be directly allocated to necessary science that provides valuable information and supports the species at risk program in Ontario. This reduces the need for proponents to complete additional studies, thereby reducing red tape, making it easier for businesses and people to interact with government.
7. Work with the federal government to ensure that any proposed changes align with Critical Habitat for the species as defined under the federal Species at Risk Act.

2) Amend the habitat regulation to change how “recovery” habitat is determined under subparagraph 2i so that “recovery” habitat is focused on:

- **Streams of other watercourses directly adjacent to occupied habitat**
- **Areas that are currently suitable for Redside Dace to carry out its life processes**

Changes to the classification of “recovery” habitat also result in significant changes to watercourses identified as “recovery” habitat under section 29 of the habitat regulation. While it is recognized that some habitats previously occupied by Redside Dace have been lost and have already been removed as recovery habitat, the generalization of recovery habitat in the proposed changes has the potential to significantly reduce recovery habitat further. Considerations for amendments to the habitat regulation should include:

- Streams or other watercourses disconnected from occupied habitat are currently being restored through provincial stewardship funded projects and overall benefit opportunities. These reaches should not be discounted as viable habitat for the species due to direct connectivity with occupied reaches. Furthermore, if these activities result in connection being restored (e.g., through removal of barriers) or in improving habitat for the species, they should be considered a success in species recovery and afforded similar protections and opportunity for the species.
- As with occupancy monitoring, a defined methodology and monitoring program to assess “areas that are currently suitable for Redside Dace to carry out its life processes” is unavailable. Removing recovery habitat without sufficient assessment as to whether it may be suitable for the species is strongly discouraged. Instead, these watercourses should be evaluated using scientific protocols to

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assess conditions to ensure they meet the biological requirement of the species. Assessing these watercourses as opportunities for research, habitat restoration and future reintroductions of the species is encouraged as they play an important role in providing knowledge for species recovery actions.

Thank you for the opportunity to comment on the proposed regulatory amendments to the Endangered Species Act. We are happy to discuss our concerns and recommendations further and welcome the opportunity to collaborate on the recovery of Redside Dace in Ontario.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rob Baldwin', with a stylized flourish at the end.

Rob Baldwin
Chief Administrative Officer