

To whom it may concern,

Natural Resource Solutions Inc. (NRSI) is an Indigenous-owned environmental consulting firm based in Waterloo, ON. We provide a wide-range of ecological services to our clients which include private corporations, industrial operations, renewable energy and infrastructure companies, municipalities, and private landowners. A large portion of our work involves species at risk, compliance with the *Endangered Species Act* (ESA), and providing support services to our clients. Of relevance to the current Environmental Registry of Ontario (ERO) posting (ERO # 025-0380) this includes:

- Extensive experience obtaining permits and approvals, as well as filing registrations under the ESA for our clients;
- Assisting the Ministry of Environment, Conservation and Parks (MECP) with piloting the proposed online portal system for ESA permits (ongoing);
- Under contract with the Province, preparing recovery strategy documents for species at risk;
- Working with the Species Conservation Action Agency (SCAA) to develop funding plans for Bobolink, Eastern Meadowlark, and Butternut (completed).

Permit Process

Our experience with the permit process under Section 17(2)(c) supports the government's assertion that the process is unnecessarily slow and complex. However, it is our professional opinion as biologists, that the current protections afforded to species are effective; rather, it is the administration process that is ineffective. We attribute this to:

- 1) the reduction of species at risk staff by the province in 2019 when the administration of the ESA was shifted from the Ministry of Natural Resources (MNR) to the MECP,
- 2) the requirement of all permits to be signed by the Minister (rather than delegated to qualified staff), and
- 3) having a complicated and cumbersome multi-stage process to obtain a permit under Section 17(2)(c) of the ESA.

It is our opinion that the proposed changes are not required to help speed up project timelines and provide greater certainty for proponents, and that many of the proposed changes will inadvertently have the opposite effect. A good example of this is the recent changes made by the Province to reduce the jurisdiction of the conservation authorities under Ontario Regulation 41/24. This was meant to speed up development reviews, give more authority to municipalities, and streamline approvals. Instead, municipalities were left unequipped to review required environmental studies without support from their local conservation authorities and many were forced to retain external peer-reviewers (a process that took time and money). This delayed many projects in Ontario, created a lot of uncertainty with regards to the implementation of the new regulations, and frustrated many development proponents.

The similar will be true with the proposed changes under the ESA and proposed *Species Conservation Act*. The changes will increase uncertainty further, even if the *Species Conservation Act* is meant to provide clarity, as noted on the ERO (#025-0380). Municipalities may want to increase protections on species at risk in the absence of the Province doing so. For example, all municipal official plans afford species at risk habitat protection in accordance with the Provincial Policy Statement and many provide specific definitions for what constitutes habitat to be protected.

Based on our extensive experience with ESA approvals and permits, we suggest the following could streamline the current process without extensive changes to the legislation:

- Eliminate the multi-stage permitting process (IGF, AAF, CPAF) and replace it with a self-screening tool (similar to the Department of Fisheries and Oceans' (DFO) approach for *Fisheries Act* compliance) and single permit application. Because the ESA is a proponent-driven process already, a self-screening tool is a logical change to the current process and DFO provides an existing model for a system that has been implemented.
- Make the permit application an easily navigated online form (a version of this has already been developed and is currently being piloted by MECP).
- Delegate permit approvals to Ministry staff (this was previously the approach when the administration of the ESA was the responsibility of the MNR and it sped things up significantly).
- Increase Ministry staffing to meet the workload. The number of SAR biologists was significantly decreased when the administration of the ESA was transferred from the MNR to the MECP. The current MECP species at risk branch does a good job of trying to keep up with the volume of inquiries and approvals, but it is clear that resources are stretched beyond what is reasonable to achieve the desired outcome of faster review times.
- Create additional habitat regulations to provide clearer direction on specific species habitat protections. This would help to avoid inconsistencies in the interpretation of what constitutes habitat between proponents and government, especially species proving to be difficult to define 'general habitat' for.
- Do not modify existing self-registrations or payment to the conservation fund which we have observed to work well for proponents.
- We are supportive of increasing the opportunities for self-registration; however, there are still many species/circumstances that are not suitable for registration, particularly those who are known to use large home-ranges and different habitats for different life processes (e.g. Blanding's Turtle). We foresee this will cause issues for proponents down the line if mitigation fails or causes unintended consequences to species at risk.
- Because there is no professional designation for ecologists in Ontario, there is a huge variance in the professional expertise within the profession. If the Province is moving towards self-registration, the Province should first standardize the industry.

Winding Down the SCAA

NRSI has also worked closely with the Species Conservation Action Agency (SCAA) over the last year to develop funding plans for Bobolink, Eastern Meadowlark, and Butternut. A lot of time and resources

from the Province has been invested in creating this Agency and its guiding policies, creating a Species at Risk Conservation Trust, and developing funding plans for these three species at risk. This program has great potential to make lasting impact for these species at risk, while allowing proponents to proceed with their development plans. In our experience, the proponent-implemented habitat creation and monitoring required prior to the conservation fund was problematic and did not result in meaningful results.

It is also unclear what the alternative will be if the conservation fund is eliminated. Many development proponents have expressed support for the conservation fund option and the ease in which they can achieve compliance with the ESA without having to complete actions themselves. Re-verting back to a proponent-lead compensation approach resurrects many of the issues proponents were facing with complex habitats creation projects and unavailability of genetically pure Butternut seeds/seedlings.

Recovery Strategies and Government Response Statements

Lastly, it is unclear what the rationale is for removing the requirements to develop recovery strategies, management plans, and government response statements (GRS). The development of these documents has no direct implications for permits, development approvals, or streamlining the review process.

Recovery strategies are critical for proponents and their consultants to inform mitigation plans and guide ESA compliance because they identify specific activities that can be taken during the development process. Without these guiding documents, combined with little to no Ministry oversight of the process, proponents will be left guessing on what should be done, leading to further inefficiencies and failures to adequately protect species at risk. Furthermore, recovery strategies are critical for identifying knowledge gaps and research priorities for species – a critical step to informing responsible development. In our experience, delays are often associated with uncertainty about the impacts of a project because of the lack of information available on species habitat use, biological needs, what is considered regulated habitat, etc. which are clearly identified by recovery strategies.

This is a problem we anticipate will become a larger issue with the proposal to only apply the federal *Species at Risk Act* to migratory birds (also part of ERO #025-0380). Many migratory bird species have incomplete habitat definitions or broader definitions than those that exist at the provincial level. Additionally, confirmation of 'Critical Habitat' for several species may require multiyear surveys (Cerulean Warbler for example) if the species are detected at the site with possible or probable breeding evidence.

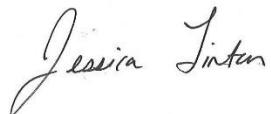
Definition Changes

As a consulting firm tasked with providing guidance to proponents, we have concerns that the proposed changes to the definitions of habitat (Section 10) and the removal of 'harass' from the species prohibitions (Section 9) will cause confusion and uncertainty, leading to issues with ESA compliance and project delays. For example, the new proposed definition of habitat does not include areas required for feeding or migrating; however, there will still be prohibitions on 'harming' species. How can a feeding area or movement corridor required by a species at risk be open to development without harming the species that directly depends on it? Whereas the current habitat regulations and categorized habitat are

detailed and clear, the new definitions leave things open to interpretation which ultimately leads to uncertainty. How will the Ministry reconcile this type of confusion around the changes in definitions?

As a company that prides itself on providing efficient support to our clients, we feel that many of the proposed changes are unnecessary, an inefficient use of government resources, and will ultimately cause greater uncertainty for proponents of development and other approval authorities in many ways. We hope the Province will reconsider some of the proposed changes, recognizing that the issues with slow approvals are with the current administration of the legislation, not the legislation itself and further changes that are implemented in short-order without well thought-out regulations will cause further issues for proponents.

Sincerely,
Natural Resource Solutions Inc. Management Team

A handwritten signature in black ink that reads "Jessica Linton". The signature is fluid and cursive, with "Jessica" on the top line and "Linton" on the bottom line.

Jessica E. Linton
Senior Biologist
Manager, Species at Risk Division