



January 13, 2017

Bree Walpole  
Senior Policy Advisor  
Ministry of Natural Resources and Forestry  
Policy Division – Species Conservation Policy Branch  
300 Water Street  
Peterborough, Ontario K9J 8M5

Dear Ms. Walpole,

Re: *EBR Registry Number 012-8234: Development of the Safe Harbour Policy under the Endangered Species Act, 2007*

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The Beef Farmers of Ontario (BFO) appreciates the opportunity to provide comments as part of the Ministry of Natural Resources and Forestry (MNRF) consultation on the development of the Safe Harbour policy for species at risk. BFO represents the 19,000 beef producers across Ontario by advocating in the areas of policy planning, industry development and research, and domestic and export market development.

In 2013, the Bobolink and Eastern Meadowlark Roundtable submitted recommendations to MNRF on the long-term protection and recovery of the species that wouldn't significantly affect Ontario's agricultural sector. These recommendations included Safe Harbour, and BFO is pleased to see MNRF initiating development of Safe Harbour policy. For some landowners and proponents, Safe Harbour will present an opportunity to create and protect habitat for species at risk with the assurance that they will be able to modify or remove the habitat at a later date. In some cases, this policy could remove the disincentives that sometimes prevent landowners from providing habitat for species at risk.

BFO does, however, have some concerns about the potential impact this policy could have on agricultural operations that are near properties with Safe Harbour habitat. Species at risk could appear on someone's land because a neighbour enters a Safe Harbour instrument, and this could cause legislation and regulation around protecting that species and its habitat to come into effect. The sudden presence of any species at risk besides the Bobolink and Eastern Meadowlark (due to the current exemption for those species on agricultural operations) would cause significant limitations on what farmers could do with their land.

The policy proposal states that, in the event that the creation or enhancement of a Safe Harbour habitat results in species at risk occupying neighbouring lands not included in a Safe Harbour instrument,

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implications to the neighboring landowner would be assessed on a case-by-case basis but the neighbour would not benefit from the legal exemptions provided through Safe Harbour. It is BFO's recommendation that this potential issue be more sufficiently addressed in the proposed policy, and that more assurance be given as opposed to assessments on a case-by-case basis. This could include the provision of buffer zones for Safe Harbour habitats, so legislation wouldn't apply to landowners if species at risk appear on their land due to a neighbour's participation in Safe Harbour. This should include an immediate extension of the legal exemption to all adjoining agricultural land, so an affected neighbour does not need to wait, potentially for years, for the conditions of the contract to be met.

While the proposed policy states that any individuals entering into Safe Harbour instruments should consider the potential implications on their neighbours and try to minimize any concerns, and that assessment of the suitability of land for a species at risk habitat should extend to the surrounding areas, BFO is concerned that this does not give sufficient consideration to the potential implications of a Safe Harbour habitat if there is nearby agricultural land. MNRF should provide clear guidelines on how to handle situations where neighbouring farms do not wish to have species at risk habitat spread to their land, including what specific conditions would need to be written into a Safe Harbour contract to ensure the habitat is contained within the area designated, and not spread to neighbouring landowners' property.

By taking further steps to protect farmers who may be affected by nearby Safe Harbour habitats, MNRF will minimize any potential negative impacts on Ontario's agricultural sector while also ensuring that species at risk habitat is created and protected in the most appropriate areas.

The Beef Farmers of Ontario would like to thank the Ministry of Natural Resources and Forestry for the opportunity to provide comments on the Safe Harbour policy for species at risk. We would be pleased to answer any questions on the comments contained in this document, and we look forward to participating in further consultations on this issue.

Sincerely,



Matt Bowman  
President

cc: BFO Board of Directors

