



May 28, 2019

Public Input Coordinator  
Ministry of the Environment, Conservation and Parks  
Species Conservation Policy Branch  
300 Water Street, Floor 5N  
Peterborough, Ontario K9J 3C7

To Whom It May Concern,

Re: EBR # 013-5033: 10<sup>th</sup> Year Review of Ontario's Endangered Species Act: Proposed Changes

Beef Farmers of Ontario (BFO) appreciates the opportunity to provide comments on proposed changes to the Endangered Species Act (ESA) as part of the 10<sup>th</sup> year review of the *Endangered Species Act* (ESA). BFO represents the 19,000 beef farmers across Ontario by advocating in the areas of policy planning, industry development and research, environment, animal health and welfare, and domestic and export market development.

BFO supports the principle of protecting and recovering Ontario's species at risk, and is proud of the role Ontario's beef farmers play in providing habitat for species at risk on agricultural grasslands. The continued presence of species at risk on Ontario beef farms is a testament to the preservation of natural habitats on farms, especially grasslands that take the form of pastureland and forage production. Unfortunately, though agricultural grasslands provide critically important habitat for species at risk like the bobolink and eastern meadowlark, Ontario has seen drastic reductions in pastureland and forage production. Between 2006 and 2016, pasture acreage declined over 30% and hay acreage declined over 32% in Ontario. This rate of disappearing grasslands is unsustainable both for species at risk and the beef industry.

Balancing species at risk protection and recovery with economically viable agricultural use of grasslands is key to sustainable beef production and effective species at risk regulation and programs. As stated on the U.S. website of the World Wildlife Federation, "Keeping ranchers in business leaves grasslands intact, creates habitat for a broad diversity of birds and other grassland species, moderates run-off, and secures carbon in the soil." These priorities must be balanced in order to maintain and enhance Ontario's existing grasslands – without the economic viability of ruminant livestock operations, grassland habitat will continue to disappear.

The majority of Ontario's grasslands are managed by ruminant livestock farmers, and provincial policies and programs must recognize the valuable role beef farmers play in maintaining and preserving these areas. Ontario's beef farmers are invested in protecting this habitat if provided with the tools and flexibility to do so. BFO maintains its position that, broadly speaking, robust financial incentives to

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maintain and create grassland habitats must be made available, and should receive a similar level of financial support to tree-planting initiatives, for example, that have been provided to ensure the health and viability of Ontario forests. BFO recommends that these financial incentives not be tied to the Environmental Farm Plan, as it does not have a clear connection or link to biodiversity or species at risk.

Further to this, BFO supports the development of a province-wide grassland habitat stewardship initiative, and believes that the Ontario government's commitment to partnership projects for public lands must include an improved process for making Crown land available for agricultural expansion in northern Ontario, which is within the bobolink's northern range and could provide a significant source of new grassland habitat if it were made available for hay and pasture production.

Please find, below, BFO's comments on the specific proposed changes to the ESA:

### 1. Assessing species at risk and listing them on the SARO List

**Proposed change:** *Provide the public with earlier notice of COSSARO's (Committee on the Status of Species at Risk in Ontario) species' assessment and classification results by making its report available to the public no later than three months after it is received by the Minister. Also, extend the time from when a COSSARO report is received by the Minister to when listing is to occur from three to twelve months (i.e. when a species must be added to the SARO list).*

- BFO believes that making COSSARO's reports available publicly as early as possible is positive.
- The publicly available reports on species assessment and classification should be written for a non-scientific audience, as COSSARO's current and past reports have been written for an audience with a scientific background.
- Extending the time between the Minister receiving COSSARO's species assessment and the classification being added to the SARO List (from the current three months to twelve months) seems unnecessary, assuming that the other proposed changes to the ESA, such as the addition of a Ministerial request for reconsideration of a classification, are enacted.

**Proposed change:** *Improve certainty of the timing of species list changes by requiring COSSARO to submit an annual report to the Minister between January 1 and January 31 of each year.*

- BFO is supportive of the proposed requirement that COSSARO provide an annual activity report to the Minister.

**Proposed change:** *Allow the Minister to require COSSARO to reconsider the classification of a species where the Minister forms the opinion based on scientific information that the classification may no longer be appropriate. For species that are not yet on the list or are listed as special concern, the species would not be added to the SARO list or listed to a more endangered status during COSSARO's reconsideration.*

- BFO is supportive of allowing the Minister to require COSSARO to reconsider the classification of a species when warranted.
- New scientific information may come to light after a species is classified, and under this instance, a review or reconsideration of its status is justified. Requiring COSSARO to potentially reconsider any of its decisions will likely add rigour and integrity to the listing process.



**Proposed change:** *Require COSSARO to consider a species' condition around its broader biologically relevant geographic area, inside and outside Ontario, before classifying a species as endangered or threatened. If the overall condition of risk to the species in the broader biologically relevant geographic area is lower, COSSARO would be required to adjust the species' classification to reflect its overall condition.*

- BFO is supportive of this change, which would take into account the species' condition and status both inside and outside Ontario.

**Proposed change:** *Broaden COSSARO membership qualifications to include members who have relevant expertise in ecology, wildlife management, as well as those with community knowledge.*

- BFO is very supportive of this change. Farmers know their land and the range of wildlife and species at risk with which they share it. Many of Ontario's listed species are now only found on and around farmlands (which also demonstrates that species at risk are compatible with our agricultural activities and practices).
- BFO believes that taking advantage of farmer's community knowledge, as well as community knowledge related to ecology and wildlife management, will lead to better informed decisions by COSSARO.

Overall, Ontario's process of identifying species at risk will benefit from increased transparency. In addition to the proposed changes, it would be helpful to publish an up-to-date list that indicates population numbers and range for each species at risk within Ontario. This could raise awareness of population declines, and potentially lead to proactive implementation of protection strategies before species are classified as at risk.

## 2. Defining and implementing species and habitat protections

**Proposed change:** *De-couple the listing process from automatic protections and provide greater Minister's discretion on protections, while keeping the assessment as a science-based process at arm's length. While the role of classifying species would remain with COSSARO and listing of classified species would continue to be required, the proposed changes would provide the Minister with the authority to temporarily suspend species and habitat protections for up to three years for some newly-listed species when the following criteria are met:*

- i. *applying the prohibitions to the species would likely have significant social or economic implications for all or parts of Ontario so additional time is required to determine the best approach to protect the species and its habitat;*
  - ii. *the temporary suspension will not jeopardize the survival of the species in Ontario; and*
  - iii. *one of the following further criteria is met:*
    1. *the species has a broad distribution in the wild in Ontario;*
    2. *habitat availability is not a limiting factor for the species;*
    3. *additional time is needed to address the primary threats to the species, or co-operation with other jurisdictions is necessary to reduce the primary threats;*
    4. *other criteria that may be specified by regulation.*
- BFO is generally supportive of this change, which would take into account the social and economic consequences of listing a species in addition to population trends and distribution.



- It will be important that there is rigorous and thorough assessment of the listed criteria for exercising this discretion and the ability to temporarily suspend protections.

**Proposed change:** *Remove the mandatory legislative requirements and timelines to develop a habitat regulation proposal for each newly listed threatened or endangered species and retain the option to develop a habitat regulation when needed.*

- BFO is opposed to this change, as habitat loss is the single biggest reason for population declines, and habitat regulation cannot be decoupled from species protection and recovery.
- There are very few examples of species whose decline was due to factors other than habitat loss. Broadly speaking, habitat regulations for a newly listed species are key to their recovery.

### 3. Developing species at risk recovery policies

**Proposed change:** *Give the Minister the discretion to extend the nine-month Government Response Statement development timeline for some species.*

- BFO does not believe that discretion for extending timelines should be open-ended. Without a set timeline, the process to develop a Government Response Statement could drag on.
- BFO suggests extending the timeline to develop a Government Response Statement from nine months to twelve, which would provide a bit more time but also serve to keep the development of the Government Response Statement on target.

**Proposed change:** Allow the Minister to extend timelines for conducting the review of progress towards protection and recovery based on individual species' needs.

- As above, BFO does not believe that this discretion should be open-ended. Timelines for conducting the review of progress towards recovery should be specified.

### 4. Issuing ESA permits and agreements and developing regulatory exemptions

**Proposed change:** *Ontario is proposing to create Canada's first independent Crown agency, proposed to be called the "Species at Risk Conservation Trust", to allow municipalities or other infrastructure developers the option to pay a charge in lieu of completing certain on-the-ground activities required by the ESA. The funds would support strategic, coordinated and large-scale actions that assist in the protection and recovery of species at risk.*

- If the "Trust" is open to private developers in addition to municipalities, BFO is strongly opposed to this proposal. It would provide an easy "out" to developers from compliance and fulfilling obligations with respect to on-the-ground activities required under the ESA.
- Enabling developers to even more easily build on natural landscapes puts species at risk, environmental goods and services, and agricultural land at jeopardy.
- BFO does see potential value in having the Trust available as an option for municipalities' critical infrastructure projects. Updating and maintaining vital infrastructure should not be unduly delayed by red tape associated with species at risk permits, but BFO believes the option of paying into the Trust should be available only to municipalities for such vital projects.
- BFO also strongly recommends that funds from this Trust be utilized for establishing, protecting and promoting grassland habitat that includes managed agricultural grasslands. Agricultural



grasslands provide critical habitat for species at risk like the bobolink and eastern meadowlark, with the added benefits of having careful management from livestock farmers and the ecological value that grazing ruminant livestock bring to the soil and environment. It is critically important that funds from the Trust not be directed solely towards forest and wetland habitat.

Beef Farmers of Ontario looks forward to further discussions on the *Endangered Species Act* and how government and the agricultural sector can work together to balance protection and recovery of species at risk with protection of agricultural grasslands. We thank the Ministry of the Environment, Conservation and Parks for the opportunity to provide comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Hill". The signature is stylized and somewhat cursive.

Joe Hill  
President

cc: BFO Board of Directors

