



December 14, 2020

Public Input Coordinator
Ministry of Environment, Conservation and Parks
Species at Risk Branch
300 Water Street
5th Floor, North Tower
Peterborough, ON K9J 8M5

To whom it may concern,

Re: ERO 019-2636 - A proposal under the Endangered Species Act to enable the use of the Species at Risk Conservation Fund and to streamline authorizations for certain activities that impact species at risk, while maintaining protections for species

Beef Farmers of Ontario (BFO) appreciates the opportunity to comment on the proposed changes to Ontario's *Endangered Species Act* (ESA). BFO represents 19,000 beef farmers in Ontario by advocating in the areas of sustainability, animal health and care, environment, food safety, and domestic and export market development.

BFO supports the principle of protecting and recovering Ontario's species at risk, and is very proud of the role Ontario's beef farmers play in providing and maintaining habitat for species at risk on agricultural grasslands. The role farmers play in sustaining and enhancing Ontario's grasslands is often overlooked, but 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, 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. And even before that 10-year period, Ontario lost over 4,300 square kilometres – almost the size of Prince Edward Island – of its agricultural grasslands to encroachment from urban development between 1971 and 2001. Researchers have found that the recent decline in cattle numbers in Canada is directly linked to declines in hayfields and pastures. This rate of disappearing grasslands is unsustainable both for species at risk, especially grassland birds like the Bobolink and Eastern Meadowlark, 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, as well protect the environment – 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.

Further to this, BFO believes 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.

BFO's comments on aspects of the proposed changes to the ESA can be found below.

1. Species to be eligible under the Fund

Proposed change: *To designate a small subset of the species that are listed on the Species at Risk in Ontario List as conservation fund species eligible for the proposed charge payment option...we are proposing that the conservation fund species will be: butternut, barn swallow, bobolink, eastern meadowlark, eastern whip-poor-will, populations of blanding's turtle.*

- BFO is supportive of this list and with the inclusion of the bobolink and the eastern meadowlark. As noted above, the decline in agricultural grasslands directly reduces the number of habitats for these particular species at risk.

2. Eligibility of activities and authorizations

Proposed change: *The proposed amendments to O. Reg 242/08 would give proponents the option to pay a species conservation charge into the Fund rather than completing certain on-the-ground actions as a condition of the conditional exemption. Proponents will still be required to take action to minimize impacts on species at risk and their habitats, as required by law.*

- BFO is generally supportive of the concept of the "Fund", but these proposed amendments do raise concern. This appears to be a mechanism for some to pay their way out of completing meaningful beneficial actions when developing on or repurposing a piece of land that is a species at risk habitat. Although people will still be required to take action to minimize the impacts, when presented with the option to complete further beneficial actions or pay into the Fund, those with the means to pay into the Fund will likely do so, and avoid taking more meaningful and beneficial actions.
- BFO sees potential value in having the Fund 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.

3. Establishing the Species at Risk Conservation Trust



Proposed change: *To establish the Agency – a new provincial board governed agency, called the Species at Risk Conservation Trust, to administer the Fund.*

In spring of 2019, BFO provided comments on EBR #013-5033, the “10th Year Review of Ontario’s *Endangered Species Act: Proposed Changes*”. This review put forward the proposed “Species at Risk Conservation Trust”, which would 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.

The current proposal does not specify who is eligible to take part in the “Trust” other than noting that “Ontario recognizes that some businesses, municipalities and individuals may not have the expertise to carry out beneficial actions for eligible species at risk”. With that, BFO would like to reiterate its past comments on the Trust:

- 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.
- As noted, 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.

4. Board of Directors: composition

Proposed changes: *For the Agency’s board to include qualified members that have knowledge and scientific expertise related to the protection or recovery of species at risk. A majority of voting board members would be required to have applied knowledge of, and expertise with, concepts and techniques related to the protection or recovery of species at risk.*

- BFO believes it is crucial to have agricultural representation on the proposed Agency’s board. Considering that many species at risk live on agricultural lands, it is important to have qualified individuals with a strong knowledge of agriculture, and in particular, a strong knowledge of forage and pasture land. The current qualifications for the board do not mention having knowledge of the agricultural sector.
- BFO strongly recommends that the composition of the Agency’s Board of Directors include a qualified member(s) that have knowledge of agricultural grasslands and how forage and pasture lands provide habitat for species at risk.
- As noted, the bobolink and eastern meadowlark rely on agricultural grasslands, such as pastures and hayfields, and share this habitat with beef cattle and other ruminant livestock. There have been several research projects conducted with beef and sheep farmers to better understand the actions that can be taken by farmers to minimize impacts on the bobolink and eastern meadowlark that nest and live on agricultural grasslands. This sort of knowledge, as well as a general knowledge of agriculture, will be beneficial when allocating money from the Fund.



5. Plans for conservation of fund species

Proposed changes: *That the Agency be required to publicly communicate its focus for funding, by submitting to the ministry and publishing a plan for each conservation fund species before any funds are disbursed for the species.*

- BFO is supportive of the proposed requirement to ensure the Agency publicly communicates where the funds are focused. Further to this, BFO 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.
- How grasslands are managed influences the extent to which they make a positive impact on the environment, and when it comes to agricultural grasslands, the role cattle and sheep have in the management of those lands is crucial.

Thank you to the Ministry of Environment, Conservation and Parks for the opportunity to provide feedback on the proposed amendments. We look forward to further discussions on the *Endangered Species Act* and how the government and agricultural sector can work together to protect and recover species at risk through the protection of agricultural grasslands.

Sincerely,



Rob Lipsett
President

