

May 17, 2019

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

**RE: 10<sup>th</sup> Year Review of Ontario's Endangered Species Act: Proposed Changes (ERO-013-5033)**

Dear Sir/Madam:

Thank you for the opportunity to provide comments on the Province's proposed changes to the Endangered Species Act (ESA). It is understood that the Province is seeking to improve the administration of the ESA through new types of permit and agreements while ensuring positive outcomes for species at risk. While implementation challenges have been expressed in the implementation of the ESA, the Province's Made-in-Ontario Environment Plan also recognizes that species at risk in Ontario are facing increasing strain and pressure due to the effects of climate change, invasive species and habitat alteration. City of Markham staff supports the intent of this Act to reverse negative trends to species at risk populations and have concerns that some of the proposed changes may weaken the level of protection afforded to Ontario's species at risk. We provide the following comments for your consideration.

1. Integration of ESA permitting with land use planning

City of Markham staff support the concept of a 'landscape agreement'. The City is currently planning for the 'Future Urban Area' encompassing approximately 1300 hectares to accommodate growth to 2031 and it is anticipated that numerous ESA permits will be required in support of urban development. To manage the impacts of urban development, the City is requiring that a natural heritage restoration plan be prepared for each of the four community blocks. The option to implement a 'landscape agreement' can assist in a coordinated and strategic approach to the implementation of multiple restoration projects to enhance the natural environment including the habitat for species at risk.

Careful attention must be paid to the implementation of the landscape agreement to ensure that unforeseen impacts to species at risk are not incurred. Staff have concerns that landscape agreements are not required to fully offset impacts to each impacted species at risk as proposed under section 16.1(2) of the ESA. This could result in a difficult scenario where Provincial staff have to choose "winners and losers" amongst species at risk.

2. Species at Risk Conservation Trust

City of Markham staff support the option to offset impacts to species at risk through a dedicated fund, however safeguards need to be put in place to ensure proper management and administration of this agency.

Firstly, it should be ensured that 'species conservation charges' are directed towards beneficial activities for species at risk rather than administration and staffing costs. If the Province intends to recover

administration and staff expenses through the 'species conservation charge', then these additional costs should be factored into account.

Secondly, projects funded by the agency should prioritize the recovery of species that have been impacted and for which a 'species conservation charge' has been collected. As proposed, it appears that funds collected under the Species at Risk Conservation Trust may be directed towards any species at risk.

### 3. Adopting a Precautionary Approach to Ontario's Biodiversity and Species at Risk

While City staff support a number of the proposed changes, other proposed changes could have an undesirable result on the recovery of species at risk in Ontario. These include:

- Consideration of the condition of the species outside of Ontario (s. 5(4)(b))
- Ability to suspend protection of newly listed species at risk for up to three years (s. 8.1)
- Ability to, by regulation, limit the protection of newly listed species (s. 9(1.1))

Species at risk populations are facing increasing risks due to climate change, invasive species and habitat alteration. Staff suggest that these changes be carefully reviewed in consultation with industry experts to ensure that the overall purpose and intent of the ESA is not compromised.

Should you have any questions, please feel free to contact Patrick Wong, Natural Heritage Planner at 905-477-7000 ext. 6922 or [patrickwong@markham.ca](mailto:patrickwong@markham.ca).

Sincerely,



Arvin Prasad, RPP, MCIP  
Commissioner of Development Services  
City of Markham

cc. Mr. Brad Allan, District Manager (A), Ministry of Natural Resources and Forestry, Aurora District, 50  
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