



# Endangered Species Act

Development Services Committee

September 21, 2010

# Endangered Species Act

- ▶ Passed in 2007
- ▶ Force and Effect June 30, 2008
- ▶ ESA is known as the North American leader in species protection, habitat protection and recovery
- ▶ ESA is the framework for the protection of species listed through a separate procedure



# How to become listed

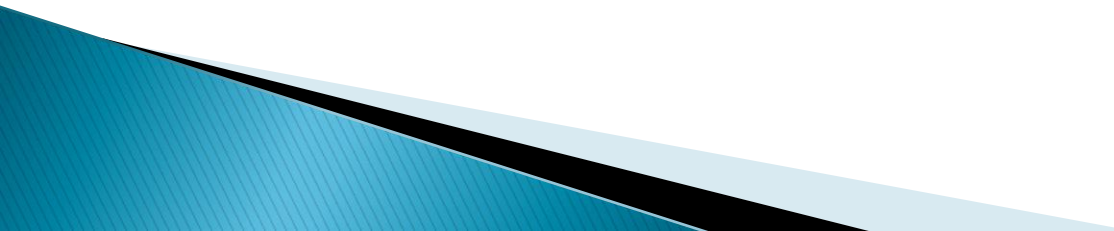
- ▶ Committee on the Status of Species of Risk in Ontario (COSSARO)
- ▶ Categories – Data Deficient, Not at Risk, Special Concern, **Threatened, Endangered, Extirpated**
- ▶ Threatened, Endangered and Extirpated require direct actions from the Government
  - Threatened/Extirpated – 3 years for O.R.
  - Endangered – 2 years for O.R.

# Recovery Strategy

- ▶ Once COSSARO reports to Minister a Recovery Strategy is required
- ▶ Required for all regulated species – endangered or threatened and extirpated if to be re-introduced
- ▶ Recommends objectives and approaches
- ▶ 13 strategies now prepared



# Government Response Statement

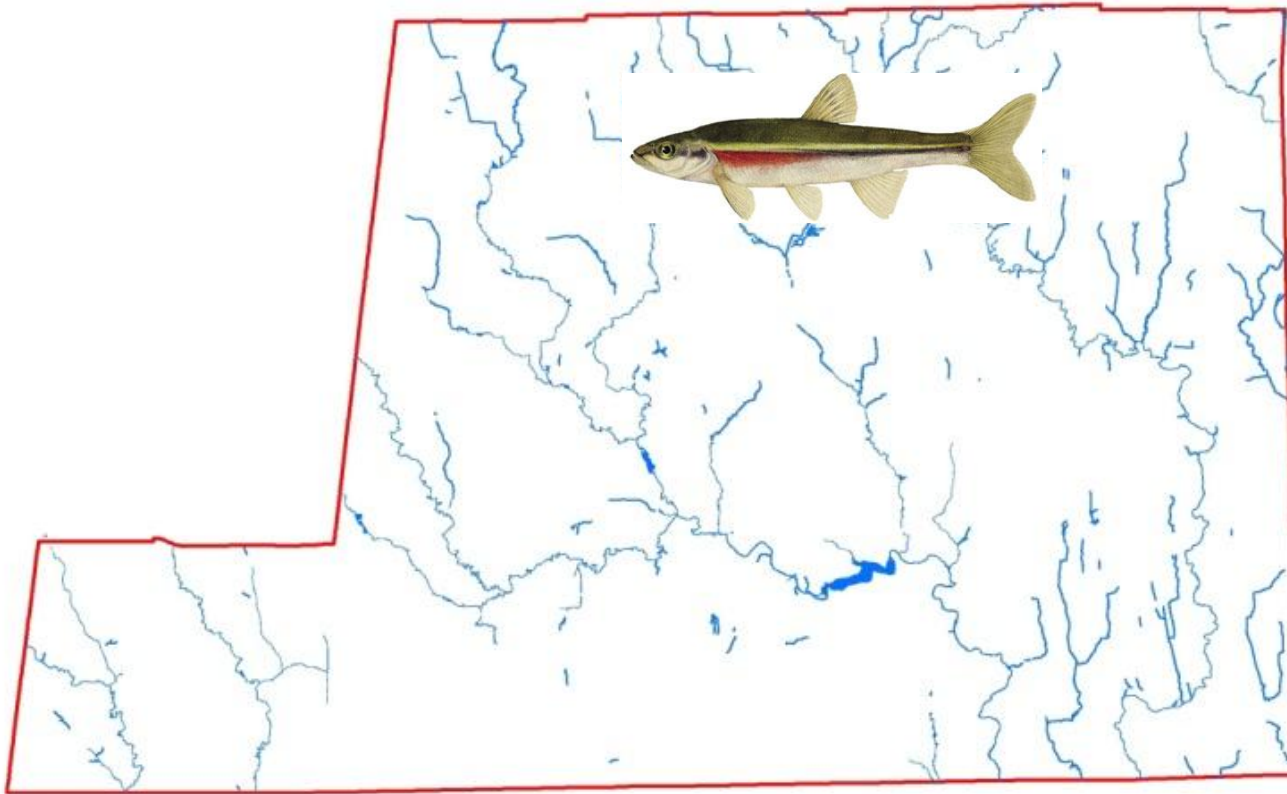
- ▶ Once a Recovery Strategy is completed a Government Response Statement must be published within 9 months (13 underway – 135 more needed)
  - ▶ Summarizes the action the Government will take
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# Recovery Plans and Pending Regulations

- ▶ American Badger
  - ▶ Barn Owl
  - ▶ Deerberry
  - ▶ Eastern Flowering Dogwood
  - ▶ Eastern Prairie Fingered Orchid
  - ▶ Engelmann's Quillwort
  - ▶ Few-Flowered Club-rush
  - ▶ Jefferson Salamander
  - ▶ Ogden's Pondwood
  - ▶ Peregrine Falcon
  - ▶ Redside Dace
  - ▶ Spotted Wintergreen
  - ▶ Wood Turtle
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# Redside Dace



# Markham has a Nationally Significant Concentration of Redside Dace streams





# What is a Redside Dace?

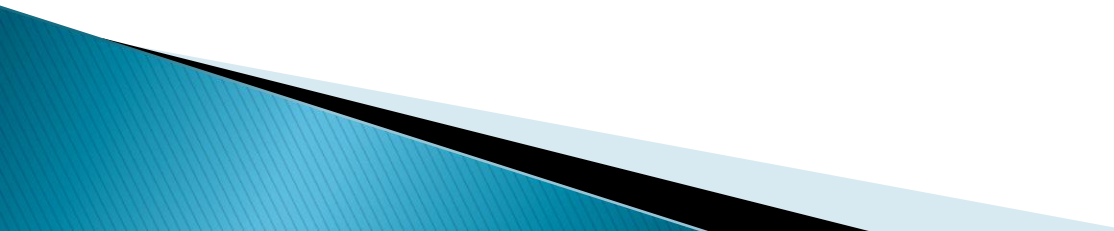
- ▶ Minnow
- ▶ Silver, red side
- ▶ Big mouth
- ▶ Live for 3 to 5 years
- ▶ 7 – 12 cm
- ▶ Catch insects above the water by leaping – need clear water to survive
- ▶ Indicator species of water quality
- ▶ Headwater streams with gravel bottom
- ▶ Riparian habitat – pasture, meadow or thicket



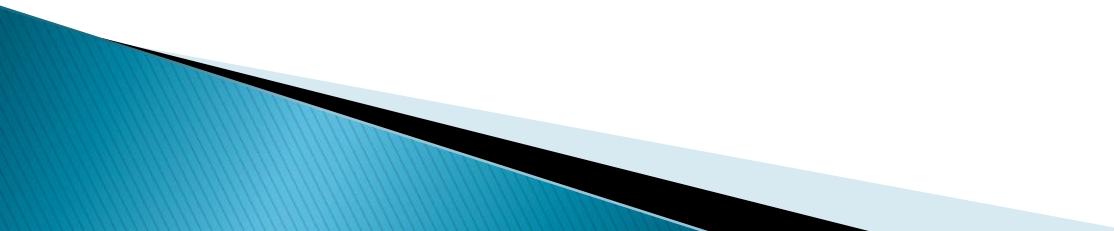
# Where is Redside Dace in the Regulatory Process?

- ▶ 2000 – Identified ‘Threatened’
  - ▶ February 2009 – Status elevated to ‘Endangered’
  - ▶ February 2009 – Recovery Strategy Released
  - ▶ November 2010 – Government Response Statement Due
  - ▶ February 2011 – Regulation required
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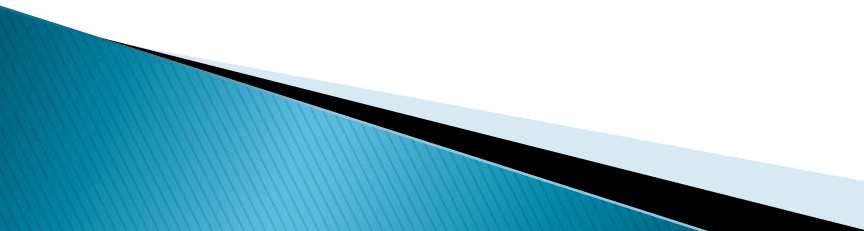
# Activities which may require a MNR ESA Permit

- ▶ Stormwater management facilities
  - ▶ Bridges
  - ▶ Road widening
  - ▶ Adjacent urban development uses that impact habitat, groundwater drawdown etc.
  - ▶ Activities outside of Redside Dace habitat which may impact habitat (stormwater effluent)
  - ▶ Some tree plantings in riparian zones
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# How is a MNR ESA Permit issued?

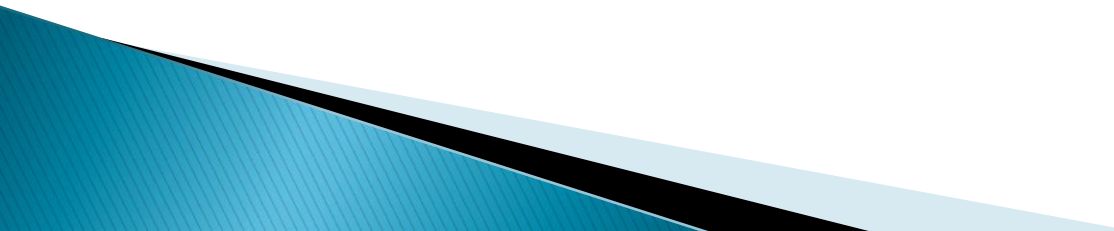
- ▶ Screen proposal to determine if a permit is needed
  - ▶ Develop a Benefit Permit Plan to address reasonable alternatives, minimizing adverse impacts and conditions for providing an overall benefit
  - ▶ Engage in Consultation (Environmental Registry – 45 days)
  - ▶ Draft and Issue Permit and conditions
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# What is an 'Overall Benefit'?

- ▶ An overall benefit to the species will be achieved with a reasonable time through conditions of the permit
  - ▶ Overall benefit is more than 'no net loss' or 'like for like'
  - ▶ Benefit determinations are based on best scientific information
  - ▶ Benefit can include increase in number of species, improved condition of population, increase in protection of habitat (swm retrofits, removal of on line ponds, plantings, barrier removal)
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# Challenges

- ▶ Improve or increase onsite stormwater management controls
  - ▶ Lack of available information on habitats and impact areas (information pending)
  - ▶ Permit approval timing and impacts to Town's planning approval timelines – integration and early response needed
  - ▶ Tree planting projects in riparian zones
  - ▶ Need for a coordinated approach to address planned growth that is recognized and supported by agencies
  - ▶ No transitional rules – impacts to projects underway
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# Municipal Actions

- ▶ Internal review to identify municipal projects potentially affected by ESA
  - ▶ Request MNR to address permit issues for projects underway in a timely manner
  - ▶ Identify study information for development applications in potential Redside Dace streams
  - ▶ Work with MNR to develop strategy to address growth related infrastructure
  - ▶ Data collection and monitoring of listed endangered and threatened species
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# Other Endangered Species in the Town







Monarch Butterfly (SC)



Butternut Tree (E)



Eastern Ribbonsnake (SC)



Red Headed Woodpecker  
(SC) (Federally Threatened)



Eastern Musk Turtle (T)



Blanding Turtle (T)



Spiny Softshell Turtle (T)

# Thank You

