

Item 9.1.

Section III – Items for the Information of the Board

TO: Chair and Members of the Board of Directors
Meeting #3/19, Friday, March 29, 2019

FROM: Laurie Nelson, Interim Director, Policy Planning

RE: **TRCA COMMENTS TO ENVIRONMENTAL REGISTRY OF ONTARIO (ERO)
10th Year Review of Ontario's Endangered Species Act (ERO #013-4143)**

KEY ISSUE

Toronto and Region Conservation Authority's comments on the Government of Ontario's proposed amendments to the *Endangered Species Act*, 2007 and associated proposed implementing framework and regulations.

RECOMMENDATION

WHEREAS the Province of Ontario posted the proposed amendments to the Endangered Species Act for public comment on the Environmental Registry of Ontario (ERO);

AND WHEREAS the ERO imposed a March 4, 2019 deadline for submission of comments to the Province;

THEREFORE, LET IT BE RESOLVED THAT the Toronto and Region Conservation Authority (TRCA) staff report and final comments on the Ontario government's proposed amendments to the Endangered Species Act, 2007, be received;

AND FURTHER THAT municipal partners and Conservation Ontario be so advised.

BACKGROUND

On January 18, 2019, the Ontario government launched a review of the Endangered Species Act (ESA), 2007, to improve protections for species at risk, consider modern and innovative approaches to achieve positive outcomes for species at risk, and to look for ways to streamline approvals and provide clarity to support economic development. The review was open for a 45-day commenting period, which closed March 4, 2019. The discussion paper circulated for review focused on four core themes:

1. Landscape Approaches;
2. Listing Process and Protections for Species at Risk;
3. Species Recovery Policies and Habitat Regulations; and
4. Authorization Processes.

RATIONALE

TRCA supports its municipal partners in implementing the natural heritage policies of the Provincial Policy Statement and protects and restores wildlife habitat through its mandate under the *Conservation Authorities Act*. Where endangered species are affected by development, provincial staff at the Ministry of Natural Resources and Forestry (MNRF) undertake a concurrent review of planning proposals in accordance with the Act.

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As outlined in TRCA's submission to the Province, through research, science and expertise, TRCA has developed a number of tools and strategies that can be used to inform and support the implementation of the Endangered Species Act (ESA). Comprehensive, creative and collaborative approaches early in the planning process, including the use of such tools would facilitate better decision making, positive outcomes, greater certainty for all stakeholders, and streamlining opportunities. With TRCA's roles and experience in mind, staff submitted responses to the discussion paper questions organized under the four focus areas outlined above. Below is a summary of the key messages from staff's responses. The full submission is enclosed in Attachment 1.

- A more streamlined, up-front approach to managing species at risk (SAR) on large projects would avoid delays and increase certainty, since currently feedback is deferred to detailed design or the end of a planning process, causing uncertainty and delay for large scale planning exercises.
- Science being developed at TRCA on landscape connectivity, aquatic systems and road ecology could be used to inform ESA implementation. Capacity also exists at TRCA to input science into ESA-related decisions, as well as provide a feedback loop where gaps in science could be identified and filled through experience gained in the application of the ESA.
- TRCA's Integrated Restoration Prioritization framework is a landscape level approach to identifying ecological impairments and improving ecosystem function. While SAR are not a focus of the framework, many SAR benefit from this approach through the main restoration objectives. Other examples of landscape level approaches include TRCA's Restoration Opportunities Planning tool and TRCA's Toronto Waterfront Aquatic Habitat Restoration Strategy.
- In TRCA's experience, the delay in receiving approval for an authorization is mainly related to the ability of the limited amount of personnel who work in this area to review and respond to applicants. Different levels of authorizations could also be created where not all authorizations require ministerial approval, as the requirement for this high level of approval can cause delays.
- Providing adequate frontline staff and empowering them to provide feedback throughout the planning process will aid all questions noted in the Province's Discussion Paper. Timely response and certainty would speed up all processes, which applies to identification of habitat, feedback on what works may be permitted and feedback on what Overall Benefit works would be required.
- An extremely short timeline on assessing the form and success of implementation of the ESA for newly listed species would be exceedingly helpful. Deliberate documentation and sharing of information regarding the first few applications for a new species would give proponents and staff a clear understanding of what to expect through the permitting process.
- Partner agencies such as conservation authorities (CAs) could be engaged to provide restoration opportunities and services to aid in the permitting process. CAs have demonstrated expertise and capacity in delivering restoration planning and implementation related to ESA.

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- CAs with capacity could undertake review roles for compliance with the ESA, as staff are likely already involved in the project through our roles in development planning and environmental assessment review. CAs could also assist in the development of a recovery strategy through experience, science and monitoring expertise.

Relationship to Building The Living City, TRCA 2013-2022 Strategic Plan

This report supports the following strategies set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 8 – Gather and share the best sustainability knowledge

Strategy 12 – Facilitate a region-wide approach to sustainability

FINANCIAL DETAILS

Staff is engaged in this policy analysis work per the normal course of duty, with funding support provided by TRCA's participating municipalities to account 120-12. No additional funding is proposed to support the policy analysis work associated with the preparation of these comments.

DETAILS OF WORK TO BE DONE

The enclosed comments have been submitted to the Province for consideration. Staff will continue to brief the Board on other legislative changes that result from this circulation.

Report prepared by: Daniel Brent, extension 5774; Mary-Ann Burns, extension 5763

Emails: daniel.brent@trca.on.ca; mary-ann.burns@trca.on.ca

For Information contact: Brad Stephens, extension 5733; Mary-Ann Burns, extension 5763

Emails: brad.stephens@trca.on.ca; mary-ann.burns@trca.on.ca

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Attachments: 1

Attachment 1: TRCA comments to ERO #013-4143