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**BY E-MAIL ONLY** ([leanne.jennings@ontario.ca](mailto:leanne.jennings@ontario.ca))

Leanne Jennings  
Species at Risk Branch - Species at Risk Recovery Section  
Ministry of the Environment, Conservation and Parks  
300 Water Street  
North tower, 5th floor  
Peterborough, Ontario K9J 3C7

Dear Ms. Jennings:

**Re: Developing government response statements for nine species at risk under the Endangered Species Act, 2007 (ERO #019-1749)**

Thank you for the opportunity to comment on the Ministry of Environment, Conservation and Parks' Environmental Registry (ERO) posting on the draft government response statements for nine species at risk under the *Endangered Species Act, 2007*.

The Toronto and Region Conservation Authority (TRCA) has an ongoing interest in protecting wildlife species and their habitat given our roles as described below. TRCA conducts itself in accordance with the objects, powers, roles and responsibilities set out for conservation authorities (CA) under the *Conservation Authorities Act* and the MNR Procedural Manual chapter on CA policies and procedures for plan review and permitting activities, as follows:

- A public commenting body under the *Planning Act* and *Environmental Assessment Act*;
- An agency delegated the responsibility to represent the provincial interest on natural hazards under Section 3.1 of the Provincial Policy Statement;
- A regulatory authority under Section 28 of the *Conservation Authorities Act*;
- A service provider to municipal partners and other public agencies;
- A Source Protection Authority under the *Clean Water Act*;
- A resource management agency; and
- A major landowner in the Greater Toronto Area.

In these roles, and as stated in the *Made-In-Ontario Environment Plan*, TRCA works in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources. Where endangered species are affected by development, provincial staff undertake a concurrent review of planning proposals in accordance with the *Endangered Species Act*. TRCA supports our provincial and municipal partners in avoiding, mitigating

and compensating to protect and restore wildlife habitat in the planning and environmental assessment processes, and through our mandate under the *Conservation Authorities Act*.

### **Government Proposal**

We understand that under the *Endangered Species Act* (ESA), the government must ensure that a recovery strategy is prepared for each species that is listed as endangered or threatened. A recovery strategy provides science-based advice on what is required to achieve recovery of a species. Generally, within nine months after a recovery strategy is prepared, the ESA requires the government to publish a statement summarizing the government's intended actions and priorities in response to the recovery strategy. The response statement is the government's policy response to the scientific advice provided in the recovery strategy.

The Ministry is proposing government response statements that outline actions the government is taking and supports to protect and recover nine species at risk (SAR) in Ontario:

Blanding's Turtle (*Emydoidea blandingii*),  
Eastern Whip-poor-will (*Antrastomus vociferus*),  
Little Brown Myotis (*Myotis lucifugus*),  
Northern Bobwhite (*Colinus virginianus*),  
Northern Myotis (*Myotis septentrionalis*),  
Spiny Softshell (*Apalone spinifera*),  
Spotted Turtle (*Clemmys guttata*),  
Tri-colored Bat (*Perimyotis subflavus*)  
White Wood Aster (*Eurybia divaricata*).

### **General Comments**

TRCA staff have reviewed the draft government response statements and support the actions proposed to protect and recover these SAR in Ontario. We note, however, that many of the actions essential for achieving the government's recovery goals are categorized as "government-supported" as opposed to "government-led". For example, within the response statements for the three turtle species, the government-supported actions listed under Research and Monitoring, Management, Stewardship and Awareness Focus Areas are to be supported through the funding available for the SAR Stewardship Program. Therefore, TRCA staff have the following questions:

- How will the objectives allocated under government-supported actions be appropriately funded and supported to allow for these goals to be achieved?
- How is the severity of risk for each species taken into consideration when sub-allocating these funds?
- How will any new findings of the research be integrated into the existing and future recovery strategy items?

In TRCA's experience, available funding is project-specific and therefore does not accommodate a natural heritage systems approach. In this regard, it may be more efficient to establish multi-species action plans to address common threats for species that occupy the same ecotype/habitat in Ontario.

This would help reduce duplication and increase efficiency while improving effectiveness of SAR recovery.

All government response statements acknowledge that successful SAR recovery requires inter-governmental co-operation and the involvement of many individuals, organizations and communities. It would be beneficial for the statements to identify what the roles of other public agencies might be, specifically conservation authorities and municipalities given their roles in monitoring, restoration, education, and planning and permitting as well as landowners and proponents of Class Environmental Assessments.

Currently, however, the ESA process can be overly restrictive as to limit monitoring and restoration activities (e.g., redside dace). Given that SAR live within an ecosystem, restoration and regional monitoring activities should be considered as beneficial in the context of species recovery strategies and response plans. For example, TRCA has capacity to assist in recovery efforts due to a long history of regional watershed monitoring, (e.g., with funding and cooperation from the government, TRCA could commence turtle surveys across our region for species present in our jurisdiction). TRCA is already undertaking road ecology research and could target SAR in our monitoring and research in addition to the multiple species and indicators that the program currently tracks.

In addition, 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 that address hydrological processes, natural cover, connectivity and landforms and soils. Complemented by the framework, TRCA's Restoration Opportunities Planning tool is a method to inventory feasible ecological restoration projects at the watershed sub-catchment scale that include SAR considerations.

Related to the above, it may also be helpful to identify existing tools and established processes that could be used by the agencies to implement the actions and achieve recovery goals. Again, this harmonization could lead to reducing duplication and finding efficiencies. The response statements acknowledge cooperation with other agencies is important but do not offer details on how the implementation will work through the SAR Stewardship Program. Following are some suggestions for examples of implementation through the use of existing tools:

- require construction mitigation techniques for road construction and natural forms of shoreline stabilization through the ESA permit process;
- the government can directly influence water management plans through licenses/permits required under the *Lakes and Rivers Improvement Act*;
- the increase in habitat connectivity, particularly within private lands, could be stimulated through tax breaks for implementation of Stewardship Plans on private lands;
- more funding could be allocated for detection and enforcement of illegal collection of specimens;
- to address the amount of accidental deaths through boat collisions, introduce an educational component into the Safe Boating legislation and license regarding potential collisions with wildlife; and

- to reduce mortality from fishing by-catch, introduce an educational component into the obtention of a Fishing License.

TRCA also offers the following comments specific to each draft response statement.

### **Draft Government Response Statement for Blanding's Turtle**

- It is not just newly created roads/trails that attract nesting females, but routine maintenance on existing roads/trails that results in fresh gravel or grading also attracts females. This is an important timing consideration for road/trail management.
- Coyotes have also been identified as predators (see COSEWIC Assessment)
- The effects of European red ants are not well understood on hatchlings or nesting females. We suggest this be added under the research and monitoring actions of site-specific threats or invasive species.
- The impact that red-eared sliders have on Blanding's turtles needs to be quantified in terms of interspecific competition and the transmission of diseases under research and monitoring actions.
- Similarly, under the stewardship and awareness actions, efforts need to be taken to educate the public on the impacts of aquarium turtle release and the proper ways to surrender unwanted pet turtles.
- Non-native turtle releases for all turtles should also be identified; this creates interspecific competition for resources and can potentially introduce disease into populations.
- Stewardship and awareness actions should target stormwater pond managers to ensure that management, including water drawdowns, not occur during the critical overwintering period. This can be as simple as direct and well-publicized best management practices targeted to local municipalities.
- Suggest prioritizing the research action regarding the effects of different types/sizes of roads based on the level of estimated impact (existing data allows for this).
- Suggest prioritizing management of invasive species (presumably Phragmites) based on more robust criteria than just "where they pose a direct threat". Phragmites is unlikely to pose a direct threat in the early stages of invasion when it is much easier to control. Rather, phragmites poses a direct threat once it becomes so dense and expansive that it is extremely difficult and expensive to control.

- “Priority sites” are referred to but it is not identified where these are; could this information be released to allow agencies to focus efforts? One proviso should be that the information remains confidential to the agencies so that poachers cannot take advantage of these sites.
- The response statement could specify implementation mechanisms for priority actions identified such as government-led permit conditions for mitigation techniques to address new road construction and road mortality, forest management, aggregate extraction and energy production.
- More funding could be allocated for detection and enforcement of illegal collection of specimens. The reduction on illegal collection of species should also be specifically identified as an action under the Management or Stewardship and Awareness Focus Area.

### **Draft Government Response Statement for Spiny Softshell**

- It is suggested that all actions to improve recruitment are necessary given that there may be approximately 900 individuals left in the province. More diligent and immediate measures are required in order to support the long-term viability of the existing population.
- Suggest prioritizing management of invasive species (presumably Phragmites) based on more robust criteria than only “where they pose a direct threat” (see same comment above under Blanding’s Turtle).
- The impact that aquarium turtles may have on spiny softshells needs to be quantified in terms of interspecific competition and the transmission of diseases under research and monitoring actions. Similarly, under the stewardship and awareness actions, efforts need to be taken to educate the public on the impacts of aquarium turtle release and the proper ways to surrender unwanted pet turtles. TRCA has captured both Chinese spiny softshell and Texas spiny softshell in our restored wetlands and are concerned about the effect these exotic species may be having on our native turtles.

### **Draft Government Response Statement for Spotted Turtle**

While this species is likely extirpated from TRCA’s jurisdiction we offer the following comments informed by extensive habitat management work:

- Suggest prioritizing management of invasive species (presumably Phragmites) based on more robust criteria than just “where they pose a direct threat” (see same comment above under Blanding’s Turtle).
- It is not just newly created roads/trails that attract nesting females, but routine maintenance on existing roads that results in fresh gravel or grading also attracts females. This is an important timing consideration for road management. Especially for spotted turtles, this

action needs to be expanded to include recreational trails with ATV use. The impacts that on and off-trail ATV use has on spotted turtles should be a primary stewardship and awareness action.

- The impact that red-eared sliders have on spotted turtles needs to be quantified in terms of interspecific competition and the transmission of diseases under research and monitoring actions. Similarly, under the stewardship and awareness actions, efforts need to be taken to educate the public on the impacts of aquarium turtle release and the proper ways to surrender unwanted pet turtles.
- The impact that subsidized predators have on spotted turtles should be a primary stewardship and awareness action. This could be targeted to residents in known spotted turtle areas encouraging them to clean up bird feeder waste, secure garbage and compost, never feed wildlife, etc.
- The draft response statement identifies mass mortality of hibernating spotted turtles as a potential consequence of changes to the water table occurring during hibernation periods. The need for water management plans for activities that could result in alteration of water regimes in wetlands should be added as a specific action item.
- Because there are only 2,000 to 3,000 mature individuals left in Ontario with a high mortality rate, more diligent and immediate measures are required from the Government in order to support the long-term viability of existing population.
- The implementation of mitigation techniques involved in new road construction and road mortality could be directly tied to government-led permits as a requirement.
- The increase and maintenance in habitat connectivity, particularly within private lands, could be stimulated through tax breaks for implementation of Stewardship Plans on private lands. Due to the life history of this species, connectivity between aquatic and terrestrial habitats is particularly critical.
- More funding could be allocated for detection and enforcement of illegal collection of specimens.

#### **Draft Government Response Statement for Whip-poor-will**

- Since they are forest edge nesters, Whip-poor-will are likely to be significantly impacted by subsidized predators that patrol this type of habitat; they are also likely impacted by cats and dogs.

- In light of the above, the stewardship and awareness section should include outreach to private property owners regarding the impact of subsidized predators on whip-poor-will and other wildlife and the actions they can take to reduce predator populations.
- The above noted section could also include information on the impact of outdoor cats and off-leash dogs as large contributors to ground nesting bird declines. The Ministry should consider adopting a “cats indoors” campaign to address the enormous and well-documented impact that cats have on birds, and other wildlife.
- With regard to “priority sites”, with a 94% decline in population, it should be assumed that every site is a priority site.
- The response statement refers to declines of prey populations related to pesticides and insect controls. As it is apparent that increased pesticides have a negative impact on insect populations, resources should be reallocated to focus on insect declines and potentially assist a variety of aerial insectivores.

#### **Draft Government Response Statement for White wood aster**

Although White wood aster is not in TRCA’s jurisdiction, we offer the following:

- It is not realistic to assess deer browse on this plant since it is likely entirely eaten or eaten beyond the point of identification. Furthermore, research has already shown that when protected from deer, herbaceous plants can recover, further research is not required rather, it is time to implement protection (see research by York University/Ontario Parks at Rondeau and Presqu’île Provincial Parks).
- Outreach and awareness actions should also include trail management best practices to ensure users and managers do not impact trailside asters.

#### **Draft Government Response Statements for Bats (Little Brown Myotis, Northern Myotis, and Tri-Coloured Bats)**

- A high priority for research should be maternity roosts. Likewise, inventory and mapping priorities should include maternity roosts.
- Awareness and habitat protection objectives should also target homeowners (especially in rural areas) with specific advice on how to help bats directly and indirectly. Rural homeowners will likely have a genuine interest in assisting bat populations when they learn of the pest control benefits bats provide, and the easy and inexpensive ways they can promote bat habitat both directly and indirectly on their property (bat boxes, naturalized areas, etc.).

- The background primer acknowledges that urbanization and land development is a major contributor to the decline in foraging and roosting habitat, yet there are no sections in the response statement pertaining to urban development and/or anthropogenic impacts (except lines 273-274) to the three bat species and/or their habitat (including foraging habitat, hibernacula/swarming sites, and maternity roosts sites). Line 273 may be interpreted that the government will continue to mitigate anthropogenic threats to habitat only within provincially protected areas. Clearer direction should be provided on the protection of the three bat species and their habitat outside provincially protected areas where development is more prominent.
- The response statement identifies the *Made-in-Ontario Environment Plan* in the context of greenhouse gas reductions. The Ministry may want to consider that reference to specific policy or strategy documents may require future updates to the response statement. An alternative would be to state that greenhouse gases should be reduced by a targeted amount by 2030 to reduce pollution for reasons related to bat recovery.
- Aerial insectivores are seeing declines across Ontario; additional action items to increase insect populations or to help halt the decline would be beneficial for this species recovery (also see comment above related to Whip-poor-will and pesticides).
- It is suggested that the government provide direction for best management practices and/or guidance documents to help prevent direct and indirect impacts to the three bat species and their habitat based on existing scientific evidence/knowledge. For example, implementing application of timing window for removal of trees with suitable maternity roost potential. An approach where surveys are required if timing windows cannot be met would be helpful. It would be beneficial if this was a requirement for any proposed permanent removal of bat habitat, similar to urban development impacts to redbreasted nuthatch habitat.
- Another consideration in terms of recent threats is that bats are being portrayed as the cause and carriers of the Corona virus, being unfairly hunted and killed. This could be referenced under public education efforts in “Awareness and Habitat Protection” action items.

### **TRCA Recommendations**

On the basis of the above comments, TRCA recommends that the Ministry consider:

- 1) Multi-species recovery strategies and government response statements being developed for species that occupy the same ecotype/habitat in Ontario to incorporate and better reflect a systems-based approach to species protection and recovery.
- 2) Specific reference to ecosystem restoration activities and regional monitoring activities being included within the government response statements as positive actions for multi-species benefits including SAR.



- 3) The government response statements:
  - a. Reallocate a number of action items from government-supported to government-led actions, as recommended in the body of this letter, to enhance implementation and goal achievement.
  - b. Define the roles of other agencies, including conservation authorities and municipalities, in SAR recovery.
  - c. Incorporate use of existing tools, through established processes, that the Province can leverage to provide species protection and achieve the government response statement goals.
  
- 4) TRCA's recommendations to emphasize certain species-specific impacts provided in this letter be incorporated into the government response statements, such as impacts of anthropogenic development, invasive species, subsidized predators, domesticated pet predation, domesticated species releases, illegal specimen collection, off-trail all-terrain vehicle use and road maintenance activities.
  
- 5) TRCA's recommendations to support potential species-specific mitigation factors provided in this letter be incorporated into the government response statements, such as municipal stormwater management best management practices, timing window requirements for existing or potential habitat removal, and prioritizing the research action regarding the effects of different types/sizes of roads based on the estimated magnitude of species impact.

Thank you once again for the opportunity to provide comments on the draft government response statements for nine species at risk under the *Endangered Species Act, 2007*. Should you have any questions, require clarification on any of the above, or wish to meet to discuss our remarks, please contact the undersigned at 416.661.6600, ext. 5281 or at [laurie.nelson@trca.ca](mailto:laurie.nelson@trca.ca).

Sincerely,

<Original signed by>

Laurie Nelson MCIP, RPP  
Director  
Policy Planning

BY E-MAIL

CC:

TRCA: John MacKenzie, Chief Executive Officer  
Sameer Dhalla, Director, Development and Engineering Services  
Ralph Toninger, Associate Director, Restoration and Resource Management  
Scott Jarvie, Associate Director, Watershed Planning and Ecosystem Science  
Brad Stephens, Senior Manager, Planning Ecology