



March 4, 2019

Public Input Coordinator
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Re: Conservation Ontario's comments on the 10th Year Review of Ontario's Endangered Species Act: Discussion Paper (ERO#013-4143)

Thank you for the opportunity to provide comments on the discussion paper for the 10th Year Review of Ontario's *Endangered Species Act*. Conservation Ontario is the network of Ontario's 36 conservation authorities (CAs). Conservation Ontario, as represented by Kim Barrett (Conservation Halton), appreciated the opportunity to participate in the group session on February 1st, 2019 to discuss ideas on how to improve the *Endangered Species Act (ESA)*. These comments are not intended to limit consideration of comments shared individually by CAs through the *ESA* review consultation process.

Conservation authorities are local watershed management agencies that deliver programs and services that protect and manage water and other natural resources in partnership with government, landowners and other organizations. Through these partnerships, CAs deliver a number of programs and services that help protect species at risk (SAR) and their habitats within CA jurisdictions. As the Province's second-largest landowners, CAs protect and manage a considerable amount of habitat which is used by SAR. Within these owned and operated lands, CAs' watershed science and monitoring programs collect up-to-date information which informs many of our corporate programs which overlap with SAR protection and recovery, such as natural heritage system planning (including restoration, enhancement and protection), climate change mitigation and adaptation, and, stewardship and outreach programs. Some CAs have a network of monitoring instruments, including ecological monitoring programs, which provides them with real-time data, which enables the CA to understand and predict watershed conditions and potential impacts to local SAR. Further, CA staff have considerable expertise in the land use planning review process and may as part of a Memorandum of Understanding with their municipal partner, provide consideration for SAR and required habitats when advising municipalities on matters related to potential ecological impacts to SAR.

Conservation Ontario offers the following general comments on the four areas of focus identified in the discussion paper and more detailed comments on these four areas are provided in Attachment 1.

General Comments

Landscape Approaches and Authorization Processes

Overall, Conservation Ontario is supportive of the proposal to undertake a more strategic, landscape approach to SAR protection and recovery strategies, provided such an approach results in an overall better outcome for the species. We recognize the use of a landscape approach could support habitat connectivity in fragmented landscapes, particularly those which are adversely impacted by the effects of

climate change. It is also recognized that coordination of authorizations within specified geographic areas can be beneficial to both SAR and project proponents. Examples of all these points are provided in Attachment 1 in responses to questions 1 and 2.

Conservation Ontario recognizes there are many opportunities to streamline and better integrate the *ESA* approval process with municipal and provincial planning and land use development frameworks. Through clarifying and harmonizing the *ESA* approval process with requirements under other provincial and municipal frameworks (such as integrating *ESA* requirements into existing considerations for other components of the Natural Heritage System), Conservation Ontario believes the Ministry can effectively remove process duplication and delays while protecting SAR. CAs would welcome the opportunity to discuss potential harmonization and integration of *ESA* approvals with higher level planning studies and approvals to achieve a more holistic, integrated approach. Examples of all these points are provided in Attachment 1 in responses to questions 2, 5, 11 and 13.

Further, Conservation Ontario recommends the Ministry integrate the *ESA* authorization process with other applicable agencies and legislation, such as the federal *Species at Risk Act* to streamline authorizations for proponents and to avoid duplication of effort. It is important that the authorization process does not prevent practitioners from undertaking scientific research as part of established monitoring programs or to further the recovery of a species. For example, CAs have encountered difficulties with receiving scientific collectors permits due to the (historical) presence of endangered species. To continue their aquatic monitoring programs, CA staff may now be required to obtain permits from three different agencies (MECP, MNRF, and Fisheries and Oceans Canada) adding to process delays and potential duplication of efforts among approval agencies. The *ESA* should be designed to allow practitioners undertaking legitimate scientific monitoring to continue to undertake these studies. Information obtained through these monitoring programs should be made available to other proponents to prevent multiple organizations from sampling the same reach. Efforts to integrate approvals could include a joint application form or one-window provincial customer service.

Listing Process and Protections for Species At Risk

Conservation Ontario is generally pleased with the transparency and notice for species assessments and listings from the Committee on the Status of Species at Risk in Ontario (COSSARO) web page, however other resources on that webpage, such as upcoming meetings are out of date. The webpage should be regularly updated to ensure stakeholders and the public are well advised of new listings. The Province should maintain the Natural Heritage Information Centre (NHIC) to assist Ontarians with conservation, planning and research activities related to SAR in Ontario.

Additionally, Conservation Ontario recommends maintaining the current automatic protections for SAR. Recognizing that automatic species and habitat protections can contribute to business uncertainty and costs, it is recommended that listing decisions by COSSARO be made public immediately following meetings to allow the Ministry to begin research and consultation with affected stakeholders earlier in the process, thereby enabling more timely development of recovery strategies and government response statements.

Species Recovery Policies and Habitat Regulations

Regarding species recovery policies and habitat regulations, Conservation Ontario is in favour of the current nine-month timeline imposed for the development of a Government Response Statement (GRS). We note that for species with potentially complex recovery strategies, the GRSs may be modified as new information becomes available; however, the current timeline ensures that government actions which

support the recovery of SAR are clearly defined as early in the listing process as possible. Further, by ensuring habitat regulations are developed for each species, the Act ensures there are effective legal instruments which offer sufficient protection for the specific habitat/life requirements of a species. Generally, Conservation Ontario believes that by ensuring habitat regulations are developed for each species, there is certainty built into the planning process, ultimately reducing confusion for proponents.

Finally, CAs are major landowners in the Province, owning and protecting 150,209 ha of diverse habitats such as forests, wetlands, and meadows. Currently, many CAs participate in the Conservation Land Tax Incentive Program (CLTIP) to secure a property tax reduction for habitats of endangered species within CA owned and operated lands. At present, the Conservation Land Tax Incentive Program (CLTIP) eligibility criteria includes habitat of endangered species and requires that the Authority prove the use of a property by a 'species at risk' in order to be eligible for a property tax reduction under this criterion. Subsequently, only the specific habitat where a 'species at risk' was recorded is eligible for the tax reduction. For example, although many turtles use the uplands surrounding a wetland, only the wetland portion of the property where the turtle was recorded is eligible for property tax reduction. Consistent with the broader landscape approach to SAR protection proposed in the 10-year review, it is requested that the entire property be eligible for CLTIP, rather than just portions of habitat. This approach would reduce administrative burden on CAs and other conservation landowners and provide greater protection for SAR; especially where none of the other eligibility criteria apply.

Conclusion

Overall, Conservation Ontario commends the Province for undertaking a review of the *ESA* and is supportive of the Province's intention to ensure stringent protections which enable positive outcomes for SAR while exploring options to streamline processes and ensure efficient service delivery for authorization clients. CAs provide support to the protection of SAR in a variety of ways, including providing local expertise and liaison services which support the SAR program in Ontario. It is recommended that the Province leverage the local knowledge and expertise of CAs when developing tools to protect SAR and to respond to invasive species threats across Ontario.

With 10 years of implementation experience, there are several areas in which Conservation Ontario believes improvements can be made which are outlined in Attachment 1 in response to the consultation questions. In particular, Conservation Ontario believes there exist many opportunities to streamline the implementation of the Act through better integration with planning and land use development frameworks. We would be pleased to continue those discussions with the Ministry.

Thank you for the opportunity to review and provide comments on the 10th Year Review of Ontario's Endangered Species Act: Discussion Paper. Should you have any questions about this letter or the attached detailed comments on the questions posed in the discussion paper, please feel free to contact myself at extension 229.

Sincerely,



Nicholas Fischer
Policy and Planning Officer

c.c. All CA CAOs/GMs

Attachment 1
**Detailed Comments on the Discussion Questions Outlined in the 10th Year Review of Ontario's
Endangered Species Act: Discussion Paper**

Landscape Approaches

Question 1: In what circumstances would a more strategic approach support a proposed activity while also ensuring or improving outcomes for species at risk?

Conservation Ontario supports the proposal to take landscape approaches to SAR recovery where doing so will result in a better outcome for the species. While individual species will continue to require consideration tailored to their unique life history, specified habitat requirements or threats, the coordination of authorizations within specified geographic areas can be beneficial to both species at risk and project proponents. While supportive of this proposed approach, Conservation Ontario recommends that where a landscape approach has been utilized, the Province mandate reviews/evaluations of specific sites or habitats to ensure that otherwise prohibited activities are not occurring in SAR habitats which could potentially have a negative impact to recovery.

One example of where a landscape approach to SAR recovery has been successfully applied is for the Redside Dace in the City of Brampton. The streams which are used as Redside Dace habitat have been assessed to identify areas that require repair. Therefore, when an impact to Redside Dace habitat has been identified, there is already a catalogue of sites that could be used for the Overall Benefit.

The use of a landscape approach is important in fragmented landscapes where habitat connectivity is a limiting factor in the recovery of species at risk. This is particularly true in the face of a changing climate that is prompting an increased need for species movement and adaptation. This approach could further be useful for earmarking significant or critical SAR habitat in advance of development propositions to provide greater clarity for proponents. Circumstances in which a more strategic approach would be beneficial include the following:

- Projects where a proponent requires authorization for more than one species at the same project location
- Instances where different project proponents in proximity to one another require authorization for the same species
- In any existing land use planning exercise (i.e. for a Subwatershed Study for a Secondary Plan) where decisions are being made on other components of a natural heritage system.

Question 2: Are there existing tools or processes that support managing for species risk at a landscape scale that could be recognized under the Endangered Species Act?

For wide-ranging species, or those that require a variety of habitat types to fulfill their life history requirements, Conservation Ontario maintains the position that a landscape lens should be a requirement for effective recovery. Maintaining connectivity between habitats used at different times of the year, for example traditional breeding or hibernation sites, is critical. This may require the collaboration and coordination of multiple landowners or project proponents. Should the Province enable such an approach, there is a need to ensure that habitat creation is equally strategic across the province, depending on targeted species' ranges.

Further to the above point, it is recommended that the Province continue and enhance the strong protection for provincial scale natural landscape features like the Greenbelt and the Great Lakes shoreline corridors which themselves connect with more localized watershed scale natural heritage systems.

It is noted that ecosystem and watershed-based recovery strategies are currently in place for several watersheds in Ontario which address multiple SAR and objectives in a comprehensive manner. Under the federal *Species at Risk Act* (SARA), an action plan provides detailed recovery planning that supports the direction set out in species-specific recovery strategies and outlines recovery measures to be taken by various jurisdictions/organizations to help achieve the population and distribution objectives identified in the recovery strategy. Conservation Ontario recommends the Province explore the use of action plans or similar tools to utilize a broad, landscape/ecosystem approach to achieve the objectives of species-specific recovery strategies.

An opportunity exists to better integrate *ESA* approval processes with higher level planning studies and approvals, as a more holistic and landscape approach can more easily be employed. The provincial and municipal land use planning framework in Ontario (Provincial Policy Statement (PPS), Official Plan, Secondary Plan, Subdivision, etc.) provides an ideal framework within which the *ESA* could nest. This process establishes a natural heritage system (NHS) for the given geographic area at ever-increasing levels of certainty and precision. Consideration of SAR and *ESA* requirements throughout the entire process would allow for improved outcomes for SAR, and increased efficiency for development proponents. Further, the PPS recognizes that NHSs and Watershed Plans (WSP) are important landscape-level land-use planning tools. WSPs provide a consistent and effective tool for achieving scientifically-based targets within local watersheds at a landscape scale. Recognition and integration of these tools as a means to support management of species at risk should be adopted. It should be noted, however, that such an approach may prove to be more effective where prior knowledge exists for SAR habitat areas (i.e. highly urbanized/agricultural landscapes vs rural/forested landscapes). Protections which would only encompass mapped heritage corridors could result in representative habitats being protected, but not all areas containing or potentially containing SAR. As local watershed-managers with a wealth of knowledge and expertise of the watershed, CAs are well positioned to provide local expertise and on-the-ground knowledge that could assist the process.

Listing Process and Protections for Species at Risk

Question 3: What changes would improve the notification process of a new species being listed on the Species at Risk in Ontario List?

While the COSSARO web page maintains a priority list for species assessment that is kept current, other resources such as upcoming meetings are out of date and should be regularly updated to provide advance notice of upcoming species assessments so that stakeholders and the public are well advised of new listings. In addition to the COSSARO web page, Conservation Ontario recommends the Province maintain the Natural Heritage Information Centre (NHIC) as a tool to notify the public of updates related to SAR in Ontario.

Regarding the suggested longer timelines before a species is listed, Conservation Ontario recommends the Province maintain the current timelines for listing of a species. For many species, a delay in formal listing could represent a critical delay in the species receiving legal protections, and benefitting from funds and programs required to facilitate recovery efforts. The delayed receipt of protected status could contribute to continued population declines as many of these species are imminently at risk and

require immediate recovery action to alleviate threats and initiate a recovery process. Should the Province proceed with permitting longer timelines before listing a SAR, the timeline should still be standardized through a recommendation put forth by COSSARO when a species is recommended for listing. It is important that this extended timeline always be scientifically-defensible and determined through objective, independent assessment.

Question 4: Should there be a different approach or alternative to automatic species and habitat protections?

Most of the over 200 species at risk in Ontario do not appreciably overlap with business and development interests. Of those that do, many (e.g. Butternut, Bobolink/Eastern Meadowlark, Redside Dace) are now addressed through species-specific sections of the general regulation (O.Reg. 242/08). In effect, there is already a different approach to automatic species and habitat protections (enabled through Section 55 of the Act), it just happens after the fact through the regulation as opposed to the legislation itself. There is insufficient information provided on how the current checks and balances on changing species or habitat protections are proposed to change to provide adequate feedback on the proposal.

An alternative approach to changing the listing system to deal with impacts to business would be to offer support to businesses who must deal with the implications. For example, to minimize uncertainty and costs to businesses, Conservation Ontario recommends the listing decisions by COSSARO be made public immediately following meetings, as is the practice of the Committee on the Status of Endangered Wildlife in Canada (COSEWIC). This process would allow the Ministry to begin research and consultation with affected stakeholders earlier in the process and could enable more timely development of recovery strategies and government response statements. Changing automatic species and habitat protections should be decoupled from the listing process.

Lastly, Conservation Ontario notes that currently, a species status determination is based on the best available science by an independent committee of subject matter experts. There currently is some ministerial discretion in that the Minister may ask COSSARO to reconsider an assessment; however, the final recommendation/decision on whether to apply automatic species and habitat protections most appropriately rests with the independent committee. Small-scale, case specific issues can be dealt with through the various authorization tools.

Question 5: In what circumstances would a different approach to automatic species and habitat protections be appropriate?

Alternative approaches to automatic protections may be valid in very specific and limited circumstances (i.e. where availability of habitat is not the factor limiting a species' recovery). These 'different approaches' are currently employed and accommodated under the *ESA* where it is scientifically-defensible to do so.

At the scale of individual projects, selection of the appropriate approach to species and habitat protections requires consideration of what stage a project is at, as well as earlier involvement of the review agency. For example: if a project is either approved or over 90% ready to proceed, then it would make sense to look at mitigation as a measure to protect the species, rather than redesigning entirely. Currently a project must be almost completely designed before review will occur by the Province, which can lead to redesign and frustration. Early review and/or better integration of *ESA* approvals within key stages on the planning process, including combining review of the project with the other legislation or regulatory frameworks (ie. Environmental Assessments) would make the process more efficient. By

considering the project design and by ensuring earlier consultation, the automatic species and habitat protections become less of an issue.

Question 6: How can the process regarding assessment and classification of a species by the Committee on the Status of Species at Risk in Ontario be improved?

Conservation Ontario applauds the Committee on the Status of Species at Risk in Ontario (COSSARO) for providing transparent and detailed information on SAR, including which factors led to assessment decisions, on their web page. COSSARO meetings are also open to the public for any person who wishes to attend, notwithstanding that the web site is out of date. Interested parties are also invited to submit relevant species information to COSSARO in advance of, or at, their assessment meetings. Generally, CAs have not experienced any issues regarding lack of transparency of the listing decisions.

To improve the process regarding assessment and classification of a species, Conservation Ontario recommends that the Province enable greater communication between COSSARO, the review agencies and targeted stakeholders to allow for a better understanding of priorities and upcoming listings when available. It is recommended that the Province continue to maintain the Natural Heritage Information Centre (NHIC) to be current and user-friendly in order to provide proponents with up-to-date information for SAR. Further, one of the largest issues that COSSARO faces is a lack of empirical scientific literature and natural history information available for their assessments. Resource inventory efforts should be supported to ensure COSSARO has access to current necessary information from targeted research projects for SAR. The Province could mandate the submission of data from proponents conducting provincial EAs, Environmental Impact Assessments under the *Planning Act*, and authorizations under the *Endangered Species Act* to MNR offices and the NHIC. This would improve the quality of information available to COSSARO, which would allow the committee to make more accurate and efficient classifications.

Species Recovery Policies and Habitat Regulations

Question 7: In what circumstances would a species and/or Ontarians benefit from additional time for the development of the Government Response Statement?

Conservation Ontario recommends the Province maintain the nine-month timeframe for the development of the GRS so that government actions which support the recovery of SAR can be clearly defined as early in the listing process as possible. It is recognized that additional time for the development of a GRS may be beneficial in instances where the species' life cycle is complex and warrants further consideration. However, caution should be exercised when considering extensions to this timeline. Should the Province deem an extension to be beneficial to the overall protection of the species, the extension must include a backstop date within which a final GRS should be required. This backstop will help avoid unnecessary short-term delays which may result in insufficient action to ensure the protection of the species. It should be noted that the GRSs may be modified as new information becomes available, which may be an alternate tool for the Ministry to utilize if an extension would not necessarily provide a potential benefit to the species.

Question 8: In what circumstances would a longer timeline improve the merit and relevance of conducting a review of progress towards protection and recovery?

The progress reports provide a useful tool to practitioners to understand what stewardship, permitting and research activities have taken place since the release of the GRS. The details of these activities all take place in confidentiality between individual proponents and the Ministry, so the progress reports provide an important window for practitioners as well as the public. Conservation Ontario recognizes

that a review of progress towards the protection and recovery of a species within five years of the Government Response Statement may not be a sufficient timeframe to identify how a species population has responded to activities committed to in the GRS. As such, we recognize there may be a need for a second type of reporting based on the demographic response of the species. The timing for such reporting would best be specified within the GRS based on the life history attributes of the species in question.

Further, progress reports currently are only required to be completed once for each species, unless a new GRS is triggered by a change in status. It is recommended that the Province consider implementing a recurring cycle of regular updates for all species. At minimum, Conservation Ontario recommends the Province maintain the five-year progress report requirement, which allows for the use of an adaptive management approach to SAR and can be used to assess the need for additional reports.

Question 9: In what circumstances is the development of a habitat regulation warranted, or not warranted?

The benefit of habitat regulations is that they provide clarity to landowners, proponents and enforcement staff. General habitat descriptions provide greater detail in interpreting the general habitat provisions of the Act, but they are technical documents, not legal instruments and may not offer sufficient protection for the specific habitat/life requirements of a species. General habitat also does not include historic or recovery habitat, whereas habitat regulations may do so making decisions and implementation easier.

As a rule, habitat regulations are warranted when clarity is required to define the boundaries or detailed habitat characteristics of the species, and should be developed for every species within the timeframe specified within the Act. Circumstances that may warrant an extension of the timeline may include the following:

- Where lack of a habitat regulation does not pose an imminent threat and active recovery programs are in place
- Protection of historic or recovery habitat is not required to recover the species

By ensuring habitat regulations are developed for each species, there is certainty built into the planning process. To have some species with a regulation and others without may cause confusion for proponents.

Authorization Processes

Question 10: What new authorization tools could help businesses achieve benefits for species at risk?

The introduction of a conservation fund or conservation banking should be approached with a high degree of caution, and the decision on which approach to apply must remain with the Ministry. This decision should be made on the basis of achieving positive outcomes for species at risk because of the high degree of variability in the threats that SAR face. For example, the use of a conservation fund may be superior to activity-based requirements *if a species is under threat by factors other than habitat loss/degradation* (ie. threatened by poaching); funds from multiple projects in that case could be pooled to support enhanced enforcement efforts. Conversely, some of the potential pitfalls of a conservation fund or conservation banking include the following:

- Loss of regional habitat and biodiversity in areas with high land values if offsets are provided elsewhere

- Difficulty in establishing equivalency, additionality and monetary value of lost habitat plus overall benefit
- Costs of administering a fund
- Pressure to move toward a strictly cash-in-lieu approach solely for the purposes of expediency
- For the fund, transfer of responsibility for providing offsets and overall benefit from the proponent to the Ministry

The use of conservation banking offers promise in that there is increased certainty of benefitting the species when offsets are established in advance. Any efforts to move toward a conservation banking approach for species at risk should be coordinated with any other such provincial initiatives. CAs are already actively involved in helping proponents address their overall benefit obligations through the delivery of habitat improvements required under S. 17(2)c permits. It is recommended that any offsetting program should require that the mitigation sequence of avoiding and minimizing impacts is still prioritized over offsetting or cash-in-lieu.

Conservation Ontario offers the following recommendations should the Province proceed with the introduction of a conservation fund / conservation banking:

- The proponent must pay the full cost to achieve a true overall benefit to the species, including consideration for the time-lag to achieve the benefit and uncertainties regarding success;
- The 'bank' would need to be fully restored and function, and has been shown to support populations of the affected SAR prior to the original habitat being destroyed;
- Planning authorities should have consideration for the location and long-term treatment of conservation banking locations in their natural heritage systems planning processes. Watershed plans, long-term environmental assessments and natural heritage systems have unique potential to support effective authorization tools such as conservation banking; and
- The Province should develop clear and consistent policies for compliance monitoring and enforcement to ensure that proponents who register under the permit-by-rule system fulfill their obligations.

Question 11: Are there other approaches to authorizations that could enable applicants to take a more strategic or collaborative approach to address impacts to species at risk?

Conservation Ontario supports efforts to provide greater clarity and certainty to project applicants. Rather than creating a new authorization, Conservation Ontario recommends that the *ESA* approval process be streamlined and better integrated with other approvals. In the context of municipal land use planning practices, the best way to achieve this outcome is to integrate *ESA* requirements into existing considerations for other components of the NHS, with the addition of the overall benefit requirement for SAR. The Act already allows for such an approach under Section 18. While some municipalities may not have the capacity to undertake this work, a pilot project with willing partners should be considered.

As the Province is generally not involved in day-to-day planning matters regarding other components of the NHS, the Ministry in general does not participate in the review of a project until the design and approvals by others has occurred. Although the Province has delegated planning matters regarding other components of the NHS (wetlands, woodlands, etc.) to municipalities, municipal staff do not always have the expertise to deal with these issues and as such receive technical expertise provided by CAs in fulfilling these obligations through Memoranda of Understanding. Conservation Ontario recommends the Province explore the potential of having a review agency be a part of the project from inception to the end to reduce duplication of efforts and streamline the process.

Given that section 2.1.7 of the PPS directs that “Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements”, a streamlined and expedited review and approval process for *ESA* approvals is needed where the lands are the subject of an application under the *Planning Act*. It is recommended that municipal and CA staff be more involved in the process to identify potential solutions to regulatory barriers. These could include linking priority lands suitable for compensation to support *ESA* authorizations, and being involved in identifying suitable locations for long-term natural heritage protection.

Question 12: What changes to authorization requirements would better enable economic development while providing positive outcomes and protections for species at risk?

Conservation Ontario believes that barriers to economic development are generally best addressed through procedural refinements that would allow for better integration with other legislative or regulatory frameworks rather than changes to the regulation. Some of the exemptions set out in regulation have already compromised the species and habitat provisions of the Act by replacing the need to provide overall benefit with the need to “minimize adverse effects”. Further weakening of these provisions does not support the objective of enabling positive outcomes for species at risk.

Simplifying the requirements for a Section 17(2)d permit will not provide positive outcomes and protections for SAR because overall benefit is not required for this type of authorization. It is also important to note that the scale of impact to a species is not necessarily coincident with the scale of economic development; it is possible that a massively significant economic development project may have very little impact on species at risk and conversely, it is also possible that a project of little economic significance could have a major impact on species at risk. For a proponent seeking relief from the overall benefit provisions of a 17(2)c permit through the application of a 17(2)d instrument, a robust approval framework remains appropriate.

Question 13: How can the needs of species at risk be met in a way that is more efficient for activities subject to other legislative or regulatory frameworks?

Conservation Ontario supports the removal of duplication and delay with respect to coordination with other legislative or regulatory frameworks provided the overall intention to protect SAR is upheld. With regard to meeting the needs of SAR efficiently for activities subject to other legislative or regulatory requirements, Conservation Ontario recommends that when triggered, the *Planning Act* or the *Environmental Assessment Act* could be used. In areas of the province where CAs are present, they may have the local knowledge and expertise or staff to assist in this process, particularly when they are advising municipalities on matters related to ecological impacts further to their MOUs. In these cases, the planning or EA approval process could incorporate the need to address rules in regulation and/or provide overall benefit to the SAR.

In addition to their role advising municipalities, a number of CAs have developed watershed or subwatershed plans which incorporate recommendations specifically targeted at protecting and recovering SAR. A more formal alignment and recognition of Watershed Plan goals with respect to SAR would provide more efficient approval processes.

Question 14: In what circumstances would enhanced inspection and compliance powers be warranted?

To ensure the overall protection for SAR in Ontario, the Province is encouraged to maintain consistent, effective enforcement of the regulations across all authorizations. The 2017 Environmental Protection Report from the Environmental Commissioner of Ontario stated that “although the *ESA* grants enforcement officers the authority to conduct site inspections to determine whether a proponent is complying with an agreement, permit or order, this authority does not extend to activities covered by the permit-by-rule system”. Conservation Ontario recommends the Province enforce the *ESA* across all authorizations and regulations to ensure proponents are meeting the requirements under the *ESA*.

Further, Conservation Ontario would recommend that should conservation banking or other forms of offsetting become a larger component of SAR policy, regular, effective monitoring and compliance checks on offsetting projects be implemented.