



**Ontario**  
Home Builders'  
Association

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Amelia Argue  
Ministry of Natural Resources and Forestry  
Policy Division, Species at Risk Branch  
300 Water Street, Floor 2  
Robinson Place South Tower  
Peterborough, ON, K9J 8M5

**Re: Draft Government Response Statement to the Recovery Strategy for Barn Swallow in Ontario**

**EBR Registry Number: #012-1745**

**About the Ontario Home Builders' Association (OHBA)**

OHBA is the voice of the residential construction industry in Ontario. OHBA represents over 4,000 member companies, organized through 31 local associations across the province. Our membership includes home builders, commercial and residential land developers, renovators, manufacturers, suppliers, planners, architects, engineers and lawyers. OHBA has been engaged with the Ministry of Natural Resources and Forestry (MNRF) since the initial consultations on the *Endangered Species Act, 2007* and was a member of the Endangered Species Act Stakeholder Group and a member of the Bobolink / EML Roundtable.

**Purpose of Proposed Regulation:**

MNRF is initiating the development of Government Response Statements (GRS) in relation to recovery strategies for the following two species:

- Barn Swallow
- Showy Goldenrod - Boreal population

The finalization of these recovery strategies triggers the requirement to develop a GRS in relation to each recovery strategy. Each GRS will provide the government's goal for the recovery of the species and a summary of the prioritized actions the Government of Ontario intends to take in response to the associated recovery strategy. OHBA is responding specifically to the Draft GRS to the Recovery Strategy for Barn Swallow in Ontario.

**OHBA Comments and Recommendations:**

OHBA is pleased to be given an opportunity to present our comments as part of the input towards the Draft Government Response Statement (GRS) to the Recovery Strategy for Barn Swallow in Ontario. The *Endangered Species Act, 2007* (ESA) came into effect on June 30, 2008 along with two regulations that

support the implementation of the act: O. Reg. 242/08 – General Regulation, and O. Reg. 230/08 – the SARO List. O. Reg. 242/08 allows certain activities to proceed that would affect threatened, endangered or extirpated species and that would otherwise not be allowed, provided specific conditions are followed to protect species and their habitat. On July 1, 2013, amendments to this regulation which OHBA supported (EBR #011-7696) came into force that allow certain activities to proceed by registering with MNRF, subject to protective conditions. OHBA continues to support these regulatory amendments to streamline and provide more certainty in the regulatory process.

OHBA notes that the primary human-related explanations for the recent declines to the Barn Swallow are related to the use of neonicotinoid pesticides and loss of nesting habitat. OHBA generally supports proposed government led actions in the draft GRS to develop, publish, and update best management practices on techniques to mitigate impacts of activities on Barn Swallow, such as information on creating nesting habitat. OHBA also supports government led action to work with industry partners and stakeholders to develop an action plan to reduce neonicotinoid use in Ontario.

Specific to the new housing and land development industry, lines 206-218 in the draft GRS specifically state:

*In addition, in July 2013, Ontario Regulation 242/08 section 23.5 came into effect, which allows individuals who are maintaining, repairing, modifying, replacing or demolishing a building or structure that provides Barn Swallow habitat to be provided with an exemption from sections 9 and 10 of the ESA to conduct their activity. This regulatory section provides streamlined authorizations and includes beneficial actions for the species, such as creating replacement habitat including building new structures and installing nest cups, as required, if nests will be removed, damaged or destroyed or nesting area will be lost from the building or structure. Individuals using this section of the regulation must meet all eligibility criteria, register with the Ministry of Natural Resources and Forestry prior to beginning their activity, and fulfill all conditions outlined in the regulation, including the requirement to create replacement habitat, in order to be provided the exemption from the ESA. Additionally, individuals registering for this regulatory section are required to monitor created habitat, keep monitoring records, and report Barn Swallow observed to the Ministry's Natural Heritage Information Centre.*

OHBA continues to support the regulatory changes to O.Reg 242/08 following recommendations made to MNRF by the Endangered Species Act Stakeholder Group in 2013. Our members that have on-the-ground experience navigating the regulatory process that provides streamlined authorization and includes beneficial actions for Barn Swallow report that thus far, the process is working well. A number of our members have been successful at registering projects under these rules with few delays and greater certainty in terms of process and outcomes.

Specific to the new housing and land development industry, lines 263-271 in the draft GRS specifically state

*The close association of this species with human-made structures makes it especially sensitive to changes in land use and other human activities. Projects that involve repairing, maintaining or removing structures that are habitat for Barn Swallow are common, and best management practices and effective mitigation options are required to reduce threats to the species. Best management practices for activities in foraging habitat are also necessary to minimize threats that result in reduced insect availability. Developing, promoting and evaluating practical actions that individuals and industry can undertake to address common management*

*issues will help support the protection and recovery of Barn Swallow. Promoting beneficial actions that individuals can take proactively to enhance habitat is also encouraged.*

OHBA is generally supportive of the Ministry developing, promoting and evaluating practical actions that individuals and industry can undertake to address common management issues will help support the protection and recovery of Barn Swallow. This could lead to more prescriptive measures that would be understood by the industry at the outset of a project. OHBA does however note that authorizations and overall benefit permits are different for each species and in each MNRF district and common across the board measures could lead to difficulties regarding the Barn Swallow in different MNRF district offices. What is accepted in one district may not be enough in another district to achieve an overall benefit if best management practices are over-prescriptive, leaving little room for innovation or flexibility.

**Conclusion**

OHBA is generally supportive of the draft GRS for Barn Swallow and continues to support the positive regulatory changes made to O.Reg 242/08. OHBA continues to be concerned that MNRF has been without the resources to respond to already listed species in a timely fashion, creating delays on some projects. The industry is keen to find workable efficient solutions that will protect species at risk while not unduly constraining the Province's economic interests. OHBA looks forward to the Ministry working in partnership with stakeholders to develop, promote and evaluate practical actions that individuals and industry can undertake to address common management issues will help support the protection and recovery of Barn Swallow.

OHBA appreciates the opportunity to provide comments to MNRF and to provide advice on the draft GRS for Barn Swallow. OHBA strongly supports a balanced approach to the environmental, social and economic goals of the province to ensure a prosperous and high quality of life for Ontario citizens.

Sincerely



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