



**Ontario**  
Home Builders'  
Association

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Ministry of the Environment, Conservation and Parks  
Species Conservation Policy Branch  
300 Water Street, Fl 5N  
Peterborough, ON K9J 3C7

**Re: 10th Year Review of Ontario's Endangered Species Act: Proposed changes (EBR #013-5033)**

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

OHBA is the voice of the land development, new housing and professional renovation industries in Ontario. OHBA represents over 4,000 member companies, organized through a network of 29 local associations across the province. Our membership is made up of all disciplines involved in land development and residential construction, including: builders, developers, professional renovators, trade contractors, manufacturers, consultants and suppliers. The residential construction industry employed over 513,000 people and contributed over \$62.3 billion to the province's economy in 2017. OHBA has been engaged with the provincial government since the initial consultations on the *Endangered Species Act, 2007* and was an active member of the *Endangered Species Act Stakeholder Group* and a member of the *Bobolink / EML Roundtable*.

OHBA members have an important role to play in protecting and preserving our environment. Through environmental stewardship, building energy efficient new housing or upgrading aging homes, creating transit efficient complete communities or cleaning up brownfields sites, our members are important partners with the government in delivering upon a *Made-in-Ontario Environment Plan*. In this submission, OHBA outlines areas where our industry can play a leading role in protecting species at risk and balancing a healthy environment, with a healthy economy.

## **Background**

In January 2019, the government launched its consultation on how best to update the 10-year old ESA to improve the effectiveness of the program for species at risk (SAR) by including advice from an independent scientific committee and modern approaches to enforcement and compliance; species and habitat protections; and recovery planning. The Ministry of the Environment, Conservation and Parks (MECP) previously posted a Discussion Paper outlining the challenges of the ESA with focused questions, to the Environmental Registry (EBR 013-4143) to which OHBA provided a submission with industry recommendations on March 4, 2019.

The proposed changes by MECP in April 2019 are outlined below with OHBA commentary under five categories:

1. Assessing species at risk and listing them on the Species at Risk in Ontario List
2. Defining and implementing species and habitat protections
3. Developing species at risk recovery policies

4. Issuing *Endangered Species Act* permits and agreements, and developing regulatory exemptions
5. Enforcing the *Endangered Species Act*

## **OHBA Executive Summary**

OHBA supports the protection of species at risk. However, the current ESA has a number of operational and implementation challenges that need to be improved while continuing to provide important species at risk protection. The ESA is now ten-years old and, consistent with the experience and insight gained over the past decade, OHBA is supportive of the MECP proposed direction that would enable positive outcomes for SAR, while streamlining processes and providing greater clarity for those who need to implement the Act.

The implementation of the ESA has contributed to significant uncertainty and frustration, with respect to both implementation and transition, for the housing and development industry. To date, the implementation of the Act has been problematic and has required substantial resource and time investments through an administratively difficult process. OHBA supports investing those funds and resources into meaningful outcomes for species; we oppose those resources being wasted in process time and costs. The proposed amendments are designed to repair complicated implementation practices with an increased focus on implementation such as transitional improvements, streamlining of the permit process and a stronger focus on the conservation of key ecosystems seems favourable.

In a province where housing of all types and tenures is becoming significantly more expensive, OHBA believes that the Government has a valuable opportunity to consider the impacts of planning, fiscal and labour policy decisions on housing supply and, ultimately, prices. The Government has many levers it can push and pull that influence new housing supply, including: streamlining of ESA permitting, clearer guidelines and a risk based approach to habitat and species protection. OHBA supports a greater focus on outcomes that result in better transparency, accountability, consistency and fairness. OHBA is generally supportive of the *Made-in-Ontario Environment Plan* and the approach undertaken by the MECP to update the ESA.

### **1. Assessing species at risk and listing them on the SARO List**

#### **The proposed changes would:**

- A. Provide the public earlier notice of COSSARO's species' assessment and classification results by making its report available to the public no later than three months after it is received by the Minister. Also, extend the time from when a COSSARO report is received by the Minister to when listing is to occur from three to twelve months (i.e., when a species must be added to the SARO List).
- ) In OHBA's March 4<sup>th</sup> submission, we stated that there is not enough time and public notice before a new species is automatically listed on the SARO list. OHBA notes that automatic species and habitat protections create tremendous business uncertainty. A new species listing has the potential to completely stop or significantly alter a development application practically as it nears the end of the approval (*Planning Act*) process, which at times, can take up to 10 years to complete.
- ) Additional time will enable the Ministry to apply the best tools at the outset of habitat protection and greater consultation with impacted stakeholders to develop better and more effective approaches to species protection.
- ) OHBA is therefore supportive of the proposed window with longer advanced public notice periods before any new species is added to the SARO list. This will enhance transparency, certainty and allow industry to better adapt and prepare for a listing.

- B. Provide that the twelve-month period for amending the SARO List will apply to any COSSARO report received in 2019, to address the possibility of such a report being received before the changes, if passed, come into effect.
- ) OHBA is supportive of applying the 12-month period to include any COSSARO report received in 2019.
- C. Improve certainty of the timing of species list changes by requiring COSSARO to submit an annual report to the Minister between January 1 and January 31 of each year.
- ) OHBA is supportive of the additional certainty by requiring the annual report by COSSARO to be submitted at a specific time of year.
- D. Allow the Minister to require COSSARO to reconsider the classification of a species where the Minister forms the opinion based on scientific information that the classification may no longer be appropriate. For species that are not yet on the list or are listed as special concern, the proposed changes provide that the species would not be added to the SARO List or listed to a more endangered status during COSSARO's re-assessment.
- ) OHBA is supportive of proposed amendments that the Minister be given the discretion to request an additional review and assessment prior to adding new species to the SARO list, or up-listing species, where there is emerging science or conflicting information.
- ) The listing process can be improved by allowing greater Ministerial discretion. OHBA notes that Ontario is the only jurisdiction with an automatic listing provision. COSSARO uses the same criteria as the federal agency (COSEWIC); these criteria are drawn from the International Union for Conservation (IUCN) in Switzerland. Neither the IUCN nor COSEWIC use the criteria to define an automatic listing. OHBA believes that the application of these global/national criteria needs to better reflect Ontario conditions. A more appropriate Ontario approach to the use of Criterion A, for example, would prevent the listing of species that are still widespread and abundant in Ontario.
- ) Furthermore, there should be greater recognition where there is significant intersection between species, habitat and human activities (i.e. within urban areas) when evaluating appropriate habitat protections and the impacts of potential automatic listings. As well, a formal socio-economic assessment should be incorporated into the COSSARO evaluation for listing of a species as endangered or threatened.
- E. Require COSSARO to consider a species' condition around its broader biologically relevant geographic area, inside and outside Ontario, before classifying a species as endangered or threatened. If the overall condition of risk to the species in the broader biologically relevant geographic area is lower, COSSARO would be required to adjust the species' classification to reflect its overall condition.
- ) OHBA is supportive of the proposal to better understand and consider the "edge of range" circumstance where a species occurs in a limited geographic area in Ontario, but occurs in abundance and widely outside of Ontario. For these species it is a political boundary that makes them rare. These species need to be treated differently than ones with a larger geographic decline.
- ) OHBA strongly urges that the Minister require COSSARO to review currently listed species, as there are numerous species on the SARO list that are at their most northern extent in southwestern Ontario with population levels that are thriving beyond the border into the United States.

- J OHBA supports focusing our conservation efforts and limited resources on species that need them the most for a continental or global perspective rather than on species (e.g. Gray Fox) that are common in other parts of North America, but have a smaller population in Ontario. It should be noted that the Gray Fox is classified and listed as threatened in Ontario, but is common elsewhere and is not at risk of extinction or extirpation in those areas.
- F. Broaden COSSARO member qualifications to include members who have relevant expertise in ecology, wildlife management, as well as those with community knowledge.
- J OHBA is supportive of a re-evaluation of the composition of CASSARO to include a broader spectrum of expertise and perspectives, including economic and social.

## **2. Defining and implementing species and habitat protections**

### **The proposed changes would:**

- A. De-couple the listing process from automatic protections and provide greater Minister's discretion on protections, while keeping the assessment as a science-based process at arm's length. While the role of classifying species would remain with COSSARO and listing of classified species would continue to be required, the proposed changes would provide the Minister with authority to temporarily suspend species and habitat protections for up to three years for some newly-listed species when the following specified criteria are met:
  - i. applying the prohibitions to the species would likely have significant social or economic implications for all or parts of Ontario so additional time is required to determine the best approach to protect the species and its habitat;
  - ii. the temporary suspension will not jeopardize the survival of the species in Ontario; and
  - iii. one of the following further criteria is met:
    - 1. the species has a broad distribution in the wild in Ontario;
    - 2. habitat availability is not a limiting factor for the species;
    - 3. additional time is needed to address the primary threats to the species, or co-operation with other jurisdictions is necessary to reduce the primary threats to the species,
    - 4. other criteria that may be specified by regulation.
- J OHBA supports the proposed approach for greater Ministerial discretion, subject to criteria. When species are listed by COSSARO the process must be refined to improve MECP and stakeholder preparedness for the listing which would ultimately optimize outcomes for species conservation and recovery. OHBA notes that over the past ten years, both the province (i.e., MNRF/MECP) and various different industries have been challenged when new species are listed for protection without direction being provided as to how to limit/avoid impacts to species and habitat (with the goal of not contravening the ESA) and, when contravening the ESA is unavoidable, how to achieve the authorization/permitting requirements of the Act (i.e. how is the habitat defined, what is required to achieve overall benefit). Businesses require greater certainty, clarity with respect to the requirements, fairness as to how to achieve the requirements and reasonable response timelines.



- J OHBA supports this proposed approach that would clarify aspects of the process and provide greater certainty.
- C. Allow the Minister to extend timelines for conducting the review of progress towards protection and recovery based on individual species' needs.
- J OHBA shares concerns raised in the Discussion Paper that, in many cases, conducting a review of progress towards the protection and recovery of species within five-years of a GRS, is too soon.
- J OHBA agrees with the Discussion Paper that additional data towards the progress of protection and recovery of species may be more available, relevant and accurate over a longer timeframe. OHBA also notes that stewardship actions may take longer than five years to demonstrate effectiveness towards the recovery of species at risk.
- D. Remove duplicative requirements by removing specific reference to posting under the *Environmental Bill of Rights, 1993* and instead requiring that certain products under the Act be made available publicly on a government website.
- J OHBA supports removing unnecessary duplication.

#### **4. Issuing *Endangered Species Act* permits and agreements and developing regulatory exemptions**

OHBA is supportive of the MECP proposal to create Canada's first independent Crown agency proposed to be called the *Species at Risk Conservation Trust*, to allow the option to pay a charge-in-lieu of completing certain on-the-ground activities required by the Act. The funds would support strategic, coordinated and large-scale actions that assist in the protection and recovery of species at risk.

In OHBA's March 4<sup>th</sup> submission to the MECP, we recommended that in lieu of activity-based requirements, the legislation should enable the creation of a "Conservation Fund" dedicated to species at risk conservation. Direct financial contributions to broader recovery efforts and initiatives through a 'special purpose fund' may achieve more positive outcomes for species than the current permitting system. OHBA notes that a shift towards a "conservation fund" could enhance cost certainty and significantly speed up the process while focusing investments on species at risk to achieve the best possible outcomes for the species.

OHBA is therefore supportive of the proposed changes that would authorize the creation of a regulatory charge that could be paid by persons who are permitted to carry out otherwise prohibited activities under certain permits, agreements, and regulations. The charge would be paid-in-lieu of fulfilling certain potential conditions that could otherwise have been imposed under the permit, agreement, or regulation. OHBA notes and respects that the EBR posting clearly states that, "clients would still need to fulfill some on-the-ground requirements, including considering reasonable alternatives for their activity and taking steps to minimize the adverse effects of the activity on the species at risk." Furthermore, OHBA is supportive of the approach in which the MECP could make a regulation to specifically prescribe a subset of the species prescribed under the listing regulations as eligible for the payment-in-lieu charge.

OHBA would like to highlight examples from our March 4<sup>th</sup> submission where a conservation fund or trust could achieve substantial benefits for species at risk:

- J Funds could be pooled towards promoting disease resistant Butternut Trees rather than planting small groups of trees. OHBA notes that due to the widespread nature of the disease, the local actions like tree planting may not be effectively contributing to the recovery of the species. Payment in lieu of Butternut planting could direct funds to more strategic and coordinated recovery efforts.
- J Funds could also be pooled towards research toward a solution for White Nose Syndrome rather than focusing on habitat protection. Such an approach could have better long-term conservation outcomes.
- J Funds could be pooled to acquire large contiguous areas of managed habitat for both Bobolink and Eastern Meadowlark rather than obtaining smaller non-contiguous plots of land which may be required as part of an overall benefit permit.

OHBA notes that the MECP has stated that the proposed changes would also, “authorize the creation of a new board-governed provincial agency. The agency would receive the funds and ensure informed, unbiased and expert decisions are made to disburse the funds to third parties that will undertake the activities in accordance with the purposes proposed to be set out in the statute.” OHBA is supportive of this approach and notes that our March 4<sup>th</sup> submission recommended that if a “Conservation Fund”, was to be set-up, that it have third party oversight and be mandated to distribute funds over the broader landscape that would be most effective and beneficial to the species. OHBA is further supportive of the proposed regulation making authority with respect to the governance structure of the new crown agency.

Overall, OHBA is supportive of the MECP proposed *Species at Risk Conservation Trust* to provide greater certainty to business and better enable positive outcomes for species at risk compared to the current piece-meal industry-led approach.

### **Additional Changes relating to Issuing Permits, and to Agreements and Regulatory Exemptions**

- A. Remove the requirement for the Minister to consult with an independent expert in the ‘D’ permit process and replace the requirement for LGIC approval with Minister approval.
- J OHBA members have little experience with the “D” permit process [S.17 (2)(d)] for an activity that will result in a “significant social or economic benefit to Ontario”. This particular authorization to our knowledge has only been utilized once since the ESA came into force over a decade ago. Therefore OHBA is supportive of the MECP taking a new approach, with greater clarity and simplification with respect to the requirements for a permit.
- B. Broaden the approach to minimizing adverse effects for permits and agreements (e.g., ‘C’ permit, ‘D’ permit, landscape agreements, section 18 harmonization) by shifting the focus from ‘individual members’ of the species to the ‘species’ more generally.
- J The ESA requires streamlining to improve outcomes for all stakeholders and for the listed species. The implementation of the Act thus far is very problematic from OHBA’s perspective and has required substantial resources and time investments by both government and industry stakeholders as opposed to assisting in species protection and recovery. An increased focus on the conservation of key ecosystems as opposed to a singular focus on individually listed species would enable more efficient conservation and recovery investments and more successful outcomes.
- J OHBA has consistently supported a landscape approach for species that depend on habitat across wide ranges that would enable planning and authorizing activities on a broader scale. Furthermore,

identification of appropriate overall benefit locations through a landscape approach would be far more beneficial than a focus on individual members.

) Concentration of efforts through multiple overall benefit permits in a specific area identified as key for the species recovery and protection can build meaningful change in a way that cannot be done on an individual basis, as is the case now.

C. Provide a new transition provision for existing *Endangered Species Act* permit- and agreement-holders to continue to operate for twelve months following the application of new species or habitat protections while they seek amendments to their permit or agreement to address newly listed species. Currently, existing holders would, upon the species being listed and protected, need to stop their activity that impact the species or its habitat and wait for their permit or agreement to be amended.

) Transition must recognize of the sequencing of approvals under other legislation and the timing of automatic species and habitat protections and how those ESA requirements impact other approvals. There should be greater certainty with respect to transition within the planning approvals process. OHBA strongly advocates for implementation of appropriate transition measures for new endangered or threatened species listings that respect existing earned hard planning approvals and publicly established land use designations.

) OHBA is concerned by the potential for unnecessary delays and potential duplication over existing processes which already incorporate significant environmental protection criteria and recommends better integration with other approvals processes.

) OHBA strongly supports transition provisions that recognize publicly earned approvals under other provincial legislation. Transitional provisions should be employed to assist with the implementation of the ESA to ensure meaningful protection for species at risk while providing process certainty for agencies involved in the development and construction process (i.e. municipalities, industry, non-profit sector). The land-use approvals process is lengthy and extremely complex involving multiple levels of government and approval agencies. Currently, new species listings result in habitat protection with an end of process permit that ignores all previously obtained environmental, planning and land-use approvals.

D. Enable the Minister to establish codes of practice, standards or guidelines with respect to species at risk or their habitat, and enable regulations made under the Act to incorporate documents to supplement requirements or conditions related to species at risk;

) OHBA notes that habitat regulation should work in association with existing legislation and complement the broader red tape reduction and streamlining goals and objectives of the Provincial Government.

) OHBA is generally supportive of enabling the Minister to establish code of practice, standards and/or guidelines. It is also recommended that consideration be given to service timelines, as currently, there is a lot of uncertainty with respect to review and approval timelines.

E. Create a new landscape agreement that takes a strategic, coordinated and consolidated approach to authorizing clients undertaking multiple activities, and which could allow for limited conservation banking to achieve positive outcomes for species. The issuance of a landscape agreement would be dependent on conditions, including:

- A. the agreement requires reasonable steps to minimize adverse effects of the authorized activities on the impacted species under the agreement,
- B. the agreement requires actions to benefit one or more species,



- C. reasonable alternatives have been considered, including those that would not adversely affect the species specified in the agreement, and
  - D. the beneficial actions required by the agreement outweigh the adverse effects to the impacted species under the agreement.
- ) OHBA notes that overlap in some species habitat requirements makes implementation of provisions on a species-by-species basis (one off) inefficient and frustrating for proponents, while also not necessarily providing the best outcomes for the species. Opportunities exist for the grouping of species for habitat protection, rather than protection of species-by-species.
- ) There is a need to consider, balance and prioritize the potentially conflicting needs of multiple species where habitat requirements differ over the same area. OHBA is therefore supportive of the proposed new landscape agreement.
- ) There are few standardized requirements or approaches that are ecosystem or multi-species based, creating uncertainty for all stakeholders. A broader landscape approach should be considered on a multi-species basis, wherein certain standardized conditions for approvals would apply depending on habitat types.
- F. Replace s.18 with a new provision that would include a more flexible test and would allow the Minister to prescribe activities by regulation, to allow them to be carried out without requiring any additional authorizations under the ESA. An activity could be prescribed for this purpose, where it,
- A. is approved or required under another piece of legislation,
  - B. would not jeopardize the survival of a prescribed species or have any other significant adverse effects,
  - C. would provide a benefit to the prescribed species, where reasonable to do so,
  - D. requires reasonable steps to minimize adverse effects on prescribed species, and
  - E. involves the consideration of reasonable alternatives, including those that would not adversely affect the prescribed species.
- ) OHBA does not believe that Sec 18 (“Prescribed Instruments”) has been an effective option under the current Act to authorize a person to engage in an activity having the same effect as a permit issued under Section 17. OHBA members therefore have little experience with Section 17 to offer specific insights. In fact, to our knowledge, Sec 18 (“Prescribed Instruments”) has never been used in the decade since the ESA was first implemented. OHBA is however supportive of the MECP undertaking a new approach with a new provision that would allow the Minister to prescribe activities by regulation.
- ) Quite simply the ESA approvals process should be streamlined for the benefit of both the MECP while also providing greater clarity, consistency, and efficiency to proponents. The MECP should adopt a risk-based standardized approach to approvals based on a prescribed standard set of conditions instead of proceeding through the regular, uncertain and time-consuming negotiated approvals process. Consideration should be given to adopting a self-assessment process, similar to the Fisheries and Oceans Canada (DFO) self-assessment process currently in place to assist proponents in determining if their projects require a *Fisheries Act* Authorization.
- ) Projects that suit this approach would generally be those that are common and repeatable where there is confidence in the outcome of mitigation and where there is an acceptable lower-to-medium risk to the species. This would support and enhance accountability and transparency with more consistent outcomes.
- ) In lieu of activity-based requirements (i.e. Section C Permit), mitigation can be used under certain circumstances, and for certain species the legislation should permit this.

- J To modernize and streamline approvals, the MECP should allow for a range of authorization options based on risk:
  - o Permit-by-Rule (Rules in Regulation);
  - o Permit with Registration (Rules in Regulation with online registration);
  - o Permit by Review.
- J OHBA notes that many of our members have expressed frustration with a lack of consistency in the application, implementation and interpretation of the Act by Ministry field staff. There is a general lack of confidence in the process. It needs to be more transparent, consistent and fair.
- G. Remove the requirement for the Minister to consult with an expert if the Minister forms the opinion that a proposed regulation is likely to jeopardize the survival of the species in Ontario or to have any other significant adverse effect on the species
- J OHBA is supportive of this proposed amendment.

## **5. Enforcing the *Endangered Species Act***

### **The proposed changes would:**

- A. Enhance and streamline enforcement powers by:
  - J Applying inspection powers and offence provisions that already exist in the ESA to also include activities conducted under the regulations.
  - J Extending current protection order powers that can be used with the Minister's discretion to protect habitat during the intervening period before a species is listed, or where a regulation has been made so that the prohibition is not applicable, to also include the discretion to similarly protect species.
- J OHBA is generally supportive of the proposed approach, recognizing that the original intent of the Act was to encourage stewardship, not to lean into enforcement.
- B. Update provisions related to enforcement officers by removing identification of specific classes of persons (e.g. conservation officers) as enforcement officers and retain the Minister's authority to designate officers
- J OHBA does not have a position on this matter.

The MECP is also proposing a change to the EBR General Regulation (*O.Reg. 73/94*) to exempt the regulations containing Minister's orders made for the purpose of pausing protections from EBR posting and consultation requirements. This is being proposed in to preserve the ability of the Minister to act swiftly and minimize associated social or economic impacts.

- J OHBA is supportive of the proposal for the Minister to act quickly and decisively to minimize broader impacts.

## **OHBA Recommendations for 10-year Review – Other Recommendations**

- ) Recognize that policy which addresses issues in Southern Ontario can be detrimental to northern communities. For example, requirements under the ESA can stagnate development on private land in northern communities like Sudbury where 94 per cent of land is Crown, undeveloped or undevelopable (essentially either swamp or rock). There are few opportunities for development in many Northern communities and a northern policy lens is required to support economic development.
- ) Many stakeholders including OHBA and our individual member companies navigating the requirements of the ESA have expressed frustration with the lack of guidance tools such as brochures, fact sheets or online Ministry resources explaining in detail the process, conditions and requirements for obtaining approvals under the ESA. OHBA recommends MECP dedicate resources to the development of robust guidance tools including best management practices and standardized mitigation approaches for proponents.
- ) OHBA is opposed to delegating ESA permitting to CAs as this measure would not streamline the permitting process and would more likely result in further delays and additional levels of complexity. Conservation Authorities are more effectively oriented towards core aspects of their jurisdiction (e.g., floodplain management).
- ) In an effort to streamline processes, municipalities and industry require greater clarity regarding the “definition” of what triggers an ESA permit or application. On many occasions, permits are being required without the existence of a threatened or endangered species or regulated habitat on a site. Considerable time is being spent attempting to have MECP/MNRF confirm that a species observation actually occurred and when.
- ) OHBA supports the protection of environmentally sensitive lands and features, however, this must be balanced with an urban lens in terms of resource management that should be applied to the very small portion of Ontario’s land mass where urban growth is planned to accommodate significant population and employment needs for decades to come. OHBA recommends that a settlement area urban lense be applied to Natural Heritage System planning, in areas designated for growth in municipal and regional Official Plans and in the Greater Toronto and Hamilton Area’s long-term urban reserve (commonly referred to as the “whitebelt”).
- ) The MECP could improve the efficiency of the existing authorization process by recognizing and acknowledging expert consultants that are operating in a professional and ethical manner (i.e., acceptance of expert opinions versus lengthy delays unreasonably rooted in a “precautionary approach”).
- ) There should be greater accountability and opportunity for a formal appeal within the MECP when there is a professional disagreement between a proponent’s ecologists and Ministry field staff. This applies to both “in the field” and “in the office” disagreements, over topics such as: results of field surveys, delineation of habitat, the need for a permit, and requirements to achieve overall benefit.
- ) OHBA is concerned by reports from members that Ministry staff are often reluctant to agree with professional conclusions of environmental consultants that a site may not be an issue for species-at-risk even if an IGF determines the habitat and/or species are not present. If the result of the IGF process is not taken seriously, why is the process in place?
- ) OHBA is concerned that the current process to “sign off” on an overall benefit permit is brutally inefficient and can result in months of delay even after the Ministry’s district field office has come to an agreement with a proponent. It is noted that even after a permit has been agreed to at the district level, that it goes to the Regional Office in Peterborough for review, and then to the Ministry Queen’s Park office and eventually to the Minister’s desk to actually receive a signature. OHBA is concerned that this multi-step process. OHBA further notes that a couple of months delay on a permit, can cause havoc for short construction season windows that can further be complicated by important species life-cycle

functions where activities cannot disrupt habitat. This means that two or three months delay in obtaining and signing off on permits, can actually disrupt a project timeline by a year or more.

- ) A positive example is the streamlined permit process for butternut removal of 10 or less (takes a matter of days) in contrast to the extended period of 10 or more or category 3 tree removal permits which goes beyond a year and requires posting on the EBR. OHBA is supportive of proposed approaches to streamline the process.
- ) The MECP should amend the ESA to delegate authority to senior staff to approve applications and issue permits (versus the Minister).

## **Conclusion**

OHBA appreciates the opportunity to provide comments and advice to the MECP. The previous government implemented significant reforms to the land-use planning system including the introduction of the *Endangered Species Act, 2007*, which was poorly integrated into the broader planning system, contributing to uncertainty and frustration with proponents. It is important that the current Government recognize the progress we have made protecting species at risk and find a balanced solution that provides business certainty, makes life more affordable for families, and takes Ontario's role in protecting species at risk seriously.

OHBA is supportive of the government's commitment to ensuring that the ESA provides stringent protections for species at risk. OHBA is supportive of continuing its work with stakeholders and Indigenous peoples to improve its effectiveness, and modernizing the program based on best practices in other jurisdictions. OHBA supports an approach that increases clarity of requirements, streamlines the process and implements fair and reasonable response times. 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.