

County of
Renfrew
Ontario . Canada

IMPROVING THE ENDANGERED SPECIES ACT - IMPACTS ON RENFREW COUNTY

February 26, 2014



Blanding's Turtle photo by: J.Muzzi

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Cover photo – Blanding’s Turtle (J. Muzzi)



1.0 INTRODUCTION

The County of Renfrew has long been a leader in terms of environmental protection and biodiversity in the Province of Ontario. The European settlement of Renfrew County dates back over two centuries and resource extraction, agriculture and rural development has historically been the backbone of the County's economy. County residents pride themselves on being excellent stewards of their land. These residents recognize and treasure the biodiversity and wide range of ecological goods and services they have in abundance. As such, County residents are firm supporters of the goals of the *Endangered Species Act* (ESA); however, the current *Act* is neither working for the species it wants to protect nor the County's economy.

Since its inception, the ESA has had a number of profound and damaging economic effects on the County of Renfrew. The ESA has had the unintentional effect of stifling economic development, causing long delays for proponents, and creating considerable out-of-pocket expenses to individuals, agencies and businesses and industry. These ESA by-products have negatively impacted the socio-economic and environment sustainability of Renfrew County.

The harmful environmental and socio-economic impacts of the ESA, though very real and with profound consequences, have been frustratingly difficult to quantify. Responding to requests from local developers, the aggregate industry, and the agriculture sector, the Development and Property Committee of the County of Renfrew directed staff to convene a meeting of stakeholders to discuss the issues facing their individual sectors. This meeting was held on February 22, 2013¹. The meeting was organized as a round-table session, where participants were asked to describe the challenges the ESA was creating, how much it was costing in terms of dollars and delays, and its effect on short-term and long-term employment.

The consensus of the stakeholders meeting was that the ESA, as introduced in 2007 and with the current amendments, is flawed. Despite its good intentions, the ESA has and will continue to have detrimental effects on rural economies and the very species it was intended to protect.

The following report will describe the negative effects the ESA has had on the agriculture sector, the forestry sector, the development sector, public works, the aggregate and mining sector and the tourism sector in Renfrew County. It will quantify job losses (actual and projected), additional costs incurred while complying with the ESA, and delays encountered. In conclusion, the report will provide recommendations to the province on how the ESA may be modified to achieve all three components of sustainability – environmental, social and economic.

¹ Appendix 1, Attendees/submitters at County ESA Meeting Feb. 22 2013



1.1 BACKGROUND: SETTING THE STAGE

In 2005, a group of Environmental Non-Governmental Organizations (ENGOs) formed a coalition called Save Our Species (SOS). The group was made up of five of the largest charitable ENGOs in Ontario – The David Suzuki Foundation, Ontario Nature, Sierra Defence (subsequently Ecojustice), Environmental Defence and the Canadian Parks and Wildlife Society – Wildlands League. The goal of SOS was to influence the Ontario government as it worked to update the Ontario *Endangered Species Act*. Specifically, the group set out to create and implement the most restrictive species-at-risk legislation in Canada.²

SOS outlined their campaign and published a blueprint on how to successfully influence government in the IVEY Foundation document “The Making of Ontario’s New Endangered Species Act: A Campaign Summary.” The document explains how their key objective was to be “freed from the constraints of reaching a compromise between many different, and often conflicting, interests”³ and to avoid being “watered down by compromises.”⁴ To do so, they effectively convinced the government to create an expert panel to review the ESA and make recommendations for stricter policy. The expert panel “was a significant departure from the ‘stakeholder’ membership that governments typically favour.”⁵

The panel was made up of nine “experts.” Eight panel members were from large city centres in southern Ontario and one from northern Ontario. Ultimately, this resulted in public policy being dictated by special interest groups and not by the people elected by Ontarians.

The Ivey Foundation report recognizes that the 2007 ESA amendments were purposely void of stakeholder input. In fact, prior to the introduction of the first nine habitat regulations, only one public meeting was held and that was in Toronto. This was a missed opportunity as there was no attempt to directly engage landowners and land managers, or other stakeholders most affected by the *Act*. Regrettably, the consultation sessions that occurred later in the process were perceived more like information sessions by those in attendance.

The County of Renfrew recognized early on that the *Act* had the potential to stifle development in rural Ontario, particularly in areas like Renfrew County where species at risk were abundant. County of Renfrew staff and elected officials responded to Environmental Bill of Rights (EBR) Registry postings, attended numerous meetings and ‘consultation’ sessions, presented to provincial Cabinet Ministers and upper-level bureaucrats, and openly objected to the ESA through the media. Unfortunately, the County’s realities and efforts, as well as the realities and efforts of many other rural and Northern communities province-wide, were not reflected in the final ESA amendments.

Another missed consultation opportunity was that of First Nation involvement. The Nishnawbe-Aski Nation (NAN) represents 49 First Nation communities across northern Ontario and covers

² The Ivey Foundation, “The Making of Ontario’s New Endangered Species Act: A Campaign Summary Report”, December 2007, p 2.

³ *ibid.*, p 4.

⁴ *ibid.*, p 7.

⁵ *ibid.*, p 4.



over 210,000 square miles. NAN Resolution 07/37 and Resolution 09/15 lament the fact that meaningful consultation into the 2007 ESA amendments had not occurred (Appendices 2 and 3). In their words, “the Ontario Ministry of Natural Resources officials who held the Thunder Bay meeting said that they both understood and agreed with the attending First Nations citizens that the attendance by the First Nation citizens at this meeting was not to be construed as consultation.”⁶

⁶ Nishnawbe-Aski Nation, “Resolution 07/37”, March 29, 2007



2.0 THE ESA AND RENFREW COUNTY'S AGRICULTURAL SECTOR⁷

The agricultural sector of Renfrew County employs 12,068 individuals in full and part-time jobs and the farm owners and their families. Renfrew County is home to 1,179 farms which generate \$86.8 million of commodities.⁸ Being the largest county geographically in all of Ontario, Renfrew County has 148,338 hectares of agricultural land comprising 34% of the County's privately owned land base.⁹

The main species at risk issues specific to Renfrew County's agricultural sector include the bobolink and eastern meadowlark. These migratory songbirds nest in hayfields during the early part of the summer. Traditionally, they nested in tall grass prairie, an ecosystem absent in Renfrew County though common in southwestern Ontario. These birds adapted to hayfields as a result of the loss of their native nesting areas and became more widely distributed in Ontario as agriculture expanded. Harvesting hay crops *may* negatively impact the nests or young birds. Interestingly, the bobolink is considered a pest in its winter home in South America, where it is poisoned and shot, and eaten as a delicacy known as "butter bird" in Jamaica.

Normally, the first cut of hay in Renfrew County occurs during the nesting season of these birds. This first cut is the most valuable hay crop; it contains the highest percentage of protein essential to livestock feed. ESA's habitat regulation (though agriculture has a moratorium due to expire in 2014) prohibits any agricultural activity in bobolink or meadowlark habitat during the nesting season. Due to the fact that virtually every acre of cleared land in the County of Renfrew is potential habitat, all farm fields, whether pasture or crop, are adversely impacted by the ESA. While the protection of the bobolink and eastern meadowlark habit under the ESA provides the largest obstacle for Renfrew County's agricultural sector, there are a number of other species at risk which should be mentioned. For example, pale-bellied frost lichen, a lichen that can be found on old fence posts, ironwood and elm trees, and may create an issue when fences are repaired or replaced. The species is known by very few people and it may be much more common than thought. Most landowners are not aware of it and may destroy it inadvertently while repairing or replacing fences.

Barn owls and loggerhead shrikes are other examples of birds "at risk." Barn owls may inhabit old farm structures and limit the opportunity to replace dangerous buildings, or limit a property owner's ability to do improvements. This bird is at the extreme northern edge of its range in Renfrew County and is present only as a result of agriculture. Loggerhead shrikes, a small black, gray and white bird, prefer alvars and open areas, habitat types that were much less common in Renfrew County prior to settlement. They are at the extreme northern edge of their range in Renfrew County and are only present as a result of human disturbance¹⁰.

Renfrew County's agricultural sector and its experience with species at risk legislation highlight some of the inconsistencies with the ESA and other provincial legislation. For example, the Ontario government subsidizes "Trees Ontario," an afforestation program that encourages landowners to plant trees in unused former agricultural fields and open spaces. These fields are

⁷ Renfrew County at a Glance – 2011 Census of Agriculture and Strategic Policy Branch, MMAP/MRA

⁸ Ibid

⁹ Land Area Tenure, County of Renfrew

¹⁰ Ontario Breeding Bird Atlas, 1987 – loggerhead shrike first reported in Ontario in the Hamilton area in 1860



usually suitable habitat for bobolinks and meadowlarks and planting trees in them actually destroys the habitat. Effectively, this government-funded program is in contravention of the ESA.

Another example of the inconsistency between ESA and other legislation involves the monarch butterfly. Monarch larvae feed on milkweed, a very common noxious weed in Renfrew County. Interestingly, the *Weed Control Act* authorizes a Weed Inspector to order milkweed destroyed when it interferes with an agricultural or horticultural crop.

Historically, most Renfrew County farms had woodlots and a wide mix of land uses, with relatively few high-intensity agricultural practices. This has resulted in a landscape with an extensive variety of habitats suitable for many species at risk. Renfrew County farmers are proud stewards of the land and it is not unusual to see farmers leave a part of a hayfield uncut because of nesting birds or restoring riparian habitats through their farm, among other environmentally friendly practices. Generally, the attitude of our local farmers has been “live and let live” – a reality the ESA does not at present take into consideration.

The ESA does not reflect the realities of Renfrew County and has unfortunately had significant negative impacts on the agricultural sector. The National Farmers Union (NFU) projects the costs of complying with the *Act* as being \$4,200 annually per farm operation, with one-time costs of \$9,000. In the County of Renfrew, the NFU estimates that between 160 and 800 farm operations are being or are expected to be impacted.

- One-time costs: \$1,880,000 to \$7,200,000
- Annual costs: \$840,000 to \$3,360,000

Given commodity income of \$77.2 million, the ESA will cost Renfrew County farmers between 2.4% and 10% of their gross income.¹¹

¹¹ 2011 Census of Agriculture and Strategic Policy Branch, MMAP/MRA



Case Study¹²

After a lifetime of farming, a landowner decided to sell his farm and build a retirement home. His farm is a typical Renfrew County beef operation on 600 acres. He had clients interested in purchasing the farm. The clients discussed the possible purchase with the MNR. The MNR advises the potential client about species at risk habitat and the deal falls through. The landowner is unsuccessful in selling the property to anyone else and is now attempting to subdivide it and sell it piecemeal. To date, he has invested over \$25,000 and anticipates spending a good deal more. He hasn't started on the retirement home.

It is unfair and unfortunate that a landowner, who has been a good steward of his property (in fact, he has won provincial recognitions for his environmental stewardship), is now unable to reap the fruits of his labour.

¹² Wilson Rae, Pers. Comm.



3.0 THE ESA AND RENFREW COUNTY'S FORESTRY SECTOR¹³

Historically, the forestry sector has been the leading employer and wealth generator in the County of Renfrew. While employment levels fluctuate according to market conditions, jobs in the forestry sector in Renfrew County are consistently in excess of 2,000 direct and 2,400 indirect jobs. There are over 100 direct forestry-related companies and close to 500 other companies conducting forestry-related business. Forestry and forestry-related businesses inject \$300,000,000 into the economy of Renfrew County annually and the net economic benefit exceeds \$1.3 billion.¹⁴

For Ontario forest products to compete globally, wood costs must be competitive. However, only Quebec has higher per unit wood costs than Ontario in North America.¹⁵ Renfrew County sawmills and logging companies have dealt with the worst downturn in the industry's history over the past several years; the businesses have maximized efficiencies and there are no further cost savings to be had. The Province of Ontario, however, has the option of reducing regulatory costs which can make the difference between Ontario wood being competitive or not.

The main species at risk issues specific to the Renfrew County forestry sector include the wood and Blanding's turtles, butternut trees, ginseng, and woodland nesting birds such as the Eastern whip-poor-will.

Renfrew County has extensive habitat for both wood and Blanding's turtles and both are abundant. Provincial regulations, reflecting the relative scarcity of these turtles in more developed parts of the province, do not reflect the conditions here. Additionally, there is no scientific, or empirical, evidence to suggest that forestry operations have a negative effect on these species.¹⁶ Many would argue, in fact, that most forestry operations are beneficial in that they create habitat conducive to the life processes of many species;¹⁷ the real risk to the turtles is predation and poaching for the pet market.¹⁸ Extensive Areas of Concern (AOCs) surrounding turtle habitat – real or potential – have very restrictive rules governing the type and timing of forestry operations that are permitted. Consequently, the ESA regulation surrounding these reptiles has caused profound negative effects on the local forest industry.

The classification of butternut trees and ginseng under the ESA pose significant barriers to forestry operations. While the butternut tree is classified as endangered (the tree is falling victim to an invasive canker), healthy butternut trees are relatively common on the limestone soils of Renfrew County. In Renfrew County, this hardwood tree is on the "last frontier" of the canker invasion and large, healthy butternut is not unusual.¹⁹ Ginseng often grows in association with butternut. Illegal collection of ginseng for its medicinal properties is its biggest threat.²⁰ Both of

¹³ County of Renfrew Demographics - Canada Census Data, 2011

¹⁴ County of Renfrew Economic Development Division

¹⁵ Ontario's Competitive Position in North American Forest Products Markets, NISI Group, February 2013

¹⁶ Domtar response to Draft Recovery Strategy, April 17 2009

¹⁷ ibid

¹⁸ Forest Management Guide for Conserving Biodiversity at the Stand and Site Scales. OMNR. 2010. Toronto: Queen's Printer for Ontario.

¹⁹ B. Boysen, R. Fleugal (Butternut Recovery Program, Ontario Forest Gene Conservation Association)

²⁰ ibid

these species can put potential forest harvest areas off-limits, force the relocation of access roads, and can cause extended delays in harvesting operations while they are assessed for retention or removal.

ESA guidelines surrounding the habitat of woodland nesting birds also pose arguably unnecessary restrictions for Renfrew County's forestry sector. Most harvest systems in Renfrew County are partial harvest; only 25–30% of the stand is removed and operations are conducted on no more than 1.5% of the forested land base annually. Further, harvesting operations seldom begin until after the nesting season. Individual nests are protected and in the case of raptors, timing restrictions are imposed that delay operations until birds are fledged.

The economic impact of the ESA on Renfrew County's forestry sector has been well-tracked. Overall, the Act adds \$1.50 to \$2.00/m³²¹ to the cost of producing forest products. On Crown forests in Renfrew County, Sustainable Forest License (SFL) Managers argue the ESA is costing them a minimum of \$100,000/year directly, over and above the per unit increase.²² Ottawa Valley Forest harvests approximately 200,000 m³/year and an equal amount is harvested on private property for a total cost of \$600,000 to \$800,000/year.²³ In terms of employment, Renfrew County sawmills and loggers have reported the loss of over 200 jobs in the past several years. Some of these losses can be attributed directly to the ESA. Commonwealth Plywood, for example, lost all of the area they had planned for summer harvest due to timing restrictions within wood turtle habitat, causing the permanent loss of eight logging jobs and 13 sawmill jobs.²⁴ Murray Brothers Lumber Company has lost 85 full time jobs over the past five years²⁵ due to both the downturn in the economy and the added cost burden of complying with the ESA. The sawmills must build inventory to last through the timing restrictions, forcing large cash outlays for extended periods. Sawmills such as Heideman's in Eganville and Hokum's in Killaloe have been operating at about 50% of their capacity, with a corresponding loss of approximately 40 jobs.

Smaller mills, like Wilno's Etmanskie Lumber and Barry's Bay's Rumleskie Lumber, have also been hamstrung by timing restrictions and an inability to access wood when markets are favourable. These small mills have employed six to ten people in woodlands and sawmill operations for at least nine months per year for decades. Unfortunately, they now seldom operate more than five months a year and struggle to retain their trained work force. Timing restrictions limit the seasons when logging can occur. As a result, the high-skilled logging workforce is shrinking; workers leave the area for places where they can be employed full-time.

Increased mechanization in the forest industry has had positive effects. It has increased safety, improved utilization and reduced damage to residual trees. However, this equipment is extremely expensive and it is important that productivity is maximized to reduce the debt load to the owner. With the above mentioned timing restrictions, this is not possible.

²¹ SFL Managers (A. Van Dyke, Ottawa Valley Forest; P. Nitschke, Bancroft-Minden Forest; T. Richardson, Mazinaw-Lanark Forest) Pers. Comm.

²² *ibid*

²³ *ibid*

²⁴ M. Boudens, Commonwealth Plywood, Pers. Comm.

²⁵ T. Murray, Murray Bros. Lumber, Pers. Comm.

Forest management activities have been severely curtailed on Crown forests in Renfrew County. In many cases, large investments in tree planting and site preparation have been lost because additional required silvicultural treatments could not be completed because of area of concern guidelines.²⁶

Approximately 30% of the productive forest land base on Crown lands in Renfrew County now has some form of ESA restriction on it,²⁷ yet there is no evidence that normal forestry practices, as conducted in Renfrew County, adversely affect any Species at Risk (SAR). In fact, forestry operations actually improve habitat for some SAR. Further, all forestry operations must abide by the *Crown Forest Sustainability Act (CFSA)*, the primary legislation governing forestry activities in the province. The CFSA already provides for the protection of SAR and their habitat, and as such, meets the purposes of the provincial ESA – a sentiment that has been supported in writing by the Government of Ontario. Furthermore, all Crown forests and many private land forests in Renfrew County are certified under the Forest Stewardship Council, an international third-party certification, that provides an additional layer of oversight to ensure SAR are protected.

The ESA applies equally to privately owned forests. Approximately 50% of the productive forest land base in Renfrew County is privately owned. On Crown lands, there is some opportunity for forest managers to utilize existing personnel from the MNR (biologists, ecologists, etc.) to deal with specific species at risk occurrences, and possibly minimize the cost of doing so; private landowners do not have the same resources available to them.

²⁶ A. Van Dyke, General Manager, Ottawa Valley Forest Inc., Pers. Comm.

²⁷ A. Van Dyke, General Manager, Ottawa Valley Forest Inc., Pers. Comm.



Case Study²⁸

A private landowner who manages a large forest provided the following case study for his own property, focusing on butternut alone. He has extensive experience dealing with butternut and attempted to reach an understanding with the MNR for an affordable, intelligent method of complying with the Act while avoiding financial hardship; this was unsuccessful, as MNR was not willing to change its position.	
<i>Component</i>	<i>Cost</i>
Butternut trees not now merchantable (approx. 1% of forest cover @ 40 tonnes/acre @600 acres@\$5/tonne stumpage)	\$12,000
Use of land by trees that prevent other trees from growing there (approx. 1% of 6,000 acres = 60 acres @1 tonne /acre/year of merchantable growth @\$5/tonne = \$300/yr@20 years	\$2,500
Loss of stumpage in red pine plantation due to butternut toxicity effect that cannot be managed now (2% of 300 acres of red pine@ \$500/acre)	\$3,000
Total lump sum loss related to butternut alone	\$17,500
<i>Annual cost of compliance: (these items assume my ongoing participation in logging industry)</i>	
• not running machines at full capacity while avoiding butternut and other habitat sensitive areas - 5% of annual operating cost of \$400,000	\$20,000
• management time to comply with SAR inventory permitting etc. as policy appears to require: 10% of \$50,000 technician time	\$5,000
• incremental road building cost to reroute around ginseng, butternut, turtle habitat	\$5,000
• legal/penalties using Crown operator experience as proxy	\$10,000
Annual Cost of Compliance: \$40,000 or \$2/tonne on 20,000 tonnes annually	
Total job losses	13

²⁸ Leo Hall, Opeongo Forestry Services Inc.



4.0 THE ESA AND RENFREW COUNTY'S DEVELOPMENT SECTOR

Historically, Renfrew County has had a stable population and can be categorized as a slow growth area. In recent years, the County has seen a slight increase in growth and housing demand. Factors that have led to this growth can be attributed to expansion of the Canadian Forces at Garrison Petawawa and changing demographics. The demand for rural and waterfront properties has increased primarily as a result of retirees moving out of urban areas. Subsequently, Renfrew County's construction industry (trades, labour and supervision) directly employs 3,817 people.²⁹

The main species at risk issues specific to Renfrew County development sector include the bobolink and Eastern meadowlark, wood and Blanding's turtles, and butternut trees and ginseng.

The bobolink and Eastern meadowlark are migratory songbirds that nest in hayfields during the early part of the summer. Traditionally they nested in tall grass prairie - an ecosystem absent in Renfrew County though common in southwestern Ontario. These birds adapted to hayfields as a result of the loss of their native nesting areas and became more widely distributed in Ontario as agriculture expanded. Many proposed building sites, both subdivisions and single lots, are located in fields that are suitable habitat for these birds. Naturally, the construction of a subdivision removes the habitat permanently. As previously noted, the bobolink is considered a pest in its winter home in South America, where it is poisoned and shot because it damages grain crops.

Wood turtles and Blanding's turtles enjoy extensive habitat in Renfrew County and both of these turtles are frequently observed. As previously discussed, current provincial regulations do not take into consideration the reality of the turtles in Renfrew County. Rather, the ESA reflects the scarcity of the turtles in more developed parts of the province. As such, development activities in the County have been severely, and unnecessarily, impacted, particularly in the Petawawa area. Many single lot severances have been delayed or abandoned because of the presence of potential habitat.

Butternut is common on the limestone soils of Renfrew County. Here the tree is on the "last frontier" of a deadly canker invasion and large, healthy butternut are not uncommon. Despite this, numerous single lot and subdivision developments have been delayed indefinitely or abandoned because of the presence of this species.

²⁹ 2011 Statistics Canada data

The economic impact of the ESA on development in Renfrew County is real and of great concern to local residents, small and medium business owners/operators and elected officials. To date, at least three major proposed subdivisions have either been put on hold or delayed and many single lot severances have been delayed or abandoned because of potential endangered species habitat. This is housing that is needed, particularly in the Petawawa area.

Since the implementation of the ESA, the County of Renfrew Planning Division staff has spent approximately 10-15% of its time dealing with ESA issues. This is a direct cost to the County of approximately \$50,000 per year, or \$300,000 since the legislation was enacted.

For the past 20 years a common theme in planning circles has been “sustainability.” The Venn diagram shown in Figure 1 is commonly used to illustrate sustainable planning. The diagram has three interconnecting circles titled environment, economy, and social. The “good planning” is in the middle where all three circles overlap. Perhaps oversimplified, this intersecting area is meant to demonstrate a balance between competing interests in the overall public interest. Regrettably, this diagram has been obsolete for the development industry in Ontario since the ESA was enacted.

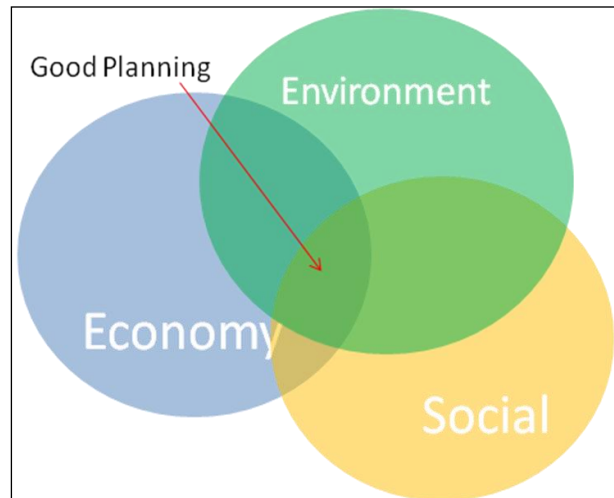


Figure 1

The MNR website asserts that “with the passage of the *Endangered Species Act* (ESA 2007), Ontario becomes a North American leader in species at risk protection and recovery.” In the post ESA 2007 era, Figure 2 illustrates an updated reality to planning in Ontario. The municipal role in reviewing development applications under the *Planning Act* is ensuring that the public interest is protected. Municipalities are responsible to make certain that any proposed development will not result in unnecessary public expense for providing infrastructure or services; that there will be no compatibility issues with neighbouring properties (i.e. drainage, noise, or odours); and that the natural environment is protected. The concern is that the ESA 2007 legislation has co-opted good planning principles in favour of unilateral species protection.

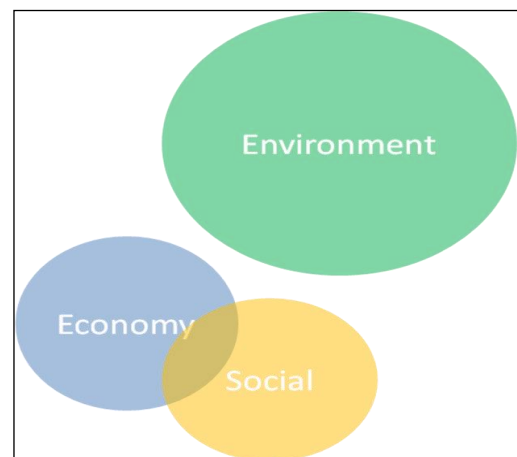


Figure 2

The primary policy documents that guide land use planning are the Provincial Policy Statement (PPS) and Official Plans. The importance of habitat protection is recognized in the PPS and in the Official Plans of every municipality in the County and Ontario. The ESA,

however, takes an uncompromising approach to species protection. The ESA removes development control away from the municipality and does not allow them to perform the core responsibility of balancing the public interest as it relates to land use.

Under the ESA, new species are continually being added to the protected list by an un-elected Committee on the Status of Species at Risk in Ontario (COSSARO) and regulations for the protection of habitat are supposed to follow shortly thereafter. The decisions by this committee and the regulations are having significant economic and social impact on municipalities, land-owners, and developers. Across the Province, the MNR is still struggling to implement this legislation in a consistent manner which would provide developers with a predictable, transparent and reliable planning process.

The following development example demonstrates the failure of the legislation as a tool to protect endangered species, their habitat and the public interest.

The Town of Petawawa has a population of approximately 15,700 and is home to well over 5,000 Canadian Forces personnel and is growing. The Town is experiencing a housing increase not seen in over 20 years and new housing developments are needed. Unfortunately, Petawawa's housing developments have been curtailed by the sighting of a single wood turtle.

A wood turtle was sighted somewhere on the Petawawa River which runs through the Town and empties into the Ottawa River. The wood turtle's regulated habitat includes 500 metres on either side of a water body, six kilometres upstream and downstream of a sighting. That is a minimum 12 square kilometres (tributaries would expand the protected area) of automatically protected habitat based on one occurrence sighting of a wood turtle.

Due to this turtle sighting, potentially up to six kilometres away from the Town, a new subdivision application is caught in a planning black hole, an unintended consequence of the ESA. For this particular piece of land, the regulated habitat area does not take into consideration the fact that there is a gravel pit and municipal road intervening between the site and the river. Furthermore, the regulation does not consider the fact that the poplar scrub brush that is representative of the site does not constitute ideal habitat for the wood turtle.

The above example highlights the fact that ESA in its current state does not consider the community need for more housing. Nor does the habitat regulation have regard for the fact that the site is within the settlement boundary of the Town, that the development would be a logical extension of the existing built up area or that the site is ideally suited for the extension of full municipal services. All of these considerations are trumped by a single turtle sighting. The MNR agreed to issue a permit to allow the development provided the proponent purchased suitable replacement waterfront habitat and a demonstrated net benefit to the species. This condition will add considerable cost and create a two-year delay with the need for additional studies, permit approvals and permit conditions that will place limitations on the timing for construction (i.e. October to April).

In some jurisdictions, increased costs for development are simply passed on to the end consumer. However, in Renfrew County, there is a limit to what the market can bear. The average median household income in Renfrew County is \$61,516.³⁰ Increasing the cost of a home, given the limited earnings of the average County resident, would make home ownership beyond the means of many County citizens.

³⁰ 2011 Statistics Canada data

Case Studies³¹

16 Townhome Development, Calabogie Area

The proponent wished to expand the accommodations at a four season recreational facility near Calabogie. They encountered butternut and ginseng. The proponent offered the following;

- Each townhome was costed at \$225,000 which represents total building costs of \$3,600,000;
- Water, sewage, propane, power, phone, internet and satellite TV services were costed at \$20,000 per townhome, representing total costs of \$320,000.

Total investment costs were ~ \$4,000,000.

The injection of \$4M into the local economy would have created:

- many construction jobs and supply contracts;
- ~ 40 new County residents, which in turn would inject money into the economy every year;
- Approximately 2 new full-time jobs to service the expanded infrastructure.

When the development was written off, there was about \$450,000 of unrecoverable investment.

The breakdown is roughly as follows:

- Legal costs (condominium documents \$75,000);
- Sales wages \$45,000;
- Development and planning advice \$100,000;
- Engineering services \$25,000;
- Manager wages \$125,000;
- Web site and printed collateral (sign, brochures, etc...) \$20,000;
- Architectural fees \$40,000.

The loss in tax revenue to the municipality is about \$48,000 per annum.

26 Acre Subdivision, Town of Petawawa – 125 homes

The proponent has spent \$200,000 and had the project delayed for 2 years to date as a result of potential wood turtle habitat. The ESA has added a cost of \$2,000 per lot to date. The loss in construction jobs and local economic activity is estimated to be a staggering \$41,000,000. The loss in tax revenue to the municipality is approximately \$3,000 per home or \$375,000 per annum.

³¹ Paul Murphy, General Manager, Calabogie Peaks Resort; Dustin Hoffman, General Manager, H&H Aggregates



5.0 THE ESA AND RENFREW COUNTY PUBLIC WORKS³²

Road construction, repair and various other infrastructure programs are subject to the ESA. Many environmental concerns have been addressed historically by Renfrew County Public Works employees. Proper culvert and bridge construction, washout mitigation and erosion protection, for example, have been the norm for decades.

The ESA has added costs above the normal public works practices and added problematic timing restrictions onto strict construction schedules. In an already short construction season, constraining road work to a shorter window creates a scheduling nightmare. When paired with adverse weather, public works projects risk being delayed and unnecessarily pushed over budget.

The County of Renfrew Public Works Department has tracked the additional costs of complying with the ESA and these costs amount to \$2,418/kilometre. All in (previous provincial legislation and the ESA), environmental mitigation adds between five and ten percent to the County's roads program. Lower-tier municipalities report similar costs. With smaller staffs, these timing restrictions become even more difficult.

Additional costs to the taxpayer for public works projects are considerable. In jurisdictions where species at risk habitat is more prevalent, the ability of a smaller municipality to meet the requirements is challenging. The problem of scarce resources is becoming more evident as the County embarks on asset management planning and recognizes the growing gap between available dollars and the need to replace aging infrastructure.

Case Study³³

<u>Barron Canyon Road Widening and Upgrade</u>	
A 2 kilometre section of Renfrew County Road 28 (Barron Canyon Road) was rebuilt from 2011-2012. The following costs were incurred to meet MNR requirements for one species (wood turtle);	
Species crossing barrier	\$23,250
Rip rap in culvert	\$ 3,000
Sand Habitat	\$ 12,000
Stone guide fence	\$ 15,200
Culvert upsizes	\$ 8,440
TOTAL	\$ 61,890

³² M. Pinet, County of Renfrew Public Works Division

³³ Ibid



6.0 THE ESA AND RENFREW COUNTY'S AGGREGATE AND MINING SECTOR³⁴

The County of Renfrew has an active aggregate industry, with several major firms and many smaller operators totaling 39 businesses and employing 345 people across the County.³⁵ These companies supply road, construction, forestry, agriculture and landscaping aggregate needs; municipal and commercial building projects; and concrete and asphalt plants with highly valuable and essential aggregate. A large portion of Renfrew County's aggregate output supports commercial and infrastructure projects beyond its borders and into Ottawa and across eastern Ontario. Presently, Renfrew County is home to 226 licensed aggregate pits. These pits are vital for the County's economic future.

Restoring and maintaining Ontario's aging infrastructure will require greater amounts of aggregate than is being produced at present. It is estimated that for the next 20 years Ontario will require an average of 186 million tonnes per year to support infrastructure renewal and construction and general economic expansion.³⁶ This will require ready access to local Ontario aggregate at affordable rates.

There is currently a major potential graphite mine development in the northern portion of the County underway. Graphite especially is poised to once again be a vital natural resource for the County and Ontario. A very high quality flake graphite deposit in the northwest portion of the County of Renfrew is under development but is facing significant hurdles due to the ESA. The hurdles exist despite already meeting, at great expense by the company to date, the pre-existing and very rigorous operational and environmental protection standards of federal and provincial departments and ministries.

The main species at risk issues specific to the aggregate and mining sector in Renfrew County include the wood and Blanding's turtles and bank swallows.

As previously explained, wood and Blanding's turtles are relatively abundant in Renfrew County. This is in contrast to the scarcity of the turtles in more developed parts of the province. The potential habitat of these turtles creates access problems for both aggregate and mining activities as turtles seek gravel or sand to lay eggs.

Winter activities for mining exploration are impacted by the turtles' potential habitat as well. It is a normal practice to use the frozen surfaces of ponds to conduct exploratory diamond drilling; however, the potential presence of hibernating turtles in the pond prohibits this activity.³⁷

Bank swallows, currently listed as threatened by the Committee on the Status of Endangered Wildlife in Canada and whose status is being reviewed in Ontario, prefer sandy or gravelly banks to nest in. Aggregate pits are ideal habitat for these birds. This creates an unfortunate catch-22 for the operation of aggregate mines: the birds are there because the pit is there. Aggregate producers don't develop pits to create bank swallow habitat.

³⁴ A. Baird, County of Renfrew Economic Development Division

³⁵ *ibid*

³⁶ *ibid*

³⁷ G. Bowes, PhD, Northern Graphite

The economic impacts of the ESA on Renfrew County's aggregate and mining sector are substantial. Aggregate producers are required to complete in-depth applications to develop new pits and quarries. What was once a six-month process now takes a minimum of three years. The potential mine development at Bissett Creek has been held up indefinitely. They have spent approximately \$100,000 in environmental studies alone, with no end in sight. All in, the proponents have spent close to \$2,000,000. The proposed mine is expected to create 70 full-time jobs.³⁸

It is not just in the County of Renfrew where aggregate plays such a vital role. Ontario-wide aggregate is a vital sector, directly supporting all economic growth and infrastructure investments. Local aggregate products support Ontario's \$37 billion construction industry which employs 292,000 Ontarians. Ontario aggregate production employs more than 7,000 people directly and more than 34,000 indirectly. Further, \$1.6 billion is contributed to the Ontario GDP by the aggregate industry.³⁹

As aggregate supply and access in Southern Ontario becomes more limited, there is great potential for the aggregate industry in Renfrew County to grow. The ESA in its current form, however, will greatly limit these economic opportunities. The constraints and increased costs created by the ESA create unnecessary barriers to this valuable resource. A reasonable balance of species protection, which was largely in place prior to the ESA, must be restored in order to permit the survival of this sector.

³⁸ D. Baxter, Northern Graphite

³⁹ 2011 Canada Census Data

7.0 THE ESA AND RENFREW COUNTY'S TOURISM SECTOR

Renfrew County is a popular tourist destination, attracting over 1 million visitors annually. Tourism is an important job creator for the County, directly employing about 4,400 people and helping another 7,000 find employment in related businesses. The vast majority of these jobs are in small and medium-sized, family-owned enterprises. As tourism grows, so does the number of jobs available.⁴⁰

Each dollar spent in Renfrew County circulates five times, making the impact of tourism invaluable to the Ottawa Valley. In 2009, tourists spent \$116 million in Renfrew County.⁴¹ \$116 million circulated five times meant that \$580 million were pumped into the County's local economies. Visitors spend their money on accommodations, transportation, retail shops, restaurants, grocery stores, attractions, events and entertainment. In turn, these businesses spend their money on wages and salaries and supplies from other local businesses. Tourism dollars also contribute significantly to municipal tax revenues and support local festivals, cultural groups, museums, farmers markets and recreation facilities.

Renfrew County and the Ottawa Valley, is known as Ontario's Adventure Playground. The primary activities engaged in by visitors involve nature and the outdoors: wildlife viewing, hiking, camping, fishing, skiing, snowmobiling, white-water rafting and paddling. The abundance of wildlife and wild areas is one of the unique strengths of the area. People from near and far come to the Valley to enjoy the vast wilderness and reconnect with nature.

Tourism operators take pride in the health and beauty of Renfrew County's wilderness. They work hard to create innovative ways to share this beauty with visitors while protecting and working in harmony with the natural environment. Regrettably, the ability of Renfrew County tourism operators and municipalities to create new tourism experiences related to nature is inhibited by the ESA. Moreover, the *Act* has greatly restricted the expansion of facilities allowing short-term accommodation, time-shares and other value-added amenities, an expansion which is key to growing and strengthening this important sector.

Generally, the species at risk affecting the tourism sector are identical to those affecting the development sector, namely the bobolink and Eastern meadowlark, wood and Blanding's turtles, and butternut trees and ginseng. Additionally, because much of Renfrew County's tourism sector is water-focused (the Ottawa Valley is well-known as the Whitewater Capital of Canada), fisheries habitat comes into play more frequently. The building of water access structures such as boat launches, docks and beach development run the risk of being deferred by the ESA.

The economic impacts of the ESA on Renfrew County's tourism sector are real and have far reaching consequences. The whitewater industry on the Ottawa River has been a mainstay of

⁴⁰ Ottawa Valley Tourist Association Report "Review of County of Renfrew Contributions to Tourism Destination Marketing and the OVTA", October 9, 2012, p 1

⁴¹ *ibid*

the County's tourism sector for upwards of 4 decades. Since the implementation of the ESA, a planned expansion of one of the businesses has been delayed.⁴²

Plans for new project investments have been temporarily shelved by two of our most successful operators as the constraints and costs related to the ESA have created too much uncertainty to proceed.⁴³

The Calabogie area has an advantage in its proximity to Ottawa and has several major attractions for tourists, including a popular ski hill and a one-of-a-kind race track. These tourism businesses have suffered because they cannot provide sufficient overnight or longer-term accommodation directly as a result of planned expansions being abandoned due to ESA restrictions.⁴⁴

⁴² A. Baird, County of Renfrew Economic Development Division

⁴³ Wilderness Tours staff

⁴⁴ P. Murphy, Calabogie Peaks Resort



RECOMMENDATIONS FOR IMPROVING THE ESA

Introduction

Renfrew County is committed to a healthy, sustainable environment. We firmly believe that endangered species can co-exist successfully with rural development; it isn't an "either/or" situation. We recognize that there are serious problems with the *Endangered Species Act*; however, we believe these problems can be addressed. To this end, we offer the following recommendations for consideration.

Listing Species Under the ESA and Assigning Status

1. The reports and recommendations from the Committee on the Status of Species at Risk in Ontario (COSSARO) should be reviewed by an independent, objective review team or advisory committee to offer a second opinion on the quality of the science and the justification for assigning species to status categories. Duly elected representatives should then make the decision as to listing a species as Threatened or Endangered.
2. Species should not be assigned to a status of Threatened or Endangered if there is clearly insufficient population data to justify such a status. COSSARO must ensure their decisions reflect factual information, not supposition or advocacy.
3. The MNR needs to standardize the baseline population time frame for species being assessed by COSSARO. This recommendation applies primarily to grassland species, where the baseline or reference population levels appear to be based on artificially high populations caused by human activities, such as land clearing and farming.
4. The purpose of listing a species under the ESA needs to be re-assessed. The question should be asked if listing a species under the ESA as either Threatened or Endangered is the best option for reversing the decline of the species. If it is not, then the species should not be listed.
5. Develop an approach to species protection that builds on existing policies and legislation, such as the *Crown Forest Sustainability Act* and the Provincial Policy Statement. This process should focus on ecosystem protection rather than a species-by-species approach. This approach would provide for the protection of a variety of species and avoid situations that pit one species against another.

Species at Risk Stewardship Fund

1. The MNR needs to develop agreements with landowners and land managers to provide exemptions under the ESA for certain land management activities, if they have undertaken projects to improve the habitat for species at risk.
2. The MNR needs to develop a manual or best management practices guide to assist those willing and interested in undertaking projects to benefit species at risk.

An Adaptive Management Approach

1. The MNR must work cooperatively with landowners and land managers using a risk-based adaptive management approach. Corporately, MNR should support staff to allow certain activities to occur. Monitoring projects will improve predictive capability and confidence for making decisions in the future.
2. There needs to be give and take by both the MNR and by land managers. The MNR should view land management activities as opportunities to work with them to benefit species at risk, instead of viewing those activities as liabilities. Land managers must recognize the need to protect species at risk.

Personal Contact with People Connected to the Land

1. The best source of information about species at risk is frequently the people who are on the land every day - forest practitioners, trappers, farmers, guides, etc. – and this is the most important group to engage in discussions around species abundance, habitat and recovery.
2. Consultation should be more rural-focused, concentrating in areas that stand to be most impacted.

Communications and Staff Training

1. MNR staff need guidelines, training and corporate support to take an adaptive management approach when issuing permits and agreements under the ESA.
2. A corporate change in attitude is required within the MNR when communicating with landowners. Instead of continuing the current practice of developing policies in isolation, MNR policy makers must sit down with land managers in facilitated workshops to cooperatively develop guidelines and approaches for species at risk protection for such activities as forest harvest operations and farming.
3. The MNR needs to listen to the concerns of landowners and land managers. There are legitimate concerns with the implementation of the ESA that need to be addressed.

CONCLUSION: COOPERATION AND FLEXIBILITY

The application of the ESA in Renfrew County is problematic. Renfrew County is a rural area with a proud, environmentally aware population dependent on natural resources. Forestry, agriculture and aggregate/mining sectors are the backbone of Renfrew County's economy. These sectors have been severely impacted by the ESA.

The *Act*, while noble in principle, is flawed and does not take into account the realities of Renfrew County. Renfrew County is an area that has over 50% Crown land and has greater than 73% forest cover.⁴⁵ Every wetland has the potential for turtles; many forested areas have the potential for species such as butternut and ginseng; every open area has the potential for bobolink and meadowlark, and every old fence post has the potential for pale-bellied frost lichen.

Protecting biodiversity and protection for endangered species and their habitats are important for Renfrew County, Ontario and more broadly, the world's environment. Renfrew County residents continue to be leaders in the management of their natural resources. The County has demonstrated time and again that through a proactive approach to stewardship, whether that be forest management or agriculture, species at risk and development can co-exist.

⁴⁵ Jason Davis, GIS Coordinator, County of Renfrew



APPENDIX 1

Attendees at Renfrew County Species at Risk Workshop – February 22, 2013

STAKEHOLDER GROUP	AFFILIATION	NAME
Development/Tourism	JP2G	Brian Whitehead (Owner)
	Greater Madawaska Twp.	Marco Cekic (Planner)
	Opeongo Forestry Service	Leo Hall (Owner)
	Calabogie Peaks	Paul Murphy*(General Manager)
	Laurentian Valley Twp	Lauree Armstrong (Planner)
	Horton Township	Peter Prince (Planner)
	Town of Arnprior	Robin Smith (Planner)
	Ottawa Valley Tourist Association	Melissa Marquardt
	Renfrew Industrial Commission	Dave Lemkay (General Manager)
	Aggregate/Mineral	Northern Graphite Mine
"		Greg Bowes (Biologist)*
"		Peter Quinby (Biologist)
H&H Aggregates		Dustin Hoffman (Owner)
Clouthier Construction		Kerry Clouthier (Owner)
Forestry	Murray Bros. Lumber	Ted Murray* (Owner)
	Heideman Forestry Services	Ed Heideman (Owner)
	Commonwealth Plywood	Mike Boudens*(Operations Manager)
	Ben Hokum and Son	Colin McKinnon (Operations Manager)
	Bancroft-Minden Forest SFL (Crown Land Forest)	Peter Nitschke (General Manager)
	Mazinaw-Lanark Forest SFL (Crown Land Forest)	Tom Richardson (General Manager)
	Ottawa Valley Forest SFL	Alf Van Dyke* (General Manager)
	MW Miller Logging	Barry Verch (Owner)
	Bancroft Area Forest Industry Association	Larry McTaggart (Chairman)
	Tony Bull	Renfrew County Certified Forest Owner (President)
First Nations	Algonquins of Ontario	Janet Stavinga, Robert Craftchick**
Agriculture	Ontario Federation of Agriculture	Brian Hamilton (Area Representative)
	"	Debra Pretty-Straathof (Regional Manager)
	Renfrew County Soil and Crop	Ray Pender (Board of Directors)
	"	Michael Donohue (Board of Directors)
	"	Bob Dick (Board of Directors)
	National Farmers Union	Lauretta Rice (Secretary)
	Realtor/Farmer	Wilson Rae (Operator)
	Ontario Cattleman's Assn.	Gerald Rollins (Board)

*Written submission

**Verbal submission



IMPROVING THE ENDANGERED SPECIES ACT - IMPACTS ON RENFREW COUNTY

STAKEHOLDER GROUP	AFFILIATION	NAME
Elected/Political	PCs	John Yakabuski (MPP)
	Liberals	Barry Robinson (Local Party President)
	NDP	Brian Doherty (NDP Candidate)
	Greater Madawaska	Peter Emon (County Warden)
	Renfrew County Private Landowners Association	Stanley Pecoskie (President)
	"	John Jeffrey (Vice President)
Upper Tier Municipality	County of Renfrew	Jim Hutton (CAO)
	"	Paul Moreau (Director, Development and Property)
	"	Charles Cheesman (Manager, Planning)
	"	Bruce Howarth (Senior Planner)
	"	Alastair Baird (Manager, Economic Development)
	"	Craig Kelley (Business Development Officer)
	"	Jeff Muzzi (Manager, Forestry Services)
	"	Lacey Rose (Forester)
Media	Pembroke Observer	Ryan Paulsen
	Renfrew Mercury	Steve Newman
	Eganville Leader	Shannon Keller

*Written submission

**Verbal submission



3. until the Nishnawbe Aski Nation First Nation are meaningfully consulted, the First Nations cannot support or endorse the Province's proposed *Endangered Species Act*;

FURTHER BE IT RESOLVED that the Nishnawbe Aski Nation Chiefs In Assembly will not recognize the application of the *Endangered Species Act* in the Nishnawbe Aski Nation territory until consultation has been finalized and all concerns identified by Nishnawbe Aski Nation have been addressed, either in modifications to the content of the Act or in some other agreed-upon form; and


FINALLY BE IT RESOLVED that we mandate the Nishnawbe Aski Nation Executive Council to inform the Ontario Ministry of Natural Resources of this decision and work with the Province to set up, engage in and finalize the required meaningful consultation and accommodation process that is required.

DATED AT THUNDER BAY, THIS 29th DAY OF MARCH, 2007.


MOVED BY: Chief Arlene Slipperjack
Whitewater Lake First Nation

SECONDED BY: Chief Willis McKay
Mattagami First Nation

CARRIED.



Grand Chief



Deputy Grand Chief

APPENDIX 3

NAN Resolution 09/15



Nishnawbe Aski Nation

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100 Back Street, Unit 200, Thunder Bay, ON P7J 1L2
Tel: (807) 623-8228 Fax: (807) 623-7730 www.nan.on.ca

**RESOLUTION: 09/15
APPLICATION OF ONTARIO WOODLAND CARIBOU CONSERVATION PLAN
AND RECOVERY STRATEGY IN NISHNAWBE ASKI NATION**

WHEREAS an Ontario *Woodland Caribou Conservation Plan and Recovery Strategy* is currently being developed, and may be finalized by June 2009, as part of the Government of Ontario's requirements under the *Ontario Endangered Species Act, 2008*, which was opposed by the Nishnawbe Aski Nation (NAN) Chiefs-in-Assembly by Resolution 07/37;

WHEREAS the majority of Ontario's surviving caribou populations reside within the traditional territories of NAN First Nations, and the conservation and protection of all caribou species are of paramount importance to and within the jurisdiction of the First Nations which depend on the sustainability of all caribou species for their livelihoods;

WHEREAS the *Canada Constitution Act, 1982, s. 35*, recognizes and affirms Aboriginal and Treaty rights, and as such, Ontario has a legal obligation to consult and accommodate First Nations in the development of legislation, policy and regulations that may affect these rights;

WHEREAS First Nations have recognized that the development of a *Woodland Caribou Conservation Plan and Recovery Strategy* and other associated regulations have a strong potential to infringe on their rights and are seeking to work with the Province of Ontario to set up, engage in and finalize a meaningful consultation process (per NAN Chiefs Resolution 07/37), and this was developed in the form of a draft Memorandum of Understanding (MOU) proposed by the First Nations;

WHEREAS the draft MOU set out the parameters around the participation of First Nations in the development of the *Woodland Caribou Conservation Plan and Recovery Strategy*, jurisdictional issues related to Aboriginal and Treaty rights, the protection of First Nation ecological knowledge, co-management, and other matters;

WHEREAS the Government of Ontario has rejected the draft MOU and is moving forward on its *Recovery Strategy*, and is now developing the draft *Woodland Caribou Conservation Plan* in the absence of First Nations;

THEREFORE BE IT RESOLVED that the NAN Chiefs-in-Assembly take the position that, given the fact that the Ontario Ministry of Natural Resources (MNR), does not wish to support the proposed method of consultation and



accommodation with First Nations as set out in the MOU, the fiduciary duty to meaningfully consult and accommodate First Nations on the *Woodland Caribou Conservation Plan and Recovery Strategy* has not been met;

FURTHER BE IT RESOLVED that the Ontario MNR position is unacceptable and contrary to *Supreme Court of Canada* decisions on consultation and accommodation;

FURTHER BE IT RESOLVED that the NAN Chiefs-in-Assembly will not recognize the application of the *Woodland Caribou Conservation Plan and Recovery Strategy* in the NAN territory until a constitutionally correct consultation and accommodation has been finalized, and all concerns identified by First Nations have been addressed, either through modifications to the content of the *Woodland Caribou Conservation Plan and Recovery Strategy* or in some other agreed upon form;

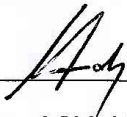
FINALLY BE IT RESOLVED that the NAN Chiefs-in-Assembly mandate the NAN Executive Council to inform the MNR of this Resolution and attempt to convince the Province of Ontario to recognize both Aboriginal and Treaty rights on this issue, including, the First Nation right to manage all caribou species in collaboration with Ontario on a government-to-government basis.

DATED AT TIMMINS, ONTARIO THIS 12TH DAY OF MARCH, 2009.

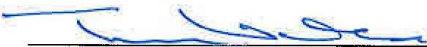
MOVED BY: David Paul Achneepineskum (Proxy), Aroland First Nation

SECONDED BY: George Kenny (Proxy), Pikangikum First Nation

CARRIED



Grand Chief Stan Beardy



Deputy Grand Chief

APPENDIX 4

Renfrew County Species at Risk

Group	Common Name	Ontario Status ² (SARO)	National Status ³ (COSEWIC)	ESA Habitat (Regulated or General)	Confirmed in County	Sectors Affected ⁴	Relative abundance (empirical data) ⁵
Plant	American Ginseng	END	END	by 2013	Y	F, D, G, T	Abundant
	Butternut	END	END	by 2013	Y	F,D, G, T	Abundant – not yet badly affected by canker in CoR
	Pale-bellied frost lichen	END	END	Y	Y	F, D, Ag, G	Unknown – poorly known species
	Flooded Jellyskin	END	END	By 2013	Y	Ag, F	Unknown – poorly known species
Birds	American White Pelican	THR	NAR	Y	Y	Ag, T	Not at risk federally - IUCN ⁶ Least Concern
	Barn Owl	END	END	Y	Y	Ag, D	Not common in Renfrew County IUCN Least Concern – at limit of range in CoR
	Golden Eagle	END	NAR	Y	Y	F	Not common, but increasing
	Kirtland's Warbler	END	END	Y	Y	F	IUCN Near Threatened
	Loggerhead Shrike	END	END	Y	Y	Ag, D	Not common – very little suitable habitat, at extreme limit of range in CoR – IUCN Least Concern
	Bobolink	THR	THR	Y	Y	Ag, D	Abundant – IUCN Least Concern
	Chimney Swift	THR	THR	Y	Y	D	Not common – IUCN Least Concern
	Least Bittern	THR	THR	by 2013	Y	Ag, D	Not common – IUCN Least Concern
	Peregrine Falcon	THR	SC	Y	Y	T	Restricted habitat (Ottawa River)
	Whip-poor-will	THR	THR	Y	Y	Ag, F, D	Common and increasing after decline of several years – IUCN Least Concern

¹ List contains species confirmed historically in Renfrew County, as compiled by MNR staff (April 2013). MNR SAR list for Renfrew County contains 18 additional species that have never been confirmed in the County

² END - endangered; THR – threatened; SC – special concern; SARO – Species at Risk Ontario List (O. Reg 230)

³ END – endangered; THR – threatened; SC – special concern; NAR – not at risk; COSEWIC – Committee on Status Endangered Wildlife Canada

⁴ Ag – agriculture; D – development; F- forestry; G – aggregate/mining; T - tourism

⁵ Relative abundance – determined by personal communication with Algonquin First Nation members, forest practitioners, trappers, farmers, contract biologists

⁶ International Union for Conservation of Nature red list



IMPROVING THE ENDANGERED SPECIES ACT - IMPACTS ON RENFREW COUNTY

Group	Common Name	Ontario Status ¹ (SARO)	National Status ² (COSEWIC)	ESA Habitat (Regulated or General)	Confirmed in County	Sectors Affected ³	Relative abundance (empirical data) ⁴
Birds	Bald Eagle	SC	NAR	n/a	Y	F	Common – increasing numbers of nesting sites
	Black Tern	SC	NAR	n/a	Y	D	IUCN ⁵ – Least Concern
	Canada Warbler	SC	THR		Y	F, D	IUCN - Least Concern
	Cerulean Warbler	THR	END	Y	Y	F, D	Loss of winter habitat in South America causing
	Common Nighthawk	SC	THR	n/a	Y	Ag, D	Present - IUCN Least Concern
	Golden-winged Warbler	SC	THR	n/a	Y	F, D	IUCN Near Threatened – loss of winter habitat may be causing decline
	Olive-sided Flycatcher	SC	THR	n/a	Y	F	IUCN – Near Threatened
	Red-headed woodpecker	SC	THR	n/a	Y	F	IUCN – Near Threatened
	Rusty Blackbird	SC	SC	n/a	Y		Breeds in boreal wetlands – very limited habitat in CoR
	Short-eared Owl	SC	SC	n/a	Y	Ag	IUCN – Least Concern
	Bank Swallow	THR	THR	Y	Y	Ag, G	IUCN – Least Concern
	Eastern Meadowlark	THR	THR	Y	Y	Ag	IUCN – Least Concern
	Eastern Wood Peewee		SC	Y	Y	F	IUCN – Least Concern
	Wood Thrush		THR	Y	Y	F	IUCN – Least Concern

¹ END - endangered; THR – threatened; SC – special concern; SARO – Species at Risk Ontario List (O. Reg 230)

² END – endangered; THR – threatened; SC – special concern; NAR – not at risk; COSEWIC – Committee on Status Endangered Wildlife Canada

³ Ag – agriculture; D – development; F- forestry; G – aggregate/mining; T - tourism

⁴ Relative abundance – determined by personal communication with Algonquin First Nation members, forest practitioners, trappers, farmers, contract biologists

⁵ International Union for Conservation of Nature red list

IMPROVING THE ENDANGERED SPECIES ACT - IMPACTS ON RENFREW COUNTY

Group	Common Name	Ontario Status ¹ (SARO)	National Status ² (COSEWIC)	ESA Habitat (Regulated or General)	Confirmed in County	Sectors Affected ³	Relative abundance (empirical data) ⁴
Reptiles	Wood Turtle	END	THR	Y	Y	F, D, Ag, G, T	Common, cryptic
	Blanding's Turtle	THR	THR	by 2013	Y	F, D, Ag, G, T	Common, cryptic
	Eastern Musk Turtle	THR	THR	by 2013	Y	F, D, Ag, G, T	No sightings in CoR for decades
	Spiny Softshell	THR	THR	by 2013	Y	F, D, Ag, G, T	No sightings in CoR for decades
	Northern Map Turtle	SC	SC	n/a	Y	F, D, Ag, G, T	Common
	Snapping Turtle	SC	SC	n/a	Y	F, D, Ag, G, T	Abundant
	Eastern Ribbonsnake	SC	SC	n/a	Y	F, D, Ag, G, T	Present – at northern limit of range
	Milksnake	SC	SC	n/a	Y	Ag, D	Common
Amphibians	Western Chorus Frog		THR	n/a	Y		N/A
Mammals	Eastern Cougar	END	Data Deficient	Y	Y	F, D, Ag	Questionable
	Eastern Wolf	SC	SC		Y	F, D, Ag	Abundant
	Little Brown Bat	END	END	n/a	Y		Under threat from white-nose syndrome
	Northern Long-eared Bat	END	END	n/a	Y		
	Tri-coloured Bat		END	n/a	Y		
Aquatics	American Eel	END	SC	by 2013	Y	D, T	Declining
	Lake Sturgeon	THR (GLSL pop)	THR (GLSL pop)	Y	Y	D, T	N/A
	River Redhorse	SC	SC		Y	D, T	N/A
	Hickorynut		END		Y	D, T	N/A
Insects	Bogbean Buckmoth	END	END	Y	Y	Ag	Science lacking – No recent records in CoR
	Monarch	SC	SC		Y	Ag	Abundant

¹ END - endangered; THR – threatened; SC – special concern; SARO – Species at Risk Ontario List (O. Reg 230)

² END – endangered; THR – threatened; SC – special concern; NAR – not at risk; COSEWIC – Committee on Status Endangered Wildlife Canada

³ Ag – agriculture; D – development; F- forestry; G – aggregate/mining; T - tourism

⁴ Relative abundance – determined by personal communication with Algonquin First Nation members, forest practitioners, trappers, farmers, contract biologists



Appendix 5

Letter from Brunton Consulting Services

Brunton Consulting Services

216 Lincoln Heights Road, Ottawa, Ontario K2B 8A8

Phone: (613) 829-7307 Fax: (613) 829-4688

e-mail: bruntonconsulting@rogers.com

5 June 2013

Science-based and conservation management difficulties with implementation of the Ontario Species At Risk (SAR) program

The SAR program founded upon Bill 184 (2007) is an admirable and important initiative intended to ensure positive, long-term conservation management benefits for the designated Endangered (END) and Threatened (TH) native biodiversity (flora and fauna) of Ontario. It reflects a significant element of the 2005 OPPS objective (2.1.2) that native biodiversity should be "*maintained, restored or ... improved*" in the course of land use planning and development. A third SAR category, Special Concern (SC), addresses species deemed not to require such protective measures but which warrant tracking to assess possible future END or TH designation.

The present implementation of the program, however, is fraught with inconsistencies that result in substantial inefficiencies. Amongst other things, this leads to an unfortunately large effort being expended on the species least in need of protection. Other major science-based and conservation management difficulties experienced with the present program across southern Ontario in general and Renfrew County in particular are summarized below.

Designation of "domesticated" Species At Risk

-designation of species which became artificially common in Ontario because of human landscape alteration ("domesticated" species such as bobolink, Eastern meadowlark, Barn Swallow and Monarch Butterfly) does not reflect the OPPS emphasis upon the protection and enhancement of native biodiversity; local populations of such species are almost entirely dependent upon ecologically arbitrary human activities.

Designation of commonly occurring SAR

-designation of widespread species found in common habitats and with large provincial populations (e.g. Whip-poor-will, Monarch Butterfly, Little Brown Bat and Butternut) ensures that pre-development SAR investigations are required in almost all areas of natural or near-natural landscape in southern Ontario, regardless of the ecological quality of the site; the majority of these investigations are unproductive and

divert resources that can be better applied to achieving positive native biodiversity conservation benefits elsewhere.

Inappropriate application of Special Concern SAR

-accepting SC species as indicating the presence of Significant Wildlife Habitat exaggerates the conservation significance of SC species and circumvents Bill 184's declaration that SC species are only to be tracked and do not warrant protection comparable to that of END and TH species.

Contrary Designation by Federal and provincial authorities

-although based on the same scientific data and analysis, some species have significantly different federal and provincial SAR designations in Ontario; this leads to scientific contradictions such as bird species Golden-winged Warbler and Common Nighthawk (both TH federally, SC in Ontario) being protected SAR on CFB Petawawa and in other federal lands but without designated protection elsewhere in Renfrew County.

Requirement for inflexible, redundant investigation protocols

-inflexible protocols requiring ideal conditions and an uncommon combinations of environmental factors for each of the field investigations (e.g. Whip-poor-will requiring three separate surveys exclusively on calm, bright moonlit nights and at least a week apart), do not reflect the reality that occurrences can reliably and efficiently be recorded in less than perfect conditions; it is also inappropriate and inefficient to require investigations be conducted only by field experts but then to impose cumbersome protocols that could be satisfied by virtually any investigator.

Requirement for ineffective mitigation prescriptions

-mitigation prescriptions with little or no demonstrably positive conservation outcomes (eg. replanting Butternut saplings that are vulnerable to Butternut blight, temporarily managing pasture land for bobolink production, salvaging of used Barn Swallow nests) are counterproductive and represent inefficient conservation management efforts.

Improving SAR designation and protection

SAR investigations and mitigation responses should always result in positive and measurable conservation management benefits. That can largely be achieved by correcting the deficiencies addressed above. In addition, greater emphasis on protecting significant *natural areas*, not just particular *floral and faunal populations* would considerably enhance SAR protection in Ontario. This could be facilitated by a provincial natural area acquisition compensation fund into which contributions could be made when effective on-site mitigation is neither feasible nor productive, such as when impact on incurably infected Butternut trees is inevitable.



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