



Ontario Federation of Agriculture

Ontario AgriCentre
100 Stone Road West, Suite 206, Guelph, Ontario N1G 5L3
Tel: (519) 821-8883 • Fax: (519) 821-8810 • www.ofa.on.ca

May 16, 2011

Mr. Jeremy Downe
Senior Policy Advisor
Ministry of Natural Resources
Species at Risk Branch
300 Water Street, 2nd Floor
Robinson Place, South Tower
Peterborough, Ontario
K9J 8M5

Dear Mr. Downe;

RE: EBR Registry Number 011-2901 - Amendment to Ontario Regulation 242/08
(General) under the Endangered Species Act, 2007 respecting Bobolink

The Ontario Federation of Agriculture (OFA) welcomes the opportunity to comment on the Ministry's recently released Bobolink Regulation proposal. It is encouraging that the Ministry of Natural Resources has recognized the negative impacts on forage production and livestock pasturing resulting from the addition of bobolink to Ontario's Species at Risk in Ontario (SARO) list.

Let us be unequivocally clear; Ontario farmers support the principle of protecting and recovering Ontario's species at risk. However, since the protection and recovery of Ontario's species at risk is a broad, public goal, providing broad public but not private, benefits, OFA believes that any financial costs associated with achieving that goal should be borne by the public at large; not by the individual farmers and other rural property owners where bobolink nest. In that light, the OFA supports the proposed Bobolink Regulation as enunciated in EBR Registry Number 011-2901.

Agriculture is a key component of Ontario's overall economic output. In 2009, farm cash receipts totalled \$9.6 billion. Over 1/3 of Ontario farms hire additional labour. Potential bobolink habitat impacts upwards of 30,000 Ontario farms, or in other words, over 50% of Ontario's 57,211 farms. Approximately 1/3 of Ontario's farmland acreage (4.4 out of 13.3 million acres) is dedicated to either pasture or the production of hay and other fodder.

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The continued presence of endangered species on Ontario farms is testament to farmer's preservation of habitats on their farms. Provincial policies and programs must recognize and build upon that reality. To attempt to ensure the continued presence of endangered species on Ontario farms solely through enforcement and penalties would be sheer folly.

In citing the threats to bobolink, there is no mention of the threats bobolink face once they leave Ontario for their wintering grounds in South America. Threats while migrating to and from Ontario, as well as while they are on their wintering grounds in South America are well documented, and do play a role in the decline in bobolink populations. We do not dismiss the threats while bobolink are in Ontario; but to omit the threats they face outside Ontario presents an incomplete picture. Ontario farmers and property owners are not the sole reason for the bobolink's decline. We find this omission misleading.

OFA believes that SECTION 3 of the draft proposal should also include commercial, industrial or institutional land uses in addition to "conversion to a residential subdivision, conversion to a solar farm". The "conversion to a residential subdivision, conversion to a solar farm" clearly recognizes that the conversion of lands from agriculture use is a clear threat to the long-term survival of bobolink in Ontario. However, any conversion from agriculture poses the same threat. The OFA recommends that commercial, industrial or institutional land uses should be included in section 3. The OFA further recommends that the phrase "solar farm" be replaced with "ground mounted solar electric generators over ½MW".

In conjunction with the 3-year exemption from the provisions of the Endangered Species Act, 2007 relating to the protection of the bobolink and its habitat, the OFA supports the formation of a "bobolink advisory group" to guide the development of:

- advice and recommendations on options for stewardship incentive models,
- recommend short-term applied (on-farm) research pilot projects,
- target outreach and extension services to support property owner activities that enhance the conservation of bobolink and other grassland species, and
- examine ways to recognize outstanding grassland stewardship.

We wholeheartedly believe that both the three-year exemption and the development of a robust incentive and research program for grassland birds are critical. We look forward to the prompt formation of the "bobolink advisory group" once the amendments to Ontario Regulation (General) under the Endangered Species Act, 2007 respecting bobolink are in force.

Finally, for many of the species currently on Ontario's SARO list, as well as for many of the species that will be added to the SARO list in the upcoming years, habitat loss is a key factor in their endangered or threatened status. The creation of new habitat, or the restoration of compromised habitat, should be a benefit to listed species.

During the consultations leading up to the introduction of the Endangered Species Act, 2007, a number of participants suggested the government adopt some form of "safe harbour" agreements as one means of providing endangered or threatened species with additional habitat; habitat that could lead to increased populations of listed species.

Under the "safe harbour" concept, a property owner would commit to creating new habitat for a specified period of time. At the end of the period, the property owner could keep the new habitat in place, or remove the habitat, without incurring any penalty. The species benefit would be the added habitat; which would hopefully increase overall species populations. And increases in the population of an endangered or threatened species would bring us closer to the ultimate goal of the Endangered Species Act; that being the recovery of listed species to the point where they can be safely deleted from the SARO list! Although we are not suggesting this as the only possible means of addressing habitat creation, the OFA recommends that MNR explore the possibility of adopting "safe harbour" agreements into the Endangered Species Act, 2007, in the next legislative session.

The OFA welcomes the opportunity to provide its perspective on EBR Registry Number 011-2901 - Amendments to Ontario Regulation 242/08 (General) under the Endangered Species Act, 2007 respecting Bobolink. We trust that our advice will be reflected in the final version.

Yours truly,

A handwritten signature in blue ink, appearing to read "Bette Jean Crews".

Bette Jean Crews
President

BJC/pj

cc: The Honourable Linda Jeffrey, Minister of Natural Resources
The Honourable Carol Mitchell, Minister of Agriculture, Food and Rural Affairs
OFA Board of Directors