



Ontario Federation of Agriculture

Ontario AgriCentre

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January 18, 2017

Ms. Bree Walpole
Senior Policy Advisor
Species Conservation Branch
Ministry of Natural Resources and Forestry
300 Water Street
Peterborough, ON
K9J 8M5

Dear Ms. Walpole;

RE: EBR Registry Number 012-8234 Development of the Safe Harbour Policy under the Endangered Species Act, 2007

The Ontario Federation of Agriculture (OFA) is Canada's largest voluntary general farm organization, representing more than 36,000 farm family businesses across Ontario. These farm businesses form the backbone of a robust food system and rural communities with the potential to drive the Ontario economy forward.

OFA acknowledges that the creation, protection and enhancement of critical habitat for species at risk are laudable goals. OFA supports the protection of species at risk (SAR) and their habitats. That being said, a requisite component of an effective Safe Harbour Agreement is the assurance that both the participating landowner and neighbouring landowners are fully shielded from the species and habitat protection provisions in the Endangered Species Act, 2007.

Before addressing the draft Safe Harbour Policy, we note that there is only one Ontario landscape, meaning that the full range of habitats, landforms and land uses found across Ontario; urban, rural, agricultural, natural heritage, cultural heritage, mineral extraction, etc. must share that one landscape. Integral to this perspective is the recognition that our agricultural areas not only provide us with food, fibre and fuel, but also a broad range of environmental and ecological goods and services that benefit all Ontarians.

The ongoing loss of agricultural land to a range of non-agricultural uses; infrastructure, urban expansion as well as the restoration of natural heritage features is not, in our opinion, sustainable. Based on census data, the total area of Ontario farms declined dramatically by almost 260,000 ha (636,000 acres) between 2006 and 2011; from 5.4 Million ha (13.3 Million acres) to 5.1 Million ha (12.6 Million acres). That is 350 acres per day. Put in an easier to visualize form, its equivalent to 173 CFL football fields, each and every day! Keeping Ontario's agricultural lands producing food, fibre and fuel is critical.

Section 4.1 (lines 201-221)

If the Ministry of Natural Resources and Forestry intends that private landowners will be the majority of applicants for safe harbours from Southern Ontario, it needs to ensure that the application process is simple, easy to complete, and doesn't require an applicant to hire a consultant.

It is impractical to expect private landowners to have the unique technical expertise required to create and/or enhance SAR habitat. Without Ministry of Natural Resources and Forestry technical expertise, Safe Harbour projects will likely have poor outcomes.

Creating and/or enhancing SAR habitat can prove costly. Without financial assistance, we anticipate that the uptake on Safe Harbour projects will be low. OFA recommends that the Ministry of Natural Resources and Forestry commit to providing both financial assistance as well as technical advice to private landowners proposing to create and/or enhance SAR habitat.

Section 4.3 (lines 304-305)

Where does a landowner readily obtain information on "secondary species at risk"? In the case of some listed species, the Natural Heritage Information Centre withholds the location information for species where there is a recognized concern that location information leads to individuals taking these species from the wild for commercial gain. Applicants should not be required to provide information on secondary species at risk as the Ministry of Natural Resources and Forestry has ready access to this information through the Natural Heritage Information Centre.

Private landowners who enter into a Safe Harbour Agreement should receive notices from Ministry of Natural Resources and Forestry outlining any species added to the Species at Risk in Ontario (SARO) list, or whose status is upgraded, that could use the created or enhanced habitat, during the duration of the Agreement.

Section 4.3 lines (306-356)

We are concerned that the repeated use of "detailed" in relationship to requested application information could serve to deter private landowners from applying. Making the application process difficult to complete will only serve to deter potential applicants.

Section 5.1 (lines 455-457)

SAR species that are predators and known to prey on livestock and/or crops should not be eligible for habitat creation under a Safe Harbour Agreement, unless the proposed location is distant enough from farm operations to pose no risk to them.

Section 8.2 Neighbouring Landowners/Managers (lines 746-778)

Habitat created or enhanced on one farm property may expand onto neighbouring farms. Safe harbour provisions should automatically cover neighbouring properties. This section requires stronger language with respect to neighbouring properties. Where there is a likelihood that the habitat created or enhanced on one farm property may expand onto neighbouring farms, inclusion of all neighbouring properties should be mandatory. Where there is a risk a SAR species may occupy adjacent lands, it should be a mandatory condition of application that the owners/managers of any adjacent lands sign off/agree with any safe harbour application.

Section 8.3 Other SARO-Listed Species (lines 779-805)

OFA appreciates that the policy states that if “other SARO-listed species also inhabit the property as a result of the newly created safe harbour habitat, proponents are exempt”. We applaud the Ministry for applying that exemption to both situations; SAR species not present at the time the agreement was finalized as well as SAR species added to the SARO list during the duration of the agreement.

An unanswered question in this draft Safe Harbour Policy is the relationship between Safe Harbour Agreements under the Endangered Species Act, 2007 and the federal Species at Risk Act. There must be clarity for all Safe Harbour participants on this.

OFA appreciates the opportunity to present its perspective on the development of the Safe Harbour Policy under the Endangered Species Act, 2007. We look forward to seeing our recommendations incorporated into the final version of the policy.

Sincerely,



Keith Currie
President

KC/pj

cc: The Honourable Kathryn McGarry, Minister of Natural Resources and Forestry
The Honourable Jeff Leal, Minister of Agriculture, Food and Rural Affairs
OFA Board of Directors