

June 29, 2020

Ms. Leanne Jennings  
Species at Risk Branch  
Species at Risk Recovery Section  
Ministry of the Environment, Conservation and Parks  
300 Water Street  
North Tower - 5<sup>th</sup> Floor  
Peterborough, ON  
K9J 3C7

Dear Ms. Jennings,

**RE: ERO 019-1749 Developing government response statements for nine species at risk under the Endangered Species Act, 2007**

The Ontario Federation of Agriculture (OFA) is Canada's largest voluntary general farm organization, representing more than 38,000 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.

Before addressing each of the proposed government response statements, OFA restates its longstanding perspective that there is only one Ontario landscape, meaning that the full range of landforms and land uses found across Ontario; urban, rural, agricultural, natural heritage, wildlife habitats, cultural heritage, aggregate extraction, etc. must share this one landscape. Inherent in this 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, including habitat for endangered and threatened species. Recovery strategies, government response statements and habitat regulations need to reflect the reality that a single-minded focus on species restoration to the exclusion of all other factors is unsustainable.

The context for OFA's landscape perspective is based on Ontario's ever-shrinking supply of agricultural land. Based on data from the 2011 and 2016 censuses, the total area of Ontario farms declined dramatically by almost 320,000 acres: from 12.6 Million acres to 12.3 Million acres or 175 acres per day! Maintaining our agricultural lands to produce food, fibre and fuel is critical. Today, Ontario's farmland represents less than 5% of the province's overall land area.

The principal cause of the loss of agricultural land across Ontario has been urban expansion. Urban areas have grown, consuming not only Ontario's prime agricultural land but also its natural heritage features and areas, depriving flora and fauna of the habitats they depend upon for their survival. Species are endangered and threatened due to urban expansion, not agricultural uses.

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The persistence of endangered and threatened species on and around Ontario farms is testament to their compatibility with day-to-day farming practices.

Urban growth and development through the conversion of prime agricultural land and natural heritage features and areas permanently removes habitat from the landscape. OFA proposes those initiating development activities that permanently remove agricultural land and natural heritage features and areas should fund species recovery programs through a dedicated “development levy”.

Agriculture is the principle resource-based land use in Southern Ontario and agricultural production is also found in different locations in Northern Ontario. Through the Provincial 2014 Policy Statement (PPS), the protection of Ontario’s agricultural and rural areas for their long-term agricultural use is a key priority.

### **Blanding’s Turtle:**

OFA supports the proposed recovery goal and the proposed actions to support research and monitoring for Blanding’s turtle.

Under management, action 9 (lines 348-351) is extremely vague, with no information on what elements would be in the “habitat management plan” that would “increase habitat suitability and connectivity and to create, enhance and restore habitat at priority sites”. From an agricultural perspective, language like “artificial channels” (line 82), “human-altered habitats, generally open areas, such as agricultural fields” (lines 94-95) and “Blanding’s turtles may also nest in human-altered sites such as gardens, yards, agricultural fields...” (lines 98-99). The language cited above gives us grounds for concern that habitat management plans and future habitat regulations would impinge on day-to-day agricultural activities and normal farm practices. OFA recommends that the language related to habitat management plans that would increase habitat suitability and connectivity be rewritten to ensure that these actions do not impinge on day-to-day agricultural activities and normal farm practices.

### **Eastern Whip-poor-will:**

OFA supports the proposed recovery goal and the proposed actions to support research and monitoring for Eastern Whip-poor-will.

Line 76 speaks to habitat loss through agricultural expansion and intensification. The stark reality across agricultural Southern Ontario is the exact opposite; continuous, ongoing losses of agricultural land to urban growth and development. We highlighted the amount of agricultural land lost to urban growth and development between 2011 and 2016. Looking back further, since 1996 Ontario has lost over 1.5 million acres of agricultural land to urban growth and development. OFA requests that this section reflects that Ontario’s supply of agricultural land has been in a steady decline for at least the past two decades.

We are not sure what the authors of the Eastern Whip-poor-will draft Government Response Statement mean by “agricultural intensification”. Significant improvements in crop genetics have led to significantly improved crop yields, not only in Ontario but globally. And in many cases, those significantly improved crop yields have been achieved with less fertilizer and herbicide usage. OFA requests that this section be rewritten to paint a true picture of “agricultural intensification”.

Proposed Stewardship and Management actions 5, 6 and 7 (lines 233-244) are vague, rendering it difficult to comment on them with respect to their possible impacts on day-to-day agricultural activities and normal farm practices.

### **Northern Bobwhite:**

OFA supports the proposed recovery goal and the proposed actions to support research and monitoring for Northern Bobwhite.

Under Management and Habitat protection, the draft Government Response Statement speaks to “agricultural practices that allow for sustainable production while maintaining or improving habitat conditions”. What are these sustainable agricultural practices? Where have they been applied and tested? What are their impacts on normal farm practices and crop and/or livestock yields? OFA endorses environmentally, socially, and economically sustainable farm practices. It's a delicate balance between all three. This section of the draft Government Response Statement should be rewritten to specify the sustainable agricultural practices cited here.

We further note that the draft Government Response Statement speaks to the “establishment and maintenance of natural vegetated corridors”. What is the incentive, from an agronomic perspective, for farmers to adopt this? Day-to-day decisions related to which crops to grow, or whether to expand or contract the number of livestock or poultry raised are primarily based on the farmer's personal circumstances, global markets and the crop's agronomic benefits to the farm's sustainability and profitability. Proposed Government Response Statement actions must consider these factors in combination with their perceived benefits to Northern Bobwhite. OFA requests that this section be rewritten to clarify its intent.

### **Spiny Softshell:**

OFA supports the proposed recovery goal and the proposed actions to support research and monitoring for the Spiny Softshell.

Lines 104-105 speak to “trampling by livestock” as a threat having “significant localized impact” on Spiny Softshell turtles. However, earlier in the draft Government Response Statement, the turtle's habitat is described as being “highly aquatic” and the loss of aquatic habitat as significant threats. Furthermore, lines 184-185 state that the “majority of Spiny Softshell populations are found in an urbanized landscape where development pressure continues to increase”. From our perspective, the two statements are contradictory and unhelpful, and require revision.

### **Spotted Turtle:**

OFA supports the proposed recovery goal and the proposed actions to support research and monitoring for the Spotted Turtle.

There are some statements in the draft Government Response Statement which we disagree with. Line 113 speaks to “infilling or draining” wetlands while lines 115-117 speak to the role of drainage activities in lowering the water table. We do not believe these statements apply to agricultural lands. Ontario's Provincial Policy Statement (PPS) does not permit “infilling or draining” wetlands. Furthermore, OFA acknowledges the vital role that wetlands play in groundwater recharge, flood attenuation and the habitat of a wide range of plant and animal species. Ontario's agricultural lands benefit from the retention of wetlands. Agricultural drainage activities are designed to remove excess water from the plant's root zone, to promote crop growth. Well-drained soils permit early planting, enabling farmers to plant higher yielding crop varieties.

Sub-surface tile drains facilitate the removal of excess soil moisture following heavy rainfall events. Neither lowers the water table as does aggregate extraction which often occurs well below the water table. Lastly, this section of the draft Government Response Statement makes no mention of the impacts of fluctuating water levels in the Great Lakes, and the negative impacts of both increases and decreases in lake levels. OFA requests that this section of the draft Government Response Statement be rewritten to put these factors in context.

#### **Little Brown Myotis, Northern Myotis, Tri-coloured Bat:**

OFA supports the proposed recovery goal and the proposed actions to support research and monitoring for the Little Brown Myotis, Northern Myotis and the Tri-coloured Bat.

We object to the characterization in lines 163 – 165, that “conversion of land for agricultural and agricultural intensification can result in the removal, degradation and fragmentation of foraging and roosting habitat, including forests, wetlands and riparian areas”. Ontario is decades past the era of land clearing for agriculture. As we have already noted in our comments, the area of Ontario available for farming is not increasing as the above statement implies, but rather its is decreasing at a rate we believe to be unsustainable. In an effort to maximize the yield from their available farmland, farmers often remove fence row to form larger cultivated areas over which bats may forage for insects, a form of agricultural intensification which should be beneficial to these bat species. We request that misstatements about land conversion for agriculture and agricultural intensification be corrected.

Management actions 6 (lines 374-378) and 8 (lines 384-387) speak to the development of best management practices and habitat management plans beneficial to the Little Brown Myotis, Northern Myotis and the Tri-coloured Bat. What are the agriculture-related best management practices and habitat management plans that will facilitate the government’s recovery goals, and what impacts will they have on day-to-day farming activities and normal farm practices? OFA requests that the draft Government Response Statement include descriptions of these beneficial best management practices and habitat management plans.

#### **White Wood Aster:**

OFA supports the proposed recovery goal and the proposed actions to support research and monitoring for White Wood Aster.

Lines 270-274 of Management and Habitat Protection action item 7 speaks to habitat restoration in collaboration with “organizations, agencies and interested indigenous communities and organizations”. What are private landowners and farmers excluded? Lines 39-40 notes that all the extant populations of White Wood Aster occur “on the Niagara Peninsula between Hamilton and Fort Erie”. Lands in this part of Southern Ontario are privately owned and used primarily in farming. How does the Ministry of the Environment, Conservation and Parks’ Species at Risk Branch plan to obtain farmer/landowner buy-in if they do not recognize farmers as a key partner in achieving the Ministry’s species at risk recovery goals? OFA requests that this section be amended to include farmers and private landowners as key stakeholders.

In conclusion, OFA reiterates the reality that Ontario’s agricultural lands are a declining resource and that the majority of land across Southern Ontario is privately owned by Ontario’s farmers. Species recovery programs need to fully recognize this reality. The province has developed through regulations under the Endangered Species Act, 2007 the opportunity for private landowners to enter into stewardship agreements to create “safe harbours” to benefit endangered and threatened species. While OFA supports the premise behind safe harbours to improve the

recovery outcomes for endangered and threatened species, we do object to two aspects of safe harbour agreements. Firstly, the agreement only applies to the applicant's property, and should the created habitat expand onto neighbouring properties, these neighbouring properties are not protected by the agreement. Secondly, during the duration of these agreements, they only apply to the specific species the safe harbour was created for, and do not apply to other endangered or threatened species that may be attracted to that habitat, or to species subsequently added to the Species at Risk in Ontario list. From our perspective, Ontario's safe harbour policy is fatally flawed due to both of these program criteria. They penalize private landowners who wish to help endangered or threatened species, should additional listed species occupy the safe harbour and they potentially burden neighbouring property owners should safe harbour habitat expand over time to occupy a portion of their private land. OFA strongly recommends that the Ministry of the Environment, Conservation and Parks revise its safe harbour policies by removing these impediments to its wider usage.

OFA appreciates this opportunity to provide its perspectives on the draft Government Response Statements for these nine species. We trust that our perspectives and recommendations be included the finalized Government Response Statements.

Sincerely,



Keith Currie  
President

KC/pj

cc: The Honourable Jeff Yurek, Minister of the Environment, Conservation and Parks  
The Honourable Ernie Hardeman, Minister of Agriculture, Food and Rural Affairs  
OFA Board of Directors