



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

26 February, 2019

RE: ERO #013-4143 Review of the Endangered Species Act, 2007

Dear Public Input Coordinator,

Thank you for the opportunity to provide comments on the *10th Year Review of Ontario's Endangered Species Act: Discussion Paper*. We are submitting this feedback in our capacities as Wildlife Conservation Society (WCS) Canada scientists with significant direct experience in the assessment, research, stewardship, and recovery of species at risk (SAR) in Ontario and Canada.

WCS Canada is a national non-government organization with conservation science programs in Ontario since 2002, with a particular focus on the far north. We have active research programs on wolverine, caribou and lake sturgeon, in close collaboration or in partnership with the Ontario Ministry of Natural Resources and Forestry (MNRF). One of the signers of this letter (JR) served for nine years as terrestrial mammal co-chair of the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) and for four years as a member of COSSARO. She has also been a member of several federal and provincial technical/science advisory committees related to caribou critical habitat and recovery and was on the Ontario wolverine recovery team as well as co-author of the 2013 provincial recovery strategy. In addition, she served on the Endangered Species Act (ESA) Review Advisory Panel for MNRF through to the passage of the Ontario ESA in 2007. The other signer (CO) is a current member of the freshwater fish specialist sub-committee for COSEWIC, and leading an active research program on lake sturgeon in northern Ontario.

After reviewing the discussion paper, our general recommendation is to focus the review on improving implementation of the ESA, rather than on changes to the legislation. To that end, we have a number of detailed responses to the challenges and discussion questions in the paper, and include specific recommendations for each of the four focus areas in this letter.

Overall remarks:

While the discussion paper begins with statements that emphasize upholding the ESA's intent to protect and recover SAR in Ontario (e.g., providing "stringent protections"), the deeper one reads into the paper the clearer it becomes that the underlying impetus for this review is

finding efficiencies for proponents seeking permits is. Although the high-level criticisms the Ontario government has heard are described in the introduction from the perspectives of both effectiveness for species and economic development, challenges and possible approaches described in the body of the paper focus on economic efficiency alone.

The ESA was put in place in 2007 to provide extra protections to species for which other policies and legislation were inadequate (as indicated by the growing list of species on the SAR list). It set out a process for elevating the needs of SAR in decision-making, particularly around habitat protection. It raised the standard of protection from doing less harm to benefitting species. This meant two things:

- 1) permitting activity does not equal recovery unless it benefits a species; and
- 2) other protections tailored to the recovery needs of individual species, particularly habitat protection, must be implemented.

There is no indication in either the “challenges” or “discussion questions” of the paper of any consideration by Ontario of why problems are arising. What is at the root of the complaints the government is receiving about the ESA’s implementation? Are the “challenges” described in the paper about the language of the legislation, the policies or regulations, or the implementation (i.e., sufficiency of capacity, whether the organizational structure is resulting in sound delivery, etc.)?

In fact, this current process should be much more than a review of the ESA – it should be a review of the ESA regime in Ontario. Yet, the discussion questions posed by the paper focus primarily on the legislation itself, rather than where and how implementation could be strengthened.

The discussion paper also seems to take it as a given that any economic development project will be able to benefit SAR through mitigation or restoration. However, there are a growing number of circumstances where authorizations are not going to be appropriate for meeting the recovery objectives of SAR, bringing about very difficult decisions. SAR and other environmental values cannot always be dealt with through mitigation (i.e., doing less harm) after the project is already approved. In some cases, proactive planning and denial of certain activities may be required to ensure that populations of SAR in Ontario are maintained or recovered. This is a reality that must be acknowledged, if the current government is genuine in its intentions to protect and recover SAR.

Finally, there is no mention of the fact that streamlining already happened, quite dramatically in 2013, when a 91-page amendment to Regulation 242/08 was introduced that brought about profound shifts to the practice and system of caring for our SAR. There is no evidence that the Ministry has looked into the consequences of these changes, either for the species themselves, or for any improvements in processing (i.e., did the streamlining succeed?). It is only thanks to investigations undertaken by the Environmental Commissioner of Ontario that we have any inkling of some consequences to this regulation, which included dramatic increases in authorizations of harmful activities, no routine compliance monitoring, and little tracking of the species themselves and how they were faring.

Our overarching recommendation is to make no changes to the legislation itself. Instead, the government should focus on better using the full suite of existing tools in the ESA, and improving implementation to provide more meaningful protections for SAR in Ontario. We detail our advice for improving implementation in our 13 specific recommendations below.

We contend that more strategic implementation of the ESA can be accomplished without significant additional expenditures, and that failure to invest appropriately now in species at risk conservation will lead to escalating costs in the future as biodiversity deteriorates.

Our detailed responses and recommendations in the four “Areas of Focus”:

Area of Focus 1 – Landscape Approaches:

Challenges:

We agree that the “species-specific policy approach” does indeed create significant management challenges. Each of the many species on SARO is on its independent track from assessment to listing to recovery action. These difficulties are exacerbated by the lengthy period that it usually takes for each species between the being listed and the issuance of Government Response Statements (GRS).

We agree with the contention that a “more strategic approach may be preferred”, insofar as the work devoted to individual species along the above-described trajectory would be most efficiently accomplished if it is tightly coordinated within and among species.

By “within species” coordination, we refer in particular to the need to more deliberately align the production of recovery strategies and GRS’s. GRS documents require political choices about what the province commits to doing for the species, in contrast to recovery strategies, which focus on scientifically-grounded recovery actions (i.e., what actions are needed), and are usually contracted by MNRF to outside parties. We recommend that these be worked on simultaneously and strategically, so they are closely connected, along with monitoring regimes in place that can evaluate success once actions are implemented.

By “among species” coordination we are referring to the need to simultaneously consider multiple species that share the same geography and threats. This is already contemplated in the design of the Act by the inclusion of ecosystem (s. 13) and multi-species approaches (s. 14) to recovery planning. These sections have rarely, if ever, been implemented.

Discussion questions:

The simplest answer to the question about what circumstances would warrant a more strategic approach is that all species deserve a strategic approach -- that is the whole notion of a recovery strategy. The species-specific habitat regulations in the Act were designed to be implemented in a strategic fashion, tailored to individual species’ needs, and providing an

assortment of approaches to undertake effective habitat protection. This is in keeping with the reality that habitat loss and degradation is by far the most significant threat to most species in Ontario, and globally. The prevailing approach to implementation of SAR recovery is currently characterized by a proponent-driven approvals process, with decisions being made one project at a time, resulting in piecemeal habitat erosion. A more strategic approach would place much higher emphasis on proactive approaches that benefit multiple species.

However, while being more strategic has great promise for improving effectiveness of SAR recovery, it may not lead to cost savings, or “efficiencies.” The wording of the first question (“e.g., by using a landscape approach instead of a case-by-case approach”) suggests that the province is considering a *replacement* of species-specific measures by a coarse-filtered lens, presumably to eliminate the need for individual processes, and under the assumption that this would provide sufficient protection.

Ample experience has demonstrated that broad-scale approaches must be grounded in the needs of individual species in order to be effective. For example, status assessments and reassessments – and even recovery strategies – must still be undertaken at the level of individual species. Not only is a robust scientific process needed to ascertain which species join the regulated list (see next section), but the status of each individual species is the best indicator of the effectiveness of recovery actions. Therefore, rather than replacing species-by-species approaches, a landscape approach can add value by *augmenting* the current regime.

It should be noted that MNRF has been talking about “landscape approaches” for years, always in the name of finding increased “efficiencies,” yet in our experience has not demonstrated much sign of the systemic changes that would be required to link planning processes with decision making, and yield effective outcomes as they relate to species and ecosystem health.

Meaningful action requires coordination and planning at appropriate scales, and bringing SAR needs to the forefront of land-use and resource decisions, including by other ministries. Ontario has a disproportionate responsibility for SAR in Canada, and certain geographic areas have significant concentrations of such species. The Canadian Wildlife Service is contemplating 10 to 11 “priority places” in its Pan-Canadian approach, which has only one very small place in Ontario around Long Point. Ontario could build on this approach to allow focus on more areas with major concentrations of SAR. A large body of experience has accumulated on multi-species approaches under the US Endangered Species Act from which we can learn (detailed, for example, in a separate submission by Smart Prosperity Institute).

Finally, there are a number of individual SAR that demand a landscape approach, due to their space-demanding needs and vulnerability to cumulative effects. A prime example is boreal caribou, for which the need for a “landscape approach” is acknowledged in the provinces’ own Caribou Conservation Plan (CCP; 2009) – the first GRS following the passage of the. Based on a strong scientific understanding regarding the relationship between cumulative disturbance and caribou population condition, the plan commits to “consideration of caribou at the landscape scale, and an understanding of the point at which human disturbance has a significant impact on caribou (‘thresholds of human disturbance’).” The tools for such an approach certainly exist

in the ESA and other policies and legislation, so it is mostly a question of effective implementation.

Our recommendations for Area of Focus 1 – Landscape Approaches:

- 1) **The tools to deploy a strategic broad-scale approach are already included in the ESA, and should be more deliberately tested and implemented for the benefit of multiple species that share the same geography and threats, and for individual species that demand a landscape approach.**
- 2) **To better ensure effective recovery of SAR, processes that focus on individual species must be retained and enhanced rather than replaced by a coarse-filtered “landscape approach”.**
- 3) **To reduce the burden created by siloed species-focused processes, attention should be focused on better ensuring that recovery strategies and GRS produce meaningful guidance that can be translated to on-the-ground action. This should include much closer coordination between the production of these two documents, and coordinated consideration of the recovery needs for multiple species.**

Area of Focus 2 – Listing Process and Protections for Species at Risk:

Challenges:

We understand why listing and automatic protections are considered together in this discussion paper, because the first triggers the second. As such, it is common for those with concerns about the consequences of listing to focus on the listing process itself. The discussion paper, however, emphasises the most visible issues of concern, without paying attention to the underlying issues that are really generating the perceived problems.

The premise behind automatic listing by the drafters of the ESA was to avoid the inadvertent time and effort that would be spent on deciding *whether* a species should be listed (the diagnosis) as opposed to recovery efforts (the treatment). The listing process under federal SARA includes formal consideration of socio-economic effects and often results in years of delay (and expense). Addressing the socioeconomic, political or personal consequences of a species listing in the Ontario ESA was instead designed to be part of deciding *how* a species will be protected and recovered, not *whether it should be listed* in the first place.

We reject the notion that insufficient time is afforded in the legislation to notify the public of new species added to the list. The three challenges articulated in the discussion paper could all be improved, if not addressed, by more effective communications with stakeholders and proponents. No matter when the decision is made, communications are imperative. Therefore, lengthening timelines without improving the current system of communications would merely

prolong the problem. However, elevating strategic external communications as a priority for government staff would likely require a redistribution of current staff capacity.

At the same time, there are significant improvements that could be made to the assessment process in Ontario that would generate more transparency and more faith in the strength of evidence-based decisions (see below).

In reality, the number of *new* species that are being assessed each year is actually quite low. There are no more than 30 to 40 species assessed annually, and the vast majority of these are reassessments. Also, the schedule of species assessments is known far in advance of meetings, and by the time any species gets to the COSSARO table, there is broad awareness of possible assessment outcomes. So again, the fundamental issue of concerns for stakeholders of the consequences of listing will not be addressed by stretching timelines. Better communications and outreach by the MOECP staff to interested and potentially affected stakeholders will be much more effective.

Discussion questions:

The notification process: We submit that the pathway to a species assessment by COSSARO and its inclusion on SARO is quite lengthy already, and making this longer will not help address stakeholder concerns if communications efforts remain weak and ineffective.

Automatic species and habitat protections: By the time a species has been assessed and listed, its status has been known for some time, and further protection delays will be problematic for many. Again, creating a lengthier process will not solve the problem. It will just delay the foreseeable announcement and people will be just as surprised and unprepared unless there is a concerted effort by MNRF to improve communications. This means keeping websites up to date, sending out emails with sufficient frequency, and connecting staff to assessment processes so they can be well prepared for post-listing actions, shifts in workload, etc.

Automatic protections should be tailored to the most significant threats to the species. For most species, this is about habitat. This can be determined in coordination with the status assessment. It should not be so onerous, especially if assessment processes are robust and trustworthy (see below), to put thoughtful protections in place that will make an immediate difference to species once they are listed.

Process for species assessment: There are at least four aspects of the current process that deserve more attention if the Ontario government's desired outcome (p. 2; "ensure species assessments are based on up-to-date science") is to be met:

- Membership: First and foremost, we urge Ontario to overcome the resistance to including qualified Ontario government staff as members of COSSARO. The ESA does not indicate that Ontario public servants cannot be members, and indeed in the first several years following the passage of the ESA, there were at least five government scientists on COSSARO. From experience, the absence of Ontario government members has hampered the process—not only because this eliminated some of the most qualified

scientists in the province from directly contributing their knowledge and experience to the process, but it isolates the COSSARO committee itself. Among the negative consequences relates to the timely provision of relevant information that is not generally readily available to outsiders, and insufficient contextual knowledge. In conversations with lead bureaucrats in the SAR branch, we have been told that the decision not to include government scientists was driven by concerns that these individuals will not be “independent” – a requirement stipulated in s. 3(5) of the Act. However, judging from ample experience (e.g., COSEWIC, SAR advisory committees, recovery teams), most scientific professionals are more than capable of providing independent advice, leaving their hats at the door. Most qualified scientists and Indigenous knowledge holders will face the potential for conflict of interest with species assessments – this is not unique to government scientists -- so the system must be built to confront this for all members. Qualified members, a strong terms-of-reference, and a capable chair should be sufficient for ensuring independence.

- **Member appointment process:** The nomination process (criteria for membership, recruitment and nomination procedures, appointment and reappointment decisions, timelines, etc.) for members must be improved and made more transparent to better ensure consistent strength and functionality of the committee. At least the initial selection of members should be led by the committee itself, rather than controlled from beginning to end by ministry officials. Recruitment should be on the basis of specific credentials, in a standardized application process. The initial selection should be steered by the committee who best understand the gaps in expertise, including Indigenous knowledge. This includes the chair of the committee, who must meet the scientific qualifications stipulated in the ESA.
- **Secretariat support:** At present, the secretariat support for COSSARO is inadequate. All COSSARO members have day jobs and they must have sufficient support (data gathering, report writing, clerical, etc.) to maximize their effectiveness on the committee. Much more investment is needed in bringing in information (from MNRF), providing dedicated sustained attention to the process by at least two individuals for whom it is their principal job, and providing contractual support where needed. Increased staff capacity is necessary to improve public communications and outreach about COSSARO and the assessment process and outcomes (as discussed above).
- **Monitoring:** A more robust regime of SAR monitoring, and tracking the effectiveness of recovery actions, will yield better information for reassessments in particular.

Our recommendations for Area of Focus 2 – Listing Process and Protections for Species at Risk:

- 4) **Make no changes to the legislated timeline for public notice before a new species is automatically listed on the SARO. The emphasis should instead be placed on improving communications and outreach to stakeholders, Indigenous communities and organizations, and knowledge holders.**
- 5) **Incorporate flexibility around prohibitions automatically triggered by listings to both accommodate Indigenous community concerns and ensure any automatic protections are tailored to the actual threats facing species identified in species assessments and not simply generic measures (e.g., blanket "no take" prohibition).**
- 6) **Make targeted improvements to the implementation of species assessment to increase outside trust in the scientific process led by COSSARO, focused in particular on membership (e.g., welcoming government scientists), membership appointments (improving and enhancing transparency of recruitment and nomination process), and more robust secretariat support.**

Area of Focus 3 – Species Recovery Policies and Habitat Regulations:

Challenges:

We are again struck by the discussion paper's emphasis on timelines in this section, absent any analysis of why the timelines are not being met, or what would be the consequences of lengthened timelines for species.

This area of focus deals with the true value of endangered species legislation, where the needs of species can be addressed through targeted habitat protections. Under ESA, the protections can be tailored to directly confront threats to the habitats that are being lost or compromised through human actions, threats that are not addressed through other policies (which generally focus on mitigation of habitat loss, and do not include the full suite of recovery and protection tools inherent in the ESA). Indeed, significant evidence from over 40 years of implementation of U.S. Endangered Species Act shows that successful species recovery is tied to designation (and effective protection) of critical habitat, well-implemented species-specific recovery plans, and funding for recovery actions.

Government Response Statements (GRS): Judging from our reviews of GRS's, these have been produced as relatively simple documents that have been purposefully designed to *not* commit the government to much in the way of additional actions, given budgetary and political constraints. Yet these documents can and do take a long time to approve and complete, with little consultation with scientists, within or outside government. Less "handwringing" might push these out the door faster. And combined with enhanced efforts to coordinate actions with other species and work towards meaningful action -- and not just those that are politically

palatable -- would make GRS's much more effective. Taking longer to create equally ineffective documents is not the answer.

Progress reviews: The statement in the discussion paper that a five-year "progress" review is "too soon" is worrisome when one considers the significant need for action to improve the condition of most SAR already at the time of assessment. Considered in that light, five years is a generous time frame in which to demonstrate that the Ontario government and others are engaging in meaningful actions to make a difference for a given species, even if not everything is in place and the impacts from actions are not yet completely evident. Without this deadline, there is little impetus to move from planning to action. Transparent and regular reporting is absolutely crucial for public understanding of how public funds are being spent for the betterment of species, and how or even whether species are benefitting. Reporting is an essential part of the process of institutional learning and regime evolution.

Habitat regulations: Given the importance of habitat loss/degradation as a primary cause of species' endangerment, the effectiveness of current general habitat descriptions must be evaluated from a species' perspective before addressing any perceived "challenges." To declare a habitat regulation as "not needed" and bring this forward as a "challenge" is curious, as there is no indication of any analysis or understanding about the circumstances whereby this particular instrument might confer more protection than a general habitat description, and no sign that its purpose is well understood. There is also no clear indication, given lack of monitoring, whether the general habitat descriptions that have been put in place are providing meaningful habitat protection at present. Finally, it should be noted that the ESA already allows the Minister to delay the development of a habitat regulation (sec. 56 (1)b) or to not proceed with a habitat regulation (sec. 56 (1)c).

Discussion questions:

We can see no circumstances that would merit changes to the legislated timelines on production of GRS's. More time to produce these documents will be deleterious to most species. Recovery approaches for many species are complex, especially once they reach endangered status, and recovery actions for almost all SAR require engagement with many interests, especially in the southern part of the province.

Instead, we recommend more attention to be devoted to coordinating the process of development of the recovery strategies and GRS's, so that they can be prepared more-or-less simultaneously. At present the farming out of recovery strategies to non-government scientists and experts promotes isolation and delays implementation of meaningful actions. Creating recovery strategies and GRS for multiple species sharing particular geographies and/or threats will also improve efficiency.

There should also be no changes to the legislated timelines on production of progress reports. If there is no progress to report at the appointed time, then the province needs to clearly indicate this state of affairs and why. It doesn't need to be a glossy or voluminous report.

A habitat regulation can be helpful where there are specific pieces of geography where the species' needs require elevated consideration in land-use decisions by any government ministry, given the combined importance of the geography and sensitivity of the species (or multiple species). There should also be an analysis of the effectiveness of general habitat descriptions in bringing about meaningful protection of SAR in Ontario to date.

Our recommendations for Area of Focus 3 – Species Recovery Policies and Habitat Regulations:

- 7) **Make no changes to the legislated timeline to develop any Government Response Statements (GRSs), and focus instead on improving the coordination of the production of these documents with recovery strategies to lead to more meaningful actions.**
- 8) **Make no changes to the legislated timeline for conducting a review of progress towards the protection and recovery of species; and**
- 9) **Evaluate the efficacy of general habitat protections to species recovery, and reconsider the use of the habitat regulation in circumstances where more stringent habitat protection is required, in keeping with lessons learned from critical habitat protection in the US.**

Area of Focus 4 – Authorization Processes:

Challenges:

This section of the discussion paper is written as if a primary objective of the ESA is to enable economic activities. However, while there is language in the ESA that indicates the particular stages of the species recovery process where socio-economic considerations are brought into decision-making, the enabling of economic development is not among the purposes of the ESA.

Again, there is mounting and irrefutable evidence that species are losing ground in many cases due to habitat disturbance through economic development activities, and that tailored protection can lead to recovery. It follows, therefore, that continued habitat loss at this pace and scale is not going to improve matters for Ontario's SAR.

Much attention on the ESA's implementation since 2008 has been focused on authorizations, but for those species where habitat loss and degradation is a significant threat, such instruments are really only meant to be used to allow harmful activities in exceptional circumstances.

A permit-by-rule system was already developed in Ontario in response to similar concerns by proponents in 2013, although the standard was shifted from overall benefit to minimizing harm. But we simply do not know how this is working, both for proponents and for species. The ECO report in 2017 uncovered that the number of authorizations has certainly increased, but there

is no routine compliance monitoring, no on-the-ground assessment of registered activities, and no monitoring of the SAR themselves.

“Routine activities”, each seemingly small, can and do accumulate into significant habitat loss. Searching for a way to enable quick authorizations as the primary reason to re-examine the permitting process under the Act can be a recipe for losing sight of the needs of species (the primary purpose of the act). Given the large volume of authorization requests, any permitting process must be strategically implemented. For example, low-risk activities with proven mitigation measures could be dealt with in a permit-by-rule system *only* if appropriate monitoring and spot-checks are in place to catch failures in the system and stimulate appropriate adjustments.

Ontario’s Crown Forest Sustainability Act (CFSA, 1994) is *not* a duplication to the ESA, except insofar as the commercial forest operations in Crown forests have been exempt from the ESA’s approval requirements since 2013 (and prior), which means that approvals currently default to the CFSA until the exemption expires. The three purposes of the ESA are wholly devoted to SAR, whereas the CFSA’s purpose is to “provide for the sustainability of Crown forests”, which includes meeting social and economic needs. The habitat protection standards of the two statutes when it comes to authorizations are therefore different: the ESA prohibits damage, authorizing otherwise prohibited activities contingent upon the achievement of an overall benefit for the species, whereas the focus of the CFSA is to “minimize adverse effects”.

It is impossible to know from outside government the nature of enforcement powers, how they have been deployed, how effective they are, and what is being missed. We do know from the 2017 ECO report that monitoring of compliance on current authorizations has been negligible.

Discussion questions:

Establishing a permitting system where a proponent simply pays into a fund or habitat “bank” in order to receive authorization for an activity that will do harm to the habitat of a SAR (“pay-to-play”) would require serious monitoring to track its effectiveness, and to better ensure that the system does not devolve into a “license to trash”. This kind of a “tool” would interrupt any connection between the activity and the SAR in question, and so runs the serious risk of failure to protect SAR. We would definitely not support such a system to replace activity-based requirements. In addition to reducing transparency and accountability, it would increase the likelihood of harmful activities, because of the lack of oversight.

It is not clear how a conservation agreement would add value to existing instruments under the Act (s. 18), as it has never been tested in Ontario.

This section of the discussion paper in particular has a somewhat singular focus on enabling economic development, which is further illustrated by the lack of mention of private lands and stewardship on private lands. Experience has demonstrated (particularly in the US) the need to invest in stewardship, and to emphasize incentivizing rather than penalizing SAR protection for landowners. While the Ontario ESA does allow for this, stewardship options have received minimal testing in the first 10 years, and funding has been inadequate.

Stewardship will require dedicated programs with a proven track record, such as Safe Harbour and landowner outreach and training (see submission of Smart Prosperity Institute). And while stewardship funding programs are an important ingredient for this (e.g., Ontario's SARF), these should augment, but not replace, stewardship agreements with private land owners.

The needs of species can best be met in the context of authorizations with:

- A focus on habitat protection measures that are both effective for the listed species and that simultaneously improve outcomes for multiple SAR (discussed in Area of Focus 3), such that deliberate and targeted protection of habitat accompanies the use of permits and other instruments that authorize harmful activities;
- A strategic and holistic approach to developing recovery plans and actions, including proactively addressing and incorporating provincial processes such as land-use planning, cumulative effects assessments, and decisions about annual allowable cut and prioritization of geographies;
- A focus on addressing the needs of SAR as early as possible in development activities, i.e., at the planning stages of individual undertakings, when it is the least expensive to do so; and
- An understanding that the more the condition of SAR deteriorates, and the more meaningful protection is deferred, the more complicated and expensive it becomes to address the needs of SAR.

Our recommendations for Area of Focus 4 – Authorization Processes:

- 10) Do not institute any habitat banking system. Focus attention instead on working with the existing flexibility mechanisms in the ESA, while testing and tracking their efficacy.**
- 11) Do not amend the ESA to “harmonize” with the CFSA. Do not renew the exemption for forestry or make it permanent. Instead, use section 18 authorizations, which exist for this purpose, retaining the requirement to provide an overall benefit to species negatively affected by authorized activities.**
- 12) Implement authorizations in the context of comprehensive habitat protection regimes for each species (or groups of species), rather than in the current isolated approach.**
- 13) Monitor the condition of the species themselves to understand how well authorizations are working, and make improvements accordingly.**

In conclusion, our overarching recommendation is to make no changes to the ESA itself, but instead to focus on improved implementation. This would involve increasing the use of the full range of tools already in the Act, improving communications with stakeholders, Indigenous peoples and knowledge holders, and improving the implementation and tracking of recovery

efforts, especially habitat protection. Some efficiencies can be realized by taking more of a multi-species approach where appropriate (multiple SAR affected by same threats or inhabiting the same landscape), but even here it is important to be realistic about the need to also maintain species-specific measures.

Finally, it is very important to note that a drive to achieve simple cost-cutting or to make habitat destruction “easier” for project proponents will only result in higher costs down the road as we worsen biodiversity loss, and weaken the ecological systems that we depend on for everything from clean air and water to tourism, recreation and resources.

We hope our comments are useful, and we would be pleased to engage in any discussions regarding our recommendations. Thank you again for this opportunity to provide feedback.

Sincerely,



Justina Ray, PhD
President & Senior Scientist



Constance O'Connor, PhD
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