

STAKEHOLDER INPUT SESSION - SPECIES AT RISK ACT

OPERA Lists 36 Queries under 12 Issues For Discussion

1. Principles & Perceptions

- (a) does Ontario legislation recognize 4 Senate recommendations in federal SARA?
- (b) can species or their habitat designations affect mortgage worth & market value of private land?
- (c) are public hearings of necessity prescribed for affected landowners prior to species designation?

2. Concerns

- (a) can the Minister (read senior MNR staff) unilaterally amend or extend any part of this legislation?
- (b) are private land claims and aboriginal land claims equalled recognized under this legislation?
- (c) which government Ministry or appointed agent will interpret and enforce SARA regulations?

3. Review Advisory Panel & Legislative Review Consultation

- (a) how were landowners without an Internet connection made aware of these proceedings?
- (b) would an independent enquiry find the Advisory Panel & its individual members totally impartial?
- (c) how many of alleged 308 total SARA presentations were submitted by professional lobby groups?

4. Committee on the Status of Species at Risk in Ontario (COSSARO)

- (a) who are the members, current or expected, private and corporate, of this Committee?
- (b) which rural Ontario landowner organizations are or will be represented on COSSARO?
- (c) are COSSARO decisions linked to the Natural Heritage database at Peterborough?

5. Language

- (a) what does “exercise discretion in unique circumstances with undesirable impacts” actually mean?
- (b) is “significant habitat introduced upon regulation” code for bureaucratic license with no oversight?
- (c) does Ministerial “authority to issue emergency orders” eliminate prior COSSARO/public input?

6. Enforcement and Penalties

- (a) will SARA be enforced and alleged violators punished under government criminal law powers?
- (b) does “strict liability” presume guilt and “due diligence” compel the accused to prove innocence?
- (c) what are the specifics of penalties, monetary and otherwise, being proposed under this legislation?

7. Property Access

- (a) are government officers authorized by statute to enter private property in search of species at risk?
- (b) how and by whom will location of species at risk be determined and landowners so advised?
- (c) what is landowner defence against trespassers seeking alleged species at risk on private property?

8. Legal Issues

- (a) can landowners later invoke “due diligence” if not first advised of species to be protected?
- (b) are landowners expected to protect alleged species at risk imported at government discretion?
- (c) will regulations provide for “mens rea” defence that compels government to prove intent?

9. Compensation

- (a) are individual landowners or the Ontario government responsible for costs of habitat protection?
- (b) will SARA regulations allow negotiated payment of landowner capital and production losses?
- (c) is monetary compensation under SARA limited to “stewardship” assistance and awards only?

10. Recovery Programs

- (a) will notice and details of each such program be published for comment outside the Internet?
- (b) can affected landowners expect to be individually advised in advance of a specific program?
- (c) are COSSARO lists of alleged species at risk and related recovery programs media advertised?

11. Connections

- (a) what is the name and mandate of lobby groups partnered with Queen’s Park in species protection?
- (b) can private land be listed on MNR databases as species habitat without owner notice or consent?
- (c) do the Ontario Federation of Naturalists and The Nature Conservancy receive provincial “grants”?

12. General

- (a) is land tracking device “Biological and Conservation Data System” privately or publicly owned?
- (b) does the Ontario government use that System to inventory private land as species at risk habitat?
- (c) will Queen’s Park reveal total acreage of private land in Ontario now designated species habitat?