"HEAR! HEAR!"

EBR Registry Number: AB06E6001
Comment ID 101434
Contact name: Peel-Halton Landowner's Association
Home address: 13299 Heritage Road
City: Terra Cotta
Province: On
Postal code: L7C1V1
Telephone #: (905) 877 - 6477
E-mail address: e-mail: moooooer@look.ca
Comment

Peel-Halton Landowner's Association
c/o Lynne Moore, 13299 Heritage Road, TERRA COTTA, Ontario L7C 1V1
Phone: (905)877-6477 Fax: (905)877-1504 e-mail: moooooer@look.ca

Thursday, April 19, 2007

Ms. Debbie Ramsay, Manager
Species at Risk Legislative Review
Room 5540, Whitney Block
99 Wellesley Street W.
Toronto, On M7A 1W3

Re: PHLA Response to Bill 184:

In our first response the PHLA attempted to articulate a perspective to foster the cooperation and full participation of rural landowners which is so important to avoid creating a 'sea' of social hostility towards species at risk in Ontario. This cooperative and fairness approach continues to be our objective. We have prepared some brief comments below in this response to the proposed Bill 184. In addition, as we do not have any reason to believe that our first two responses have been considered, we have attached them to this additional set of comments in the hope that some clear thinking will prevail. We request that all three of our responses be read as a whole and carefully considered.

This PHLA response has been prepared by Ian G. Sinclair, M.A.E.S., O.A.L.A., and Director of PHLA and approved by the Board of PHLA: Lieven Gaevart, Stuart Reddington, Jim Moore, Lynn Moore, Rick Stull, Susan McClure, Robert McClure, Gord McClure, and Edward Ford-King. The Board appreciates this third opportunity for comment on this far reaching legislative initiative.

Sincerely,

Ian G. Sinclair, on behalf of the Peel-Halton Landowners Association

Attached:

Tuesday, July 4, 2006: Endangered Species Act Review; EBR Registry Number: AB06E6001: Peel-Halton Landowners Association 2nd Response Monday, January 22, 2007 EBR Registry Number AB06E6001 Report of the Endangered Species Act Review Advisory Panel:
Submitted to the Hon. David Ramsay, Minister of Natural Resources August 11, 2006

The Science Claim:

Conservation biology is mission oriented towards maintaining biodiversity and as a consequence, is not focused on the strict objectivity of scientific methodology. The review of the Endangered Species Act has occurred in an atmosphere wherein the past loss and potential future loss of species is considered a crisis of enormous proportions particularly in Southern Ontario. Urban development in particular, and practically any human activity in the landscape of Ontario, is considered a threat to species diversity. The PHLA expresses concern over the abdication of legislative law making powers to an appointed group of wildlife ecologists and botanists, operating under the conservation biology paradigm, who shall be given under the proposed Endangered Species Act the ability to control the entire landscape of the Province of Ontario and any human activity in the landscape through the "listing" of

species. There is scientific bias. There is delegation of law making authority beyond the reach of the legislature and any form of appeal. Both are wrong.

Precautionary Principle:

The basic idea behind the precautionary principle is that if there is a large risk of both irreversible and plausible significant harm to a species [plant, animal or their habitat], then a human activity such as, release of a chemicals, mowing hay, constructing a road, removing a beaver dam, clearing brush, building a house, or any other imaginable use and enjoyment of lands may be prohibited until sufficient "scientific" information is available to both fully determine the risk of harm and establish conditions where the activity may be permitted. Without formal protocols the enshrinement of the precautionary principle in the proposed Endangered Species legislation has the potential to place a stranglehold on the entire economy of Ontario. The bias inherent in conservation biology, despite its fine intentions, of considering the past loss and potential future loss of species a crisis combined with the idea of the precautionary principle may easily lead to an anti-development political agenda beyond the reach of the legislature.

Use and Enjoyment of Lands:

The impact on landowner's ability to the use & enjoyment of their lands is not a consideration in the legislation. The potential inherent in Bill 184 to impose onerous costs and outright prohibitions on the normal use and enjoyment of lands for rural and northern Ontario landowners is significant. Provision must be made to fairly compensate affected landowners for their increased costs and loss of the enjoyment and use of their lands incurred as a result of providing the public good of protecting and providing habitat for species at risk.

Due Diligence:

The proposed due diligence requirement places the burden of proof on landowner's, their agents and natural resource users generally. The broad reaching intent of Bill 184 essentially criminalizes the normal use and enjoyment of lands without notice and without ready access to information which a prudent person could use to establish a due diligence defence. An uneven burden is to be placed on resource industries, agriculture and rural landowners compared to no burdens or obligations placed on urban citizens and their municipalities. Unpublished protocols, unpublished and untested "decision support systems", untraceable and unpublished "mapping" of habitat and potential habitat of listed species, lack of readily available information on species at risk generally are all contrary to long established principles of administrative justice. The proposed shift from the requirement of the Crown to prove wilful intent to a due diligence defence, in the absence of a clear, open traceable, and appealable process for determining species at risk, their habitats, and locations is contrary to the fundamental principle of fairness. We can not find where there is provision to either appeal or peer review COSSEO determinations in Bill 184.

Ian G. Sinclair O.A.L.A., M.A.E.S.
16795 McLaughlin Road
Caledon, On L7K 1T5
Phone: 519-927-5689