

***"A HEADS-UP FOR MUNICIPALITIES AND LOCAL TAXPAYERS"***

**ONTARIO PROPERTY AND ENVIRONMENTAL RIGHTS ALLIANCE**

Unit A, 135 Church Street, North, Mount Forest, Ontario, N0G 1R0

Phone: 519-323-2308 / Fax: 519-323-0289 / E-Mail: [opera@bmts.com](mailto:opera@bmts.com) / Web Page: [www.bmts.com/~opera/](http://www.bmts.com/~opera/)

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**FAX TO:** Municipal Councils  
MPPs and MPs

**FROM:** R.A. Fowler  
OPERA Secretary

**DATE:** April 9, 2007

**NO. OF PAGES:** One (1)

**RE:** Ontario's "Strengthened" Species at Risk Act (SARA)

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OPERA is a provincial coalition of private sector organizations launched in 1994 "to protect, and entrench in law, landowner rights and responsibilities against arbitrary decisions and restrictions of government". As a research and communication facility, we monitor federal and provincial decrees that affect the lives and property of Ontario citizens. However commendable their stated intent, many of these rules and regulations ignore regional differences and often undermine the authority of locally elected municipal officials.

Media reports claim Queen's Park is returning local governance to local councils. However, covert manipulation of municipal authority and many restrictions in private ownership of rural land obviously comes with this long overdue restoration. For example, between 2004 and 2006, the Ontario government introduced a Greenbelt Act, an "adjusted" Conservation Authorities Act, a Source Water Protection Act and a "strengthened" provincial Species at Risk Act (SARA). Municipalities must recognize these statutes in local Official Plans and enforce them at local taxpayer's expense. Like the others, the new Species at Risk Act directly affects rural as opposed to urban Ontario but was formulated and endorsed with little input from rural councils and none from rural landowners. Accordingly, the process summarized below may strengthen Ontario's Species at Risk Act but it offers no benefit to the ethics of that legislation.

- \* **MNR proposed a new Species at Risk Act in May 2006 on an Internet site unknown to many affected citizens**
- \* **A 20-page Discussion Paper with Questionnaire outlined an aggressive, intrusive, 9-point control program**
- \* **Public meetings, widely dispersed and narrowly advertised, produced only 104 oral presentations**
- \* **MNR appointed a 9-member Advisory Panel, with no municipal or landowner members, to review proposals**
- \* **Panel limited to three academics, five environmental industry representatives and one aboriginal delegate**
- \* **42-page Panel Report endorsed MNR proposals and suggested extra "administrative" penalties for violators**
- \* **Panel "Consultation Summary" claims majority of 198 unidentified written submissions support Panel Report**

Legislative approval of a new provincial Species at Risk Act based on this questionable process is now certain. As usual, the regulatory muscle by which municipalities must enforce the Act will not be available for months. However, its original Discussion Paper confirmed the "strengthened" provincial Species at Risk Act would meet or exceed the regulatory parameters now established in the federal legislation of the same name. Since maximum penalties for convicted violators listed in the latter statute provide up to a \$250,000.00 fine or one year in jail for individuals and a \$1 million fine for corporations, identical or larger punishments will likely appear in the Ontario legislation.

Prior to expected government endorsement of this new Act by mid-April of this year, municipal councilors and elected members of the provincial government should carefully review all documents relating to its origin, promotion and accelerated passage. To that end, a copy of OPERA's two written submissions concerning Ontario's new Species at Risk Act is available from the letterhead postal/e-mail addresses or phone/fax numbers on request.

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*“to protect, and entrench in law, landowner rights and responsibilities”*