

ONTARIO PROPERTY AND ENVIRONMENTAL RIGHTS ALLIANCE

Unit "A", 135 Church Street, North, Mount Forest, Ontario, N0G 2L2

Phone: (519) 323-2308 / Fax: (519) 323-0289

E-Mail: opera@bmts.com / Web Page: www.bmts.com/~opera/

MEMORANDUM

TO: Ontario Municipalities
OPERA Members & Supporters

FROM: R.A. (Bob) Fowler
OPERA Secretary

DATE: June 1, 2009

RE: Species Habitat Regulations Emerging from Endangered Species Act (ESA) 2007

"MORE SMOKE AND MIRRORS"

Before and after its enactment on June 30, 2008, OPERA issued numerous ESA 2007 bulletins and editorials, and on March 7 of that year, we attended an MNR information session as well as a long conference call on March 27.

During both those events a number of participants expressed serious reservations about many aspects of ESA 2007. On both occasions, MNR officials advised habitat regulations for 9 species would be submitted for policy approval by June 30, 2009. In the interim, they pledged more public meetings, official response to suggestions received, broader notification, improved clarity and careful attention to stated concerns of affected landowners.

In August, 2008 a Species at Risk Public Advisory Council (SARPAC) was, in fact, appointed. Consisting of 14 members, several of whom were part of the environmental cartel that initiated the Act, this tribunal evidently has no municipal representation at all and only one member qualified by occupation to speak for rural landowners, the folks whose lives and property are most affected by the ESA. In casino parlance, it's called a stacked deck!

We are unaware of any further interim MNR action on the ESA file. But on May 15, 2009, almost a year after passage of the Act, an MNR e-mail announced habitat regulations for 9 species would be discussed at a May 25 meeting to which participants in last year's debates were invited. Accordingly, OPERA joined MNR staff and about 60 guests in down-town Toronto where written Minutes of that meeting were promised in the week of May 31 and where some items of critical and abiding interest were unveiled. Some examples:

1. **At present, actual maps of protected habitat are available for only 2 areas**
2. **Protected habitats can include all land/water within several miles of identified sites**
3. **No written definition of what "protection" means in each of 9 species classifications**
4. **MNR warning letters were mailed on or about May 15 to 8000 affected landowners**
5. **There will be no further public meetings anywhere in Ontario re: habitat regulations**
6. **Right of appeal or capital compensation for production and equity losses is not offered**
7. **Farm operations, power lines, municipal drains, etc. are subordinated to designated habitat**
8. **In some cases whole counties and townships are listed as designated habitat of named species**
9. **No mention of "strict liability" for convicted violators or \$250,000. fines blended with jail time**
10. **MNR endangered species database invented 13 years ago relates to current MNR letter campaign**

OPERA urges affected municipalities and landowners to submit, before June 15, appropriate Internet comment regarding Regulations released, on two weeks notice, ten months after relevant legislation was approved.

Google EBR Registry Number 010-6490; click "Environmental Registry"; click "Submit Comment" in bottom right panel; complete "Contact" data; type comment of any length in "Comment" box ; follow sending instructions after inserting comment

"to protect, and entrench in law, landowner rights and responsibilities"