

# **CONVERTING PRIVATE LAND TO WILDLIFE HABITAT**

## **LAND USE COUNCIL**

*“advocating social, economic and environmental balance in government legislation affecting land”*

---

16190 Highways 7 & 12, Sunderland, Ontario, L0C 1H0 - Phone: 705-357-3054 / Fax: 519-705-357-3963

---

**MEMO TO:** Ontario Municipalities      **FROM:** Land Use Council      **DATE:** May 28, 2010

**RE:** Committee on Status of Species at Risk in Ontario (COSSARO)      **PAGES:** Two (2)

---

The Land Use Council (LUC) is a consortium of Ontario coalitions launched in 2009 with a mandate to examine and publish the consequences of government land use policies affecting municipalities and private citizens. In that context, while supporting wildlife protection in principle, the Council opposes the process by which Ontario's Endangered Species Act (ESA 2007) was drafted, legislated, implemented and piggy-backed onto a number of equally insidious land use statutes. Further, we believe empowering an appointed Committee to expand by secret vote the official list of allegedly endangered species clearly demeans claimed government respect for regulatory transparency and accountability. An overview:

COSSARO, yet another sub-agency of the Ministry of Natural Resources (MNR), is meeting June 1- 3 next to vote on adding wildlife species and a designated habitat for each to the list of species (184 and counting) already under ESA 2007 protection. That secret conference is based on the following three documents, each of which includes one or more elements that violate long established principles of natural justice:

**Form for Submitting Information:** This is a species sighting report accepted from any source, qualified or otherwise, presumably to filter and record material for inclusion on the Natural Heritage Information Centre (NHIC) database without prior knowledge or consent of affected municipalities and/or private landowners. Installed at Peterborough in 1996, NHIC operates on a template supplied by The Nature Conservancy (TNC) and is administered by MNR in partnership with TNC and other Environmental Non-Government Organizations (ENGOS). A 1996 MNR news release confirmed a \$600,000.00 grant for TNC “to find ways by which the Ontario government might acquire more land for public parks”.

**List of Species to Be Assessed:** This is a list of 25 new wildlife species and their habitat recommended for protection under ESA 2007 by various individuals and organizations, amateur or professional, that COSSARO proposes to evaluate in secret without any prior notice to affected municipalities, private landowners or natural resource users and, further, without any right of appeal or compensation.

**Observer Form:** This written application for attendance at the June secret conference has to be filed for COSSARO chairperson approval 7 days prior to the event by any member of the public who, with prescribed qualifications, wished to observe the proceedings and/or had an additional species protection suggestion to offer there. An approved application binds a named attendee to a single appearance during one COSSARO meeting, no-speak observance, absolute confidentiality and in-camera Committee sessions where dictated.

In short, the incumbent Ontario government has empowered a select 11-member Committee to decide in secret when and where pre-selected wildlife species and their habitat(s) are to be protected. These decisions will ultimately affect use, mortgage worth, market value and municipal tax potential of privately owned land. As authorized in ESA 2007 (itself written in secret by 5 ENGOS outside established legislative parameters), these decisions automatically become provincial law with draconian enforcement penalties never detailed in the soaring rhetoric that distinguishes ESA 2007 official publications.

Quotations from a concerned citizen regarding SARA and COSSARO are provided on Page 2 of this Bulletin

Some disturbing provisions in ESA legislation and, by projection, in the COSSARO franchise are:

1. Denying citizen right of appeal in general and citizen right of compensation for proven losses arising from government legislation in particular violates common law and natural justice.
2. Branding vast tracts of private land as wildlife habitat while threatening million dollar fines and concurrent penitentiary terms for alleged owner crimes of commission or omission is extortion by statute.
3. Obligating landowners to recognize and protect an ever-changing spectrum of COSSARO-selected wildlife as a no-charge public service and without definition of what constitutes “protection” is outrageous.

***Observations condensed from private correspondence of an Ontario landowner with a Cabinet Minister and various MPPs highlight this pervasive background of bureaucratic over-kill and smoldering taxpayer resentment thereby induced:***

“I’m very worried that I may be charged with “possessing” an endangered species that is (a) not yet listed (b) listed but unidentifiable by me (c) not listed but “found” on my farm by an ESA agent who can’t tell the difference between, say, a walnut seedling and a butternut seedling”.

“Species migrate throughout the year from one region to another. I have no control over wildlife that resides on my farm yet the ESA would punish me for the actions of listed species. How am I to identify 184 listed species, as well as new species you add to the list, when most of them are unknown to me?

“Any discovery of a listed species on my land will immediately trigger government reaction (Paragraph 28) to deny me any further use of the land while continuing to demand property taxes. The word of an “agent” is sufficient to send me to jail and bankrupt my family even if I maintain that the subject species is not among the listed. The punishments are draconian. Murderers are assessed less punishment”.

***Contempt for the common law right to own and enjoy private property is nowhere more evident than in the text and toxicity of ESA legislation and its secretive COSSARO brotherhood. In that regard, united municipal council opposition to arbitrary implementation, downloaded costs and shrinking property taxes attributed to ESA 2007 should be expressed to Premier McGuinty, MNR Minister Jeffrey and the Association of Municipalities of Ontario. Meanwhile, landowners deserve and should seek some relief from the regulatory chokehold this patently unfair, vague and draconian statute imposes on their assets.***

***Accordingly, to restrict unauthorized collection of species information on private property all landowners, particularly rural ones, might be well advised to post “no trespassing” signs (a solid red circle painted on fence posts or other surfaces) around their property and deny permitted access to government agents and/or casual wildlife observers. Owners themselves should refrain from reporting any unusual plant, animal or bird sightings on their property to anyone. Existing written agreements with associations and/or business entities that allow temporary access to private land for leisure time activities or professional services should be re-signed with a codicil that prohibits reporting of species sightings on visited land.***

---

***The Land Use Council is a public service consortium sponsored by the combined memberships of:***

***Food Chain / Halton Region Federation of Agriculture / Ontario Landowners Association  
Ontario Property and Environmental Rights Alliance / Peel District Federation of Agriculture***

**E-Mail: [landusecouncil@gmail.com](mailto:landusecouncil@gmail.com)**

**Web Page: [www.landusecouncil@gmail.com](http://www.landusecouncil@gmail.com)**

---