# ***CONSULTATION DEAD END***

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## Comment

Ontario's latest edition of the Species at Risk Act (ESA 2007) was first composed in 2006 by five professional lobbyists, not by MNR as later implied. Since that time OPERA, a coalition of community groups and private citizens, has repeatedly asserted the objectives of this legislation are commendable and widely supported. However, in terms of implementation and enforcement, we believe its noble principle has been and is being sacrificed to questionable process.

In our view the Act has spawned a pervasive MNR industry under various Boards and Committees that manage a number of divisions, each with a full complement of titled staff and alleged wildlife experts. All members of this metastatic empire claim to encourage public review and consultation with respect to their administration of the Act, a warm promise of future dialogue that quickly cools upon realization that species at risk "consultation" is based almost entirely on a functionally misnamed process, the Environmental Bill of Rights (EBR) with its so-called ER Registry and its perceived obsession for Internet communication only.

Citizen-taxpayers who own land in Ontario, particularly rural land, are seen to be directly (and often negatively) affected by ESA 2007, legislation that appears to treat them as unpaid custodians of allegedly endangered wildlife residing on, or migrating across, their property as well as the life style and habitat of each such designated species. Many of these folks don't own a computer much less an Internet connection and, in any case, don't have time, inclination or expertise to electronically debate complex regulations that sanctify environment priorities at the expense of social and economic concerns not to mention common law landowner rights.

While acknowledging global endorsement and countless benefits of the Internet with all its space-age advantages, MNR mandarins intent on controlling land they don't own and won't buy must realize ordinary citizens simply can't keep up with their torrents of e-mail traffic now plugging the airwaves in the guise of "public consultation".

An example:

On a single day, May31 last, no less than five ER Registry messages relating to species at risk were issued or referenced for public comment, each with separate ER number and exhaustive description.

In total, these focused on government response protocols, adding more species to the endangered category, extension of regulatory preparation, habitat identification and a proposed June 25 public meeting.

Evidently authored or authorized by four different and presumably senior divisional executives they together listed 18 individual web page links offering further information about protection and/or resurrection of 65 wildlife species, most with unpronounceable names, said to be endangered or at risk or in recovery.

How many citizen-taxpayers who own real estate located within the 18 1/4 million acres of private property now reserved by statute for designated wildlife received these five invitations to "consult"? And, of that number, how many without an Internet connection or a blossoming cyberspace addiction would be likely to respond in any case?

The ER Registry is an excellent communication tool for the government subsidized special interest lobbyists who initiated the Species at Risk Act and/or those routinely appointed to Queen's Park land use committees, tribunals and policy workshops. In that context, one of the above-noted messages reports that a recent consultation exercise yielded only nine responses - five of them from government officials. Identity of the remaining four respondents is left to our imagination but, from this distance, the names of militant environmental activists, each with Revenue Canada charitable tax status, come readily to mind. So much for balanced "public consultation"!

Meanwhile, reams of rhetoric in defense of the Act seldom include its enforcement details such as the mega-buck fines and jail sentences that can be awarded to landowners convicted, under "strict liability" (guilty until proven innocent) trial standards, of violating the statute. Perhaps the next round of "consultation" invitations should recommend that recipients first read and carefully digest Section 40 of Ontario's current Species at Risk Act.

In our respectful opinion, until Ministerial sub-agencies such as MNR's wildlife conglomerate stop trading principle for process, stop expanding divisions, mandate and staff and stop ignoring social and economic consequences of ill-conceived land use legislation, Ontario's battered fiscal landscape is unlikely to ever recover.

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