Do Public Comments Matter?

Decision: Ontario’s Pollinator Action Plan

• Registry #: 012-6393
• 5,220 comments received (OMAFRA)
• Decision posted
  Feb. 14, 2017
Proposed Changes to Wolf and Coyote Management

MNRF proposed:

• to loosen hunting/trapping rules for wolves and coyotes
• Alleged justification: predation on moose (Moose Project)

• >12,000 comments, including three petitions with >200,000 signatures

• MNRF decided not to proceed
Public Comment Success Story: 2017
Public Comment Success Story: 2017

Small Game Hunting Regulations:
MNRF proposed streamlining and updating, Dec. 2016:
• to restrict harvests for snapping turtles
Public Comment Success Story: 2017

Small Game Hunting Regulations:
MNRF proposed streamlining and updating, Dec. 2016:
• to restrict harvests for snapping turtles
Decision: March 31st, 2017
• >13,000 comments
• MNRF decided to end hunting for snappers
Public Comment Success Story: 2017

MNRF Decision:
“Based on public feedback, there was significant opposition to maintaining any open season for snapping turtles. Snapping Turtle is a long-lived species that reproduces slowly and is subject to other significant stressors such as road mortality. The Ministry has closed the Snapping Turtle season to help maintain populations of this species into the future.”
Effective Registry Comments

- Do your homework
- Stay on point
- The devil’s in the details
- Remember, it’s a public platform
YOU Know Your Community

Location-specific information + Contextual information =

Better Decision Making
The Environmental Registry
Another EBR Tool: Our annual reports
We flag emerging or chronic issues

e.g.

Provincial Policy Statement is weak on protecting natural heritage:

Environmental Commissioner of Ontario Annual Report 2013/2014
We flag emerging or chronic issues

“Overall, the PPS is wholly inadequate to safeguard natural heritage against the irreparable damage and loss of biodiversity that inevitably accompany development.”

Environmental Commissioner of Ontario Annual Report 2013/2014; p. 143
We flag emerging or chronic issues

e.g. No $ for buying natural heritage lands

Ontario’s budget for land acquisition:
$1000/year province-wide

Environmental Commissioner of Ontario Annual Report 2014/2015
Strengths of ECO Reports

• Current info
• Ontario-focused
• Fair, independent
• Plain language

• Catalyst for change
Change Happens.....
Change Happens.....

Called for new law for parks and protected areas

New Parks law finalized

2001 2002 2003 2004 2005 2006 2007

Carden Alvar Provincial Park protects a globally rare habitat type.
Change Happens.....

Raised concerns about pesticides and pollinator declines

MOECC regulated reductions in use of neonic insecticides
Getting Approvals Wrong
For Species at Risk
237 Ontario Species Already at Risk
Gutting ESA Oversight

• Since 2013, MNRF simplified the authorizations for harming, harassing or damaging the habitat of a species at risk

• permit-by-rule system

• Most permit-by-rule only requires proponents to minimize harm, not eliminate or compensate for it

• MNRF does not monitor compliance with permit-by-rule, nor does it assess the effectiveness of the rules
ESA Should Protect and Recover Species

- Flexibility tools
  - Permits
  - Agreements
  - Regulatory exemption & permit-by-Rule
    - forestry operations
    - hydro-electric generating stations
    - aggregate pits and quarries
    - ditch and drainage activities
    - early exploration mining
    - wind facilities
    - development and infrastructure
How Have ESA’s Flexibility Tools Been Used?

- ESA authorizations have drastically increased under permit-by-rule
How Have ESA’s Flexibility Tools Been Used?

- “Infrastructure” has the largest impact on species at risk
- i.e., roads, power lines, etc.

Percent of Authorizations issued, by activity type:

- Infrastructure: 41%
- Power Generation: 8%
- Drainage: 8%
- Butte: 8%
- Aggregates: 12%
- Structure Maintenance: 12%
- Other: 11%
Pressure on species at risk is highest in southern Ontario.

How Have ESA’s Flexibility Tools Been Used?

District colours reflect #s of authorizations issued; Circled numbers reflect #s of species at risk.
How Have ESA’s Flexibility Tools Been Used?

- Some species at risk are affected more frequently
Blind Faith: The MNRF Doesn’t Check

• No routine compliance auditing
• Enforcement data not tracked
• No legal authority to conduct site inspections for permit-by-rule activities
• No monitoring for effectiveness

Eastern Meadowlark – Threatened
No public information about ESA Activities

• The public is cut out of ESA decision making
• The MNRF does not share information about permit-by-rule activities
• No way to appeal ESA permit decisions
  • A back-door appeal route for renewable energy projects
The Problems with ESA

• 237 Ontario Species Already at Risk
• *ESA* Should Protect, Recover Species
• Species Getting Less Protection Under Permit-by-Rule
• Blind Faith: The MNRF Doesn’t Check
• Public Can’t Access Information About Activities That Affect Species at Risk
• Big Changes Needed to Protect Species at Risk
Recommendations: big changes needed to protect species at risk

• Determine the effects of its approvals and authorizations on species at risk and publicly report on the results.

• Amend the ESA to give enforcement officers the ability to conduct inspections of registered activities to ensure compliance with rules in regulation.

• Post instrument proposals for all permits on the Environmental Registry for full public notice and comment.

• Make all species at risk approvals, including registrations, publicly accessible on Access Environment.

• Amend the ESA to create a right of appeal.