

Comments to ESA

April 19, 2007

Ms. Debbie Ramsay
Manager, Species at Risk Legislative Review
Room 5540, Whitney Block
99 Wellesley Street West
Toronto, ON
M7A 1W3

RE: EBR Registry Number AB06E6001 – Ontario's Endangered Species Act

Dear Ms. Ramsay,

The Ontario Cattlemen's Association (OCA) is a grassroots organization that provides leadership to and represents over 21,000 beef producers in Ontario. OCA promotes Ontario beef cattle production through policy planning, government lobbying, industry development programs, research, and communications. OCA also provides services to its members in domestic and export market development and market reporting. OCA is also a member of the Canadian Cattlemen's Association, the national association representing the interests of Canada's 90,000 beef producers.

I would like to take this opportunity to restate some of our comments from a letter dated to you on January 23, 2007, and to also bring forward a number of additional comments.

OCA is pleased that the government is updating the Endangered Species Act to reflect modern practices with a focus on stewardship and incentive programs. However, it must be made clear that OCA supports the protection of endangered species in Ontario provided that the beef industry is not disadvantaged. It is our belief that since all of society benefits from the protection of endangered species and their habitat, no one sector of society should bear the costs.

We are encouraged that the Minister has committed to fund stewardship actions to promote the recovery of species at risk, or improve habitats for species at risk through the Species at Risk in Ontario Stewardship Program. However, OCA would like to see a firm commitment from government that farmers will be fully compensated for the loss of use of any of their property, should the presence of an endangered species on their farm lead to restrictions on how they may utilize their land. Compensation for loss of use must be inherent in any new legislation, and continue for as long as any restrictions are in effect.

It is imperative that "willful" be retained in reference to the prohibition of killing, harming, capturing, etc. a listed species or their habitat. Willful speaks to one's intent and goes beyond accident or simple oversight. If "willful" is removed, a farmer who

accidentally runs over an endangered animal with a tractor or other farm implement could be unfairly charged. For this reason, we would like to see “willful” inserted into section 36.

For biosecurity and human safety purposes, the OCA disagrees with the scope of officer entry powers granted by the Act. Specifically sections 23 (6) and 25 (8) which only prohibit officer entry into dwellings, and section 33 which authorizes officers to pass through the lands or buildings of one person unannounced to gain access to the lands of a neighbour suspected of violating the Act. Such broad entry powers put humans and livestock at risk. Plant and animal diseases can be easily transferred between farms on clothing and vehicles. For biosecurity reasons, farmers regularly restrict human access into barns and other farm buildings. The Endangered Species Act should respect this practice. Also, farm properties contain other dangers such as livestock, dogs, ponds, electric fencing, and large machinery. Enforcement officers will not know about these dangers without first checking with the property owner. OCA recommends sections 23 (6), 25 (8) and 33 be revised to require enforcement officers to acquire landowner permission before entering farm lands and buildings.

As you are aware, this Legislation has far reaching implications and I encourage the Ministry to effectively communicate throughout rural Ontario and to carefully listen to the feedback provided. On behalf of the Ontario Cattlemen's Association, we appreciate the opportunity to comment and look forward to our continued efforts to ensure a healthy environment while at the same time ensuring a sustainable and viable farm and rural economy.

Yours truly,

Ian McKillop
President