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**SPECIES AT RISK
PROGRAM ADVISORY COMMITTEE:
ORDER-IN-COUNCIL APPOINTMENT OF
CHERYL BROWNLEE, REVISED***

Prepared for:

Standing Committee on
Government Agencies

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INTRODUCTION

This paper has been prepared for Members participating in the Committee's review of the Order-in-Council appointment of Cheryl Brownlee as a member of the Species at Risk Program Advisory Committee ("Committee"). It describes the operations of the committee, presents information about the appointee, and identifies possible questions.

THE COMMITTEE¹

Enabling Statute		Responsible Ministry	
<i>Endangered Species Act, 2007</i> , S.O. 2007, c. 6; O.C. 1706/2007		Environment, Conservation, and Parks	
Agency Type		Most Recent Annual Report	
Advisory agency		N/A	
Activities of the Committee			
The Committee makes recommendations to the Minister on matters that relate to the implementation of the province's species at risk program.			
Board Membership			
Statutory Number of Members	Up to 19, with a quorum being 9	Position	Remuneration
Number Appointed by Cabinet	All	Chair (Part-time)	Expenses
Term of Office	Not more than 3 years, plus eligibility for reappointment	Members (Part-time)	Expenses

Operations

The Committee was created by O.C. 1706/2007 as an advisory body to the Minister of Natural Resources, pursuant to s. 48 of the *Endangered Species Act, 2007* (ESA or "Act"). On July 1, 2019, the Act was amended to transfer the Committee's advisory role to the Minister of the Environment, Conservation and Parks. The Committee is empowered to make recommendations to the Minister specifically relating to:

- the role, in the administration of the Act, of the precautionary principle, which, as described in the United Nations Convention on Biological Diversity, states that, where there is a threat of significant reduction or loss

¹ This document was revised because the position requirements could not be verified at the time of writing.

of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat;

- the development and delivery of incentive programs and stewardship programs, including the Species at Risk in Ontario Stewardship Program;
- the development and promotion of best management practices related to the protection and recovery of species;
- the development and delivery of public education and outreach programs;
- the preparation and implementation of recovery strategies and management plans;
- the assembly of scientific information, including community knowledge and aboriginal traditional knowledge, that should be given to the Committee on the Status of Species at Risk in Ontario to assist it in the classification of species;
- the role of agreements and permits under the Act in assisting in the protection and recovery of species;
- approaches that may be used under the Act to promote sustainable social and economic activities that assist in the protection or recovery of species;
- the regulations made under the Act; and
- such other matters as the Minister may specify.²

Financial Information

The following table sets out the Ministry's expenditures with respect to the Committee for the last three years:³

2019-20 Estimates		2018-19 Interim Actuals		2017-18 Actuals	
Expenditure	\$15,750	Expenditure	\$1,979	Expenditure	\$9,859

RECENT DEVELOPMENTS

The [More Homes, More Choice Act, 2019](#), which received Royal Assent on June 6, 2019, made several amendments to the *Endangered Species Act, 2007*. One amendment involved charging the Minister of the Environment, Conservation and Parks with the ministerial duties and powers relating to the ESA.⁴ Other changes included the creation of the Species at Risk Conservation Fund ("Fund"), established to "provide for the funding of activities that are reasonably likely to protect or recover conservation fund species or support their protection or recovery."⁵ The Fund collects from various sources including species

² O.C. 1706/2007 (June 27, 2007); [Endangered Species Act, 2007](#), S.O. 2007, c. 6., s. 48.

³ Ministry of the Environment, Conservation, and Parks, *Estimates Briefing Book 2019-20*, p. 23. The Ministry became responsible for the Committee in July 2019.

⁴ [More Homes, More Choice Act, 2019](#), S.O. 2019, c. 9, - Bill 108, Schedule 5, s. 1(3).

⁵ *Endangered Species Act, 2007*, s. 20.1(2).

conservation charges. Species conservation charges are amounts payable by persons who may be subject to landscape agreements or permits to engage in activity otherwise prohibited under the ESA with respect to certain species (e.g., endangered/threatened) on the Species at Risk in Ontario List (“List”).⁶

The amendments also authorize the Minister to suspend protections for species who are listed as endangered or threatened on the List for the first time. Suspensions may apply for a period of up to three years provided there are 1) significant social or economic implications for the province where more time is needed to address the protection of species/habitats, and 2) the species’ survival would not be jeopardized.⁷

Environmental advocates, such as Greenpeace Canada and the David Suzuki Foundation, raised concerns regarding the changes to the ESA when they were proposed in early 2019. The Minister of the Environment, Conservation, and Parks stated that regulatory charges were aimed at improving efficiency but still imposed requirements on developers; furthermore, protections for endangered species would not be reduced without first receiving science-based advice.⁸

Environmental Commissioner of Ontario

In 2013, the Environmental Commissioner of Ontario submitted a special report to the Legislature on Ontario’s protection of species at risk.⁹ The report did not make any recommendations respecting the Committee but suggested the Ministry of Natural Resources (responsible at the time) failed to support the operation of the Act by, among other things, delaying habitat protection and stalling recovery strategies for endangered and threatened species.¹⁰

2019 Auditor’s Report

On April 1, 2019, the Environmental Commissioner of Ontario became part of the Office of the Auditor General of Ontario. The Auditor General’s [2019 Reports on the Environment](#) observed that the number of species at risk in Ontario is increasing, with 65 species newly listed and 29 species whose risk status has increased since 2009.¹¹

The report directed a recommendation on species at risk to the Ministry of Municipal Affairs and Housing, suggesting that the Ministry include in its review of the Provincial Policy Statement (PPS), issued under s. 3 of the *Planning Act*,

⁶ Ibid., ss. 20.2-20.3.

⁷ Ibid., s. 8.1.

⁸ ["Ontario wants to let developers pay a fee in lieu of actions on endangered species,"](#) CBC News, April 18, 2019.

⁹ Environmental Commissioner of Ontario, [Laying Siege to the Last Line of Defence: A Review of Ontario’s Weakened Protections for Species at Risk](#), November 2013.

¹⁰ Ibid., pp. 5, 38-39.

¹¹ Office of the Auditor General of Ontario, [Annual Report 2019: Reports on the Environment](#), Volume 2, (Fall 2019), p. 25.

“the effectiveness of protecting habitat for species at risk that was created as an offset.”¹² The Ministry of Municipal Affairs and Housing responded that it would work with the Ministry of the Environment, Conservation and Parks to consider the concerns raised as part of its fall 2019 review of the PPS.¹³

Provincial Policy Statement, 2020

The new PPS 2020 will replace the previous PPS 2014 when it comes into effect on May 1, 2020. The PPS does not include explicit references to offsets but states “development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.”¹⁴

THE WITNESS

The witness, Cheryl Brownlee of Toronto, is seeking an appointment as a part-time member.

According to the Office of the Premier, the witness is a self-employed consultant, and has held various roles for the Ontario Mining Association. Her community involvement includes serving as a volunteer with the Balmy Beach Community School.

POSSIBLE QUESTIONS

What has motivated the witness to seek this position?

Has the witness been given any indication of the frequency with which the Committee meets?

In light of the witness’s background and professional experience, how does she see herself contributing to the work of the Committee? For example, does she expect to specialize in certain topics?

What is the witness’s perception of the role of the Committee in relation to the Ministry’s administration of the Act?

¹² Ibid., p. 61. *Offsets* refer to “the practice of developers obtaining approval for projects that destroy significant wildlife habitat by creating new habitat as a substitute, or an offset” (p. 61).

¹³ Ibid.

¹⁴ Ministry of Municipal Affairs and Housing, [Provincial Policy Statement, 2020](#), s. 2.1.7.