SAVANTA

Species At Risk Permitting Challenges & Opportunities

Ontario Association of Impact Assessment 2017

Kyle Hunt

October 18, 2017

Outline

- Legislative overview
- Mitigation Hierarchy
- Species at Risk Permitting Challenges
- Species at Risk Permitting Opportunities - Biodiversity Offsets

Federal Species at Risk Act (SARA)

Section 32 – kill, harm, harass, capture or take

Section 33 – destruction of residences

Section 56 – Critical Habitat

Preconditions:

(a) all reasonable alternatives considered and the best solution has been adopted;

(b) all feasible measures will be taken to minimize the impact of the activity on the species; and

(c) the activity will not jeopardize the survival or recovery of the species.

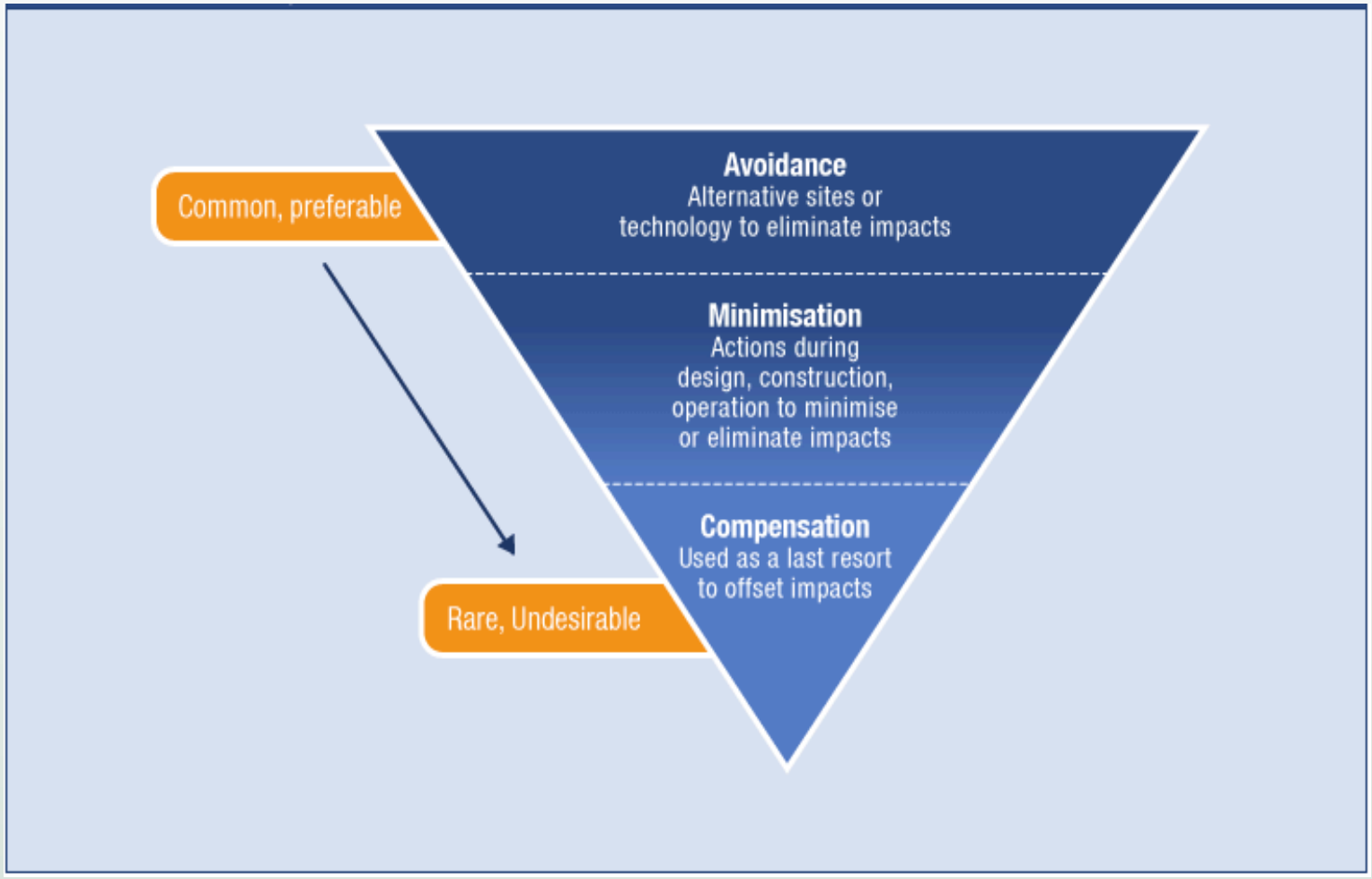
Ontario Endangered Species Act (ESA)

Section 9 Species Protection - kill, harm, harass, capture or take

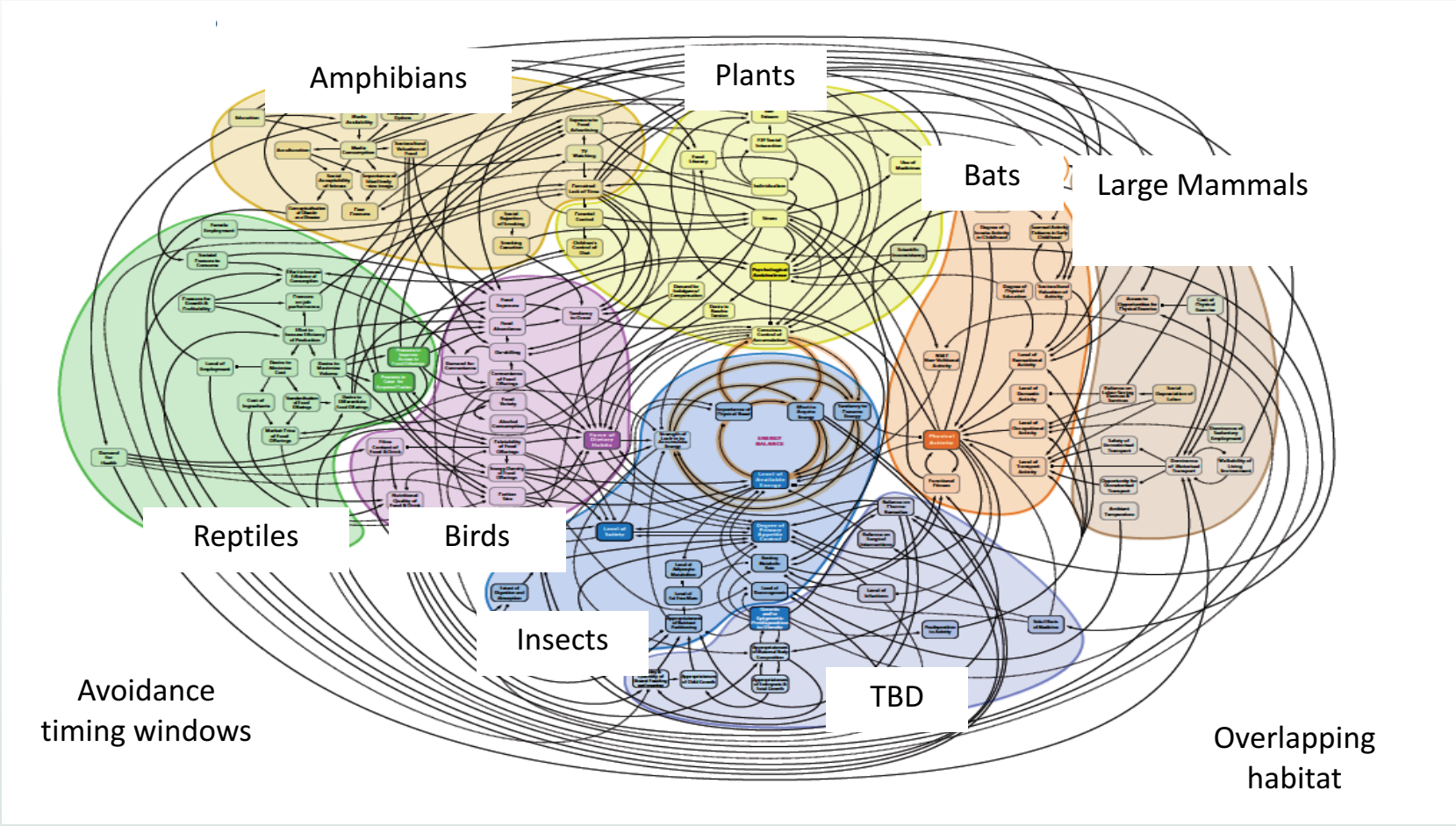
Section 10 Habitat Protection - an area on which the species depends, directly or indirectly, to carry on its life processes, including life processes such as reproduction, rearing, hibernation, migration or feeding

“C” Permit – Overall Benefit

Mitigation Hierarchy



Species at Risk Permitting Challenges



Species at Risk Permitting Challenges

- Multi-season/multi-year baseline studies
- Identify all habitat – hibernacula, dens, nesting areas, gestation, etc.
- Cryptic species require additional survey effort
- Confirming absence requires extensive effort
- Precautionary principle where uncertainty persists
- Final design should consider habitat results

Biodiversity Offsets

- Creation, restoration or enhancement of the affected species' habitat or residences.
- Reducing sources of the species' mortality that are a threat to the species recovery.
- Control of invasive species that will benefit the species.
- Artificial propagation of the species to augment natural reproduction.

Environment Canada (2012). *Operational Framework for Use of Conservation Allowances.*

Core Principles for Biodiversity Offsets

Additionality

- Gains beyond what would be achieved without the offset

Equivalence

- Offset replaces the same values as those lost (e.g. habitat, ecosystem function)

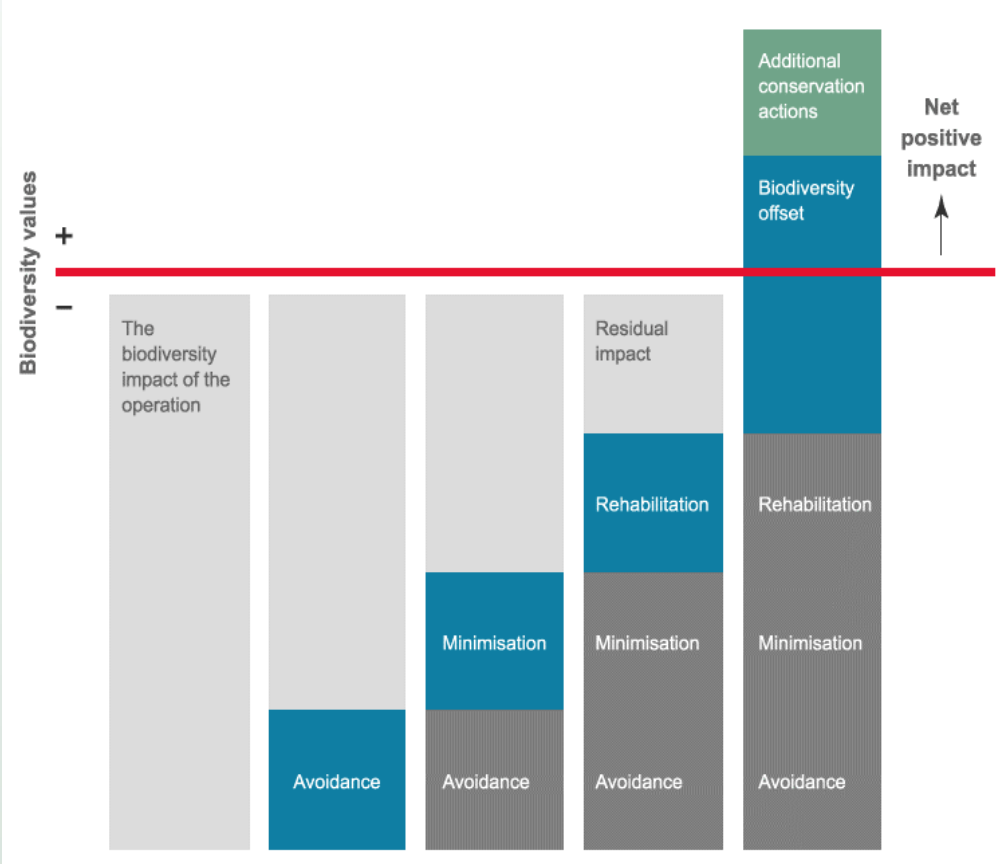
Permanence

- Offset gains remain for at least as long as the period of lost habitat, function, etc.

World Bank (2016). *Biodiversity Offsets: A User's Guide*

Biodiversity Offsets in Canada

- Wetland Policy
- Fisheries Act
- SARA
- ESA
- CEAA 2012
- Conservation Authorities



Towards a Functional Offset Model

- Project based offset proposals (e.g. 2:1 habitat replacement for project footprint).
- Proponents are not in the business of creating, enhancing, monitoring or maintaining wildlife habitat over decades.
- Conservation organizations are better equipped but often lack funding.
- Connect proponents with conservation organizations and landowners.
- Large scale initiatives provide better outcomes for species and proponents.

Aggregating Offsets

- Landscape scale habitat alteration contributes to SAR issues.
- Landscape scale approach to offsets.
- Prioritize offsets in areas of greatest benefit to species.
- Landscape scale offsets could benefit multiple projects.

Aggregating Offsets

- Identify meaningful conservation projects through environmental organizations and government agencies.
- Clear policy and guidelines from agencies.
- Utilize aggregation tools such as Habitat Banking to enable larger scale conservation projects.
- Habitat Banking used extensively in the US for both wetland and species at risk offsets.
- Ecological accounting mechanisms ensure conformance with the principles of additionality and equivalence.
- Agreements with landowners such as Conservation Easements can achieve the principle of permanence.

Concluding Remarks

- SAR permitting process can be challenging, time consuming, and represents a significant risk to proponents.
- Focus on avoidance and mitigation – offsetting as a supplementary tool.
- Promote large scale conservation projects through aggregated offsets such as Habitat Banking.
- Improve outcomes for species at risk and provide more permitting certainty to project proponents.

Thanks!

kylehunt@savanta.ca