

# Chapter 1

## Section 1.23

Ministry of the Environment, Conservation and Parks  
Ministry of Natural Resources and Forestry

Follow-Up on 2021 Value-for-Money Audit:

# Protecting and Recovering Species at Risk

RECOMMENDATION STATUS OVERVIEW						
	# of Actions Recommended	Status of Actions Recommended				
		Fully Implemented	In the Process of Being Implemented	Little or No Progress	Will Not Be Implemented	No Longer Applicable
Recommendation 1	2	1			1	
Recommendation 2	1				1	
Recommendation 3	1				1	
Recommendation 4	2		2			
Recommendation 5	5		3		2	
Recommendation 6	3		2		1	
Recommendation 7	2				2	
Recommendation 8	3			3		
Recommendation 9	1				1	
Recommendation 10	3			3		
Recommendation 11	2			2		
Recommendation 12	1			1		
Recommendation 13	3			3		
Recommendation 14	4	1	2	1		
Recommendation 15	3				3	
Recommendation 16	1				1	
Recommendation 17	2	2				
Recommendation 18	4			4		
Recommendation 19	4				4	
Recommendation 20	3				3	
Recommendation 21	2				2	
<b>Total</b>	<b>52</b>	<b>4</b>	<b>9</b>	<b>17</b>	<b>22</b>	<b>0</b>
<b>%</b>	<b>100</b>	<b>8</b>	<b>17</b>	<b>33</b>	<b>42</b>	<b>0</b>

## Overall Conclusion

The Ministry of the Environment, Conservation and Parks (Ministry), as of September 20, 2023, has fully implemented 8% of actions we recommended in our *2021 Annual Report*. The Ministry has made progress in implementing an additional 17% of the recommended actions.

The Ministry has fully implemented actions such as ensuring that membership on the Committee on the Status of Species at Risk in Ontario is sufficient for quorum at meetings, and delegating authority to approve use of funding under Ontario's Species at Risk Stewardship Program.

However, the Ministry has made little progress on 33% of the recommended actions, including evaluating and publicly reporting on the effects of conditional exemptions and overall benefit permit approvals on species at risk; developing and implementing staff guidance on processing and issuing permits; and developing and implementing a long-term strategy, with specific actions and timelines, to address systemic threats to species at risk. The Ministry has indicated that it does not intend to implement 42% of the actions recommended in our 2021 report.

The status of actions taken on each of our recommendations is described in this report.

## Background

Our audit examined whether the Ministry of the Environment, Conservation and Parks (Environment Ministry) was effectively and efficiently protecting and recovering species at risk and their habitats. The Environment Ministry is responsible for administering the *Endangered Species Act, 2007* (Act). Prior to April 2019, the Ministry of Northern

Development, Mines, Natural Resources and Forestry (Natural Resources Ministry) administered the Act. In June 2022, the Ministry of Northern Development, Mines, Natural Resources and Forestry was divided into three separate ministries: the Ministry of Northern Development, the Ministry of Mines, and the Ministry of Natural Resources and Forestry.

Species at risk are the plants, mammals, birds, fish, and other organisms that are in danger of extinction and being lost forever. The worldwide rate at which species are now going extinct and disappearing is tens to hundreds of times higher than over the past 10 million years—and the rate is accelerating. Experts and world leaders are calling for urgent action to address this global loss of nature. Species loss directly affects how the natural world works, and impacts the many ways in which humans rely on nature and the services it provides. In Canada, habitat loss and degradation—resulting from land use changes and disturbance from human activities—is the biggest threat to species at risk. Other threats include hunting, fishing and trapping, climate change, pollution, and invasive species. As of October 2021, Ontario had 16 extirpated species (that previously, but no longer, live in the wild in Ontario), 56 species of special concern (that live in the wild in Ontario but may become threatened or endangered based on their biology and identified threats), 54 threatened species (which are likely to become endangered if steps are not taken to address threats) and 117 endangered species (that face imminent extirpation or extinction).

Our audit found that, between 2009, the first full year the Act was in effect, and 2020:

- the total number of species at risk has risen by 22%;
- annual approvals to harm species at risk have increased by 6,262%;
- annual approvals for protection and recovery have increased by 59%;
- annual stewardship funding has decreased by 10%; and

- the number of charges laid under the Act was zero in 2020.

Our audit found that the Ministry was failing in its mandate to protect species at risk. Its actions had not been sufficient to improve the state of these species and their habitats. The Ministry did not have a long-term plan to improve the state of species at risk and there were no performance measures to evaluate the effectiveness of the species at risk program. Additionally, some species at risk may not be protected in the future, as the Act's classification criteria for species at risk was changed in 2019 and is now inconsistent with how species are assessed in other provinces across Canada.

Moreover, forestry operations on Crown lands were exempted from the Act in 2020, resulting in some species actually losing habitat protections under the Act. The committee that advises Ontario's Environment Minister on how to implement the Act was dominated by industry stakeholders, whose interests could have been contrary to protecting species at risk and their habitats. Additionally, the Ministry could not explain how six recent appointees had been identified, screened and chosen for the independent science committee that classifies which species are at risk.

The Ministry lacked guidance on when to say "no" to permit applications to harm species at risk and their habitats. Indeed, no application to harm species or their habitats had ever been denied. Most approvals were granted automatically by the Ministry without review and there were no inspections to ensure that companies and other applicants abided by the conditions of their approvals.

Because the government's goals were generally less ambitious than the recommendations made by independent scientists, its planned actions for the protection and recovery of species at risk were unlikely to improve their status. Few performance measures had been developed to gauge progress for any particular species, and progress was reviewed only once for each species, as that is all that is required by the Act.

Some of our significant findings were:

- The *More Homes, More Choice Act, 2019* changed the classification criteria used by the independent scientific committee to determine whether a species was at risk. Previously, species assessments were based on their biological status in Ontario, while accounting for functional connections with populations elsewhere. This was consistent with practices across Canada and internationally. The bill required the Committee on the Status of Species at Risk in Ontario to consider a species' condition outside Ontario, and to classify the species at lower risk in Ontario if it were deemed to be at lower risk outside of the province.
- No new species at risk were regulated in 2019 and 2020 because the committee that assesses and classifies species lacked quorum to function. The Species at Risk in Ontario List had not been updated since 2018 and some species that could have been protected sooner were not.
- Recovery strategies were delayed for six endangered and 11 threatened species. Fourteen recovery strategies had been delayed because the Ministry planned to adopt the federal recovery strategies for these species and was waiting for the federal government to complete the strategies. Two recovery strategies—for mountain lion (cougar) and spoon-leaved moss, both due in 2013—had been delayed to allow the Ministry to prioritize the preparation of recovery strategies for other species. The recovery strategy for Algonquin wolf, due in 2018, was delayed due to "complex issues," despite a draft strategy that warned that a delay may jeopardize the wolf's long-term recovery.
- Response statements for two endangered, one threatened and one special concern species had been delayed for over seven years. Response statements publicly identify the actions and

priorities that Ontario intends to take and support to protect and recover a species.

Response statements were prepared for 164 or 98% of species at risk but not for the American eel and three populations of lake sturgeon (a fish). Another 17 endangered or threatened species did not have response statements because the recovery strategies upon which the statements would be based had not yet been created.

- In 2020, 893 (or 96%) of approvals to harm species at risk and their habitats were conditional exemptions—which require only that harm be minimized rather than, as in overall benefit permits, requiring that the species be made better off than before the activity occurred. In 2020, conditional exemptions impacted 123 different species at risk.
- The Ministry delayed issuing some permits for conservation work, while fast-tracking some permits for development. According to Ministry staff with technical expertise, delays that dated back to 2017—including a delay in obtaining the Minister’s approval—likely contributed to the Massasauga rattlesnake becoming locally extinct. In contrast, we found that companies or organizations who complained to higher levels within the Ministry obtained permits for development 43% faster than had they not complained. Our review of permit files found that the Ministry prioritized permits for Infrastructure Ontario ahead of other applicants.
- There was an increasing use of social or economic benefit permits to allow activities that were harmful to species as long as the activities were expected to result in significant social or economic benefit to Ontario. There were four of these permits issued for large-scale projects since 2019. Metrolinx had obtained three economic benefit permits in 2020 for transit projects in the

Greater Toronto Area that collectively impacted at least nine species at risk. Issuing multiple permits to a Crown agency for harmful activities that required no overall benefit to species demonstrated that the government set a low standard for itself with regard to species at risk conservation.

- The Ministry was not charging any fees for approvals to harm species or their habitats. The Ministry charged fees for other activities that impacted the environment. For example, it charged between \$1,190 and \$2,353 for different types of approvals under its Environmental Activity and Sector Registry program and charged up to \$60,000 for certain types of permits. Had the Ministry charged the lowest similar fee for the 935 approvals it issued in 2020 under the *Endangered Species Act, 2007*, it could have generated over \$1.1 million in revenue to support species at risk conservation.
- The Ministry had never conducted any inspections to ensure compliance with the requirements of agreements, permits and conditional exemptions. There had been 6,539 approvals (agreements, permits and conditional exemptions) under the Act between 2007 and 2020 but none of the activities involved had ever been inspected for compliance with their approval conditions by the Ministry or the Natural Resources Ministry (when it was responsible for the program prior to 2019). The Environment Ministry expected to finalize a draft of a new enforcement plan in 2021, but its approach was designed to remain complaint-driven. For other provincial environmental programs, inspections are routine.

We made 21 recommendations, consisting of 52 action items, to address our audit findings.

## Status of Actions Taken on Recommendations

We conducted assurance work between April 2023 and September 2023. We obtained written representation from the Ministry of the Environment, Conservation and Parks that, effective October 30, 2023, it has provided us with a complete update of the status of the recommendations we made in the original audit two years ago.

### Species Assessment and Classification

#### Recommendation 1

*So that independent expertise is used to promptly assess species and improve the status of species at risk in line with the purpose of the Endangered Species Act, 2007, we recommend that the Ministry of the Environment, Conservation and Parks:*

- *ensure that membership on the Committee on the Status of Species at Risk in Ontario is sufficient for quorum to be able to carry out its mandate to assess and classify species for subsequent recovery and protection efforts;*

**Status: Fully implemented.**

#### Details

In our 2021 audit, we found that no new species at risk were regulated in 2019 and 2020 because the committee that assesses and classifies species lacked quorum to function. The Committee on the Status of Species at Risk in Ontario (Assessment Committee) is responsible for the critical task of assessing and classifying Ontario species as being endangered, threatened, special concern, extirpated, extinct or not at risk. For a species to receive protections under the Act, the Assessment Committee assesses and classifies the species, then the Environment Ministry adds them to the Species at Risk in Ontario List regulation under the Act. The

Committee may consist of up to 12 members, and must have a minimum of eight members present at meetings for quorum, including the Chair or Deputy Chair, to conduct committee business. Because of the Assessment Committee's inability to make quorum in 2018 and 2019, by spring 2020, there was a backlog of 46 species requiring assessment in Ontario. Once it had sufficient members again in 2020, the committee assessed and classified 35 species from the backlog. We found that, as a result of the Assessment Committee's inability to function, the Species at Risk in Ontario List had not been updated since 2018, and species had not been protected as soon as they could have been.

In our follow-up, we found that, since the release of our report, 10 Assessment Committee members were appointed or reappointed for three-year terms. As of August 2023, there were 10 members on the Assessment Committee, which is sufficient for quorum. The committee held two assessment meetings in 2022, both with quorum.

- *develop, publish, and follow transparent and accountable procedures so that technical and program staff with species-at-risk expertise screen and recommend to the Minister candidates for appointment and reappointment to the Committee on the Status of Species at Risk in Ontario.*

**Status: Will not be implemented.**

**The Office of the Auditor General of Ontario continues to support the implementation of this recommendation.**

#### Details

In our 2021 audit, we found that the process for appointing and reappointing new members to the Assessment Committee was not transparent. Until fall 2019, vacancies on the committee were broadly advertised, and technical and program staff with species-at-risk expertise screened applications using standardized review criteria, recommending qualified candidates to the Minister for interviews. However, after the Environment Ministry took responsibility for the program in 2019, the Minister's office appointed one

candidate who was not recommended (after staff had determined the candidate was marginally qualified), and the Minister also appointed five individuals in 2019 and 2020 who were not screened or recommended by staff with species-at-risk expertise. The Environment Ministry could not provide details about how these six recently appointed members were identified, screened and chosen. Further, we found that from 2017 to 2020, the Minister dismissed without explanation five productive and well-respected committee members who were willing to continue to serve when their terms expired. Ontario's current process for filling vacancies on its Assessment Committee contrasts with the clearly defined and transparent process used to fill vacancies on the federal assessment committee. The federal assessment committee advertises vacancies on its website and via email notifications, and new members are selected by a committee comprising existing members who score applicants against established criteria.

In our follow-up, we found that the Ministry had not taken any steps to develop, publish and follow transparent and accountable procedures so that technical and program staff with species-at-risk expertise screen and recommend Assessment Committee candidates to the Minister. The Ministry told our Office that the *Endangered Species Act, 2007* sets out the role and member qualifications of the Assessment Committee, and that the Ministry will continue to ensure that the processes outlined by the Public Appointments Secretariat and the Agencies and Appointments Directive are adhered to in appointments and reappointments to the committee. The Ministry does not intend to develop procedures that are unique to the Assessment Committee.

## Recommendation 2

*So that the Committee on the Status of Species at Risk in Ontario (Assessment Committee) has the resources needed to effectively fulfill its mandate as required by the Endangered Species Act, 2007, we recommend that the Ministry of the Environment, Conservation and Parks ensure that the Assessment Committee be provided access to the technical support it needs, and be supplied with the necessary tools and the funds to procure needed status reports to promptly and effectively assess species.*

**Status: Will not be implemented.**

**The Office of the Auditor General of Ontario continues to support the implementation of this recommendation.**

### Details

We found in our 2021 audit that the Assessment Committee requires additional technical resources to fulfill its mandate.

In order to conduct species assessments, the committee must assemble and analyze data correctly, as it is used to determine whether a species meets a threshold for a given classification status. In May 2017, the Assessment Committee requested that the Natural Resources Ministry provide it with technical support for it to be able to assemble and analyze data, and subsequently referenced this need in meeting minutes. We found that the need for support with these analyses remained an issue for the current committee. By contrast, the secretariat for the federal assessment committee—funded and staffed by the Canadian Wildlife Service—provides technical support as required to committee members. We also found that the Assessment Committee had identified that the Environment Ministry should acquire assessment software for rapid screening to prioritize species in need of assessment, and that funds may be needed to contract external consultants to prepare comprehensive status reports

for species that have not been assessed by the federal assessment committee.

In our follow-up, we found that the Ministry will not be implementing this recommendation. The Ministry had been in the process of acquiring licences for the assessment software requested by the Assessment Committee. The Ministry had been planning to finalize approvals and acquire the software licences by July 2023. Following indications from the Assessment Committee's Deputy Chair, however, that the previously requested software was subsequently determined to be unnecessary for the assessment of species at this time, the Ministry ceased these efforts in June 2023. As a result, the Ministry indicated that it will not be proceeding with implementing the recommendation. Irrespective of the Assessment Committee's needs at the time of our follow-up, our Office continues to recommend that the Ministry regularly identify the technical supports the Assessment Committee needs to promptly and effectively assess species, and to provide the tools and funds needed.

### Recommendation 3

*So that species at risk receive protections under the Endangered Species Act, 2007 when appropriate, we recommend that the Ministry of the Environment, Conservation and Parks align the assessment and classification criteria used by the Committee on the Status of Species at Risk in Ontario with that used by the federal and other provincial or territorial assessment committees.*

**Status: Will not be implemented.**

**The Office of the Auditor General of Ontario continues to support the implementation of this recommendation.**

### Details

Our 2021 audit found that legislative changes made to the Act in 2019 now require the Assessment Committee

to consider a species' condition outside Ontario. If the condition of the species across this broader area is determined to be at a lower risk level than had only the population in Ontario been considered, the committee must classify the species at the lower risk level. Our audit found that no other province or territory in Canada used this classification criterion. Previously, species assessments were based on their biological status in Ontario only, while accounting for functional connections with populations elsewhere. This was consistent with practices across Canada and internationally. Information on species in areas outside Ontario may be of varying reliability or may not exist—they may be out of date or inaccurate, and information on population trends, threats and efforts to protect and recover species may be unavailable or unknown. Due to this legislative change, some species at risk in Ontario may lose protections, and some newly assessed species may never receive protections.

In our follow-up, we found that the Ministry will not be implementing this recommendation. The Ministry indicated that it was supportive of the Assessment Committee continuing to utilize the assessment criteria used by the International Union for Conservation of Nature and the federal Committee on the Status of Endangered Wildlife in Canada, with appropriate modifications taking into consideration the 2019 amendments to the Act. However, the Ministry asserted that taking steps to further align the classification criteria used by the Assessment Committee with that used by the federal and other provincial and territorial assessment committees would contradict the rules for classification set out in the Act. Our Office continues to recommend that the Ministry review those criteria used by other Canadian assessment committees and bring forward options to align Ontario's assessment and classification criteria with them.

## Recovery Planning

### Recommendation 4

*To identify goals, objectives and approaches to improve the status of all species at risk, and to be transparent and accountable to the public and timely in meeting its legislative responsibilities under the Endangered Species Act, 2007, we recommend that the Ministry of the Environment, Conservation and Parks:*

- *ensure the preparation and public release of recovery strategies for Algonquin wolf, mountain lion (cougar), and spoon-leaved moss by December 2022;*

**Status:** *In the process of being implemented by November 2025.*

### Details

Our 2021 audit found that recovery strategies were delayed for several species at risk. The Act requires that a recovery strategy must be prepared within one year for endangered species and two years for threatened species from the date that the species is placed on the Species at Risk in Ontario List. However, the Ministry may take additional time to ensure the completion of recovery strategies if they involve complex issues, are prepared in co-operation with other jurisdictions like the federal government, or the government wants to prioritize the preparation of recovery strategies for other species. To do so, the Minister must post a notice on a Government of Ontario website to provide the reason for the delay and an estimate of when the recovery strategy will be completed—and must do this before the one- or two-year statutory deadlines for endangered or threatened species recovery strategies expires. The Environment Ministry posts these notices on the Environmental Registry of Ontario.

As of June 2021, recovery strategies had been completed for 154 (or 90%) of Ontario's 171 endangered and threatened species but were delayed for six endangered and 11 threatened species. Eight (or 47%) of these 17 species had had the preparation of their recovery strategies delayed for eight or more years.

Recovery strategies for three species (the Algonquin wolf, the mountain lion, and spoon-leaved moss) had been delayed to give priority to other species, or due to complex issues. Until a recovery strategy is complete, the Ministry is not required to develop government response statements that identify actions it intends to take or support to help recover the species. This delays provincial efforts to improve the status of these species.

In our follow-up, we found that the Ministry had prepared and released a recovery strategy for spoon-leaved moss in September 2022 (see Environmental Registry #019-5595). In April 2023, the Assessment Committee released its 2022 annual report (see Environmental Registry #019-6719), down-listing the mountain lion (cougar) from endangered to special concern. The Ministry is expected to file corresponding regulatory amendments by January 30, 2024, such that a recovery strategy will no longer be required under the Act for this down-listed species (as recovery strategies are only required for endangered and threatened species). In its 2022 annual report, the Assessment Committee made no change in the assessed status (threatened) of the eastern wolf (formerly referred to as the Algonquin wolf by the committee). The Ministry commits to finalizing the development of a recovery strategy for this species by November 2025.

- *post the list of outstanding recovery strategies and management plans, and a timetable for their development on the Environmental Registry on a quarterly basis.*

**Status:** *In the process of being implemented by November 2023.*

### Details

In our follow-up, we found that Ministry staff have performed a preliminary draft analysis to determine how best to publicly share information about the status and timelines for outstanding recovery strategies, management plans and response statements. The Ministry expects to finalize the analysis through a review and approvals process by November 2023. The Ministry reported that, as of June 2023, recovery strategies were

outstanding for 14 species, though the requirement for a mountain lion (cougar) recovery strategy is expected to change given its recent reassessment (see above). The Ministry noted that recovery strategies for an additional 14 species were currently underway or would be initiated shortly, with the expectation that they will be completed by their legislative deadlines.

### Recommendation 5

*To increase transparency and improve clarity about the government's actions to improve the status of all species at risk, and to increase accountability and progress in implementing identified protection and recovery actions, we recommend that the Ministry of the Environment, Conservation and Parks:*

- *develop guidance for the preparation of response statements that will result in the achievement of meaningful outcomes for species at risk;*

**Status: Will not be implemented.**

**The Office of the Auditor General of Ontario continues to support the implementation of this recommendation.**

### Details

A government response statement identifies the actions that Ontario intends to take to protect and recover the species, and identifies potential actions for third parties, such as conservation organizations. Under the Act, the Environment Minister must generally develop a response statement within nine months of finalizing a species' recovery strategy or management plan, though the Minister may delay preparation if additional time is required for one of three reasons specified in the Act.

In our 2021 audit, we found that response statements were prepared for 164 or 98% of species at risk but not for the American eel and three populations of lake sturgeon (a fish). Another 17 endangered or threatened species did not have response statements because the recovery strategies upon which the statements would be based had not yet been created (see **Recommendation 4**). Our review of a sample of 30 response statements from 2010 to 2020 found that the

Province's goals are generally less ambitious than the scientific advice in recovery strategies, and government-led actions are often not specific to the species and include meeting existing legal obligations. We also found that response statements do not establish performance measures and do not provide cost estimates to help inform decisions about which protection and recovery actions to take or prioritize. As a result of these weaknesses, implementing response statement actions, in general, was unlikely to improve the status of species at risk.

In our follow-up, we found that the Ministry does not intend to implement this recommended action. The Ministry indicated that it is focused on each response statement identifying a recovery goal for the species, as well as key objectives and prioritized actions necessary to support the recovery and meaningful outcomes for the species. However, the Ministry is not developing new guidance for the preparation of response statements at this time.

- *complete the development of response statements for American eel and lake sturgeon by December 2022 so that actions to protect and recover species can be implemented;*

**Status: In the process of being implemented by November 2024.**

### Details

In our follow-up, we found that the Ministry has undertaken additional, targeted engagement (for example, meeting with Indigenous communities and organizations, and staff at the Ministry of Natural Resources and Forestry), and is working toward finalizing response statements for American eel and lake sturgeon by November 2024.

- *post the list of outstanding response statements, and a timetable for their development on the Environmental Registry on a quarterly basis;*

**Status: In the process of being implemented by November 2023.**

### Details

In our follow-up, we found that Ministry staff have performed a preliminary draft analysis to determine how best to publicly share information about the status and timelines for outstanding response statements, as well as recovery strategies and management plans (see **Recommendation 4**). The Ministry expects to finalize the analysis through a review and approvals process by November 2023. The Ministry reported that, as of June 2023, response statements were outstanding for American eel and three populations of lake sturgeon.

- *include performance measures in response statements based on recovery strategies so that success can be assessed and accountability established for undertaking required actions;*

**Status:** In the process of being implemented by November 2023.

### Details

In our follow-up, the Ministry indicated that it is working toward including performance measures in all response statements posted on the Environmental Registry for consultation in or after November 2023. To this end, Ministry staff have developed draft guidance for developing response statement performance measures, pointing to examples of federal response statements with performance indicators. The Ministry stated that, once these response statements are finalized, the performance measures within them will be used to assess and report on progress toward the protection and recovery of these species.

- *include cost and time estimates in response statements so that the needed allocation of resources for actions is clear to decision-makers and the public.*

**Status:** Will not be implemented.

The Office of the Auditor General of Ontario continues to support the implementation of this recommendation.

### Details

In our follow-up, we found that the Ministry does not intend to implement this recommended action. The Ministry indicated that it is committed to incorporating time considerations into response statements through prioritization of the actions identified as necessary to support the protection and recovery of each species, as well as for some species by identifying short- and long-term goals or timelines for achieving the goals or particular actions. However, cost estimates will not be included in response statements. The Ministry noted that response statements identify actions necessary to support recovery, but that they remain flexible so that stewards and stakeholders can identify the best approaches for implementing or achieving the actions.

### Recommendation 6

*To increase accountability on progress made to improve the status of species at risk in Ontario, we recommend that the Ministry of the Environment, Conservation and Parks:*

- *report on the outcomes of actions and impacts on species at risk in reviews of progress, based on the performance measures described in **Recommendation 5**;*
- *detail in reviews of progress how government-led actions were implemented;*

**Status:** In the process of being implemented by November 2023.

### Details

According to the Act, the Ministry must prepare a review of progress for all threatened, endangered and extirpated species for which a response statement has been published. Reviews of progress are prepared by Environment Ministry staff who compile information from a wide variety of sources, including

the Natural Resources and other ministries, and summarize the progress toward meeting all actions in the response statements.

In our 2021 audit, we found that reviews of progress do not evaluate the effectiveness of actions taken, and cannot be used to gauge progress for the recovery of a species at risk. Also, once a review is completed, the Ministry is not required to report again on the actions taken for that species, even when the review identifies that no progress has been made. In contrast, the federal government, Nova Scotia, and the Northwest Territories report on progress every five years until either a species' recovery objectives have been achieved or the species' recovery is no longer required or feasible.

As discussed for **Recommendation 5**, the Ministry is working toward the inclusion of performance measures in all government response statements posted for consultation in or after November 2023. The Ministry has indicated that, once these response statements are finalized, the performance measures they contain will be used to assess and report on progress toward the protection and recovery of these species.

In our follow-up, we also found that the Ministry is exploring the feasibility of implementing processes and systems to enhance progress tracking and follow-up on actions identified in response statements. Given the connections between this recommendation and relevant actions in **Recommendation 7** in our 2020 value-for-money audit, Setting Indicators and Targets, and Monitoring Ontario's Environment, the Ministry indicated that explorations will be performed concurrently and in a co-ordinated manner. That recommendation was for the Ministry to establish a database of actions contained in response statements, and use the database to annually track and follow up on progress on actions. In response, Ministry staff have held meetings to discuss options, and started drafting a feasibility assessment. The Ministry expects to complete the feasibility assessment by November 2023, but has not committed to establishing a database or other system for tracking progress on actions.

- *report on progress for species every five years until the species is no longer on the Species at Risk in Ontario List.*

**Status:** Will not be implemented.

**The Office of the Auditor General of Ontario continues to support the implementation of this recommendation.**

### Details

In our follow-up, we found that the Ministry does not intend to report on progress for species every five years until the species is no longer on the Species at Risk in Ontario List. The Ministry noted that the Assessment Committee maintains the priority list of species requiring assessment or reassessment, and generally performs species reassessments on an approximate 10-year cycle, aligned with federal species assessment processes. The Committee's reports are provided annually to the Minister and are made available to the public within three months of being received.

## Approvals (Agreements, Permits and Conditional Exemptions)

### Recommendation 7

*To minimize the harm to species at risk allowed by permit approvals under the Endangered Species Act, 2007, we recommend that the Ministry of the Environment, Conservation and Parks (Environment Ministry):*

- *develop and implement guidance for Environment Ministry staff on when to deny approvals based on the needs of a species; and*
- *ensure language used in proposed permits on the Environmental Registry clearly identifies expected impacts to species and their habitats.*

**Status:** Will not be implemented.

**The Office of the Auditor General of Ontario continues to support the implementation of this recommendation.**

### Details

While it is illegal to kill, harm or harass endangered and threatened species or damage and destroy their

habitats, the Minister may allow activities that would otherwise be prohibited using various types of permits. In our 2021 audit, we found that, in 2018, Natural Resources Ministry staff identified the need for guidance on when to say “no” to a permit application. However, no guidance was developed. Consequently, we found that no permits have ever been denied since the Act was passed in 2007. Additionally, in our review of permits, we noted that the language in proposal notices on the Environmental Registry was sometimes oversimplified and misleading. Even when staff determined that an activity would destroy habitat for species at risk, some proposal notices on the Environmental Registry described that the activity “may impact” the habitat. Staff selected the understated wording of “may impact” at the preference of the Minister’s office.

In our follow-up, we found that the Ministry is not developing guidance for staff on when to deny approvals based on the needs of species. The Ministry indicated that its priority is guidance for staff on how to determine whether the Act’s requirements have been met; permit proposals that meet the Act’s legal tests are recommended to the Minister for issuance, while those that do not meet the Act’s legal tests are not.

In addition, we found that the Ministry does not intend to implement the second recommended action item. The Ministry responded that, when the Ministry prepares to post a notice on the Environmental Registry, each individual notice is evaluated and carefully reviewed to avoid technical and legal jargon, and to ensure that it clearly identifies expected impacts to the natural environment. The Ministry committed to ensuring that the same standard is applied to all Environmental Registry notices, including those related to the *Endangered Species Act, 2007*. We reviewed a sample of proposed permits posted on the Environmental Registry since January 2022 and found that several continue to use understated wording that the activity “may impact” or “may adversely impact” the habitat of species at risk.

### Recommendation 8

*To minimize the harm to species at risk allowed by conditional exemption approvals under the Endangered Species Act, 2007, we recommend that the Ministry of the Environment, Conservation and Parks:*

- *evaluate the effects of conditional exemptions on species at risk and their habitats;*
- *make the results of that evaluation public; and*
- *take corrective action as necessary on the requirements and scope of conditional exemptions.*

**Status: Little or no progress.**

### Details

In our 2021 audit, we found that 893 (or 96%) of approvals allowed under the Act in 2020 to harm species at risk and their habitats were automatic conditional exemptions, which the Environment Ministry cannot deny or tailor for specific circumstances. Harmful activities are allowed under conditional exemptions (sometimes called permit-by-rule) if a standard set of rules is followed. In 2020, conditional exemptions affected 123 different species at risk. Often, these conditional exemptions require only that harm be minimized, which may contribute to a worsening status for the species at risk. In contrast, overall benefit permits require that species be made better off than before the activity occurred.

In our follow-up, we found that the Ministry had made little progress implementing this recommendation. The Ministry noted that, within budgetary and staffing realities, it will continue to evaluate the effectiveness of conditional exemptions.

### Recommendation 9

*To minimize the harm to species at risk allowed by conditional exemption approvals under the Endangered Species Act, 2007, we recommend that the Ministry of the Environment, Conservation and Parks require that health*

*or safety conditional exemptions justify the need for the exemption and provide details of the activity, including an assessment of how species will be impacted.*

**Status:** Will not be implemented.

**The Office of the Auditor General of Ontario continues to support the implementation of this recommendation.**

### Details

In our 2021 audit, we found that there had been 2,954 conditional exemptions for infrastructure or structure maintenance, or repairs or certain replacements related to non-imminent threats to human health and safety where a mitigation plan is not required. These types of activities may include removing hazardous trees, replacing bridges, lowering pond levels to prevent flooding of roads, or replacing culverts. However, we found that there is no requirement to explain how species at risk will be impacted by the activity or how human health or safety will be impacted if the activity is not allowed to proceed. In eight (or 27%) of 30 conditional exemptions we reviewed, no information was provided by the registrant on the threat to human health and safety to justify the need for the activity. Additionally, none of the registrations we sampled described how much species at risk habitat would be damaged or destroyed, as this is not required. Similarly, the Natural Resources Ministry found in 2017 that some conditional exemptions did not include information about the threat, indicate whether the mitigation plan was prepared by an expert, describe what would happen if the work was not done, or include details about the activity. The Natural Resources Ministry did not take any corrective action based on these findings, as the transfer of the species at risk program from the Natural Resources Ministry to the Environment Ministry was announced in 2018.

In our follow-up, we found that the Ministry agrees with this recommendation with respect to select activities related to structures and infrastructure.

The Ministry noted that a condition to the exemption for activities involving structures and infrastructure under the conditional exemption for non-imminent threats to health and safety is that proponents, before commencing their activity, must develop a mitigation plan that includes information about the need for the exemption and an assessment of the activity's likely effects on species at risk identified in the mitigation plan. However, the Ministry does not intend to apply this requirement to all activities that are eligible for the health or safety conditional exemptions (for example, lowering of pond levels).

### Recommendation 10

*To improve the status of species at risk affected by overall benefit permit approvals under the Endangered Species Act, 2007, we recommend that the Ministry of the Environment, Conservation and Parks:*

- *evaluate the outcomes to species at risk from issuing overall benefit permits to confirm that required conditions are making species better off;*
- *publicly report on that evaluation;*

**Status:** Little or no progress.

### Details

In our 2021 audit, we found that the Environment Ministry had not assessed the effectiveness of overall benefit permits, which allow harmful activities but require that species be made better off. Overall benefit permits are issued for activities that may have an unavoidable adverse effect on species at risk or their habitat. Conditions for this permit include the requirement to achieve an overall benefit, making the species better off than before the activity, within a reasonable time. We found that a total of 276 overall benefit permits were issued between 2007 and 2020—93% for locations in southern Ontario.

In our follow-up, we found that the Ministry had made little progress implementing this recommendation. The Ministry noted that, within budgetary and staffing realities, it will evaluate the outcomes to species at risk from issuing overall benefit permits.

- *update internal guidance using the best available scientific information to ensure overall benefit permits result in successful outcomes for species at risk and their habitats.*

**Status:** Little or no progress.

### Details

In our 2021 audit, we reported that the Natural Resources Ministry found in 2018 that staff need better guidance on suitable habitat offsets and replacement ratios (how much is replaced compared to how much is destroyed) in some overall benefit permits. Similarly, our review of approvals files found that eight overall benefit permits for redbreasted dace (a fish) issued in the last two years always allowed for more damage or destruction of habitat than what was restored or replaced. Further, we found that guidance incorporated into permits may not be effective. For example, we found that the guidance for the construction of building kiosks and nest cups for barn swallows may not be working.

In our follow-up, we found that the Ministry intends to evaluate requirements and expectations for benefit permit applications, including in relation to technical matters; data and other information requirements of applications; and the timing of proponent activities and the active seasons of species. The Ministry noted that this information will inform the refinement of internal guidance, and expected this recommended action to be implemented by December 2023. However, the Ministry could not provide any evidence that it had initiated this work.

### Recommendation 11

*So that all permit approvals under the Endangered Species Act, 2007 achieve the best possible outcomes for species at risk and their habitats, we recommend that the Ministry of the Environment, Conservation and Parks:*

- *develop and implement guidance for staff to process all permits in a consistent manner; and*
- *develop and implement guidance that delegates Ministerial authority back to Ministry staff to issue permits with the main purpose of assisting in the protection or recovery of the species.*

**Status:** Little or no progress.

### Details

In our 2021 audit, we found that the Environment Ministry delayed the issuance of permits for the protection and recovery of species at risk by prioritizing permits related to development activities. Protection and recovery permits are issued for conservation work that aims to conserve species at risk or their habitat (for example, restoring a wetland). Delays in issuing protection and recovery permits resulted in delayed conservation work, and may have negatively impacted efforts to improve species at risk recovery efforts. By contrast, permit applications related to development were prioritized and processed first. We found that in a sample of 30 permits related to development activities, seven (or 23%) were prioritized, which resulted in an approval being issued 43% faster than those that were not. To reduce the amount of time taken to process permit applications, in 2020, the Environment Ministry set a target to reduce the permit-processing time by 10 to 16 weeks. As of August 2020, the average time to complete the permit process was 256 days.

In our follow-up, the Ministry indicated that it was working to evaluate permit application requirements, including topics related to technical data, the timing of

proponent activities and active seasons of species. The Ministry stated that it intends to use this information to evaluate internal guidance on permit applications. However, when requested by our Office, the Ministry could not produce any documentation supporting this permit application review process or the proposed implementation timeline.

### Recommendation 12

*To minimize the harm to species at risk allowed by social or economic benefit permit approvals under the Endangered Species Act, 2007, we recommend that the Ministry of the Environment, Conservation and Parks develop and implement guidance based on the best available science that details when it is appropriate to issue a social or economic benefit permit rather than an overall benefit permit.*

**Status:** Little or no progress.

#### Details

In our 2021 audit, we found that there was an increase in the number of social or economic benefit permits issued for public infrastructure projects. Social or economic benefit permits are issued when an activity may have an adverse effect on a species at risk or its habitat, but the result of the activity is expected to have a significant social or economic benefit to Ontario. Unlike the overall benefit permit, which requires that the species should be better off within a reasonable timeline, the social or economic benefit permit does not have a set timeline for completion. We found that in the four most recent social or economic benefit permits processed, three of the four were for public transit projects by Metrolinx, a Crown agency. In all three cases, the Ministry did not require Metrolinx to apply for an overall benefit permit and instead allowed the request for a social or economic benefit permit to be processed to reduce the length of the permitting process.

In our follow-up, we found that the Ministry is planning to refine the internal guidance used to make permit application decisions. The Ministry intends to use the information obtained by evaluating the permit application process to inform whether further updates are necessary. Despite this, the Ministry could not provide our Office with evidence that work on the permit application process had been initiated.

### Recommendation 13

*To minimize the harm to species at risk allowed by approvals under the Endangered Species Act, 2007, we recommend that the Ministry of the Environment, Conservation and Parks:*

- *evaluate the cumulative effects of approvals and other threats over time on species at risk and their habitats and factor this knowledge into the issuance or non-issuance of future approvals;*
- *publicly report on this information; and*
- *take corrective actions as necessary to ensure that approvals contribute to successful outcomes for species at risk and their habitats.*

**Status:** Little or no progress.

#### Details

In our 2021 audit, we found that the Ministry does not assess the cumulative effects of agreements, permits, or conditional exemptions on species at risk, except for on the boreal caribou. Instead, each approval is treated in isolation and does not consider the multiple stressors that may pose a threat to species recovery.

Moreover, we looked at the top 10 species affected by the highest number of approvals (agreements, permits, conditional exemptions) and found that each of these 10 species have an average of 1,025 approvals each, causing them to be subject to further pressures.

For example, the bobolink was affected by 39 permits and 2,010 conditional exemptions, contributing to the estimated 77% population decline in Ontario since 1970.

In our follow-up, the Ministry indicated that internal discussions had been held to discuss approaches for the use of landscape agreements (which approve multiple harmful activities across a broad geographic area), while still balancing the impacts on species at risk. However, as of September 2023, the Ministry had no plans to enable landscape agreements, or develop any guidelines for staff to assess the cumulative effects of species at risk approvals.

## Compliance and Enforcement

### Recommendation 14

*So that regulated species at risk and their habitats are protected according to prohibitions under the Endangered Species Act, 2007 and in the conditions of approvals, we recommend that the Ministry of the Environment, Conservation and Parks:*

- *develop and implement a comprehensive risk-based and sector-based compliance and enforcement plan, including regular inspections of approval holders to confirm that they are operating as allowed and are fulfilling their commitments regarding species at risk;*

**Status:** In the process of being implemented.

### Details

In our 2021 audit, we found that since assuming responsibility for the *Endangered Species Act, 2007* in April 2019, the Environment Ministry has laid two charges for harming species at risk. When compared to the average of 19 annual charges laid by the Natural Resources Ministry under its stewardship of the Act, this resulted in a 95% annual reduction of charges laid.

Further, the Environment Ministry's inspection program does not ensure that approval holders adhere

to the conditions set out in their approval. Out of the 6,539 approvals issued between 2007 to 2020, the Environment Ministry has never inspected or laid a charge on an approval holder for contraventions of the Act. In July 2020, the Ministry started to develop a risk-based compliance and enforcement plan, which was expected to be finalized in 2021.

In our follow-up, we found that the Ministry has drafted a standard operating procedure for field officers working on species at risk enforcement. This document is in the process of being finalized. The Ministry has also implemented a 2023/24 inspection plan that outlines planned inspection timelines of permit and regulatory exemption conditions.

- *ensure the sufficiency of enforcement resources, including training requirements, information management strategies, and the number of appointed officers;*

**Status:** In the process of being implemented by September 2023.

### Details

In our 2021 audit, we found that the Environment Ministry had not yet appointed any environmental officers to ensure the Act's enforcement. Prior to the transition of the species at risk program to the Environment Ministry, the Natural Resources Ministry had 184 conservation officers appointed to enforce the Act, in addition to park wardens in the Ontario Parks branch. By contrast, we found that there were 47 investigators and other staff appointed to enforce the Act in the Environment Ministry's Environmental Investigations and Enforcement Branch. However, at the time of our audit, the Ministry had not yet appointed any environmental officers under the Act and had provided no additional resources for the increased workload.

Moreover, the Environment Ministry investigations staff need additional training on technical species knowledge to assist in investigations. Previously, tools like untraceable cellphones were provided to

Natural Resources Ministry staff to assist in conducting undercover investigations. However, the Environment Ministry does not provide staff with these tools, which may decrease the staff's ability to covertly conduct undercover operations.

In our follow-up, we found that between May 2022 and April 2023, the Ministry trained 333 staff on compliance and enforcement of the *Endangered Species Act, 2007*. In September 2023, the Ministry expected to complete an analysis on enforcement activities undertaken during the 2022/23 fiscal year to further inform program delivery. However, the Ministry has not yet taken any steps to assess the sufficiency of its enforcement resources.

- *provide information on its website that informs the public that it is responsible for enforcement of the Endangered Species Act, 2007 and how to report possible violations;*

**Status: Fully implemented.**

### Details

In our 2021 audit, we found that the Environment Ministry did not have a dedicated website, phone line, or email address available for the public to report possible contraventions of the Act. The public may report species at risk issues to the Ministry's Spills Action Centre. However, the lack of information on the *Endangered Species Act, 2007* on the website may cause confusion for members of the public looking to submit issues.

In our follow-up, we found that the Ministry provided information on its website that stated that it was responsible for the *Endangered Species Act, 2007*, and also included information on its violation-reporting webpage ([report-pollution.ene.gov.on.ca](http://report-pollution.ene.gov.on.ca)) on how to report potential violations with respect to impacts on species at risk or their habitats.

- *publicly report on the Environment Ministry's enforcement actions as part of its yearly published plans and annual report.*

**Status: Little or no progress.**

### Details

In our 2021 audit, we found that the Ministry did not publicly report on enforcement actions.

In our follow-up, the Ministry stated that the results from the compliance and enforcement analysis of the 2022/23 fiscal year would be used to inform any recommendation for public reporting. However, the Ministry is not publicly reporting on enforcement actions at this time.

## Funding for Species at Risk Conservation

### Recommendation 15

*To improve the sufficiency of financial resources available for actions to protect and recover species at risk in Ontario, we recommend that the Ministry of the Environment, Conservation and Parks:*

- *charge fees for approvals to harm species at risk that recover program costs and help discourage harmful activities;*
- *actively engage the public, businesses, and the philanthropic sector in cultivating new sources of investment for species recovery actions; and*
- *develop a business case to implement a specialty licence plate program to raise funds for species at risk conservation.*

**Status: Will not be implemented.**

**The Office of the Auditor General of Ontario continues to support the implementation of this recommendation.**

### Details

In our 2021 audit, we found that the Ministry did not charge fees for any type of approval (agreements, permits, conditional exemptions) to recover the cost of program delivery. If the Ministry had charged fees (based on the rate charged for its environmental compliance approvals) for the 935 permits and conditional exemptions issued in 2020, over \$1.1 million in

revenue would have been generated to support species at risk conservation. Further, the Ministry does not actively seek new opportunities to fund species at risk recovery programs through specialty licence plate programs or by engaging in corporate sponsorships and donations.

In our follow-up, we found that the Ministry does not intend to charge fees for approvals to harm species at risk, actively engage stakeholders in cultivating new sources of investment, or develop a business case to implement a specialty licence plate program. The Ministry noted that, while it agrees with the importance of ensuring sufficient financial resources to protect and recover species, its current priority is to support the Species Conservation Action Agency (which may receive donations from members of the public and organizations) in fulfilling its legislative purpose.

## Species at Risk Stewardship Program

### Recommendation 16

*To increase the positive outcomes for species at risk made possible by the Species at Risk Stewardship Program, we recommend that the Ministry of the Environment, Conservation and Parks evaluate and provide the annual funding needed for the Stewardship Program to implement government-supported actions in response statements.*

**Status: Will not be implemented.**

The Office of the Auditor General of Ontario continues to support the implementation of this recommendation.

### Details

In our 2021 audit, we found that the Stewardship Program's funding allocation was insufficient to finance all government-supported actions. The Stewardship Program was established by the *Endangered Species Act, 2007* to help fund conservation efforts for species at risk by organizations, agencies and public groups. According to the Ministry, as of 2022/23, the Stewardship Program has funded 1,248 projects that helped to restore 60,605 hectares of species at risk habitat. In 2017, the annual funding allocation decreased from \$5 million to \$4.5 million, despite a 32% increase in the number of regulated species from 2008 to 2020.

In addition, we reviewed a sample of 30 response statements and found that, out of the 249 government-supported actions identified, 37 (or 15%) had made no progress. This included eight of 90 (9%) high-priority actions that had also made no progress.

In our follow-up, the Ministry indicated that it will not implement this recommendation. The Ministry responded that it will continue to identify response statement actions as a high priority for funding within the program's annual application guidelines, and to evaluate and provide annual summaries of the Stewardship Program. The Ministry noted that this priority-setting exercise allows it to focus stewardship dollars toward those projects and species that need it most. In March 2022, the Ministry announced \$4.5 million in funding for projects approved through the Stewardship Program, and the Ministry indicated that \$4.5 million in funding continues to be available for stewardship projects. However, the Ministry does not intend to evaluate the annual funding needed to implement all government-supported actions in response statements, and provide the needed funding.

### Recommendation 17

*To increase the efficiency and effectiveness of Ontario's Species at Risk Stewardship Program, and allow successful applicants to undertake protection and recovery actions in a timely manner, we recommend that the Ministry of the Environment, Conservation and Parks:*

- *follow the delegation of authority already in place by having the Deputy Minister approve use of program funding to enable prompt decision-making for this low-cost program; and*
- *modify the funding cycle to reduce the time required for the approvals process.*

**Status: Fully implemented.**

### Details

In our 2021 audit, we found that inconsistent timing between the launch of proposals, the notification of successful applications and the finalization of funding agreements negatively impacted program delivery. For example, the Environment Ministry was consistently

waiting for final approval from the Minister to launch the Stewardship Program, despite the approval being within the Deputy Minister's delegated authority. Delays in finalizing funding agreements with successful applicants caused some proposed projects to not be completed, as well as a reduction in scope for other projects, due to the short timeline.

In our follow-up, we found that, in the 2021/22, 2022/23 and 2023/24 fiscal years, the Ministry applied the delegation of authority already in place by having the Assistant Deputy Minister or the Deputy Minister approve use of program funding in accordance with approval levels.

In addition, we found that the call for proposals for funding through the 2023/2024 Species at Risk Stewardship Program was in early fall (September 15, 2022–October 20, 2022), which is months earlier than in previous years. The Ministry indicated that all applicants were notified of funding decisions on April 4, 2023. Despite this change in timing, we note that the Ministry does not have a documented funding cycle for future years.

## Governance and Accountability

### Recommendation 18

*To guide decisions that can impact species at risk in Ontario, and to effectively, efficiently and accountably achieve successful outcomes for those species, we recommend that the Ministry of the Environment, Conservation and Parks:*

- *identify priority species, places, and systemic threats as well as how they are to be addressed;*
- *develop a long-term strategy that outlines specific protection and recovery actions, with associated timelines, that the Ministry will undertake for the program as a whole;*
- *implement the strategy; and*
- *publicly report on the progress toward achieving the strategy's objectives as part of an annual report.*

**Status:** Little or no progress.

### Details

In our 2021 audit, we found that the Ministry does not have a long-term strategic plan to aid in the recovery of species at risk. Strategic direction can identify priority areas, describe the allocation of resources and detail objectives for staff to help achieve successful outcomes. The Ministry's species at risk priorities are defined by the 2018 Made-in-Ontario Environment Plan and the Ministry's annual report, both of which do not contain any detailed actions or conservation timelines for species at risk recovery.

In our follow-up, we found that the Ministry has made no progress implementing this recommendation. The Ministry responded that, at this time, the Ministry is focused on fulfilling the purposes of the *Endangered Species Act, 2007*, and that the overarching purposes of the Act guide Ministry decisions relating to species at risk in Ontario.

### Recommendation 19

*So that the Province of Ontario conforms with the federal Species at Risk Act, we recommend that the Ministry of the Environment, Conservation and Parks:*

- *assess the risks of non-conformity with the federal Species at Risk Act;*
- *provide information on the risks to the Comptroller General for inclusion in the province's Enterprise Risk Plans;*
- *publicly report on those risks; and*
- *take corrective actions to ensure sufficient habitat protections for species at risk.*

**Status:** Will not be implemented.

The Office of the Auditor General of Ontario continues to support the implementation of this recommendation.

### Details

In our 2021 audit, we found that the Ministry had not assessed non-conformity in its habitat protection plan for species at risk with the federal *Species at Risk Act*. For example, the boreal caribou is federally classified as a threatened species, yet much of its critical habitat

remains unprotected in Ontario. This lack of protection in Ontario causes a risk of non-conformity with the federal legislation. In March 2021, the federal Minister of Environment and Climate Change notified the Environment Minister that a conservation agreement to protect the remaining boreal caribou habitat needed to be implemented or the federal government would take corrective action. Despite this, at the time of our audit, the Environment Ministry had not developed a plan to address these concerns.

Additionally, in 2020, the Office of the Comptroller General was created to identify and mitigate financial and policy risks such as the issues surrounding boreal caribou habitat protections. The Ministry does not currently publicly report on those risks.

In our follow-up, we found that the Ministry does not intend to implement these recommended actions. The Ministry noted that it regularly assesses its approach to protecting species at risk and their habitats with the federal approach, and takes appropriate action to manage risks as needed.

### Recommendation 20

*To measure the effectiveness of its species at risk program at improving the status of species at risk and their habitats, we recommend that the Ministry of the Environment, Conservation and Parks, adhering to guidance from the Treasury Board Secretariat:*

- *develop a performance measurement framework for the species at risk program that focuses on successful outcomes;*
- *include the performance measurement framework within the long-term strategy described in **Recommendation 18**; and*
- *publicly report on actual results against these performance measures as part of an annual report.*

**Status:** Will not be implemented.

The Office of the Auditor General of Ontario continues to support the implementation of this recommendation.

### Details

In our 2021 audit, we found that the Ministry had not developed a performance measurement framework to evaluate the effectiveness of the species at risk program and does not have any performance targets for the enforcement of, and compliance with, the *Endangered Species Act, 2007*. As a result, the status of conservation efforts for species at risk and their habitats remains unknown.

In our follow-up, we found that the Ministry does not intend to develop a performance measurement framework for its species at risk program. The Ministry responded that it has a full spectrum of key performance indicators to measure the Ministry's delivery of its mandate and commits to ensuring that they continue to be applied. The Ministry noted that its priority regarding performance measurement related to the species at risk programs includes fulfilling the commitment to ensure each response statement includes performance measures (see **Recommendation 5**) and exploring the feasibility of enhanced progress tracking and follow up on actions identified in response statements (see **Recommendation 6**).

### Recommendation 21

*So that the appointments and work of the Species at Risk Program Advisory Committee (Advisory Committee) are transparent and helpful to the Environment Minister for improving the status of species at risk, we recommend that the Ministry of the Environment, Conservation and Parks:*

- *assess the existing mix, composition, and competencies of the Advisory Committee, including Indigenous representation; and*
- *develop and implement transparent criteria and procedures for appointments and reappointments to the Advisory Committee, including to address any identified competency and representation gaps.*

**Status:** Will not be implemented.

The Office of the Auditor General of Ontario continues to support the implementation of this recommendation.

### Details

In our 2021 audit, we found that the appointments process for the Species at Risk Advisory Committee (Advisory Committee) lacked transparency in member appointments and in committee activities. The Advisory Committee was established under the *Endangered Species Act, 2007* to advise the Minister on matters related to species at risk. We found that the Advisory Committee lacked Indigenous representation, had over half of its membership registered with lobbyist groups, and did not include any academics with an expertise in biology or conservation.

In our follow-up, we found that the Ministry does not intend to assess the mix, composition and competencies of the Advisory Committee, or to develop and implement criteria and procedures for appointments and re-appointments to the Advisory Committee. The Ministry noted that it is committed to ensuring that the processes outlined by the Public Appointments Secretariat and the Agencies and Appointments Directive are adhered to in appointments and reappointments to the Advisory Committee. However, the Ministry does not intend to develop procedures that are unique to the Advisory Committee.