

Endangered Species Act Litigation: Species Backgrounder

WOODLAND CARIBOU (*Rangifer tarandus caribou*) **Endangered Species Act, 2007: Threatened**

The Woodland Caribou (Canada's forest reindeer) is one of our most recognized national symbols. In Ontario, the Woodland Caribou have lost about 50 per cent of their historic range and they continue to decline. The population is estimated to be roughly 5,000. If the rate of loss continues, scientists predict that this species may disappear from Ontario by the end of the century.



Woodland Caribou require large tracts of undisturbed boreal forest to thrive and to avoid predators such as wolves. These areas are becoming scarce in the southern boreal region. Habitat loss and fragmentation that result from industrial forestry, mining, hydro corridors and roads are the primary threats.

The new regulation exempts forestry from the ESA until 2020 and defers to a status quo forestry planning regime that has failed to protect caribou. It is expected therefore that Woodland Caribou will continue to decline. The regulation also exempts early mining exploration from the ESA permanently, merely requiring weak mitigation measures of impacts to species such as Woodland Caribou.

AMERICAN EEL (*Anguilla rostrata*) **Endangered Species Act, 2007: Endangered**

The American Eel is an important part of the diversity of life in Lake Ontario. As a top predator, it helps keep other fish species' populations in check, including those of invasive species. This migratory species has a fascinating life history: individuals spawn in the Sargasso Sea in the Atlantic Ocean but spend most of their lives in fresh water habitats from Greenland to South America. Once mature, they migrate back to the Sargasso Sea.



The formerly abundant American Eel was a highly valued fish resource for Aboriginal people. But the species has suffered a rapid decline (up to 95 per cent for many populations), which has led to the closure of commercial and sport fisheries in Ontario. Ontario houses the most critical portion of the Canadian population. Primary threats are hydro dams and other in-water barriers that limit access to feeding and spawning areas, as well as pollution and water level fluctuations. Hydro-electric turbines also kill Eels that try to pass through during downstream spawning migration.

The new regulation continues exemptions for existing hydro-electric generating stations from the ESA, while significantly reducing government oversight of mitigation measures. No specific conditions exist for these operations that would protect American Eel.

EASTERN HOG-NOSED SNAKE (*Heterodon platirhinos*)
Endangered Species Act, 2007: Threatened

Eastern Hog-nosed Snake has an unmistakable upturned snout, which gives the species its name. This species inhabits fields, forests, shrub land, and old dune habitats. It is typically seen on beaches due to its affinity for open, sandy areas. Much of the historic habitat of Eastern Hog-nosed Snake has been destroyed in southern Ontario, and remaining habitat is under constant development pressure.



This species is threatened by habitat loss and degradation associated with an expanding road network, agriculture and residential development. The snake is also subject to high mortality from predation and road kill. When threatened, the Eastern Hog-nosed Snake will flatten its neck and hiss — like a cobra — which, while harmless, can lead people to assume it is dangerous and kill it.

The new regulation extends exemptions for various forms of development, including subdivisions and roads, for approximately two more years. Planning or environmental assessment approvals that are made within this time period will be exempt from the ESA if they are commenced within the specified timeframe. Eastern Hog-nosed Snake has experienced declines in both population size and range, and the new regulation will only exacerbate these declines.

BLANDING'S TURTLE (*Emydoidea blandingii*)
Endangered Species Act, 2007: Threatened

Blanding's Turtle is found in wetlands in the Great Lakes Basin in Ontario, with isolated populations elsewhere in Canada and the U.S. They make large overland movements, travelling up to several kilometres between their summer and winter habitats.



Blanding's Turtles are threatened by habitat loss and fragmentation as a result of development and roads that sever connectivity between various essential habitats. Other threats include direct impact from motor vehicles, and illegal collection for the pet trade. These issues are compounded by the fact that Blanding's Turtles are slow breeders, laying eggs in their teens or 20s. The death of breeding adults can have major impacts on the species.

The new regulation extends exemptions for various forms of development, including subdivisions and roads, for approximately two more years. Continuing business-as-usual development will have a negative impact on Blanding's Turtle.

LAKESIDE DAISY (*Tetaneuris herbacea*)
Endangered Species Act, 2007: Threatened

Lakeside Daisy is a rare wildflower. The Ontario populations of Lakeside Daisy comprise about 95 per cent of the global population, which makes the province the key player in the conservation of this species. Lakeside Daisy is mainly found in provincially rare alvar and shoreline habitat in the Great Lakes region.



The main threat to Lakeside Daisy is habitat destruction due to limestone quarrying and cottage development. This plant also lives in areas that are popular for hiking and recreation and it can be accidentally trampled and damaged by humans or all-terrain vehicles.

The new regulation continues exemptions for aggregate operations, while significantly reducing government oversight of mitigation measures. Because its habitat preferences are in areas used for aggregate quarries, this species will face increased threat.

ACADIAN FLYCATCHER (*Empidonax virescens*)
Endangered Species Act, 2007: Endangered

The Acadian Flycatcher is a small olive-green songbird, which requires large tracts of mature, shady, deciduous forest. In Ontario, it is believed that there are fewer than 40 breeding pairs scattered throughout the Carolinian forest zone in the southern part of the province.



Primary threats to this songbird are habitat loss and fragmentation as a result of forestry practices and development. Many of the remaining forests are too small and isolated to accommodate this bird, and further fragmentation in the Carolinian forest is of particular concern.

The new regulation extends exemptions for various forms of development, including subdivisions and roads, for approximately two more years, meaning that any pending construction could further degrade the habitat of this species.

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