



BRIEFING

TRANSITIONING EXEMPTION AGREEMENTS UNDER THE *ENDANGERED SPECIES ACT*

NOTE

TRANSITIONING EXEMPTION AGREEMENTS UNDER THE *ENDANGERED SPECIES ACT* TO THE NEW MINISTRY OF NATURAL RESOURCES AND FORESTRY ONLINE REGISTRY

Existing exemption agreements obtained under Regulation 242/08 of the *Endangered Species Act* (ESA) in 2010 are set to expire on July 1, 2015. All existing exemption agreements need to be transitioned to the Ministry of Natural Resources and Forestry (MNRF) Online Registry system by that date.

At this point, there are two options for the transition. Producers can either wait until July 1, 2015 when the current agreement expires and register the agreement online, or register the agreement online now and request that the MNRF district office revoke the original agreement. The requirements under the "*Pits or quarries and endangered or threatened species*" registry are essentially the same as the previous exemption agreements.

You must:

- register the activity and the affected species with MNRF before work begins;
- take immediate steps to minimize the effects to the species and habitat;
- create and implement a mitigation plan for each species;
- report sightings of rare species (and update registration documents, if needed); and monitor and report on species and activities each year.

The mitigation plan can be transferred from the existing exemption agreement mitigation plan to the online registry. Monitoring, as was outlined in the exemption agreement, is still required, but annual reports will no longer be submitted to the MNRF. These annual reports should be kept on file in case of an MNRF audit.

With this new registry, there are opportunities available that producers should be aware of, including:

- Adding additional species which may have been found on site after the exemption agreements were signed.
- Updating mitigation plans. Mitigation plans under the exemption agreements are set to expire in 2015. Producers may want to review their plans to ensure the mitigation measures have been successful in minimizing effects on species at risk and work with current operations.

If new species and their habitat are discovered on your site, you can register at a later date. Specific rules for eligibility are provided on the MNRF website and within Ontario Regulation 242/08 (provided below).

Links

- [MNRF Registry](http://www.ontario.ca/environment-and-energy/pits-or-quarries-and-endangered-or-threatened-species)
<http://www.ontario.ca/environment-and-energy/pits-or-quarries-and-endangered-or-threatened-species>
- [Ontario Regulation 242/08](http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_080242_e.htm)
http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_080242_e.htm

**THIS IS GENERAL ADVICE. IT IS RECOMMENDED THAT YOU SPEAK WITH YOUR
CONSULTANT BEFORE PROCEEDING.**

DATE: April 10, 2015