

# Creating rare bird habitat

By Robert Orland



IMAGE COURTESY OF THE AUTHOR

**A**t a time when the flow of provincial dollars to conserve land may have dried up, some alternative funding from developers is helping land conservation organizations protect species at risk. Among the successes so far is habitat creation for a rare grassland bird with a beautiful burbling song.

Currently listed as a threatened species in Ontario, Bobolinks are ground-nesting songbirds whose population decrease has been observed since the 1960s. Historically, Bobolinks lived in tallgrass prairies but with the clearing of native grasslands, they moved to hayfields. As Ontario's agricultural lands become suburbs and shopping malls, Ontario's Bobolink population suffers from continued habitat loss.

Under Ontario's *Endangered Species Act (2007)*, it is illegal to damage or destroy the habitat of an endangered or threatened species listed on the Species at Risk in Ontario list. As stated in the Ministry of Natural Resources ESA submission standards (2012), development projects proposed for areas inhabited by species at risk, such as the Bobolink, must be approved for an Overall Benefit Permit, which requires applicants to undertake "actions that contribute to improving the circumstances for the species specified in the permit." Proposed actions could take the form of compensation funding provided by an applicant to a conservation body, such as a conservation authority or land trust, to protect and steward species at risk habitat at an alternate site of comparable or greater size and quality.

MNR assesses permit applications on a case-by-case basis to determine the best course of action to achieve a species at risk benefit. Requiring a developer to fund securement and/or stewardship of species at risk habitat at an alternate site, in lieu of the land proposed for development, is just one example of a

range of beneficial actions that MNR may consider when reviewing a permit application. The Bobolink / Eastern Meadowlark Roundtable also works with MNR to develop solutions and create opportunities to support grassland birds under the act.

Through legislation to protect species at risk, more ecologically significant land is being secured and stewarded in Ontario. Two recent case studies involving Bobolink habitat demonstrate how this process can work.

Last fall in the Brampton area, a developer had plans to create a subdivision on a site where Bobolink habitat was identified. The developer applied to MNR for a habitat removal permit. Discussions with MNR identified potential equivalent Bobolink habitat sites in need of protection and restoration north of Georgetown, about 20km away from the proposed development site. Coincidentally, Credit Valley Conservation was working with land conservation consultant, Orland Conservation, to find a way to secure two areas of natural land in the same area of potential Bobolink habitat.

Orland Conservation walked the two sites with ecologists from CVC, MNR and those working on behalf of the developers. The first potential property was 134 acres, containing forest, streams, Niagara Escarpment, and most significantly, three separate farm fields identified as potential Bobolink habitat. However, MNR determined that the farm fields on the site were too small.

Although the second property was only 30 acres, it consisted entirely of farm field; and thus, the potential for

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**Above: As Ontario's agricultural lands become suburbs and shopping malls, Ontario's rare species suffer from continued habitat loss**

Bobolink habitat was much greater. This property satisfied MNR's requirements and the Overall Benefit Permit was approved following additional considerations such as the land value associated with the existing land use and geographic location. The land was secured by Credit Valley Conservation with funding from the developer. The existing soybean field will be restored to suitable habitat for attracting Bobolinks. Part of the compensation funds from the developer will cover the restoration cost of tilling the land and seeding it with native grasses.

In another area of the province, near Ottawa, developers acquired land that was also identified as consisting of potential Bobolink habitat. Construction could not proceed until a permit was granted by MNR.

The Ottawa-based Rideau Waterway Land Trust recently received a donation of conservation land with potential Bobolink habitat. Working with the developer and MNR, the trust was provided with the stewardship dollars required to successfully create Bobolink habitat on the donated conservation land. It also entered into a five-year agreement with the developer that will be filed with MNR to ensure restoration and stewardship of the new Bobolink habitat over the coming years.

The land value exchange established by MNR in this case stipulated that the developer was to provide compensation stewardship funding for 10 per cent of the land (8 acres) proposed for development. This ratio is due to a three-year transition agreement MNR made with the development industry as part of a phasing-in process. After three years, the

ratio for replacement habitat is expected to increase to 1:1. Although the current 1:0.1 transition period rate is low, it provided much-needed funding to the Rideau Waterway Land Trust, a charitable organization reliant on volunteer service and financial donations.

The concept of development compensation funding may not be an ideal solution to balancing urban expansion and species at risk protection needs; however requiring developers to support the creation of new species at risk habitat that development destroys is a step in the right direction. Before 2007, Ontario's ESA did not afford legal protection to threatened species and their habitat, only to endangered species; thus, developers would not have been required to compensate by funding habitat creation for the threatened Bobolink in the two case studies discussed.

By requiring developers to work with land conservation groups to provide benefits for species at risk and their habitats, the land development industry is beginning to contribute to the protection of Ontario's rich biodiversity.

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