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By email: [ESAReg@ontario.ca](mailto:ESAReg@ontario.ca)

**Re: ERO 025-0380 – Proposed interim changes to the Endangered Species Act, 2007, and a proposal for the Species Conservation Act, 2025**

Dear Sirs:

The Ontario Rivers Alliance (ORA) is a not-for-profit grassroots organization with a mission to protect, conserve, and restore riverine ecosystems across the province. The ORA advocates for effective policy and legislation to ensure that development affecting Ontario rivers is environmentally and socially sustainable.

ORA strongly opposes the proposed interim changes to the *Endangered Species Act, 2007*<sup>1</sup> (ESA) and the introduction of a new *Species Conservation Act, 2025*, as outlined in ERO 025-0380. The proposed changes would seriously erode science-based protections for species at risk (SAR), contravene the precautionary principle, prioritize extractive and industrial development over ecological integrity and biodiversity conservation, and fail to uphold the Crown's duty to consult and accommodate Indigenous communities.<sup>2</sup>

**1. Overriding the Committee on the Status of Species at Risk in Ontario (COSSARO)**

The proposed legislation would allow the Minister to delay or ignore COSSARO's science-based recommendations for up to two years.<sup>3</sup> This constitutes political interference in what should be a science-driven process. It threatens timely action to protect species and diminishes the credibility and independence of the COSSARO assessment process.

**2. Key Concerns with the Proposal**

**2.1 Interim Measures Weaken Existing Protections**

The proposed interim changes include suspending key obligations of the ESA for a period of 18 months (or longer), which would:

- Delay the issuance of protection orders for newly listed endangered and threatened species;



- Suspend the requirement for Government Response Statements (GRS) and Habitat Regulations;
- Weaken the automatic protection of habitat upon listing; and
- Allow harmful activities to proceed under existing permits or agreements that would otherwise contravene ESA protections.

These actions are incompatible with the stated objectives of the ESA and pose an immediate risk to species at the edge of extinction.

## **2.2 New Species Conservation Act Shifts Focus from Recovery to Accommodation**

The Species Conservation Act, 2025, as proposed, would fundamentally shift the focus of the province's endangered species framework away from recovery and toward a utilitarian, flexible, and proponent-friendly model that enables rather than restricts harm to species at risk.

Key features of concern include:

- Increased discretionary powers for the Minister to approve development despite harm to species or habitats;
- Expansion of “landscape agreements” and other offsetting schemes that permit habitat destruction under the guise of compensation elsewhere;
- Reduced reliance on science-based assessments and timelines; and
- Lack of clarity around how cumulative impacts, climate change, and Indigenous knowledge will be meaningfully incorporated.

## **2.3 Erosion of Public Transparency and Indigenous Rights**

The process for developing this legislation has been opaque and exclusionary:

- No meaningful public or Indigenous consultation preceded this proposal;
- Key scientific and conservation bodies were not engaged;
- The proposal fails to reflect the principles of Free, Prior and Informed Consent (FPIC) as required under the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).<sup>4</sup>

The entire approach reflects a top-down and industry-driven process designed to remove obstacles to development, not to protect.

# **3. Ecological and Legal Implications**

## **3.1 Ontario's Biodiversity Crisis**

Ontario currently faces a biodiversity crisis, with over 250 species at risk provincially. Habitat fragmentation, industrial development, and climate change are accelerating extinction pressures. Weakening protections, even temporarily, further reduces the resilience of species and ecosystems.<sup>5, 6</sup>

## **3.2 Legal Contravention of Federal-Provincial Obligations**



The proposed changes may place Ontario out of compliance with federal Species at Risk Act (SARA) harmonization objectives. The federal government has intervened in the past (e.g., woodland caribou, boreal populations) when provinces failed to act on their obligations to protect critical habitat. This proposal risks triggering federal oversight or legal challenges.

#### 4. Recommendations

ORA strongly recommends that the Government of Ontario:

1. Withdraw the interim measures that suspend or weaken ESA protections.
2. Abandon the Species Conservation Act, 2025 and instead strengthen the existing ESA framework through increased funding, enforcement, and scientific capacity.
3. Ensure full public consultation, scientific peer review and meaningful Indigenous engagement in any reform of endangered species legislation.
4. Reject offsetting and landscape agreements as substitutes for in-situ habitat protection, particularly for endangered and threatened species.
5. Incorporate climate resilience and cumulative effects analysis into all recovery planning and approvals under the ESA.
6. Restore the automatic listing of species as endangered, threatened or of special concern within three months of a COSSARO report, with no discretionary Ministerial override.

#### 5. Conclusion

The proposals in ERO 025-0380 represent a dangerous rollback of endangered species protections in Ontario. They are not rooted in science, violate the precautionary principle, and fail to uphold legal and moral obligations to future generations and Indigenous Peoples. The government must abandon this regressive path and recommit to the conservation and recovery of Ontario's rich biodiversity.

Respectfully,

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#### Endnotes:

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- <sup>1</sup> *Endangered Species Act, 2007*, S.O. 2007, c. 6.O
  - <sup>2</sup> Canadian Environmental Law Association, "Bill 108 and the ESA: A Legislative Rollback," CELA (2019).
  - <sup>3</sup> Committee on the Status of Species at Risk in Ontario (COSSARO), *Annual Reports*, 2020–2024.
  - <sup>4</sup> United Nations, *United Nations Declaration on the Rights of Indigenous Peoples*, GA Res 61/295, UNGAOR, 61st Sess, Supp No 49, UN Doc A/RES/61/295 (2007).
  - <sup>5</sup> Greenberg, D.A., & Green, D.M. (2013). Effects of an Anthropogenic Landscape on Population Structure of Wood Frogs. *Conservation Biology*, 27(4), 913–921.  
Also see: Venter, O. et al. (2016). Sixteen years of change in the global terrestrial human footprint and implications for biodiversity conservation. *Nature Communications*, 7, 12558.



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<sup>6</sup> Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), *Global Assessment Report on Biodiversity and Ecosystem Services* (2019).