

# NORTHWATCH

May 17, 2025

Public Input Coordinator – Species at Risk Protection  
Species at Risk Branch  
40 St Clair Ave West  
Toronto, ON M4V 1M2

[ERO # 025-0380](#)

Sent by email [ESASReg@ontario.ca](mailto:ESASReg@ontario.ca)

**Re. Proposed interim changes to the Endangered Species Act, 2007 and a proposal for the Species Conservation Act, 2025**

On April 17 2025 the Ministry of the Environment, Conservation and Parks posted notice [# 025-0380](#) on Ontario Electronic Registry, giving notice of a 30-day comment period on a proposal to replace the *Endangered Species Act, 2007* (ESA) with the *Species Conservation Act, 2025* (SCA).

ERO posting #025-0380 is one of a suite of postings related to Bill 5, the proposed *Protect Ontario by Unleashing Our Economy Act, 2025*. The comment period for each of these postings was limited to 30 days, and only two days have been scheduled for public hearings of the Standing Committee on the Interior, which means many who have requested to appear before the committee will be denied (including Northwatch, who applied on April 30<sup>th</sup> but at time of writing on May 17<sup>th</sup> had received only an auto-acknowledgement of our application). Bill 5 and its ten schedules, if enacted, will have far reaching environmental and social impacts. If the government – and this Ministry – are confident of their proposed course of action, they would be prepared to engage in a public discourse with Indigenous people and the public. To do so would require extending the comment period on the Environmental Registry and adding several additional hearing days, including hearing days in northern Ontario communities.

The stated rationale is that “*the current approach to the protection and conservation of species at risk is complicated, takes too long to complete, and causes unnecessary delays and costs for housing, transit, and critical infrastructure*”.

A primary feature of the new “approach” would be a “registration-first approach” which “*instead of waiting for the ministry to approve permits, most proponents will be able to begin an activity immediately after registering. Registered activities will be required to meet all associated requirements set out in new regulations. The ministry looks forward to developing these regulations in consultation with the public and Indigenous communities over the coming months.*”

The most notable outcome of this “new approach” will be the loss of precious habitat of endangered species and subsequently a loss of endangered populations and potentially even species.



Northwatch is a co-signer with over 100 other environmental non-governmental organizations and civil society groups of a letter of comment on ERO 025-0380, which makes the following observations:

- Redefining “habitat” to just immediate dwellings like dens, nesting sites, or the critical root zone will remove protections from large areas of habitat upon which species depend for their survival;
- The discretionary listing of species removes an essential independent and science-based assessment process;
- Offloading responsibility for migratory birds and aquatic species to the federal government negates the essential collaboration between both levels of government and combined with the weakened definition of habitat in the provincial proposal limits protection for species that are only listed provincially;
- Allowing developers or industry to simply register and then operate without clear conditions or binding requirements removes the province's ability to ensure sustainable operations and avoid adverse impact on endangered species;
- Eliminating recovery strategies makes it nearly impossible to assess, mitigate and avoid harms to species; and
- The text and preamble of the Species Conservation Act (SCA) creates an impression that it is purely performative and is not intended to prevent the ongoing decline of endangered species in practice

In that letter, we jointly recommend:

- Free, prior and informed consent (FPIC) must be the bedrock of any decisions, policies or legislation impacting the territories of Indigenous Peoples.
- halt this proposal and instead strengthen the ESA so that species can flourish, communities can benefit from conservation and Indigenous rights are respected.

As evidenced by our being signators of that joint letter, Northwatch fully endorses those observations and recommendations and adopts them for commendation to this consultation.

In addition, we make the following comments:

- the ‘new approach’ paints with a very broad brush, and does not recognize the special circumstances of certain species or geographies
- the current definition of “habitat” only creates uncertainty in the absence of appropriate inventorying of the area to be impacted by development, and adequate knowledge of the species and the habitat needs of the species that may be occupying that area
- The new habitat definition is overly generic and does not adequately reflect unique needs of particular species
- Registration of an activity does not provide protection of the species of the species’ habitat
- The default is to proceeding following registration, with the exception being the requirement to obtain a permit
- The Province appears to have confused an interest in “reduced duplication” with federal legislation with a refusal to harmonize with federal legislation

- the Species at Risk Program Advisory Committee will also be wound down; this will eliminate not only an important source of science-based advice for the provincial government but also eliminate an important forum for the exchange of science-based information; this is counterproductive
- allowing proponents to get projects started as soon as they have completed their online registration invites the loss of valuable habitat and the species that depend on that habitat; a reasonable proponent with a reasonable planning timeline working with a Ministry with reasonable capacity (i.e. adequate staffing) would not be delayed by a permitting system which had built into it checks and balances which ensured that a habitat survey had been undertaken and appropriate protections were in place
- government discretion to remove species from the Species at Risk in Ontario (SARO) List without a scientific basis is unacceptable; while the “new approach” states that science-based assessments by COSSARO will continue it is not clear that science-based assessments will be the only basis for the government exercising its discretion to add or remove species from the SARO list

In closing, we urge the Ministry of the Environment, Conservation and Parks to conclude that the “new approach” proposed in the **Species Conservation Act, 2025** and summarized in the notice # [025-0380](#) is unacceptable, and the decision on the ERO-based consultation is to not proceed with the new Act.

Thank you for your consideration.



Brennain Lloyd  
Northwatch Project Coordinator